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<sup>3</sup> The major issue of this chapter is that it sheds light on the biracial nature of the student protests by introducing the lesser-known South-Central L.A. student protests. In this chapter, I show there were two parallel though uneven stories of student grassroots mobilization taking place in South-Central L.A. and East L.A. Well aware that “black schools in Watts also protested,” Sal Castro, explained, “I had actually made contact with some of these schools ... to see if they would support us” in the walkouts. He elaborated stating, “They soon ... had their own walkouts.”

<sup>4</sup> *Los Angeles Times*, 8 March 1968.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.* Reverend James E. Jones was elected to LACBE in 1965.

<sup>8</sup> African American students in South-Central L.A. and Mexican American students both demanded culture-based education.

<sup>9</sup> Castro conceded, “The black student walkouts and sit-ins are part of the blowout story that has not received as much attention.” See Garcia and Castro, *Blowout!*, 177. This chapter seeks to call some attention to this previously largely untold story.

<sup>10</sup> A survey of Watts residents by South Gate residents showed that Watts residents *preferred* improving their neighborhood schools over moving their children to other schools to achieve school desegregation. However, the survey did not show Watts residents *opposed* busing. If given the choice, the Watts residents preferred compensatory education, meaning neighborhood school improvement, instead of desegregation. The survey showed that African Americans ideas about improving educational opportunities were not homogenous. A like survey of the views of African Americans outside of Watts does not exist. I rely on the Watts survey as representative of the African Americans’ competing points of view on integration.

<sup>11</sup> The East L.A. community was divided over the student demonstrations. Years before, renowned Mexican American reporter Ruben Salazar, who was also the first Mexican American staff writer for the *Los Angeles Times*, noted these political divisions. In a 1963 column for the *Los Angeles Times*, “A ‘Piñata’ Struck with the Stick of Feuding Factions,” he argued that “unlike the Negroes, the second largest minority in California, Mexican-Americans have no political cohesion,” unlike Texas and New Mexico. See *Los Angeles Times*, 27 February 1963.

<sup>12</sup> Superintendent Jack P. Crowther, Memo to LACBE, “Emergency Closing of Schools,” 16 August 1965, fol. Race Question Genl Cont, 1965 – 1966 Part VI, Box 964, Race Question Collection, Los Angeles Unified School District, Los Angeles, California (from now on RQC-LAUSD).

<sup>13</sup> LACBE, Minutes, Reg. Mtg. 62, 16 August 1965, fol. Race Question Genl Cont, 1965 – 1966 Part VI, Box 964, RQC-LAUSD. See also Jack P. Crowther, Informative to LACBE. Same date and location.

<sup>14</sup> Colonel Raymond J. Kopecky, letter to LACBE, 25 August 1965, fol. Race Question Genl Cont, 1965 – 1966 Part VI, Box 964, RQC-LAUSD. See also LACBE, Minutes, 85, 30 August 1965, Sam Yorty, Los Angeles Mayor, letter to LACBE, 8 September 1965, and W. H. Parker, Chief of Police of Los Angeles, letter to LACBE, 13 September 1965. Same location. In their letters, Mayor Yorty and W.H. Parker thanked LACBE for assisting the Los Angeles Police Department during the unrest. LACBE supplied facilities and transportation.

<sup>15</sup> Public Information Office, Los Angeles City School District, Memo, 18 August 1965, fol. Race Question Genl Cont, 1965 – 1966 Part VI, Box 964, RQC-LAUSD. Major General Paul R. Teilh, of the 49 Infantry Division of the California National Guard, sent a letter to LACBE thanking it for the district’s cooperation. See Paul R. Teilh, letter to LACBE, 26 August 1965. See also LACBE, Minutes, 98, 8 September 1965. Same location.

<sup>16</sup> LACBE and Superintendent Crowther worried about teachers fleeing the riot-torn area schools. However, teacher flight did not materialize. As of August 20, 1965, the district received four formal, written requests for transfers and only 40 transfer inquiries, out of a total 5,000 employees at 96 schools. For his part, Crowther asked teachers as well as new employees assigned to riot-stricken areas to remain at their jobs when school opened on September 13. See *Los Angeles Times*, 20 August 1965. See also *The Los Angeles Herald Examiner*, 20 August 1965.

<sup>17</sup> LACBE, Minutes, Reg. Mtg. 74, 26 August 1965, fol. Race Question Genl Cont, 1965 – 1966 Part VI, Box 964, RQC-LAUSD. See also Jack P. Crowther, Statement to LACBE. Same date and location.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.* The plans included objectives, designs, projected costs, and the schools to partake in the programs in 1966. LACBE garnered national recognition for its educational programs in the aftermath of the Watts Rebellion. The National Education Association nominated it for award for its efforts to achieve “equal opportunity” in education. See *Los Angeles Herald Examiner*, 14 January 1966.

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<sup>20</sup> *Los Angeles Herald-Examiner*, 25 August 1965. California Governor Edmund G. “Pat” Brown instructed the McCone Commission to: 1) “prepare an accurate chronology and description of the riots, and attempt to draw any lessons”; 2) study “deeply the immediate and underlying” root causes; and 3) develop recommendations for action designed to prevent a recurrence of these tragic disorders.”

<sup>21</sup> Governor’s Commission on the Los Angeles Riots, *Violence in the City -- An End of a Beginning?* 2 December 1965, Los Angeles, California, 49.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid., 50.

<sup>25</sup> Ibid., 51.

<sup>26</sup> Ibid., 52.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid., 60.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid., 60-61.

<sup>32</sup> *El Sereno Star*, 7 March 1968. Whether the cancellation of the play led students to walk out, or committed student demonstrators engaged in the protest, the effect was the same, as the event garnered press coverage and the event put the Los Angeles City School District on notice about student discontent.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> There is only scant evidence documenting secret talks between African American students from Jefferson High School and Chicano students to collaborate on carrying out the simultaneous demonstrations. However, each group had different student demands. I argue that the South-Central L.A. and the East L.A. student demonstrations occurred simultaneously yet were separate demonstrations marked by wholly dissimilar student demands.

<sup>37</sup> *Los Angeles Times*, 6 March 1968.

<sup>38</sup> Garfield is located at 5101 E. 6<sup>th</sup> Street.

<sup>39</sup> *Los Angeles Times*, 6 March 1968. Principal Reginald Murphy later claimed that “leaflets urging the walkout had been circulated on campus for more than a week” that “called for a wide range of educational reforms, including smaller class sizes, more emphasis on Mexican-American figures in textbooks and expanded student rights.”

<sup>40</sup> Ibid. The *Los Angeles Times* reported that other than a broken car window and a deflated car tire, the protests were “orderly,” according to a school official.

<sup>41</sup> *Los Angeles Times*, 7 March 1968.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Roosevelt High is located east of downtown Los Angeles in Boyle Heights at 2611 Lanfranco. Lincoln High is located at located northwest of downtown Los Angeles at 3501 N. Broadway.

<sup>45</sup> *Los Angeles Times*, 7 March 1968.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid. The *Los Angeles Times* reported conflicting figures, suggesting estimates of 200 and 400 student demonstrators.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

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<sup>59</sup> *Los Angeles Times*, 8 March 1968. Belmont High was located at 1575 W. 2<sup>nd</sup> Street just west of downtown L.A. The *Los Angeles Times* also reported a student boycott on March 7 at George Washington Carver Junior High. The newspaper reported the “setting of fires and the breaking of windows” at Carver. On March 14, the *Los Times* reported that roughly 350 to 500 students had walked out of Edison Junior High School and about 1,100 students were “missing” from classes out of a total student body of 3,300. See *Los Angeles Times*, 14 March 1968.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid. Although *The Times* reported that it was Garfield Junior High students, it is likely a reporting error. It is most likely that the newspaper meant to credit Garfield High School students for the walkout.

<sup>66</sup> Ibid.

<sup>67</sup> LACBE, Minutes, Reg. Mtg. (2:20 P.M.) 499, 7 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, Student Unrest Files, Board Secretariat, Los Angeles Unified School District, Los Angeles, California (from now on SUF-BdS/LAUSD). Nava was born and raised in East L.A. He graduated from Roosevelt High School, attended East L.A. College, graduated from Pomona College, earned a Ph. D. in Latin American History from Harvard, and served in the United States Navy during World War Two.

<sup>68</sup> Blowout Committee, Student Proposals Document, n.d., Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>69</sup> Ibid.

<sup>70</sup> LACBE, Minutes, Reg. Mtg. (2:20 P.M.) 499, 7 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>71</sup> LACBE, Minutes, Regular Meeting (2:20 p.m.) 502, Unified and J.C., 7 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> *Los Angeles*, 8 March 1968.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> LACBE, Minutes, Regular Meeting (2:20 p.m.) 502, Unified and J.C., 7 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>78</sup> Ibid.

<sup>79</sup> *Los Angeles Sentinel*, 14 March 1968.

<sup>80</sup> *Los Angeles Times*, 8 March 1968.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> LACBE, Minutes, Spec. Mtg. (4:00 p.m.), Unified and J.C., 7 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> *Los Angeles Times*, 8 March 1968.

<sup>90</sup> Ibid. *The Los Angeles Times* did not identify the student speaker but Board records identified him as Floyd Benton.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> LACBE, Minutes, Spec. Mtg. (4:00 p.m.), Unified and J.C., 7 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>95</sup> *Los Angeles Times*, 8 March 1968.

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<sup>96</sup> Ibid.

<sup>97</sup> LACBE, Minutes, Spec. Mtg. (4:00 p.m.), Unified and J.C., 7 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>98</sup> *Los Angeles Times*, 8 March 1968.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Garcia and Castro, *Blowout!*, 173.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid., 176-177.

<sup>104</sup> Ibid., 177.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

<sup>107</sup> Located in the Lincoln district of Los Angeles just northeast of downtown L.A., Hazard Park played a key role in the East L.A. walkouts. There was a prior student meeting at Hazard Park on March 6. See Garcia and Castro, *Blowout!*, 161-162. They reported that “TV and print media reporters” attended the rally.

<sup>108</sup> Garcia and Castro, *Blowout!*, 174.

<sup>109</sup> Ibid., 175.

<sup>110</sup> *Los Angeles Times*, 9 March 1968. At an assembly at Roosevelt High School later that day, Nava praised the student demonstrators, stating, “You have proven you can act by walking out. You made your point.” He also told the students, “The way the walkouts have been conducted made me feel proud, for you have done this in a way not to hurt the school.”

<sup>111</sup> Garcia and Castro, *Blowout!*, 176. LACBE wanted to discuss the walkouts at the park on March 8 and during a board meeting scheduled for Monday March 11. During the March 8 rally at Hazard Park, LACBE realized it had bargained for more than it could handle, as some of the hundreds of students gathered at the park intended to attend Monday’s official board meeting. Anticipating an overwhelming crowd at the board meeting, Superintendent Crowther immediately notified LACBE that the students were “under the impression that all students in attendance there [at the park] and others who may be interested have been invited to attend the ... Board meeting ...” He explained, “The students apparently misunderstood the fact that only student leaders were invited.” The superintendent’s office noted that they would “communicate with the leadership of these young people” that Monday’s meeting would be held “principally with the leaders of the students” because the board did not have “the facilities to adequately provide for the potentially large group of young people.” See Jack P. Crowther, Inter-Office Correspondence Memo, “Board Meeting with Students, Monday, March 11, 1968,” 8 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>112</sup> LACBE, letter to the Parents of Jefferson High School Students, 11 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>113</sup> John Herrod, Faculty President, Max Kleinmintz and Ralph A Wright to LACBE, telegram, 9 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>114</sup> *Los Angeles Sentinel*, 14 March 1968.

<sup>115</sup> Jefferson High School Faculty, Recommendation to the LACBE, n.d., Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup> Ibid. The Jefferson faculty also demanded “teacher materials,” including paperback books; ditto machines, unlimited papers, overheads, clerk, and typewriters for each department; an audio-visual center; the immediate construction of a new building; and a larger library. “Teacher materials” also included adequate lighting in the bungalows, and a parking area for students and faculty.

<sup>120</sup> Reverend Lloyd Galloway to the LACBE, telegram, 10 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>121</sup> Ibid.

<sup>122</sup> LACBE, letter to the Parents of Jefferson High School Students, 11 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>123</sup> Ibid.

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<sup>124</sup> Ibid.

<sup>125</sup> LACBE, Minutes, Spec. Mtg. (3:00 p.m.), Unified and J.C., 11 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>126</sup> The student walkouts did not stop when the board members listened to the demands of students, teachers and community organizations on Monday, March 11. The *Los Angeles Times*, in fact, reported that the boycotts continued at Garfield, Roosevelt, Lincoln, Wilson and Belmont high schools, with 3,500 students absent, a number *The Times* concluded was 1,700 “above normal.”

<sup>127</sup> *Los Angeles Times*, 12 March 1968.

<sup>128</sup> Ibid.

<sup>129</sup> LACBE, Minutes, Spec. Mtg. (3:00 p.m.), Unified and J.C., 11 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>130</sup> Ibid.

<sup>131</sup> There was a central Blowout Committee that submitted student demands to the board in early March. There were Blowout sub-committees from each participating high school.

<sup>132</sup> Roosevelt High School Student Council Sponsored Solutions Committee, List of Solutions to Academic and Discipline Problems, n.d., Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD. The RHSCC offered numerous other recommendations. The RHSCC also pointed to the high student-to-teacher ratio and also proposed a student ratio of 20 to 1, as the protesters had proposed. However, the RHSCC went further and offered these solutions: a) “Use professional people in downtown job and at the school level, rather than credentialed personnel wherever possible” and b) more teacher assistants.<sup>132</sup> On the issue of counselors, the RHSCC agreed with the protesters suggestion of a ration of 150 students to 1 counselor. However, their multi-layered solutions took into account the various needs within the student body. The RHSCC proposed the hiring of more counselors, a “full time scholarship adviser,” and a full-time “Vocational and Placement Counselor.” They also clamored for more clerks in the counseling office because, over a ten-year span when the student body increased by 1,400, the number of clerks had remained at two. Compared to the student demand for schools to “teach contributions of minorities to U.S. history and culture,” the Roosevelt Committee proposed the inclusion of some minorities in the curriculum by making available “books and materials on Afro-Americans, Mexican-Americans, and Orientals” to demonstrate their contributions to American history and culture.” Lastly, whereas the original student demands asked for a revision of I.Q. tests and a 10% lee-way for “students from communities with different knowledge source material,” the Roosevelt Committee asked for a halt to the use of the present I.Q. test and to redesign a new I.Q. test for bilingual students.

<sup>133</sup> Roosevelt High School Student Council Sponsored Solutions Committee, List of Solutions to Academic and Discipline Problems, n.d., Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>134</sup> Ibid.

<sup>135</sup> LACBE, Minutes, Spec. Mtg. (3:00 p.m.), Unified and J.C., 11 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD. Representatives from schools affected by the demonstrations made presentations during the special board meeting on March 11. These included from James A. Garfield High School, attendees included: Mario Pacheco, Student Body President; John Ortiz, Blow-out Committee representative; and Raymond Ceniceroy, Faculty Association Chairman. From Abraham Lincoln High School, representatives included: Leonard Gomez, Student Body President; Robert Rodriguez, Blow-out Committee representative; and Sal Castro, social studies teacher. From Woodrow Wilson High School, representatives included: Gabriel Garcia, Student Government representative; Ruben Gutierrez, Blowout Committee representative; Peter Rodriguez, student; and Jack Roberts, teacher. From Belmont High School, Michelena Wilson, Blow-out Committee representative, was the lone attendee from the school. From Theodore Roosevelt High School, Cleveland Gillis and Arthur Mata, Student Council Sponsored Solutions Committee; Robert Sanchez, Blowout Committee; Richard Cadena, Senior A Class President; and Rudolph Chavez, Faculty Club President. From Thomas Jefferson High School, the following individuals spoke before the Board: Jesse Lavelle Rogers and Floyd Benton, students; John Harod, Faculty Association President; and Donald Schulman, teacher. From Alexander Hamilton, students Rick La Pan and Richard Comess spoke before the Board. Lastly, students Cheryl Bricker and Debby Resnick addressed the Board.

<sup>136</sup> Spencer Eth, Milt Friedman, and Rich Rose, letter to the LACBE, 11 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

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<sup>139</sup> LACBE, Minutes, Spec. Mtg. (3:00 p.m.), Unified and J.C., 11 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>140</sup> LACBE, Minutes, Spec. Mtg. (3:00 p.m.), Unified and J.C., 11 March 1968, LACBE Case Files, Student Unrest Part I, Box 682, 3/7/68 – 4/3/1968. See also *Los Angeles Times*, 12 March 1968.

<sup>141</sup> *Ibid.*

<sup>142</sup> *Ibid.*

<sup>143</sup> *Ibid.* In another motion, Reverend Jones and Nava sought “amnesty” for students who had been absent from school on March 11 to attend the board meetings. Superintendent Crowther disagreed and reminded them that, according to the Education Code, “each absence must be recorded on the pupil’s school attendance record.” LACBE settled on taking roll as usual and recording the absences. Board members would consider “amnesty” on another occasion.

<sup>144</sup> *Los Angeles Times*, 12 March 1968.

<sup>145</sup> *Ibid.*

<sup>146</sup> Jack P. Crowther, Inter-Office Correspondence Memo, “Emergency Procedures for Handling Disturbances, Disorders, or Demonstrations,” 11 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>147</sup> *Ibid.*

<sup>148</sup> Public Information Office, Los Angeles City Schools, Memo, “School Superintendent Calls for End of Student Walkout,” 11 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>149</sup> *Ibid.*

<sup>150</sup> *Ibid.*

<sup>151</sup> *Ibid.*

<sup>152</sup> *Ibid.* Crowther extended a conciliatory tone in acknowledging “the desperate need to improve educational facilities,” but he used this recognition in order to demand a halt to future student demonstrations. Crowther argued, “[O]n the very day that disturbances were first underway, I and members of the Board of Education were in Sacramento making a desperate plea to members of the State Legislature for additional funds to improve our schools.”

<sup>153</sup> *Ibid.*

<sup>154</sup> Leon Eggers to the LACBE, telegram, 11 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, 3/7/68 – 4/3/1968, SUF-BdS/LAUSD. Leon Eggers expressed his disappointment to the board by asking, “How long will you let punks dictate to the Board of Education[?]” Warning the board members of Los Angeles residents’ voting power, Eggers continued: “[T]he situation which occurred today is disgraceful, ridiculous [sic] and absolutely intolerable [sic] and the voters in this city will certainly be heard on the subject in the next election.”

<sup>155</sup> Claud, Jean, and Laron Raab to the LACBE, telegram, 12 March 1968, LACBE, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD. Claud, Jean and Laron Raab telegrammed, “Don[’]t knuckle under to delinquent teenagers and delinquent parents. We are sick sick sick [sic] of riots[,] demonstrations[,] strikes[,] particularly in the schools[.] [D]eal firmly properly with all repeat all [sic] who break rules.” Catherine Pigeon Kerekes, a former teacher at Roosevelt Elementary School from Venice, CA, wrote, “We the Silent Majority, are behind you[.] Please stand up with courage to those who are cruel and rude in their student demands.” See Catherine Pigeon Kerekes, from Azusa, CA, to the LACBE, telegram, 12 March 1968. Same location. Charles J. Matthews of Van Nuys expressed to the board, “I am shocked to find that you are willing to hear the insults and abuses of an unruly mob nad [sic] actually to promise no punishment.” See Charles J. Matthews, letter to the LACBE, 13 March 1968. Same location.

<sup>156</sup> Mr. Frank and Doris Marz, letter to the LACBE, 12 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD. Mr. Frank and Mrs. Doris Marz criticized the board’s handling of the students’ disruption of the March 7 board meeting and letting “those kids come in and push around the Board members, news media etc.” Their attention turned to integration: “Please be sure the Board has some specific facts about cost of this so-called integration plan. I am interested in facts—” Helen Dufoo, a taxpayer, echoed the Marz’s sentiments, “I’m sick of walk outs, also the talk of busing, sick of student attitude, what’s next? Grammer [sic] and Jr. High? I say, let them walk out and stay out.” See Helen Dufoo, letter to the LACBE, 14 March 1968. Same location.

<sup>157</sup> *Los Angeles Times*, 14 March 1968. The three new administrators included: Principal Louis J. Johnson, 42, Vice Principal David Stewart, and Head Counselor Robert Lowery.

<sup>158</sup> *Ibid.*

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<sup>159</sup> Ibid.

<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

<sup>167</sup> Ibid.

<sup>168</sup> There is very little information about The Knights. It appears to be a student activist group at Jefferson High School analogous to the Blowout Committee in East L.A. schools.

<sup>169</sup> *Los Angeles Times*, 14 March 1968. The *Los Angeles Times* reported that the South-Central L.A. and East LA student demonstrators planned to stage the separate protests. In addition, the newspaper reported that student organizers from the two areas attempted to involve students from schools in L.A.'s Westside. The student demonstrators attempted to create even broader cross-racial and cross-regional alliances.

<sup>170</sup> Ibid. At Venice High School and Edison Junior High, two other schools that participated in student demonstrations, absenteeism remained at about double the normal levels.

<sup>171</sup> Mrs. Virginia Almaraz, from Gardena, CA, letter to the LACBE, 13 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>172</sup> Ibid.

<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> Ibid.

<sup>176</sup> Ibid.

<sup>177</sup> Support for the demonstrators also came from established, professional, well respected individuals from mainstream organizations. For example, Mrs. Annette Cirming, President of Women for Legislative Action, informed LACBE she abhorred the police treatment of demonstrators. She was “shocked at police action at high schools” and “urged removal of police.” She wanted people to come together and figure out the underlying causes of the demonstrations and student discontent and asked that a “joint faculty, student, parents committees could monitor the situation.” See Mrs. Annette Cirming, President, Women for Legislative Action, Los Angeles to the LACBE, telegram, 12 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD. The Federation of Community Coordinating Councils, a subdivision of the city’s Department of Community Services, approved of the student activism and commended board members, teachers, and administrators who backed the students.

<sup>178</sup> Loyal Members of the James A. Garfield Faculty, Letter to the Editor Submitted to LACBE, March 12, 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid. The “loyal” teachers asserted, “We also know that most of the 200 to 250 students who walked out of Garfield were *not of the high caliber* of the general student body” (emphasis mine).

<sup>181</sup> Ibid.

<sup>182</sup> Faculty associations from all over the city flooded LACBE with letters condemning the student unrest. No region was spared, as letters came from schools near downtown Los Angeles as well as the San Fernando Valley. The Van Nuys Junior High School Faculty Association condemned board members who listened to the demonstrating students, who they described as “unruly, illegal, irresponsible elements in the ghetto areas of this city” and as a “rebellious [*sic*], student element, assisted by outsiders.” Mary Leinster, who wrote a letter on behalf of the association, also targeted the faculty association’s wrath at LACBE. “You, as members of the Board of Education, have failed in the charge entrusted to you by the electorate of this city, by allowing such flagrant undercutting of the entire school organization,” the letter read. Additionally, the faculty blamed the board for “ignoring, over a long period of time, the warnings and recommendations of teacher organizations and the entire educational staff, concerning these very areas which now have burst into flames.” See Van Nuys Junior High Faculty Association, letter to LACBE, 28 March 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683, SUF-BdS/LAUSD.

<sup>183</sup> Loyal Members of the James A. Garfield Faculty, Letter to the editor submitted to LACBE, March 12, 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

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<sup>184</sup> Ibid.

<sup>185</sup> Ibid.

<sup>186</sup> Ibid.

<sup>187</sup> Ibid.

<sup>188</sup> Ibid.

<sup>189</sup> Ibid.

<sup>190</sup> Ibid.

<sup>191</sup> Ibid.

<sup>192</sup> Ibid. The faculty members wrote, “Meanwhile our disloyal colleagues have emerged unscathed from their insidious activities. Is their [*sic*] any justice or is the Board trying to promote mass resignation of teachers from its schools?”

<sup>193</sup> Garfield Faculty, Statement, 15 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD. This statement in the form of a letter is different from the letter from the “Loyal Members” of Garfield and appears to have been authored by Mexican American teachers at Garfield.

<sup>194</sup> Ibid.

<sup>195</sup> Ibid.

<sup>196</sup> Ibid.

<sup>197</sup> Ibid.

<sup>198</sup> Ibid.

<sup>199</sup> Ibid.

<sup>200</sup> Ibid.

<sup>201</sup> Ibid. The Chicano Garfield faculty members responded to other student demands. The Chicano faculty likewise agreed with many of the student demands on educational facilities, sometimes modifying or adding to them in order to differentiate themselves from the students. The teachers concurred wholeheartedly with the students’ call for a “new high school” to be “built immediately,” yet disagreed with the students’ demand that the “present established schools should be re-named to suit the community purposes and establish community identity.” Instead, the faculty suggested that future schools should be “identified with the community.” The faculty agreed with the students’ call to expand library facilities at all East Los Angeles High Schools, yet went further in saying, “We feel that library facilities should exceed the standard requirements. At present, the library does not meet the educational needs of students.” The faculty agreed that “more vocational programs for both boys and girls must be provided” in East L.A. schools. The faculty also concurred with student demands for shielding “open-air” eating areas and converting them into “eating malls,” yet added that “overhead facilities should be provided.” Many school buildings were in deplorable conditions. The students had asked all these buildings to “be razed and new structures erected immediately.” The teachers agreed but added that, “no building should be rehabilitated.”

<sup>202</sup> Ibid.

<sup>203</sup> Ibid.

<sup>204</sup> Ibid.

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

<sup>207</sup> Ibid. The Mexican American faculty clearly disagreed with the students about open schools, which called for removing fencing surrounding the schools. On this issue, the Chicano faculty offered an unwavering response, explaining, “We do not agree with this statement, but add that fences should be complimentary with the architectural design—not chain-link fencing.” The faculty only answered that fences should remain to fit well with the aesthetics of the building.

<sup>208</sup> Garcia and Castro, *Blowout!*, 188. In reference to the EIC, Castro stated that “the college kids proved to be the driving force behind the EICC.” Reverend Vahac Mardirosian was the pastor of the Mexican Baptist Church in East L.A. Some of the organizations comprising the EIC included the Mexican American Political Association (MAPA), the East Los Angeles Improvement Council (ELAIC), the East Los Angeles Democratic Club, and the Mexican-American Opportunity Foundation (MAOF), among others.

<sup>209</sup> Ibid.

<sup>210</sup> Ibid., 189.

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<sup>211</sup> According to Castro, the number of East L.A. student demands numbered fifty-five. They distributed flyers with this information to students, parents, the Chicano and the establishment media, and LACBE. However, the media used thirty-eight because LACBE only responded to thirty-eight demands. See Garcia and Castro, *Blowout!*, 186.

<sup>212</sup> Educational Issues Committee (EIC), Proposals List, n.d., Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>213</sup> Ibid.

<sup>214</sup> Ibid.

<sup>215</sup> Ibid. In a bold move, the EIC outlined the specific compensation for staff members who would take part in the “in-service education” training programs to prepare faculty to teach in bilingual and bicultural programs at East L.A. schools, which would amount to not less than \$8.80 per hour, plus \$100 per month in addition to their salaries.

<sup>216</sup> Ibid.

<sup>217</sup> The EIC agreed with the Blowout Committee’s other recommendations such as: the use of textbooks and curriculum that demonstrated Mexican and Mexican American contributions to the United States; to have Mexican-American administrators in majority Mexican-American schools; to bring in community parents as teacher’s aides; expanded library facilities at all East Los Angeles High Schools; the construction of new high schools; and lastly a revitalized and improved industrial arts program. On Mexican and Mexican-American contributions to US history, the EIC also wanted textbooks to show the injustices that the “Mexicans have suffered as a culture” in the United States. There were other issues, but they too tended to side with the demands submitted by the Blowout Committee, and therefore inclusion here would be repetitive.

<sup>218</sup> Educational Issues Committee (EIC), Final Proposals of the EIC, n.d., Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>219</sup> Ibid. The Blowout Committee had called for an end to corporal punishment. According to the *Los Angeles Times*, the corporal punishment guidelines were outlined in Discipline in Los Angeles City Schools, developed in 1959 by a committee of teachers, administrators, and members of the 31<sup>st</sup> Valley and 10<sup>th</sup> District PTAs. A second publication, known as the 3-Rs (Responsibility of Pupils, Responsibility of Parents and Responsibility of Teachers) was distributed to teachers and parents of new students throughout the district. The guideline reads: “Corporal punishment when administered by a teacher shall be in the presence of a principal or a vice principal and when administered by the principal or vice principal shall be in the presence of some adult witness.” See *Los Angeles Times*, 22 March 1964. The newspaper reported that corporal punishment had been a rule and practice in Los Angeles city schools “for more than 30 years.”

<sup>220</sup> Also at the March 18 meeting, three representatives from the United Mexican American Students (UMAS), Albert Juarez, Jr., Carlos Muñoz, Jr., and Moctezuma Esparza, addressed the board concerning “problems in East Los Angeles and situations in connection with student walkouts.” See LACBE, Minutes, Reg Mtg. 537, 18 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD. In addition, Carlos Montez, a Brown Beret “discussed the formation and goals of this organization” before LACBE. See LACBE, Minutes, Reg Mtg. 539, same date and location. After the student unrest at Eastside schools, Jefferson High School, and others area schools, students from other schools outside of the affected areas demanded improvements in their neighborhood schools. On March 25, three students from San Pedro High School, Rickey Allen, Charley Hunter, and Bryce Spafford, addressed the Board regarding existing problems at their school, San Pedro High School. The Board referred the issues to Superintendent Crowther. On the same date, the Board received letters from Ivory J. Valentine, Linda Hendrix, and Roslyn Ostein, three students from Adams Junior High School. Their complaints varied from expensive and substandard food to a lack of outside activities, and from a strict dress code to complaints about segregating the student by sex. Roslyn Ostein, in fact, commented that a walkout at the school had taken place about a week before in protest of these policies.

<sup>221</sup> LACBE, Minutes, Reg Mtg. 532, 18 March 1968, LACBE, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>222</sup> Ibid. The African American and Mexican American student demonstrations had a powerful effect on students from other parts of the school system, as they encouraged students from *other* schools to demand educational equity. On Monday, March 25, 1968, students from San Pedro High School spoke before LACBE to “air gripes” over what they deemed were shortcomings in their high school. For additional details, see *News-Pilot*, 26 March 1968.

<sup>223</sup> LACBE, Minutes, Special Meeting, 608, 26 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD. Representatives from the Blowout committee from four high schools attended the meeting and included: John L. Ortiz from Garfield High School, Fred Resendez, from Lincoln High School, Albert Robles, from

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Roosevelt High School, and Ruben Gutierrez, from Wilson High School. All four decided that Castro would make a presentation on their behalf instead presenting individually.

<sup>224</sup> *El Sereno Star*, 28 March 1968. The most conservative board member, J.C. Chambers, had rejected the idea of a special meeting at Lincoln High and boycotted the meeting.

<sup>225</sup> LACBE, Minutes, Spec. Mtg. (4:00 p.m.) 608, Unified and J.C., 26 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>226</sup> According to Sal Castro, the original EIC demands numbered fifty-five. The number of demands was constantly in flux as it underwent transformations when the EIC took over the students' efforts and then when LACBE reformulated them into thirty-eight. See Garcia and Castro, *Blowout!*

<sup>227</sup> LACBE, Minutes, Spec. Mtg. (4:00 p.m.) 608, Unified and J.C., 26 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>228</sup> Jack P. Crowther, Report, *Staff Response to Demands and Requests Presented in Connection with Student Walkouts*, 25 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD. Kelly added, "[T]herefore, efforts to increase the number of teachers in these schools must be persuasive and must include the support of teacher and community groups."

<sup>229</sup> *Ibid.*

<sup>230</sup> *Ibid.* The superintendent's office did not give any details about when the program began nor its progress.

<sup>231</sup> *Ibid.*

<sup>232</sup> *Ibid.*

<sup>233</sup> *Ibid.*

<sup>234</sup> *Ibid.*

<sup>235</sup> *Ibid.*

<sup>236</sup> *Ibid.*

<sup>237</sup> *Ibid.*

<sup>238</sup> *Ibid.*

<sup>239</sup> *Ibid.* This last portion of the office's response seemed directed at Sal Castro, as it contained language that clearly condemned teacher support of student walkouts.

<sup>240</sup> *Ibid.* See also Vahac Mardirosian, Chairman of the Educational Issues Coordinating Committee, ??????? to President Georgiana Hardy, 26 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>241</sup> *Ibid.*

<sup>242</sup> *Ibid.*

<sup>243</sup> *Ibid.*

<sup>244</sup> LACBE, Minutes, Spec. Mtg. (4:00 p.m.) 608, Unified and J.C., 26 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>245</sup> *Ibid.*

<sup>246</sup> *Ibid.* In a March 27, 1968 Memo, Assistant County Counsel Clarence H. Langstaff declared that the Board was "without power to treat 'walkout' absences of pupils as though they were not absences."

<sup>247</sup> *Ibid.*

<sup>248</sup> *Ibid.*

<sup>249</sup> *Ibid.*

<sup>250</sup> Garcia and Castro, *Blowout!*, 200-205.

<sup>251</sup> While teachers in Los Angeles expressed their views on the student unrest, the Thirtieth Congressional District of the California Democratic Council showed support for some of the central demands of both Mexican American and African American students and their respective communities, and passed a resolution unequivocally supporting the student walkouts. The Council, which was headquartered in the Westside, backed "more modern" school facilities, better counseling services, and smaller classes. It also supported the teaching of historical contributions made to this country and state by all ethnic groups, including "Mexican-Americans and negroes," as well as keeping the police "from interfering with legitimate campus activities." See Olive Gelenter, Chairman, Thirtieth Congressional District, California Democratic Council, Los Angeles, to Mrs. Georgiana Hardy, President, LACBE, 14 March 1968, LACBE Case Files, Student Unrest Part I, Box 682, 3/7/68 – 4/3/1968, Board Secretariat, Los Angeles Unified School District, Los Angeles.

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<sup>252</sup> LACBE, Minutes, Spec. Mtg. (4:00 p.m.) 608, Unified and J.C., 26 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>253</sup> Jack P. Crowther, Report, *Staff Response to Demands and Requests Presented in Connection with Student Walkouts*, 25 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>254</sup> LACBE, Minutes, Spec. Mtg. (4:00 p.m.) 608, Unified and J.C., 26 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD. Besides Sal Castro, EIC representatives, and representatives from the superintendent's office, twenty-five others spoke before the board. They included ten parents, four Lincoln High students, two Wilson High students, two teachers, two Garfield High students, one Brown Beret, two community organizers, and two unaffiliated speakers. Juan Gomes, a United Mexican-American Students (UMAS) representative, demanded an investigation alleging that students and teachers "who participated in or were sympathetic to the walkouts" were being harassed. He submitted an envelope to the board with what he claimed was evidence of this harassment. Dr. Nava did not take this allegation lightly, and proposed a motion to call a special meeting to delve into the issue of harassment. Reverend Jones seconded the motion and the board carried it unanimously.

<sup>255</sup> *El Sereno Star*, 28 March 1968.

<sup>256</sup> *Ibid.* Another speaker, a woman unidentified by the *El Sereno Star*, synthesized the Blowout and the EIC's numerous demands, linking educational improvements to future economic opportunities and competitiveness in the workplace. The woman expressed her unconditional support for the walkouts, affirming, "My boy had permission to walk out." Her other son, who had reached the 11th grade, had "dropped out [of school] because he couldn't read an eighth grade book." She declared, "Our children need better educations [sic] .... Either they become mechanics, and not good ones for they do not have good equipment, or upholsterers." She concluded, "I'm not asking for luxuries but necessities so our kids can compete with the rest of the world." This mother not only emphasized her concern about the lack of good education, training, and resources, but also connected these issues with the lack of employment opportunities after high school.

<sup>257</sup> *Ibid.*

<sup>258</sup> *Ibid.*

<sup>259</sup> *Ibid.*

<sup>260</sup> *Ibid.*

<sup>261</sup> *Ibid.*

<sup>262</sup> *Ibid.* It is unclear whether Quiñones referred to Sal Castro or a Brown Beret leader.

<sup>263</sup> LACBE, Minutes, Reg. Mtg. 562, Unified and J.C., 28 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>264</sup> Roosevelt Faculty Members, Petition, n.d., LACBE, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>265</sup> Roosevelt Faculty Members, Petition to Superintendent Crowther and the Members of the Board, Student Unrest, 28 March 1968, Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD. The Roosevelt faculty sent two additional letters with 71 and 101 signatures. It is impossible to know whether those who signed these letters also signed the previous letter with 101 signatures. Many Roosevelt teachers were unsatisfied with the petition and letter to the Board, with 71 and 101 signatures respectively. Whereas the Garfield faculty submitted a letter containing contradictory statements cautiously supporting or strongly criticizing the East LA walkouts, the Roosevelt faculty decided to author two letters that expressed conflicting views on the walkouts. In one letter, the Roosevelt teachers "disapprove and do not support violence in the schools," oppose classroom disruptions, "disapprove and strongly object" the students undermining their authority, and asked the Board to find solutions as to what caused the student unrest. The overall tone of the first letter is serious and in support of a hard-line approach to regain full control over the students. The other letter is more conciliatory in nature and its content suggests searching for a middle ground by supporting the students' right to protest peacefully, opposing "police suppression of demonstrations," and asking the Board to find solutions "to the conditions that prompted the current unrest." See Roosevelt Faculty Member, 15 March 1968, letters to the Board of Education, A and B, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD. These two letters were composed by some of the same individuals and both dated March 15, 1968. To differentiate between the two, I labeled them "A" and "B".

<sup>266</sup> *Ibid.*

<sup>267</sup> *Ibid.*

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<sup>268</sup> Ibid. Rudolph Chavez, Roosevelt teacher and President of the Faculty Club of Roosevelt High, spoke at the meeting, directed his frustration at LACBE, and attempted to balance his responsibility to his community and his fellow educators with his responsibility for his students. Chavez, who grew up in and attended East L.A. schools from Rowan Elementary to L.A. State College (now California State University, Los Angeles), challenged Sal Castro and the Blowout Committee's control over student protesters. Chavez demanded respect for authority figures and opposed civil disobedience. Chavez accused the board of having listened "to those who would subvert your authority and responsibility – and because of this pressure, you have acted wrongly." However, Chavez claimed, "No one will deny the Constitutional Right to dissent or protest –but does this right also include the right to knowingly break the law?" He blamed the lack of control on the Brown Berets, whom he believed to be a militant group who had "no interest in improving our education system." Yet, like other students and teachers opposed to the walkouts, he agreed with the student protesters' demands. In spite of his divided stance on the demonstrations and their goals, Chavez sided with educators whom he believed were being overwhelmed by the vocal numerical minority within the Roosevelt High School student body. Even according to his figures, only 150-200 students out of a total of 3200 students walked out of Roosevelt on March 6, and only 70 students walked out on March 8. See Rudolph Chavez, document, n.d., Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>269</sup> These teacher organizations and others later merged into the United Teachers of Los Angeles (UTLA).

<sup>270</sup> William Lambert, Statement to the Board of Education, 28 March 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>271</sup> Ibid.

<sup>272</sup> Ibid. "[L]ower class sizes, bilingual education, sensitivity training (for teachers,) reduced student-counselor ratios, improved vocational education, community aides for teachers and other," Lambert claimed, were also teacher concerns.

<sup>273</sup> Ibid.

<sup>274</sup> Ibid.

<sup>275</sup> Ibid. Lambert claimed, "The 18,000 LATA-ATOLA teachers stand ready to assist and work with any individual or group seriously interested in responsible ~~political~~ action to gain needed improvements in Los Angeles schools."

<sup>276</sup> Chicanos Against Student Teacher Radical Objectives (C.A.S.T.R.O.), Pamphlet, "C.A.S.T.R.O.," n.d., Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>277</sup> Theodore Roosevelt High School Students, Student Petition, n.d., Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD. Theodore Roosevelt High School Student Body President Cleveland Gillis presented this petition to the Board of Education during the regular Board meeting of March 28, 1968.

<sup>278</sup> Ibid.

<sup>279</sup> Ibid.

<sup>280</sup> Ibid.

<sup>281</sup> Ibid.

<sup>282</sup> Ibid.

<sup>283</sup> EICC, Pamphlet, "Nos Siguen Engañando," n.d., Student Unrest Part II, 4/4/68 – 5/16/68, Box 683, SUF-BdS/LAUSD. The pamphlet stated, "Nos Siguen Engañando ... ¡INSULTOS! ¡ENGAÑOS! ¡PALABRERIA! PERO NO ACCION[.]"

<sup>284</sup> LACBE, Minutes, Reg. Mtg. 576, Unified and J.C., 1 April 1968, Student Unrest Part I, 3/7/68 – 4/3/1968, Box 682, SUF-BdS/LAUSD.

<sup>285</sup> Ibid.

<sup>286</sup> Ibid.

<sup>287</sup> Ibid.

<sup>288</sup> Ibid.

<sup>289</sup> Ibid.

<sup>290</sup> Ibid.

<sup>291</sup> Ibid.

<sup>292</sup> Ibid.

<sup>293</sup> Ibid.

<sup>294</sup> Ibid.

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<sup>295</sup> Max J. Barney, Clerk of the Board, Inter-Office Correspondence Memo, "Action Taken by Board Concerning Staff Response to Demands and Requests Presented in Connection with Student Walkouts," 12 April 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683, SUF-BdS/LAUSD.

<sup>296</sup> The committees included: the Superintendent's Office, the Personnel and Schools Committee, the Education Development Committee, the Building Committee, and the Auxiliary Services Committee.

<sup>297</sup> LACBE, Minutes, Reg. Mtg. 609, 15 April 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683, SUF-BdS/LAUSD.

<sup>298</sup> Ibid. See also Jack P. Crowther, Inter-Office Correspondence Memo, "Staff Response to Demands and Requests Presented in Connection with Student Walkouts," 26 March 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683, SUF-BdS/LAUSD.

<sup>299</sup> Jack P. Crowther, Inter-Office Correspondence Memo, "Staff Response to Demands and Requests Presented in Connection with Student Walkouts," 26 March 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683, SUF-BdS/LAUSD.

<sup>300</sup> LACBE, Minutes, Reg. Mtg. 609, 15 April 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683, SUF-BdS/LAUSD.

<sup>301</sup> Ibid.

<sup>302</sup> Jack P. Crowther, Inter-Office Correspondence Memo, "Staff Response to Demands and Requests Presented in Connection with Student Walkouts," 26 March 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683, SUF-BdS/LAUSD.

<sup>303</sup> Jack P. Crowther, Inter-Office Correspondence Memo, "Staff Response to Demands and Requests Presented in Connection with Student Walkouts," 26 March 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683, SUF-BdS/LAUSD.

<sup>304</sup> Ibid.

<sup>305</sup> Ibid.

<sup>306</sup> Ibid.

<sup>307</sup> Ibid.

<sup>308</sup> LACBE, Minutes, Reg. Mtg. 641, 22 April 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683, SUF-BdS/LAUSD. On the issue of Grades, LACBE accepted the superintendent's assertion that grading policies were "reviewed from time to time" and that no data showed that "more failing marks are given in East Los Angeles than in other sections of the school district." On Grooming, the Board agreed with the Superintendent, who in turn partly had agreed with this particular student demand, which asked that parents, students, and teachers have a say in grooming standards. However, Board policy gave "principals the responsibility to 'establish and enforce reasonable standards of dress....'" On "Homogeneous" Grouping, defined as "the grouping and classifying of students of like interest and abilities," the Superintendent Office was unrepentant. It was a "widely established procedure," which was a "valid and valuable method for improving instruction," the Superintendent's Office declared. LACBE had very little to add to these issues and accepted the Superintendent's findings.

<sup>309</sup> Ibid.

<sup>310</sup> LACBE, Minutes, Reg. Mtg. 660, 29 April 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683, SUF-BdS/LAUSD.

<sup>311</sup> Jack P. Crowther, Inter-Office Correspondence Memo, "Staff Response to Demands and Requests Presented in Connection with Student Walkouts," 26 March 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683, SUF-BdS/LAUSD.

<sup>312</sup> LACBE, Minutes, Reg. Mtg. 660, 29 April 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683, SUF-BdS/LAUSD.

<sup>313</sup> Ibid. See also Jack P. Crowther, Inter-Office Correspondence Memo, "Staff Response to Demands and Requests Presented in Connection with Student Walkouts," 26 March 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683, SUF-BdS/LAUSD.

<sup>314</sup> *El Sereno Star*, 16 May 1968.

<sup>315</sup> Ibid.

<sup>316</sup> Ibid.

<sup>317</sup> Ibid.

<sup>318</sup> Ibid.

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<sup>319</sup> LACBE, Minutes, Reg. Mtg. 693, 13 May 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683, SUF-BdS/LAUSD.

<sup>320</sup> Ibid. Two speakers at the meeting brought up the lack of African American and Chicano school administrators, and pointed to a potential opportunity for the board to help alleviate this problem. Reverend Lloyd Galloway of South-Central L.A. and Pat Sanchez of East L.A. asked the board to select replacements for two retiring associate superintendents with African Americans and Chicanos, respectively. Sanchez argued that of “the 30 top administrators in the local school system, there is only one Negro and no Mexican-American.” “There is dissatisfaction and alienation in the East L.A. community because understanding is missing at the upper levels.” See *El Sereno Star*, 16 May 1968.

<sup>321</sup> Ibid.

<sup>322</sup> LACBE, Minutes, Reg. Mtg. 716, 23 May 1968, Student Unrest Part III, 5/20/68 – 10/1/68, Box 683, SUF-BdS/LAUSD.

<sup>323</sup> Ibid.

<sup>324</sup> *El Sereno Star*, 16 May 1968.

<sup>325</sup> Ibid.

<sup>326</sup> Ibid.

<sup>327</sup> Ibid.

<sup>328</sup> Ibid.

<sup>329</sup> Ibid.

<sup>330</sup> Ibid.

<sup>331</sup> Ibid.

<sup>332</sup> Ibid.

<sup>333</sup> Ibid.

<sup>334</sup> Ibid.

<sup>335</sup> Ibid.

<sup>336</sup> Ibid.

<sup>337</sup> Ibid.

<sup>338</sup> East Los Angeles Communications Task Force on School Community Relations, *The East Los Angeles Community Report*, June 1968, Student Unrest Part III, 5/20/68 – 10/1/68, Box 683, SUF-BdS/LAUSD, 1. The seven-member task force included: 1) three “certified personnel,” or administrators, who led the investigation and presented the findings; 2) two “professional experts” with a keen knowledge of the East L.A. area; and 3) two administrative assistants.

<sup>339</sup> Ibid., 10.

<sup>340</sup> Ibid., 6.

<sup>341</sup> Ibid., 7.

<sup>342</sup> Ibid.

<sup>343</sup> Ibid., 8.

<sup>344</sup> Ibid., 7.

<sup>345</sup> Ibid., 8.

<sup>346</sup> Ibid., 10.

<sup>347</sup> Ibid.

<sup>348</sup> Ibid.

<sup>349</sup> Ibid., 10-11.

<sup>350</sup> Ibid., 13.

<sup>351</sup> Ibid.

<sup>352</sup> Ibid. In 1968, the United State Congress passed the Bilingual Education Act. The act was part of the Great Society programs of the era. It allotted \$7.5 million dollars.

<sup>353</sup> Ibid., 16.

<sup>354</sup> Ibid., 17.

<sup>355</sup> Ibid., 10-11.

<sup>356</sup> Ibid., 20.

<sup>357</sup> Ibid.

<sup>358</sup> Ibid.

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<sup>359</sup> Ibid.

<sup>360</sup> Ibid.

<sup>361</sup> Ibid.

<sup>362</sup> The student unrest and the policy changes it brought about resulted in some minimal Mexican-American educational and employment gains. See Jack Crowther, Memo, "Updated Report, Information Regarding Schools and Programs Serving Predominantly Mexican-American Populations," 24 September 1968, fol. Race Question Genl. 1967 – 68 Part XII, Box 967, RQC-LAUSD.

<sup>363</sup> LACBE, Minutes, Reg. Mtg. 778, 24 June 1968, Student Unrest Part III, 5/20/68 – 10/1/68, Box 683, SUF-BdS/LAUSD.

<sup>364</sup> Ibid.

<sup>365</sup> Ibid.

<sup>366</sup> Ibid.

<sup>367</sup> LACBE, Minutes, Reg. Mtg. 780, 27 June 1968, Student Unrest Part III, 5/20/68 – 10/1/68, Box 683, SUF-BdS/LAUSD.

<sup>368</sup> LACSD, Division of Elementary Education, Guidance and Counseling Section, *Intelligence Testing in Elementary Schools Report*, 27 June 1968, Student Unrest Part III, 5/20/68 – 10/1/68, Box 683, SUF-BdS/LAUSD, 7.

<sup>369</sup> Ibid., 7-8. The Guidance and Counseling Section of the Division of Secondary Education submitted a report about testing in secondary schools, which mirrored the premises in the report about intelligence testing in elementary schools.

<sup>370</sup> LACSD, Auxiliary Services Division, Measurement and Evaluation Section, *Intelligence and Intelligence Testing Report*, 27 June 1968, Student Unrest Part III, 5/20/68 – 10/1/68, Box 683, SUF-BdS/LAUSD, 1. This office also reported on other types of tests for scholastic achievement and ability, including "culture free" or "culture fair" tests, the tests' shortcomings, sampling and its problems, and the factors influencing a student's scholastic ability and test scores.

<sup>371</sup> LACSD, Auxiliary Services Division, Measurement and Evaluation Section, *Ability Measurement of Pupils Who Are Members of Racial or Ethnic Minorities Report*, June 1968, Student Unrest Part III, 5/20/68 – 10/1/68, Box 683, SUF-BdS/LAUSD, 1.

<sup>372</sup> Ibid.

<sup>373</sup> LACBE, Minutes, Reg. Mtg. 13, 8 July 1968, Student Unrest Part III, 5/20/68 – 10/1/68, Box 683, SUF-BdS/LAUSD.

<sup>374</sup> Ibid.

<sup>375</sup> LACBE, Minutes, Reg. Mtg. 27, 15 July 1968, Student Unrest Part III, 5/20/68 – 10/1/68, Box 683, SUF-BdS/LAUSD.

<sup>376</sup> Ibid.

<sup>377</sup> LACBE, Minutes, Reg. Mtg. 34 and Interim Report, *LACBE Action on Demands and Requests – Student Walkouts Report*, 18 July 1968, Student Unrest Part III, 5/20/68 – 10/1/68, Box 683, SUF-BdS/LAUSD. LACBE Case Files, Los Angeles. By July 18, LACBE voted to make a consolidated report of LACBE responses to all thirty-six student demands available to the Office of Public Information, which would essentially make the report public, and available to other school district agencies.

<sup>378</sup> LACBE, Minutes, Reg. Mtg. 44, 25 July 1968, Student Unrest Part III, 5/20/68 – 10/1/68, Box 683, SUF-BdS/LAUSD.

<sup>379</sup> Board Secretariat, Report, 25 July 1968, Student Unrest Part III, 5/20/68 – 10/1/68, Box 683, SUF-BdS/LAUSD.

<sup>380</sup> Ibid.

<sup>381</sup> Ibid.

<sup>382</sup> LACBE, Minutes, Reg. Mtg. 638, 22 April 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683, SUF-BdS/LAUSD. See also David M. Sanchez, Statement before LACBE, 22 April 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683. SUF-BdS/LAUSD.

<sup>383</sup> David M. Sanchez, Statement before LACBE, 22 April 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683. SUF-BdS/LAUSD. During the same meeting, a reverend, Horacio Quinones, expressed similar sentiments and asked LACBE to schedule a special meeting to investigate the charges. LACBE did not schedule a meeting but promised to follow up on the issue.

<sup>384</sup> Ibid.

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<sup>385</sup> Ibid.

<sup>386</sup> Jack P. Crowther, Inter-Office Correspondence to Members, Board of Education, Memo, "Response to Motion Made at March 26, 1968 Board Meeting Requesting Information as to Arrests Arising Out of Walk-Outs," 16 April 1968, Student Unrest Part II, 4/4/68 – 5/16/68, Box 683, SUF-BdS/LAUSD. The list of those arrested included individuals of "Spanish surname," African American, and white background, plus at least one individual of Japanese descent.

<sup>387</sup> *Los Angeles Times*, 2 June 1968.

<sup>388</sup> Three agencies, the LAPD, the district attorney's office, and the sheriff's department, collaborated in the secret investigation and arrests of the L.A. 13.

<sup>389</sup> *Los Angeles Times*, 4 June 1968.

<sup>390</sup> Ibid.

<sup>391</sup> Garcia and Castro, *Blowout!*, 230.

<sup>392</sup> Ibid.

<sup>393</sup> Public Information Office, Los Angeles City Schools, Memo, 20 February 1969, fol. Race Question Genl. Part XIII, Box 967, RQC-LAUSD.

<sup>394</sup> LACBE, Minutes, 471, 20 February 1969, fol. Race Question Genl. Part XIII, Box 967, RQC-LAUSD.

<sup>395</sup> Public Information Office, Memo, "In-Service Training Programs Continue for L.A. Ethnic Studies Teachers," 28 March 1969, fol. Race Question Genl. Part XIV, Box 968, RQC-LAUSD.

<sup>396</sup> Urban Affairs Committee, Report, *Mexican-American Education Commission*, 17 April 1969, fol. Race Question Genl. Part XIV, Box 968, RQC-LAUSD.

<sup>397</sup> Jack Crowther, Inter-Office Correspondence to LACBE, 2 June 1969, fol. Race Question Genl. Part XIV, Box 968, RQC-LAUSD. On June 13, the district's Public Information Office released news that LACBE approved a federally funded plan to recruit and prepare Mexican-Americans graduating from California State College at Los Angeles (today's California State University, Los Angeles) to teach in the Los Angeles School District. See Public Information Office, Memo, "City Board of Education Approves College Plan to Recruit, Prepare Mexican-American Teachers," 13 June 1969, fol. Race Question Genl. Part XIV, Box 968, RQC-LAUSD.

<sup>398</sup> Thomas Bradley, Los Angeles Councilman, STATEMENT OR LETTER ????? 21 April 1969, fol. Race Question Genl. Part XIV, Box 968, RQC-LAUSD.

<sup>399</sup> Ibid.

<sup>400</sup> LACBE, Minutes, 215, 11 October 1971, fol. Race Question Genl. Part XVIII, Box 969, RQC-LAUSD.

<sup>401</sup> Garcia and Castro, *Blowout!*, 246.

<sup>402</sup> Ibid., 246-247.

<sup>403</sup> Ibid., 247.

<sup>404</sup> Ibid.

<sup>405</sup> Ibid.

<sup>406</sup> Frank Del Olmo, Notes on Rudy Acuña Interview, n.d., fol. 20, Box 27, Frank Del Olmo Collection, Urban Archives Center, Oviatt Library, California State, Northridge, Northridge, California.

<sup>407</sup> Ibid.

<sup>408</sup> Ibid.

<sup>409</sup> Ibid.

### Chapter 3: “Their own separate destinies”: Delineating Racial and Ethnic Loyalties during *Crawford*

In 1970, Ruben Salazar, the *Los Angeles Times*' first Mexican American staff writer and winner of the John F. Kennedy Journalism Award, wrote an insightful column in which he declared, “Blacks and browns have always been cast together by the forces of history and the needs of these two people.”<sup>1</sup> However, he argued, their differences, partly due to culture and language, seemingly compelled the two groups to follow “their own separate destinies.”<sup>2</sup> “And they’re not about ready to form a new coalition—this time with the blacks—until they, the Chicanos, find their own identity in their own way,” he surmised.<sup>3</sup> Integration, the goal of *Crawford*, offered an alternate vision: a common destiny based on cross-racial cooperation in pursuit of common goals. In Salazar’s view, African Americans and Mexican Americans pursued common goals and endured similar struggles, but the solutions forced them to deal with these concerns separately.

However, the school integration debate offered different alternatives. In 1966, the ACLU re-filed *Crawford* to include African American students *and* students of “Mexican descent.”<sup>4</sup> Participation by students of “Mexican descent” signified a momentous break with the Spanish-speaking community’s cherished efforts to bring bilingual and bicultural educational programs to its racially segregated neighborhood schools. Just two years later, however, the two communities sought educational change separately during the separate but simultaneous 1968 student demonstrations in South-Central L.A. and East L.A. Yet, in the summer of 1968, civil rights lawyers amended *Crawford* and called to desegregate the entire school district.

Calls for compensatory education for minority neighborhood schools, including bilingual and bicultural education, represented a vision of Los Angeles’ educational future that could potentially reinforce racial and ethnic separation, while integration promised breaking down these divisions, while improving educational opportunities for all students.

In this chapter, I trace the progress of *Crawford* and these overlapping stories with the interrelation between local and national school desegregation politics.<sup>5</sup> I detail the limited

desegregation efforts LACBE and the superintendent implemented prior to going to trial. I show the importance of Judge Alfred Gitelson's decision in *Crawford* that reaffirmed *Brown v. Board of Education*, and, as importantly, declared irrelevant the distinction between *de jure* and *de facto* segregation. Although LACBE touted compensatory education in African American and Mexican American neighborhood schools and proclaimed its support for an integrated education, LACBE appealed Judge Gitelson's ruling, which delayed planning and implementing any integration plan. Integrationists advocated busing minority students to majority, white schools, yet faced anti-busing campaigns supported by California Governor Ronald Reagan and President Richard Nixon. Support and opposition for busing for the purpose of integration varied along racial and class lines, illustrating the fragmented diversity within the Los Angeles school district on the issue of integration. Anti-integrationists inside and outside the district protested Gitelson's decision, as the ruling potentially could affect all racially segregated schools in the district irrespective of the predominant race or ethnic group within segregated schools.

#### *LACBE Efforts to Desegregate Just Prior to Trial*

Civil rights organizations largely agreed on the goal of school integration, while others contended that integration efforts should be combined to improve other important education issues. The ACLU, NAACP, UCRC, and several other organizations embraced district-wide mandatory desegregation as paramount to improve public education. The Community Relations Conference of Southern California (CRCSC), however, sought a middle ground and claimed that desegregation and compensatory education were worthwhile strategies that were not mutually exclusive. To some individuals and groups that had previously supported busing as the sole desegregation strategy, compensatory education began to appear like a plausible alternative.<sup>6</sup> Irrespective of the integrationists' ideas about integration, to date only LACBE had the authority to integrate the district's schools.

In May 1968, superintendent Jack Crowther offered four important *voluntary* desegregation strategies. Although tentative and limited in scope, these strategies included: 1) creating a second Area Program for Enrichment Exchange (APEX) program; 2) transporting students from overcrowded schools to schools with vacant classrooms; 3) establishing a program for voluntary transportation of elementary pupils from an overcrowded minority area school to

under-utilized “other white” schools; and 4) developing a voluntary plan to transport elementary pupils from a cluster of “other white” schools to one minority area school.<sup>7</sup>

Although correspondence supporting the limited desegregation efforts had been limited to date, LACBE received an unusually high number of telegrams and letters just before the May 20 vote on Crowther’s limited voluntary desegregation strategies. Van Nuys residents Marv and Harriet Newton presented a minority view in the San Fernando Valley and favored the “immediate implementation” of Crowther’s proposal to integrate schools.<sup>8</sup> Miss K. Speno, an education law student from New York asked LACBE whether the state of California had a law “that forbids or permits busing of children outside their neighborhoods for the purpose of ending racial imbalance.”<sup>9</sup> Speno insightfully raised the point that while South Gate Assemblyman Wakefield pressed for Assembly Bill 231 to outlaw busing for desegregation, no political office holder in California proposed the legislative equivalent of a law favoring busing for desegregation.

The *Valley Times Advertiser* described the atmosphere during the May 20 LACBE meeting in the auditorium as “divided about 60-40 over the [integration strategies] issue, with the majority waving placards above their heads protesting the program.”<sup>10</sup> LACBE voted 5 to 1 to adopt Crowther’s four proposed largely voluntary desegregation strategies.<sup>11</sup> Many white Angelenos throughout the city praised LACBE’s vote by embracing the largely *voluntary* basis of the strategies.<sup>12</sup> At Ulysses Grant High School, in Van Nuys, forty-three teachers signed a statement congratulating Superintendent Crowther and LACBE.<sup>13</sup> After approving Crowther’s voluntary desegregation approaches, LACBE immediately planned to implement them, but this did not deter the ACLU from seeking district-wide school desegregation. In late 1968, the ACLU refocused its attention on *Crawford*, this time seeking to desegregate not only Jordan High School and South Gate High School but also the full district. The ACLU secured the services of Bayard F. Berman, a distinguished trial lawyer.

The California Assembly at the time contemplated passage of California Assembly Bill 2118, a measure to cut off an African American and a Mexican American high school and their feeder schools in Los Angeles, and one in San Francisco, as experiments in local minority control.<sup>14</sup> In an ironic twist, minority groups supportive of local control called integrationists who opposed AB 2118 racist.<sup>15</sup> Integrationists opposed local control because it would reinforce school segregation; they confronted the “more vocal black and Chicano leadership”<sup>16</sup> because

they wanted school enrollment to reflect the multiethnic community. In yet another ironic twist, LACBE *opposed* AB 2118, but for more practical reasons, not because AB 2118 would relegate racially isolated schools to local control or exonerate LACBE from integrating these schools, but because the measure would have reduced funds from the district's coffers. LACBE also argued that it was already promoting local autonomy, as exemplified by some of the policy changes in response to the 1968 student unrest. AB 2118 passed the California Assembly but was ensnared in committee in the California Senate.<sup>17</sup>

Around roughly the same time as the start of the *Crawford* trial in late October 1968, the California State Board of Education (CSBE) contemplated an amendment to Sections 2010 and 2011 of Title 5 of the California State Education Code, calling for school districts to engage in efforts to end segregated schooling by following certain guidelines.<sup>18</sup> According to the formula of these guidelines, "a racial or ethnic unbalance is indicated in the school if the percentage of one or more racial or ethnic groups differ by more than 15 percentage points from that in all the schools in the district."<sup>19</sup> In the Los Angeles City School District, African Americans made up 24% of the student population. Under the proposed changes to the State Education Code, the range of African American student attendance in a given school to be "racially balanced" would range from 9% to 39%. The combined percentage minority population in the LA district was 47%, so the range for a "balanced" school ranged from 32% and 67%.<sup>20</sup> Superior Court Judge Alfred Gitelson believed that the amendment to the education code would have an incalculable effect on the *Crawford* case. Therefore, he delayed its start for about two months, so that this important question could be settled.<sup>21</sup>

### *Crawford Begins*

During the first week of *Crawford*, the litigants and Superior Court Judge Alfred Gitelson attempted to agree on major guidelines, including the applicability of *Brown v. Board of Education* to *Crawford* and the definition of a segregated school. One of the key points of contention centered on the differentiation between *de facto* and *de jure* segregation. LACBE counsel argued that *de jure* segregation did not exist in the Los Angeles school district and therefore *Brown* did not apply to *Crawford* because the *Brown* decision was based on *de jure* segregation. Judge Gitelson and ACLU attorney Bayard Rustin contended that the

differentiation largely did not matter. In fact, the court found in *Jackson v. Pasadena* that the differentiation was irrelevant.

The *Crawford* trial began on October 28, 1968. During the trial, ACLU lawyers presented six witnesses, including scholars, educators, and ACLU member and retired history professor John Caughey.<sup>22</sup> Jerry F. Halverson, LACBE's legal adviser, and two county counsels represented LACBE. Counsel for petitioners also introduced James E. Coleman's *Equality of Educational Opportunity*, known as the *Coleman Report*, and the United States Civil Rights Commission's *Racial Isolation in the Public Schools* as evidence. LACBE did *not* call on any teachers, counselors, board members, or Superintendent Crowther to testify.

On the first day of the trial, ACLU attorney Berman accused LACBE of “allowing racial segregation to develop among students in the Los Angeles city schools by its failure to take steps to prevent it.”<sup>23</sup> He further blamed the schools board for increased racial segregation in recent years.<sup>24</sup> Judge Gitelson instructed Berman to employ the phrase “racial balance” instead of “segregation” because “segregation” implied a deliberate act of segregation.<sup>25</sup> The *Los Angeles Times* further clarified Gitelson’s instructions: “If segregation has occurred in the schools, the judge said, it has come about because of omission of steps to correct it.”<sup>26</sup> Berman countered that it was precisely what had occurred in the district. By “allowing” the separation of students by race, LACBE had permitted nothing less than segregation.<sup>27</sup> Berman, however, agreed that the racial segregation of student in the district was “not the odious type practiced in Alabama.”<sup>28</sup> On the question of what constituted a segregated school, the ACLU contended that a school was segregated when “50% or more of its student body is composed of children from one or more minority groups.”<sup>29</sup>

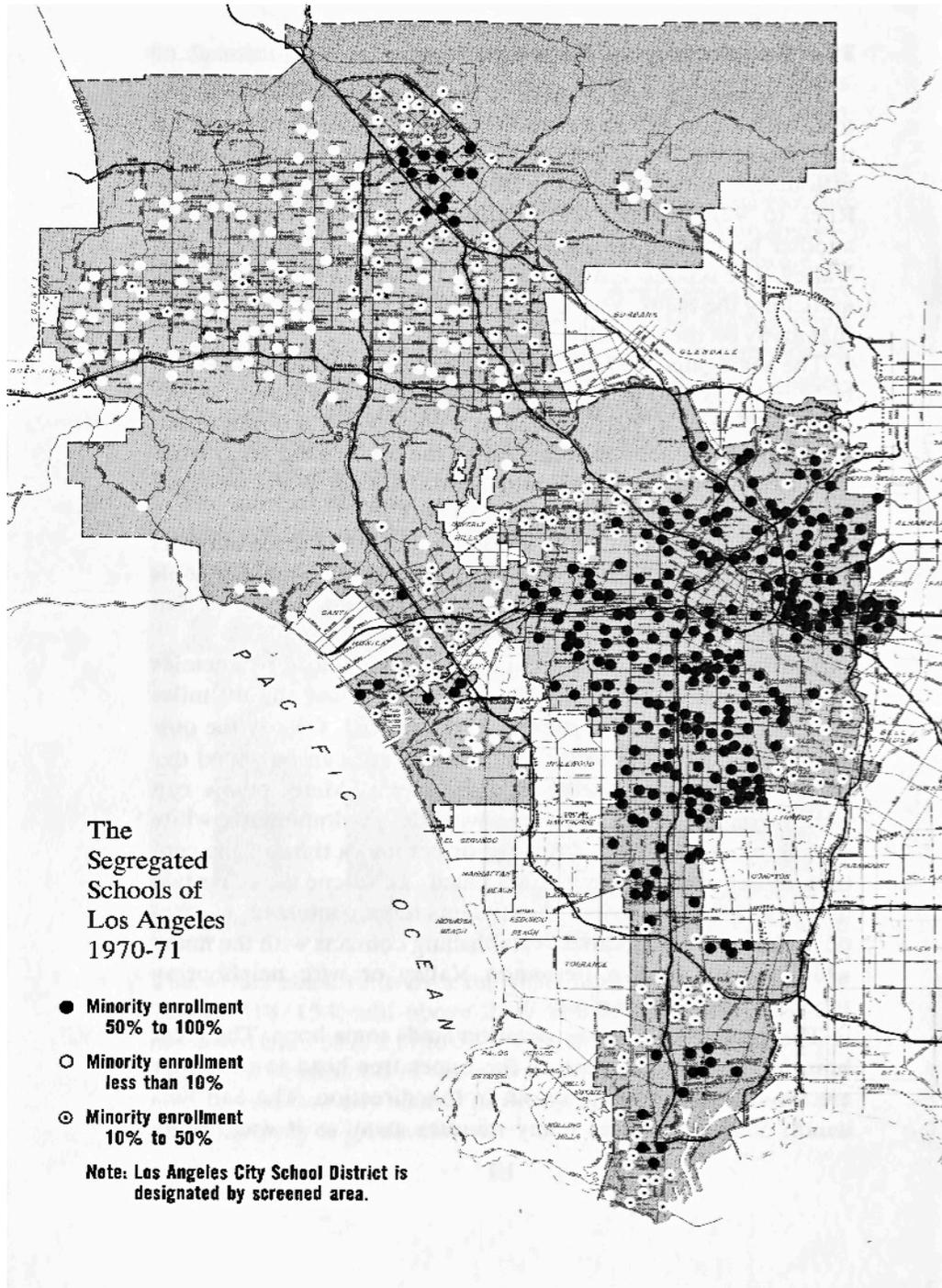
LACBE counsel argued that LACBE had complied with the law and had taken “all steps possible to integrate its schools.”<sup>30</sup> Moreover, Judge Gitelson also remarked that the State Board of Education was contemplating amendments to the state administrative code calling for school districts to end segregated schooling by following certain guidelines that could render the outcome of the trial moot.<sup>31</sup> Berman urged Gitelson to permit the trial to continue, while Deputy County Counsel Raymond W. Schneider, on behalf of LACBE, asked Judge Gitelson to consider postponing the trial until the CSBE determined the amendments.<sup>32</sup> Judge Gitelson decided to proceed with the trial.<sup>33</sup>

On the second day of the trial, Judge Gitelson, Schneider, and Berman argued over whether a distinction between *de facto* and *de jure* segregation was necessary in the first place, with Berman arguing that the school district was responsible for desegregating schools regardless of the cause. Judge Gitelson and Deputy County Counsel Schneider engaged in a sharp debate over whether the segregation of students was “detrimental regardless of the cause of their separation.”<sup>34</sup> Schneider claimed that “mere racial imbalance” if not formally imposed did not necessarily lead to an inferior education for minority students.<sup>35</sup> Schneider, in fact, claimed that the United States Supreme Court did not rule against racial imbalance that occurred “voluntarily” but ruled unconstitutional state-sanctioned segregation.<sup>36</sup> LACBE attorneys again contended that *Brown* did not apply to Los Angeles because the United States Supreme Court case was based on *de jure* segregation and not on *de facto* segregation.<sup>37</sup> Judge Gitelson disagreed, and declared that segregation was detrimental to equal educational opportunities and “should be avoided no matter how it came about.”<sup>38</sup> Gitelson expressed, “The Supreme Court (in 1954) said that separate but equal is not equal.”<sup>39</sup>

Schneider disagreed with Gitelson, and said, “I don’t know of any study that shows that separation always results in deprivation of educational opportunities.”<sup>40</sup> “The issue,” Gitelson replied “should be whether the duty to prevent segregation is imposed on school districts by law or not.”<sup>41</sup> Judge Gitelson further explained that the United States Supreme Court needed a basic premise to rule in *Brown*, explaining, “The premise was that inherently ... separate education facilities are unequal ... with reference to the education that the persons would receive.”<sup>42</sup> Berman intervened, and noted that racial balance, whether state-sanctioned or not, predisposed teachers to avoid assignment to predominantly minority schools.<sup>43</sup> These circumstances, he clarified, resulted in mostly “inferior teachers” at these schools.<sup>44</sup> Schneider objected to Berman raising the issue of teacher quality because the ACLU did not include it in its complaint.<sup>45</sup> Berman responded that he did not intend to introduce the idea that the district deliberately assigned inferior teachers to minority schools, but asserted that “this is how it works out.”<sup>46</sup>

Berman introduced John Caughey as his first trial witness “to present evidence that segregation was massively present in the Los Angeles schools” and “to indicate concretely its magnitude and degree” (see Map 3.1).<sup>47</sup> Caughey introduced three maps that he testified depicted “racial imbalance in the district’s elementary, junior high and senior high schools”<sup>48</sup> Caughey stated that his maps showed that African American students formed “more than half the

student body of Los Angeles School District schools in a rough inverted triangle from Wilshire Blvd. tapering south to Los Angeles Harbor,” while Mexican-American children comprised the majority in schools of the district south of Alhambra to Huntington Park.”<sup>49</sup> Caughey also testified that of the 641,449 students attending Los Angeles district schools, 97.3%



Map 3.1. School Segregation in Los Angeles, 1970-1971. Source: John Walton Caughey, *The Shame of Los Angeles*, 18.

of all African American children attended schools in which they comprised the majority, 66.2% of Mexican American children attended school in which they were the majority, and 60% of all “Oriental” children attended schools in which they comprised the majority.<sup>50</sup> Caughey also testified that either he or his wife LaRee Caughey had made roughly twenty appeals before LACBE to desegregate schools.<sup>51</sup>

In the first week of the trial, the petitioners’ counsel also engaged in a fierce discursive struggle with LACBE and Judge Gitelson, and argued that equal educational opportunity was *synonymous* with “racial balance,” which they defined as a “situation in which the combined minorities compose more than 10% of the student body but less than 50%.”<sup>52</sup> In other words, a school with a student body of 50% or more minority was racially imbalanced and therefore segregated. The *Los Angeles Times* reported that Berman argued that the “benefit of integration is ... an inherent element in a quality education.”<sup>53</sup> Judge Gitelson, however, challenged such a definition of racial imbalance, and asked why a 65-35 ratio of minority-to-white students was not conceivable as the Los Angeles school district’s minority student population was already 45%.<sup>54</sup> The court also asked why “a school with 49% minority enrollment was in balance and ... a school with 50% minority enrollment was out of balance or segregated.”<sup>55</sup>

Meanwhile, as the trial proceeded, LACBE attorney Jerry Halverson reported the trial’s progress to LACBE members and the superintendent, revealing more about and clarifying the district counsel’s legal strategy in *Crawford*.<sup>56</sup> He reported that LACBE’s legal team and their experts had proposed their own definition of the term “segregation” and questioned the applicability of the term as defined in *Brown* to *Crawford*. LACBE counsel Raymond Schneider proposed that a segregated school was “a school to which a person is initially assigned or transferred solely on the basis of his race.”<sup>57</sup> “But to carry that proposition, to say that a situation where voluntary separation of a race of an ethnic group, voluntary separation is going to result in a deprivation of education benefit, I don’t know that that necessarily follows,” Schneider concluded.<sup>58</sup> Differentiating between *de jure* and *de facto* segregation, Schneider surmised that “the racial composition of a class, does not, in and of itself, in and of itself, necessarily determine the achievement of pupils in that class.”<sup>59</sup> Halverson highlighted that he and LACBE counsel believed desegregation was “desirable” but that the district was reluctant “to institute a substantial program now, involving compulsory two-way bussing.”<sup>60</sup> He argued that these two ideas were not contradictory. The *Los Angeles Times*’ Jack McCurdy summarized the competing

camp's key arguments. He reported, "1—The ACLU's attempt to show that segregation regardless of cause is so bad that it cannot be tolerated for any reasons."<sup>61</sup> Accordingly, he wrote, "2—A counter effort by the school system to prove that while integration is good, it is not indispensable when compared with the basic education program which must be financed first."<sup>62</sup> He concluded, "The issue ... narrows to one of degree of desirability of integration."<sup>63</sup>

### *LACBE's Case*

During the trial, LACBE did *not* call any teachers, counselors, board members, or Superintendent Jack P. Crowther to testify. LACBE's case centered on three main issues: development of school boundaries, compensatory education, and the costs of integration. LACBE counsel raised other very important issues, such as bilingual education, but they were not as prominent in LACBE's case. The district's head boundary coordinator Ray A. Owens served as the board's first witness on February 5, 1969 and explained that LACBE chose school attendance boundaries by granting each school an attendance area and by building the school near the center of the specified area.<sup>64</sup> LACBE built new schools when a "surplus" of pupils existed and "could be predicted," and boundary changes were "initiated where there was overcrowding or underenrollment to correct."<sup>65</sup> When petitioners' counsel asked if LACBE considered race and ethnicity in establishing attendance boundaries, Owens only offered that after LACBE established an integration policy in 1963, the board instructed him to "prepare estimates of the racial and ethnic enrollments that new or changed boundaries would yield."<sup>66</sup> Through further questioning of Owens, Berman exposed how LACBE and district officials had given Owens very scant direction on desegregating schools. LACBE gave Owens only the task of developing attendance boundaries for single-school attendance areas.

Owens further disclosed that out of 459 boundary adjustments, in only thirty to forty of them had LACBE taken into consideration the racial and ethnic makeup of the area. For example, LACBE files demonstrated that the board did not consider segregated minority schools while developing attendance boundary lines for new schools in the San Fernando Valley.<sup>67</sup> Similarly in South L.A., Bethume Junior High, located at 155 West 69<sup>th</sup> Street, opened with a 99.9% African American student body and a total of two white pupils when the district reassigned students from nearby segregated African American schools. LACBE did not consider assigning students from nearby Nimitz and South Gate Junior High Schools, which were two

nearby predominantly segregated white schools.<sup>68</sup> These actions demonstrated that LACBE developed attendance boundaries that maintained school segregation, even when opportunities arose to desegregate schools when new schools opened to relieve overcrowding.<sup>69</sup>

Compensatory education and its effectiveness in improving schools was a central component of the trial. John Caughey referred to compensatory education as “Gilding the Ghetto” because he believed compensatory education could adorn minority schools in such a way as to give the impression that education in minority schools had improved, but in fact remained unequal compared to education in predominantly white schools. Donald J. Richardson, the district’s Title I programs coordinator, detailed how federal funding from the Elementary and Secondary Education Act (ESEA) financed compensatory education programs in the district geared toward economically disadvantaged children.<sup>70</sup> Richardson testified that LACBE ignored the research and funding possibilities for integration, and that compensatory education programs reached only 40,000 of the 250,000 eligible students and many failed miserably.<sup>71</sup> When Berman asked the district staff if it had conducted an analysis comparing federally funded compensatory programs and integrated schooling, the district staff replied that such an analysis did not exist. Richardson also testified that in 1967 he learned that school integration could have been a part of the ESEA programs, but neither the board nor the superintendent directed him to consider ESEA funds for integration.<sup>72</sup>

Although LACBE proclaimed a dedication to equal educational opportunity in minority, segregated schools, LACBE budget officer George McMullen’s testimony demonstrated that educational costs per pupil were unequal along racial lines. At first McMullen argued that education costs per student in inner-city schools were slightly higher than costs per white student. However on cross-examination, he acknowledged that educational costs per pupil were *higher* in predominantly white schools once other factors, such as the maintenance of older schools (which were primarily located in minority neighborhoods) and police, were removed from the equation. Therefore, racial inequality in educational funding per pupil undermined LACBE’s public proclamations of equal educational opportunities for all students.<sup>73</sup>

The cost of an integration plan represented another important and contentious issue in *Crawford*, with the adversarial parties introducing differing cost estimates. LACBE witnesses district staff mathematician Henry Boas and computer programmer and head of the transportation division Randall Davis introduced an integration plan cost estimate. Using the

guidelines of integration as “no school with less than 10 or more than 50 per cent minority enrollment” based on the statistics from the 1968 racial and ethnic census, and developing a tally to enumerate the in- and out-going minority and majority (white) pupils, Boas estimated that integration would involve the reassignment of 196,614 pupils. Davis calculated the integration plan’s cost at \$180 million -- \$40 million for the first year, and \$20 for each additional year. After five days of questioning, the petitioners’ counsel argued that the Davis plan was no plan at all; it was not workable; it was erroneously overpriced; and it did not include other methods of integration that would decrease its cost. The school board’s counsel *agreed*.<sup>74</sup>

Deputy Superintendent Robert Kelly, the highest-ranking school district official to testify, was unlike any other witness because his testimony verged on official board policy. Kelly focused on the opportunity costs related to LACBE’s estimated \$40-million integration plan for the first year, which he alleged would force LACBE to contemplate cuts in other educational necessities that would damage education.<sup>75</sup> He also testified that he had never seen or issued instructions defining integration, but reported that the district’s major integration efforts involved interscholastic activities, such as workshops and athletics, through the voluntary busing program of 1000 students and APEX.<sup>76</sup>

An exchange between Judge Gitelson and Kelly, in which Judge Gitelson was attempting to ascertain if LACBE or the district had a “concrete” definition of integration and what kind of plan LACBE and the district would consider “feasible,” revealed some of the district’s deep-rooted ideas about racial segregation in the district. Kelly said that a plan would be “feasible” if it did not detract from the regular school program of classroom instruction.<sup>77</sup> Judge Gitelson stated that Kelly’s statement implied that integration would be feasible only if the district had a “surplus of funds,” a statement with which Kelly concurred.<sup>78</sup> “Does it follow, the judge asked, that until this surplus exists, and as long as the quality of education were the same, the equal educational opportunity is provided in both all-black and an [*sic*] all-white schools,” the *Los Angeles Times* quoted Gitelson.<sup>79</sup> Kelly again agreed. Judge Gitelson later remarked, “I would assume the testimony of separate but equal is quality education and is the quality of education which the board will continue ... unless it get some surplus fund. (That is) the separate and equal doctrine.”<sup>80</sup> Halverson objected but Judge Gitelson stood his ground and noted that “there isn’t any question in the world that what (Kelly) was testifying to was the separate and equal doctrine which has been discussed ... at such great length” in the 1954 *Brown v. Board of*

*Education* case.<sup>81</sup> Later, Gitelson added, “If that isn’t separate but equal, Mr. Halverson, I can’t reason.”<sup>82</sup>

On February 13, in the midst of the *Crawford* proceedings, the CSBE, by a unanimous vote of 9 – 0, took the unprecedented step of defining a racially imbalanced school, by amending the California State Administrative Code, which had the effect of California law.<sup>83</sup> According to the CSBE, a school was racially imbalanced “when its minority student enrollment differs by more than 15% from the percentage of minority youngsters of the school district in which its is located.”<sup>84</sup> The *Los Angeles Times* reported, “The hard-and-fast definition of racial imbalance – the first in the nation – was adopted by the State Board of Education. The action puts new teeth in California’s integration laws, forcing school districts to move against segregation of students.”<sup>85</sup> The amended codes also required districts to conduct a study and to “consider possible alternative plans” if the percentage of minority students in a school differed “significantly” from a school district’s average.<sup>86</sup> The factors to consider if an “alternative” plan was feasible included: school location; attendance boundaries; population trends; the state board’s designation of integration as a “high priority”; and the “effect of such alternatives on the educational program.”<sup>87</sup>

The amendment guidelines had very practical purposes. For one, the guideline was designed “to implement statutes adopted by the Legislature” that could be changed “only by vote of the state board.”<sup>88</sup> Although Judge Gitelson was well aware of the prospect of these guidelines, how the guidelines would affect the ruling in *Crawford* remained unknown. The *Los Angeles Times* reported that the guidelines provided Judge Gitelson “an explicit definition of what racial imbalance” was that would help him decide whether to order LACBE to racially balance its schools.<sup>89</sup> Moreover, the CSBE’s actions provided “the state with a firmer basis for taking school districts to court and for cutting off funds if they fail[ed] to comply with its new provisions.”<sup>90</sup> To date, Judge Gitelson was figuring out whether to accept the ACLU’s definition of a racially unbalanced, which defined a school with 50% or more minority students as racially unbalanced.<sup>91</sup> Lastly, the definition provided guidelines about what segregation meant “in numerical terms” that had not been resolved in *Crawford*.<sup>92</sup>

The new “racial balance” guidelines prompted Judge Gitelson to delay the trial for two weeks to grant LACBE an opportunity to study the guidelines and decide whether it was “legally bound by the new code provisions and whether they required the district to prepare new

integration plans.”<sup>93</sup> Judge Gitelson told LACBE attorneys to return on March 4 with an “unequivocal position” on the new State Administrative Code.<sup>94</sup> ACLU attorney Berman objected because the amendments were full of what he referred to as “loopholes,” and even if they were feasible, he contended, the district’s “history of inaction” would result in the case to return to the courts.<sup>95</sup>

During a press conference on Monday February 24, LACBE President Reverend James E. Jones, speaking on behalf of LACBE, resoundingly rejected the new CSBE “racial balance” guidelines.<sup>96</sup> The *Los Angeles Times* reported that LACBE had “no intention of moving 160,000 students at a cost of \$100 million to bring the Los Angeles city school system into full compliance with new state integration regulations.”<sup>97</sup> While claiming that the new racial balance guidelines were “somewhat unclear,” he also alleged that the CSBE “did not mandate this kind of action by local districts,” and added that LACBE was complying with “the spirit” of the new guidelines, exemplified by its integration policy and integration plans adopted a year before.<sup>98</sup> He also blamed the district’s size, remarking, “I’ve been asking for a long time, ‘How do you integrate a system spread out over nearly 500 square miles where its two most distant schools are 70 miles apart?’”<sup>99</sup> While granting that many district schools directly violated the 15% requirement, he declined to speculate how the guidelines would affect *Crawford*.<sup>100</sup>

After six months of testimony, the trial ended in May 1969, with both the petitioners’ and LACBE’s counsel vowing to appeal Judge Gitelson’s decision to the State Court of Appeal and then to the Supreme Court if necessary, signifying that a final resolution could take several years.<sup>101</sup> Judge Gitelson granted lawyers four months to submit their final arguments, promised a decision within a month afterwards, and, if he ruled against LACBE, order the school board to develop a comprehensive integration plan.<sup>102</sup> Petitioners’ counsel Berman later submitted a 525-page memorandum summing up his clients’ claims: Los Angeles City School District schools were segregated; LACBE’s segregated educational system was the “very antithesis of equality of educational opportunity”; that the district “knowingly maintained a segregated school system by slavish adherence to the neighborhood school policy”; and that LACBE “should be found egregiously guilty of bad faith.”<sup>103</sup> LACBE counsel disagreed and argued that “equal educational opportunity—the concept on which integration is based—has never been clearly defined.”<sup>104</sup> The *Los Angeles Times* elaborated, “The only reasonable approach, the schools said, is to provide

services ‘within the financial constraints’ of the district which will enable students to develop their abilities to the maximum.”<sup>105</sup>

Moreover, LACBE counsel also advocated another alternative that called for providing additional educational services “so there would be equal educational achievement among all racial, ethnic, and socioeconomic classes of students.”<sup>106</sup> However, on this point, the Los Angeles School District disagreed with its own attorneys, claiming that “students of various social, cultural, or ethnic groups may have distinctively different mental abilities.”<sup>107</sup> The district, though, differentiated between social, cultural, or ethnic intelligence and “racial” intelligence.<sup>108</sup> “But on the important point of racial intelligence, the district said it does not contend there are ‘distinctive ethnic-group patterns of abilities’ nor that there are not such patterns,” the *Los Angeles Times* reported.<sup>109</sup> On this issue, the district claimed to be “agnostic.”<sup>110</sup>

Lastly, LACBE counsel submitted to Judge Gitelson that LACBE found “wholly unconvincing” evidence backing “another tenet of integration – that student achievement is related to the racial composition of the student body.”<sup>111</sup> “The board concedes the possibility that students tend to perform better academically as part of a student body emanating predominantly from families of the middle or higher socioeconomic class,” LACBE counsel wrote.<sup>112</sup> But LACBE did not “conceive it to be its constitutional obligation to create student bodies having the best possible socioeconomic composition,” instead believing that “individual student achievement is based more on the quality of ‘tangible’ inputs such as books, teachers, class size and so forth.”<sup>113</sup> LACBE attorneys contended that it would make “little sense” to diminish these “inputs” in order to “equalize the socioeconomic class of student bodies.”<sup>114</sup> LACBE counsel asserted that integration would require a “large-scale involuntary bussing program” with costs estimates between \$20 and \$40 million per year. They argued “that while this course of action “might have a beneficial effect,” it would “substantially reduce the level of academic achievement for all pupils—minority or majority, advantaged or disadvantaged.”<sup>115</sup>

As Judge Gitelson examined the evidence in *Crawford* to reach his decision, LACBE continued to tout its desegregation efforts despite their limitations. But on June 10, 1969, the Office of Urban Affairs (OUA) submitted a report to LACBE about the district’s lackadaisical voluntary busing programs on which LACBE relied to make claims of commitment to desegregation.<sup>116</sup> In September 1968, the voluntary busing program had a total of 549

participants.<sup>117</sup> During the 1969 academic year, the district transported a grand total of 925 students to fifty-eight participating schools.<sup>118</sup> These were dismal figures considering the student population in the district numbered about half million. School officials, however, deemed the program a success.<sup>119</sup>

While awaiting the results of the trial, the Los Angeles City School District remained attuned to school desegregation cases throughout the nation, and it became apparent that the United States Supreme Court and the California Superior Court rulings were at odds over desegregation. In October 29, 1969, the United States Supreme Court ordered the immediate desegregation of thirty Mississippi school districts in *Beatrice Alexander et al. v. Holmes County Board of Education et. al.*<sup>120</sup> This ruling exemplified a federal judicial penchant to order desegregation to remedy *de jure* segregation. This legal proclivity did not extend into what one superior court judge deemed *de facto* segregation. In a Bakersfield, California desegregation case, Superior Court Judge Kenneth Andreen intended to refuse to “order integration of the 24,000 students in the Bakersfield School District.”<sup>121</sup> He based his tentative ruling on the notion that “there is not yet a body of federal appellate opinion which holds that *de facto* racial imbalance innocently caused by residential patterns violates the students’ rights to equal protection under the law.”<sup>122</sup> Judge Andreen added, “However, these pathways should be blazed by the appellate courts, not the trial courts.”<sup>123</sup>

Busing opponents in California engaged in an all-out effort to circumvent the courts and obtain enough signatures for an initiative outlawing “school districts from busing students for purpose of integration without written permission of parent or guardian.”<sup>124</sup> On November 6, 1969, William G. Oxx, III, a teacher at William Howard Taft High School in Woodland Hills in the San Fernando Valley, pleaded with LACBE to adopt a motion in support of the initiative.<sup>125</sup> Board members Ferraro and Chambers backed the initiative.<sup>126</sup> Hardy opined that the matter should be left to the local school boards and should not be part of the State Constitution. Board member Docter expressed that it would be inappropriate to make a decision in light of the pending ruling in *Crawford*. LACBE President Gardner opposed the motion because “it would be a misuse of the initiative process and that the interpretation of such a rule would involve school districts, parents, and others in endless litigation.”<sup>127</sup> LACBE defeated a motion to support the initiative by a 3 to 3 vote, as approval necessitated a majority.<sup>128</sup>

Previous correspondence to LACBE showed that the San Fernando Valley, a key source of anti-integration and anti-busing sentiment, was not a political monolith against integration through mandatory busing, but some Valley residents continued to convey their approval of voluntary busing programs. In response to a recent voluntary LACBE busing integration program, Reverend William E. Steel of the Woodland Hills United Methodist Church expressed his congregation members' approval, and "overwhelming endorsement of and appreciation for this program."<sup>129</sup> Mrs. Morton Denker, a parent from Prairie Street School in Northridge, a "receiving" school, professed, "[O]ur children – the receiving children – have been very much enriched by the integration which has taken place. We do not want our children deprived of this educational opportunity."<sup>130</sup> Although Denker appreciated integration accomplished by busing African American children to a majority white school in the San Fernando Valley, she based her positive outlook about busing on the voluntary aspect of the program, the one-way minority busing to her child's school.<sup>131</sup>

Marilyn S. Bendat, a West Valley area resident, argued that segregated housing patterns in her community had negatively affected the education of white children there. Despite its "middle-class appearance," Bendat described her community as "deprived" due to "housing patterns that have not been open to citizens of the 'wrong color' for many years."<sup>132</sup> In Bendat's view, her "deprived" community had benefited from minority participation in voluntary integration efforts.<sup>133</sup> She asserted that the "positive impact" of integration had "scared the bigots ... since they have lost much of their hateful ammunition when they see their young children refuse the stereotyping and lies and replace it with meaningful and rich exchanges that will endure for years to come."<sup>134</sup> Racial homogeneity, Bendat's reasoned, produced hate and fear, but integration could help ameliorate these problems because the next generation of white children would understand children unlike themselves.

In a December 15, 1969 LACBE meeting, a plethora of pro-integration groups pleaded with the school board to make "all possible efforts" to implement integration in Los Angeles schools. Representatives from civil rights, community, religious, and women's groups and neighborhood councils, plus a student from Baldwin Hills Elementary, all spoke before LACBE attempting to persuade the board to implement its integration policy.<sup>135</sup> The ACLU and the NAACP-UCRC awaited Judge Gitelson's decision and opted not to attend the meeting. This was the last of the "integration" board meetings before Judge Gitelson handed down his decision.

### *Judge Gitelson Rules*

On February 11, 1970, Judge Gitelson delivered his highly anticipated ruling,<sup>136</sup> reaffirming the unconstitutionality of school segregation as outlined in the *Brown v. Board of Education* ruling, and furthermore by finding the differentiation between *de facto* and *de jure* segregation irrelevant. Judge Gitelson ruled:

The word “segregated” as it refers to schools, and the words “segregated school”, without further description or elaboration thereof, such as “de jure” or “de facto” or “white”, denote a school or schools in which the minority group (i.e., Negro, Mexican-American and Orientals) comprise all or substantially all or substantially in excess of fifty per cent of the student body of such school or schools.<sup>137</sup>

Judge Gitelson rejected the board’s argument that it had not created school segregation, and that segregation had occurred naturally, i.e. *de facto*. Though LACBE endorsed school desegregation policy in 1963 and again in 1967, it had not implemented any substantial plans toward that goal. Gitelson found that LACBE and the Los Angeles City School District had purposely segregated the schools and had done so in bad faith. Moreover, Gitelson ruled that “partial integration of the District would not be effective; and, ‘that the only way to have effective integration is at least district wide.’”<sup>138</sup> Although Judge Gitelson found *de jure* segregation, he ultimately based his decision on *de facto* segregation. The ruling in *Jackson v. Pasadena School District* had in effect made the distinction irrelevant *in California*. Segregation in public schools, whether it was *de jure* or *de facto*, was unconstitutional. Judge Gitelson ruled that LACBE had violated the Fourteenth Amendment by assigning minority students to segregated schools and denying them equal protection and equal opportunity.<sup>139</sup> Judge Gitelson awarded \$65,000 in fees and court costs to petitioners’ counsel, and maintained jurisdiction.

The writ of mandate included three key elements. First, Judge Gitelson ordered LACBE to submit a “realistic master plan” by July 1, 1970 “for prompt achievement of districtwide integration, conforming to the state formula insofar as possible, but at a minimum providing every school not more than 50 and not less than 10 per cent minority enrollment.”<sup>140</sup> Second, LACBE would begin implementing the integration plan in September 1970. Third, Gitelson ordered LACBE to implement the “master integration plan” completely by the September 1971 to June 1972 academic year.<sup>141</sup>

### *LACBE Vows to Appeal*

LACBE and the Los Angeles City School District responded swiftly and defiantly against Judge Gitelson's ruling. LACBE President Arthur Gardner went on radio and television to tell Angelenos that an appeal was likely.<sup>142</sup> In a press release titled "City School Board Expected to Appeal Integration Decision," Kelly reiterated the district argument's that "the racial composition of its schools is the result of housing patterns and not any board policy."<sup>143</sup> This proclamation both ignored the basis of Gitelson's ruling, which expressly stated that the differentiation between *de jure* and *de facto* was irrelevant. He also explained that an appeal was in order because it was necessary "for the courts to establish once and for all what government policy is to mandate racial balance," a policy which he claimed did not exist.<sup>144</sup> He alleged that appealing Gitelson's decision did not mean that the district opposed integration.<sup>145</sup>

LACBE President Garner echoed Kelly's sentiment, and suggested that not only would LACBE appeal the order, but also that it was willing to take the case all the way to the United States Supreme Court.<sup>146</sup> Board member Nava, the lone Mexican American on the board, opposed immediate integration efforts towards full integration and remained concerned about the costs of integration. Nava supported an appeal because he wanted to challenge Judge Gitelson for not differentiating between *de jure* and *de facto* segregation, and because he worried that integration would result in a loss of Title I funds for minority target areas.<sup>147</sup> Speaking to reporters after meeting with the executive council of the California Federation of Teachers, AFL-CIO, Nava expressed, "But I think we must find a way to join the ideal and the legal necessity [of integration] with practical considerations."<sup>148</sup>

On February 16, board members Robert Docter and Georgiana Hardy cautioned against appealing the Gitelson decision immediately.<sup>149</sup> Docter believed that LACBE should work out a desegregation plan quickly instead of pursuing a lengthy, costly, and possibly unsuccessful appeal.<sup>150</sup> Hardy remarked that an immediate appeal "would be paramount to a statement that we are against integration, and that would be tragic."<sup>151</sup> Hardy cautioned the board members to study the order carefully instead of going ahead with the appeal, and to consider "possible solutions other than an appeal."<sup>152</sup> However, most of LACBE's makeup remained opposed to substantial integration, which it equated with mandatory busing.<sup>153</sup> LACBE member Ferraro countered that *Brown* did not translate to busing, a "socialistic idea" that would add to air pollution.<sup>154</sup> By a 5-2 vote on February 16, 1970, the school board defeated a motion submitted

by Hardy and Docter to delay appealing Judge Gitelson's order for one month.<sup>155</sup> Then LACBE promptly passed a motion by the same vote granting the superintendent and the board's legal counsel the authority to file an appeal.<sup>156</sup>

This motion forced board members to confront each other on the integration issue. For example, when Dr. Docter questioned the board's commitment to integration, LACBE President Gardner replied that "the actions just taken [the 5-2 vote to appeal] has in no way reversed the standing Board policy on integration, equal educational opportunity, or any of the ramifications of the question."<sup>157</sup> LACBE's contradictory positions, *having a policy in support of integration* but *appealing* a court order to integrate, served as the basis of LACBE's rejection of Gitelson's order.<sup>158</sup>

LACBE's plans to appeal Gitelson's ruling concerned the ACLU's Bayard Berman. He explained, "I am personally disappointed and surprised that within a few hours (of Superior Judge Alfred Gitelson's decision Wednesday) their immediate reaction was that they would appeal."<sup>159</sup> Although granting that lower courts had failed to agree on the legal duty of school boards to eliminate *de facto* segregation, he asserted that LACBE was not justified in appealing because "the law of the land mandates integration."<sup>160</sup> He called on LACBE to follow the example of the Pasadena school district, which had declined to appeal a federal court order to integrate its schools.<sup>161</sup> Berman also conveyed concerns about how the public would receive the Gitelson decision and placed some of the responsibility squarely on the district's leadership.<sup>162</sup> Berman declared, "If they are scare mongers, then we will have some who will get worried. If the facts are brought out and enlightened leadership exercised, then I don't think anybody is going to move away from Los Angeles (to escape integration)."<sup>163</sup>

*Crawford* garnered the attention of several state attorney generals from the South who sided with the ACLU's calls on LACBE to desegregate. On April 10, 1970, as LACBE counsel Jerry Halverson submitted objections to Gitelson's ruling, the Attorneys General of Alabama, Louisiana, and Mississippi appeared in Judge Gitelson's courtroom to side with civil rights attorneys. Mississippi's Attorney General, aware of his state's history of racial hatred, expressed that the segregation plan required by law in his state should be "required of the Los Angeles City Schools" and offered a busing plan to the court to "cover the 711 square miles" of the LACSD.<sup>164</sup> Overruling Halverson's objections, Judge Gitelson stated that the Court "would be pleased to

receive any support which Mississippi might be in a position to provide with respect to legal briefs or methods of desegregation.”<sup>165</sup>

On May 12, 1970, the same day the Court filed and served its Findings of Fact, Conclusions of Law, and Order, LACBE formally appealed Judge Gitelson’s decision.<sup>166</sup> Although LACBE did not have policy opposing school integration, LACBE’s appeal of Gitelson’s order delayed implementation of an integration plan, and had the effect of anti-integration policy. The board’s appeal exposed an obvious schism between its proclamations of support for integration, on the one hand, and its opposition to an integration ruling given that it had implemented largely ineffective, limited, voluntary desegregation strategies.

### *Los Angeles Public Opinion about Integration, Busing, and Equal Education*

Three months after the Gitelson decision, researchers from UCLA’s Institute for Social Science Research delved into the desegregation issue by studying the attitudes of Black, Mexican American, and “white-Anglo” members of the adult population. Specifically, the researchers asked question about the “three alternative remedies” associated with providing equal educational opportunities for minority students: desegregation and busing, compensatory education, and decentralization (community control).<sup>167</sup> They interviewed 1,000 individuals “in a household sample of selected census tracts throughout Los Angeles County” in order “to generate a sample stratified by race and ethnicity as well as by socioeconomic status.”<sup>168</sup> Of the 1,000 persons, they analyzed the answers of 676 persons who resided within the Los Angeles School District and represented Blacks, Mexican Americans and “white-Anglo sectors of the population in approximately the same proportions” as the rest of Los Angeles.<sup>169</sup>

To understand parents’ views about equal educational opportunity, the researchers asked respondents with children if they were satisfied with the educational progress of their children and whether they thought students in minority schools learned as much as those attending mostly “white-Anglo” schools.<sup>170</sup> The researchers explained that a majority of the respondents within the three racial categories expressed satisfaction, but “the proportion of blacks responding favorably was substantially lower than the proportions of Mexican-American and white-Anglos.”<sup>171</sup> They found 55.7% satisfaction among Blacks, 76.6% among Mexican Americans, and 77.1% among whites.<sup>172</sup> In a related question asking parents whether students in all-minority schools learned as much as students in schools in which most students were “white-Anglo,” only

20.6% of Blacks agreed, while 60.3% disagreed. Mexican Americans' opinions varied on this question, with 34.8% agreeing, 31.9% disagreeing and 33.3% answering they did not know.<sup>173</sup> Among whites, 31.1% responded that minority students learned as much as whites students, with 47% disagreeing and 21.9% answering they did not know.<sup>174</sup>

The researchers argued that the “strong negative sentiment regarding all-minority schools among black respondents presumably reflects ... activity ... toward heightening public consciousness in the black population ... to educational problems ... both nationally and in Los Angeles.”<sup>175</sup> In a different reading of the statistics, one could argue that African Americans had negative attitudes about racially segregated minority schools providing unequal educational opportunities because they had first-hand experience.

The findings of Black community support for busing demonstrated that the African American community did not follow the Black “militants,” or “separatists,” seeking community control over neighborhood schools, a finding that surprised the researchers. Race played a pivotal role in findings about the volatile issue of busing to achieve school desegregation. In a question about support for busing to achieve school desegregation, 56.4% of Black respondents favored busing, and only 16.2% of whites supported busing.<sup>176</sup> Among Mexican Americans, only 38.5% backed busing to desegregate schools.<sup>177</sup> On a separate question about opposition to busing to achieve school desegregation, 80.8% of whites, 47.7% of Mexican Americans, and 34.9% of Blacks opposed busing.<sup>178</sup> Overall, this data suggested that a slight majority of Blacks backed busing, while both an overwhelming proportion of whites and roughly half of Mexican Americans opposed busing for desegregation.<sup>179</sup> The researchers argued that their finding on busing “suggests a durable commitment to effective desegregation among black citizens.”<sup>180</sup> Among Mexican American respondents, they contrasted, “there was a good deal of ambivalence regarding the question of busing as ... there was regarding the quality of schools serving Mexican American children.”<sup>181</sup> In a mostly tri-racial city, only a majority of Blacks backed busing.

In a question in which the researchers did not specify method of reassignment to attain racial balance, the proportion of support for reassignment increased roughly 10% across racial and ethnic groups in comparison to the respondents' support for busing to achieve desegregated schools.<sup>182</sup> In both instances, Blacks backed reassignment, while whites overwhelmingly remained in opposition to reassignment to achieve school desegregation regardless of method.

One of the more insightful findings in the survey dealt with the proportion of respondents who *avored* busing and its relationship to whether the respondents believed or did not believe that students in all-minority schools learned as much as students in schools with a mostly white student population. Among the respondents who believed that minority students learned as much as students in mostly white schools, 42.3% of Blacks, 36.2% of Mexican Americans, and 4.4% of whites favored busing. Among the respondents who did not believe students in all-minority schools learned as much as students in white schools, 62.3% of Blacks, 32.6% of Mexican Americans, and 25.6% of whites backed busing.<sup>183</sup> Although the researchers surmised that “among both black and white-Anglo respondents those who believe that students *do not* learn as much in all-minority schools are more likely to favor busing,”<sup>184</sup> the most evident finding was that Blacks backed busing more than the other groups regardless of minority student performance, while whites overwhelmingly opposed busing irrespective of whether they believed minority students learned as much in all-minority schools as mostly white schools. Additionally, Mexican Americans’ preference for busing remained roughly the same regardless of school effectiveness.<sup>185</sup>

The researchers used education level as a proxy to class and declared, “Race or ethnicity, rather than social class, appears to be the major determinant of the attitudes held by people in Los Angeles regarding school desegregation.”<sup>186</sup> Blacks from across educational levels favored busing.<sup>187</sup> Among Mexican Americans, those with less education were more likely to support busing.<sup>188</sup> Whites, regardless of educational level, consistently opposed busing. The researchers asserted, “One of the implications of this finding is that busing between schools is likely to face as much antagonism in higher status white communities as those with blue collar populations.”<sup>189</sup> In their findings about compensatory education, 84.4% of whites overwhelmingly backed compensatory education and only 7.2% supported increased expenditures on busing.<sup>190</sup> A clear majority of Mexican Americans favored spending more on compensatory education instead of busing, 67.4% to 14.0%.<sup>191</sup> Among Blacks, 48% backed spending more on existing schools, and 25.5% supported increased expenditures on busing.<sup>192</sup> The researchers hinted that white opposition to busing across social classes accounted for the district’s emphasis on “compensatory education as a means to resolve the problem of equalizing educational opportunity.”<sup>193</sup> The researchers concluded that race demarcated Angelenos’ views on busing. They wrote:

While most white respondents felt that spending more money on minority group schools would be better than busing as a means of improving student achievement, less than half the black respondents held the same view, reflecting a continuing cleavage between those sections of the population with regard to the desegregation issue.<sup>194</sup>

### *Angelenos Respond to Gitelson's Decision*

Angelenos from various parts of the city and all walks of life responded to Judge Gitelson's ruling in myriad ways. Some linked the issue to taxes and used it to bolster either support or opposition to the order. To some Angelenos, an appeal would be costly to taxpayers and therefore, they believed the school board should proceed with integration; to others, busing would be costly, and therefore the appeal was worth the expenditure. Some politicians assailed the order and praised the board for appealing it. Los Angeles Mayor Sam Yorty called the decision "real trouble" and argued for improving the conditions in the city's economically impoverished areas instead of school integration.<sup>195</sup> Angelenos again began flooding LACBE with letters, with a small minority supporting Judge Gitelson's order,<sup>196</sup> but most opposing his decision.<sup>197</sup>

Local civil rights organizations and an important labor group applauded the Gitelson decision. The Community Relations Conference of Southern California's (CRCSC) Julian Keiser called the Gitelson decision "the first real breakthrough in Los Angeles in favor of quality integration education" and urged LACBE not to waste taxpayer money to appeal it.<sup>198</sup> The Los Angeles Urban League too hailed Gitelson's decision. The Urban League's John W. Mack stated, "For those within the neighborhood, we have had an American ideal or dream—which has been such for whites. But it has amounted to a nightmare for black people."<sup>199</sup> For that reason, the Urban League's board of directors backed Gitelson's order.

Raoul Teilhet, President of the California Federation of Teachers AFL-CIO and longtime proponent of school integration, praised Judge Gitelson's ruling. In an op-ed piece in the *Los Angeles Times*, he declared:

For the record, the American Federation of Teachers supports total integration of all our public schools. We have recognized that ours is a racist society and that one of the most effective means of combating this generation of racists is to provide a school system that reflects the true ethnic make-up of our society, and at the same time a school system that will provide our young people with a day to day experience that will successfully neutralize the influence of our racist homes, churches, and other social institutions.<sup>200</sup>

### *Mexican American Community Leaders Divided over the Gitelson Decision*

As the public survey conducted by O'Shea and others had demonstrated, Mexican Americans were divided over busing for integration, with 47% opposing and 37% supporting busing for integration. The Mexican American community's response to the Gitelson decision reflected these findings. The *Los Angeles Times* reported, "Delegates to a Mexican American political meeting said ... that court-ordered integration ... would wreck efforts to improve education in their community."<sup>201</sup> The delegates were participating at a convention organized by the Congress of Mexican-American Unity (CMAU). An attendee, Raquel Galan of Los Angeles stated, "Our Chicano kids will be blended and melted down with black and white."<sup>202</sup> Guillermo Guerrero from the Association of Bilingual County Employees in Careers (ABCEC) stated, "We are barely getting the school system to respond to us."<sup>203</sup> The *Los Angeles Times* Bill Boyarsky detailed, "Not one of 100 people attending the workshop at East Los Angeles College stood up to praise ... Superior Court Judge Gitelson's order that the schools be integrated by Sept. 1, 1971."<sup>204</sup>

Juan Gomez, who was teaching history at UCLA, expressed that "the money required to finance integration ... should be used to improve instruction and school buildings in East Los Angeles and other areas where Mexican-Americans live."<sup>205</sup> Gomez also stated that moving Mexican American children to neighborhoods "where Spanish is not understood, would hurt efforts to improve the community's pride in itself."<sup>206</sup> Alicia Sandoval, a teacher at Roosevelt High School in East L.A. concurred with Gomez's assessment, and added that Roosevelt had not been painted in twenty years.<sup>207</sup> While maintaining that integration was inevitable, Sandoval also worried about the loss of cultural identity and called on the Mexican American community to "organize to prevent destruction of such favorite programs as bilingual instruction in Mexican-American schools."<sup>208</sup> She declared, "A lot of the community doesn't realize that a lot of what we have built up will disintegrate."<sup>209</sup> The *Los Angeles Times* surmised the central theme of the event: "Integration, presumably by bussing, would end present efforts to provide Mexican American youngsters with teachers who understand Spanish and who respect Mexican American culture."<sup>210</sup> Attendees called on community organizing to convey their concerns to school district officials on integration and other issues affecting the Mexican American community.<sup>211</sup>

By contrast, the LACBE-commissioned Mexican-American Education Commission (MAEC), an advisory group to LACBE headed by Reverend Vahac Mardirosian, "strongly

endorsed the court decision ordering integration of the Los Angeles city schools,” and also “deplored the board’s 5-2 vote ... to appeal ... Gitelson’s integration ruling.”<sup>212</sup> MAEC adopted an executive committee’s recommendation that called for backing school integration “as a step to achieve quality education.”<sup>213</sup> While the commission backed the Gitelson integration order, it also insisted “that the values of ethnic identity of Chicano students be constantly fostered and his bilinguality and biculturalism be cherished and developed for his own benefit and the benefit of the Anglo child.”<sup>214</sup> Reverend Mardirosian, keenly aware of the challenges busing for integration faced, stated that his organization “may have a selling job” to win support in the Eastside community.<sup>215</sup> Emphasizing cultural pride in the African American and Mexican American communities had garnered accusations of “separatism,” but Mardirosian challenged these accusations and said that he and others like him were “not separatists and believe in an integrated society.”<sup>216</sup>

#### *Internal Divisions within the African American Community over the Gitelson Ruling*

Internal divisions over the Gitelson ruling beset the African American community. South-Central L.A. residents struggled over the Gitelson decision, offered their points of view, and expressed their hopes or concerns to the *Los Angeles Times* over a series of interviews.<sup>217</sup> African Americans largely framed their hopes in terms of improving their educational opportunities, sometimes by alluding to compensatory education, and expressed concerns about the challenges African American students would face in a new, uncharted environment if bused outside the community.

Although the ACLU filed *Crawford* to improve the educational opportunities for African Americans, African Americans disagreed about busing for desegregation. Linda Montague, an eighteen-year-old student at Fremont who worked part-time at the local post office, estimated that the student opinion about busing at Fremont was 50-50.<sup>218</sup> She worried that African American students might not be able to keep up with white students. Yet, she claimed that this peer pressure would compel some bused African American students to “try to accomplish more—to try harder.”<sup>219</sup> Montague conveyed that she wished she had been bused because “there would be a change of pace” and she could have “experience[d] more.”<sup>220</sup>

Interest in the “Negro separatists” had entered the minds of UCLA researchers who conducted a public survey, and the idea made its way into the interviews. The *Los Angeles*

*Times* asked Milford James to give his thoughts about “Negro separatists.” James stated, “Where do you go to get jobs? You have to leave the ghetto. If the jobs were in the ghetto, then fine, let the kids stay in the ghetto. Now, when (students) get out of school, they can’t find jobs.”<sup>221</sup> James conveyed that it was erroneous to remain “separate” from the rest of society, and believed that integration translated to “higher quality education.”<sup>222</sup> He declared, “If you have white-establishment parents sending their kids here, they wouldn’t stand for the services we offer now.”<sup>223</sup> Ronald Kerr, a seventeen-year-old African American student at Roosevelt High School, declared, “They say someone here will go to Fairfax ... and get a better education because the school is better. How come a student can’t get the same education here? It doesn’t make sense, really, there has to be a better way.”<sup>224</sup>

Mrs. Marie McGowan, an African American and mother of seven school-age children, favored busing because her sixteen-year-old son, an 11<sup>th</sup> grader at almost all African American Freemont High School, wanted to be a lawyer and because she wanted him to have “a better education.”<sup>225</sup> Asked if she would mind if her children rode a school bus for an hour or more, she replied, “Sure, if it’s going to better their education.”<sup>226</sup> McGowan conveyed her frustrations about the present conditions at Freemont, including a lack of books.<sup>227</sup> “Give us what we need right here and we won’t have to leave. In the meantime, there is nothing to do,” she explained.<sup>228</sup> McGowan also feared that some of the poorer students would be “embarrassed in the wealthier districts because they won’t have money. They won’t be dressed right. They might feel inferior.”<sup>229</sup> In light of all these concerns, she supported Gitelson’s order and busing.

Mrs. Delores Lane, an African American English teacher at Freemont agreed with McGowan’s concerns and questioned how busing would affect African American students emotionally and psychologically. “I always think of what happens to the youngster when you put him back in his environment,” she stated.<sup>230</sup> She asked, “Do you readjust him so he can live in his environment again? He has the business of surviving when he returns.”<sup>231</sup> Mrs. Lane detailed the experiences of two African American students who, in her words, went to high school in “whitey’s world.”<sup>232</sup> She explained, “One never adjusted and the other had strong family ties so he made the adjustment.”<sup>233</sup> According to Lane, the student who did not adjust could not “understand some of the problems other black students might have.”<sup>234</sup> She added, “He can’t get used to ghetto colloquialisms and slang. Now he has a strong John Birch American outlook. He has to learn to live in both worlds.”<sup>235</sup> Lane declared, “There is a tremendous

emotional readjustment involved.”<sup>236</sup> Mrs. Betty Gardin, an African American testing consultant, expressed mixed emotions about busing but for differing reasons. While she believed that exposure to white students would be good for some students, she doubted whether other schools would be as sensitive to the needs of other minority students as much as 66<sup>th</sup> Elementary School.<sup>237</sup>

In light of the Gitelson decision calling for integration, some African Americans wrote to the board and called for improved conditions in their neighborhood schools and protested LACBE for continuing to deny them “adequate funds needed to maintain a high standard of education in our schools.”<sup>238</sup> A small group of African Americans made another compelling accusation:

The L.A. BOARD OF EDUCATION does not and has never acted in the interest of the Black community and as a result our schools are plagued with inadequate facilities, no books, disgusting cafeteria conditions, and a lack of qualified professional teachers who can relate to the needs and desires of our children.<sup>239</sup>

Additionally, the authors charged that the bureaucratic structure of LACBE kept African Americans in a state of oppression educationally and politically. They demanded “that the entire school system be restructured so that we ... have the policy making power concerning the hiring of qualified teachers, the buying of new relevant textbooks and all activities necessary to make our schools first rate institutions.”<sup>240</sup> Their letters concluded: “WE CONDEMN THE INJUSTICES DONE TO OUR BEAUTIFUL CHILDREN BY THE L.A. BOARD OF EDUCATION!”<sup>241</sup> This small group of African Americans clamored for equal education through compensatory education and charged that the educational facilities in their community were *unequal*. Correspondence from this small group of African Americans was notable because African American individuals rarely corresponded with LACBE. The NAACP-UCRC, CORE and other civil rights, religious, and community organizations for years claimed to speak on behalf of the African American community in support for integration. This correspondence suggested an existing division between civil rights and community leadership seeking integration and African Americans seeking compensatory education.

A little-known African American community group from South-Central L.A. with “students, educators, parents, and professionals” as members, the Action Council of the California Association for Afro-American Education (CAAEE), endorsed Assembly Bill (AB)

781 introduced by California Assemblyman Leon Ralph, a bill that would strengthen community control by setting up “experimental, community-controlled school districts in minority areas where education is substandard” in California.<sup>242</sup> Frank A. Young, a co-chairman of CAAAE, stated, “Black mothers are violently opposed to bussing.”<sup>243</sup> He believed that conservative whites could support the bill because “they don’t want any part of the Gitelson decision.”<sup>244</sup> The bill, cosponsored by other influential African American politicians including California Assemblywoman Yvonne Braithwaite and Assemblyman Bill Greene (both D-Los Angeles), countered the hopes of Marnesba Tackett and other powerful and influential African Americans community leaders who fought for and endorsed integration.

The busing for integration issue divided minority communities and many of its members expressed tangible concerns as well as fears about how busing would affect their students and community. Many African American students expressed that busing would bring about better educational opportunities, while adults, many working in these schools, worried that schools outside the community would not offer African American students some of the same special educational programs. Mexican American community leaders were divided over busing. In East L.A., many students and parents opposed busing for integration, although some expressed some openness to the benefits of busing. Overall, the East LA interviewees opposed busing for reasons ranging from inconvenience to claims that East LA was already integrated enough.<sup>245</sup>

### *The Growing PWT*

The growing popularity of the Permit With Transportation (PWT) program among African Americans and Mexican Americans and the “busing” decision that frustrated many members of both communities complicated their views on the busing issue. Students from both groups participated in a rapidly growing voluntary busing programs that had tripled in size since its inception in 1968.<sup>246</sup> African American students accounted for about 75% of the 2,000 participants while “Spanish surname” students accounted for about 25%.<sup>247</sup> There were palpable positive results. The *Los Angeles Times* reported, “Children report a friendly reception at the suburban schools and are impressed with the facilities. Parents say they notice striking improvement in the kids’ homework.”<sup>248</sup> The growing PWT, a voluntary busing program, offered an alternative to compensatory education for Los Angeles’ minority communities and the children and parents willing to make the sacrifice.

### *Community and Religious Groups Oppose LACBE's Appeal*

Community and religious groups followed *Crawford* closely, and LACBE's decision to appeal prompted several groups to convey their ideas about its decision. In spite of LACBE plan to appeal, Crenshaw Neighbors Inc. (CN), an organization previously involved in efforts to keep Crenshaw area schools integrated, conveyed to LACBE its hopes of integrated schools and improved public education.<sup>249</sup> Made up of "Black, White, and Oriental" residents of the Crenshaw area, the organization stressed that an integrated school setting could improve educational quality and student safety only "if careful planning which includes administrators, teachers, parents, community leaders, and students precedes action."<sup>250</sup> CN warned, "Where such planning has been ignored or poorly implemented, trouble has invariably followed."<sup>251</sup> To avoid this pitfall, CN encouraged LACBE and its staff, in conjunction with "a broadly based citizens group," to study alternate ways to implement integration. In other words, CN did not solely support busing. If other integration strategies existed, CN would support them as well.

In favor of structural changes and "a regional and statewide approach to racial integration,"<sup>252</sup> CN believed that one possible approach to integration was through legislative intervention. They urged Reagan and the President to "fund and implement existing legislation to achieve the goal of racially integrated living."<sup>253</sup> The group's integrated living experience lay at the core of the group's anti-segregation stance. CN promoted intervention by the State of California to enforce laws against housing segregation and discrimination, while promoting legislative and monetary efforts to integrate neighborhoods. CN's statement comprised diverse ways to integrate schools, from the conservative to the very drastic, a statement representative of its diverse membership.

Religious organizations played a crucial role in the fight for civil rights in the Jim Crow South. In Los Angeles, religions organizations too played an important role in the debate over school segregation. The 3000-member Los Angeles Section National Council of Jewish Women (NCJW/LA), with its headquarters located in the heart of L.A.'s Jewish community in the Westside, also proposed that integration was an essential component of a quality education. Although the group did not focus solely on busing for integration, it asked LACBE to develop a "Master Plan for immediate action to achieve integration."<sup>254</sup> LACBE responded to the NCJW/LA by reiterating its appeal to the Gitelson decision, explaining, "Please be assured that the policy of the Board favoring the integration of the schools and our attempts to implement that

policy through all feasible means is in no way affected by the decision to appeal.”<sup>255</sup> LACBE members still did not perceive a contradiction between its district policy for integration and appealing Gitelson’s order to desegregate.

Although the San Fernando Valley was becoming the center of anti-busing sentiment, some religious organizations from the area opposed LACBE’s appeal and called for integration. For example, the Board of Trustees from the Temple Solael of Canoga Park passed a resolution on June 8, 1970 on moral and ethical grounds. The resolution partly stated, “[T]he Board ... in fostering the fundamental tenets of Jewish ethics, regards as inalienable the right of all human beings to equal opportunity. In no instance has this right been more violated than in the perpetuation of segregated public schools.”<sup>256</sup> The board of trustee’s argued that LACBE had “deliberately and knowingly failed or refused to adopt policies to correct racial imbalance” and called on the board to “give urgent priority toward a realistic master plan of integration.”<sup>257</sup>

Parishioners from the First United Methodist Church of Canoga Park (FUMCCP) opposed LACBE’s appeal and instead recommended that the board work with community groups to develop viable school integration plans to comply with Gitelson’s order.<sup>258</sup> The group’s espousal of school integration developed after its parishioners studied the Kerner Commission report, which promoted integrated schools as “a necessary element in healing the tragic divisions in our society.”<sup>259</sup> Congregation members and Van Nuys residents Mr. and Mrs. Allard Thurston clamored for expediency, believing it was “of the utmost importance that integration of the city schools be achieved as quickly as possible” to ensure the implementation of a viable desegregation plan.<sup>260</sup> Stalling integration, whether it resulted from LACBE inaction or legal appeals, could potentially jeopardize any serious integration efforts.

### *Reagan’s Anti-Busing Stance*

Locally, Los Angeles Mayor Sam Yorty stated that there would be “real trouble” unless the court and the district took a more moderate approach to integration because mandatory busing was “so explosive that it could polarize public opinion to the point of setting the nation against itself.”<sup>261</sup> The *Los Angeles Times* reported, “Yorty urged programs to erase ghettos, rather than bussing to achieve school integration.”<sup>262</sup> Another formidable opponent of mandatory busing for school integration joined to fight the Gitelson order: California Governor Ronald Reagan. Reagan called the Gitelson decision “utterly ridiculous,” and claimed that it went

“beyond sound reasoning and common sense.”<sup>263</sup> Although the ruling called for an integration plan, Reagan remarked in a February 17, 1970 press release that the ruling “would have the effect of requiring compulsory bussing of school children throughout the Los Angeles City Schools system.”<sup>264</sup> Like the majority of LACBE members, Reagan assailed bussing for school integration, or “forced bussing,” as a waste of taxpayer money.<sup>265</sup> He charged that an estimated \$200 million of taxpayers’ money “will be diverted from this totally unnecessary and unwanted moving of children from their home neighborhoods.”<sup>266</sup> Reagan fomented fear in the hearts of residents from insulated white neighborhoods by arguing that “[m]andatory bussing will shatter the concept of the neighborhood school as the cornerstone of our educational system.”<sup>267</sup> He presented himself as the guardian of these racially isolated neighborhoods while arguing that integration through bussing would “seriously undermine all efforts to improve the quality of our public schools.”<sup>268</sup>

Reagan framed his anti-bussing argument in terms of opportunity costs. According to Reagan, the forty-two million dollars spent in the first year of the bussing plan could otherwise “pay for hiring 4,200 new teachers.”<sup>269</sup> He contended that the court ruling would make bussing mandatory “at the expense of such educational items as new classrooms, books, instructional aids, and maintenance.”<sup>270</sup> Reagan sought to cultivate opposition to integration beyond racially isolated white neighborhoods and into minority neighborhoods satisfied with their neighborhood schools and compensatory education, as well as the district’s teacher’s union. He sought to obscure existing racial and class divisions in a diverse populace by laying the groundwork for a consensus against bussing for integration. He claimed that the “implications of this judicial ruling” were a deep concern to “most Californians, of all ethnic backgrounds, in every sector of the state.”<sup>271</sup> By calling all “ethnic” groups to combat integration efforts, Reagan created or exacerbated political divisions among and within black, brown and white communities over integration and compensatory education programs, as members from these communities did not all agree on these complex issues.

To gain support against integration from minority communities who embraced bilingual and bicultural compensatory education, Reagan argued that some of the “most innovative and forward-looking projects for minority children in our public schools would be imperiled if bussing becomes mandatory.”<sup>272</sup> He asked rhetorically, “[W]hat would happen to the vital teaching program for youngsters of Mexican descent in Los Angeles schools...?”<sup>273</sup> Likely

aware that bilingual and bicultural education represented one of the East L.A. students most cherished demands in the 1968 protests, Reagan stressed that “[m]ore than 600 bilingual specialists have been assigned to neighborhood schools in Spanish-speaking areas of the city to assist in resolving these youngsters’ language problems—at the most critical period in their educational lives.”<sup>274</sup> Reagan concluded, “It is no wonder that so many parents of Mexican descent are opposed to bussing.”<sup>275</sup> Indeed, Sal Castro, the Lincoln High School social studies teacher instrumental in the planning of the East L.A. student protests, opposed busing. Reagan’s arguments could resonate in the Mexican American community and had multiple purposes: 1) to argue that integration would destroy Mexican American neighborhood schools and undermine the educational improvements the community had gained; 2) to create divisions and potentially hostility among minorities as each community had varying perspectives on busing and integration; 3) to appeal to the conservative, meaning traditional, tendencies within minority neighborhoods; and 4) to create a racially diverse consensus to oppose busing for school integration in Los Angeles.

Governor Reagan instructed his legal staff to assist LACBE in its appeal of the Gitelson decision and directed the California State Department of Education to “explore all possible alternatives to mandatory bussing.”<sup>276</sup> Reagan’s maneuvering earned him some scathing criticism from the ACLU’s Bayard Berman, the leading attorney for the petitioners in *Crawford*, who stated in an interview, “I think it’s pretty horrendous for the governor to make it appear that this decision is way outside judicial authority.”<sup>277</sup> Reagan transformed busing and school integration into viable political issues beyond the local school district, susceptible to the impulses of California politics and the referendum. By backing bicultural and bilingual programs and *voluntary* busing, Reagan attempted to deflect accusations of racism. Reagan claimed that racial imbalances might have existed, but that segregation did not exist, thus challenging the findings of Judge Gitelson.

#### *State Wavers on Busing and Integration Guidelines*

Reagan seized on the political benefits of opposing busing. LACBE counsel Halverson went to Reagan as well as other state officials, including the California legislature and the California State Board of Education, for help to fight the Gitelson order.<sup>278</sup> California Assemblyman and staunch anti-buser Floyd Wakefield of South Gate proposed Assembly Bill

231, which would ban “forced busing for integration” and required written approval from a parent or guardian to bus any child.<sup>279</sup> The California Legislature *passed* this anti-busing act, known as the Wakefield Act. However early in 1971, the California Supreme Court upheld the legitimacy of parent or guardian consent only, but effectively overturned the Wakefield Act’s anti-busing objective.

A now conservative state agency clamored against busing for the purpose of integration. The California State Board of Education (CSBE), now packed with Reagan appointees, took on code provisions 2010 and 2011. In an unprecedented step, without public notice or hearings, CSBE repealed the “15%” integration guidelines during an emergency meeting and accompanied the repeal with a policy statement opposing mandatory busing for integration. It was the first time since 1962 that California schools did not have a policy on “racial balance.”<sup>280</sup> A former state board member, Nathaniel S. Colley, asked and was granted a temporary injunction to halt these efforts. In April, the *Los Angeles Times* reported that “a CSBE committee voted 8 to 0 to establish a policy which, in effect,” neither required nor prohibited local districts from busing students to achieve racial balance.<sup>281</sup> However, the committee explained that their recommendation should not be “construed as forcing a pupil who objected to bussing to go to a school outside his attendance area.”<sup>282</sup> While the official policy meant to convey impartiality, this CSBE directive had the effect of endorsing the idea of voluntary busing, and undermining mandatory busing.<sup>283</sup>

In a victory for integrationists, California Assemblyman William Bagley ensured the core intent of code provisions 2010 and 2011 when he introduced Assembly Bill (AB) 724, which would not allow the repeal of state support for integration by the State Board of Education. In 1971, the bill became law.<sup>284</sup> However in a May 4, 1972 letter, Governor Reagan wrote to Assemblyman Bagley about AB 724:<sup>285</sup>

Some confusion still exists regarding the meaning of that bill. There are many parents who are writing to me who mistakenly believe that this bill supports a mandatory bussing program. It is my firm opinion that the bill did not change the existing substantive law in California. Instead, it merely confirmed the authority and the affirmative duty of local school districts to deal with racial imbalance, rather than have the courts interfere.<sup>286</sup>

Reagan asserted that mandatory busing “has not improved the quality of education,” and “has divided people rather than bringing them together.”<sup>287</sup> According to Reagan, AB 724 placed

the responsibility “for solving problems of racial balance in local school boards -- which is where it belongs.”<sup>288</sup> However, while Reagan opposed mandatory busing and court “interference” even though the CSBE had intervened on the issue on his behalf, AB724 did not preclude court action and intervention if necessary.

Keenly aware of the national debate over busing and Nixon’s concurrent anti-busing crusade, Reagan praised Nixon for calling for a mandatory busing moratorium applicable to federal court cases.<sup>289</sup> Reagan and the many Californians who had written to him complaining about AB 724 were horrified at the prospect of court-ordered “mandatory” busing. Yet, even according to Judge Gitelson’s order, the responsibility of developing and implementing a desegregation plan remained with LACBE. The court only intervened to enforce implementation of a desegregation plan.

LACBE received a wave of correspondence opposing AB 724 and mandatory busing, even though the bill did not demand mandatory busing.<sup>290</sup> The Tweety Elementary School Advisory Board, which convened at the Grace Bible Church in South Gate, stood “united against the implementation of AB 724” and charged that AB 724 would “remove the right of freedom of choice by mandating specific attendance at local neighborhood schools.”<sup>291</sup> The Tweety Advisory Board also believed the law would not only “destroy the neighborhood school concept,” it would remove “local control and [place] the authority for attendance boundaries in the hands of the Department of Education and the Superintendent of Public Instruction.”<sup>292</sup> They proclaimed, “We are opposed to this removal of our freedom!”<sup>293</sup>

After the California Supreme Court deemed the Wakefield Antibusing Act unconstitutional, Assemblyman Wakefield proceeded to offer an *initiative* that would repeal California code provisions calling for the elimination of segregation, and ban racial censuses and mandatory planning for integration, the Neighborhood School Initiative.<sup>294</sup> The initiative included language resonant with the civil rights movement, and partly read: “No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school.”<sup>295</sup> Although the initiative included civil rights language, the Wakefield Antibusing Act would have the effect of allowing school segregation in the state, would stop desegregation efforts, and would supersede Judge Gitelson’s 1971 *Crawford* decision. In early February 1972, LACBE heard from community groups, including the CRCSC, which opposed Wakefield’s initiative, as well as two representatives from the San Fernando Valley who endorsed it.<sup>296</sup>

LACBE voted not to endorse the Wakefield initiative by a 5 - 2 vote, with Chambers and Ferraro in support.<sup>297</sup>

In the November 1972 ballot, the Wakefield initiative was identified as Proposition 21, and required repealing education policies calling for the prevention and elimination of racial and ethnic balance in schools and racial and ethnic censuses. In September, LACBE member Hardy submitted a motion *in opposition* to Proposition 21. Although the district did not have “forced busing,” Hardy opposed the proposition because it “would repeal existing legislation which is in the best interests of the school districts of the State of California.”<sup>298</sup> The board voted in opposition of Proposition 21 by a 5 - 1 vote, with Chambers alone in support of the proposition.<sup>299</sup> Yet, in November 1972, California voters passed the initiative by almost a 2 to 1 margin, with 63% of the votes in support.<sup>300</sup> The NAACP and the ACLU immediately challenged the constitutionality of Proposition 21.

While LACBE members, the superintendent, and their legal representatives portrayed themselves as fiscally conservative, the school district would be responsible for allocating considerable resources – funds, time, and effort – to challenge Gitelson’s order. Otherwise, LACBE and the district could use some of these resources to develop and implement a busing plan. The board faced a choice that would clarify its stance on school desegregation irrespective of its pro-integration rhetoric. Would the district use taxpayer money to engage in a protracted and costly legal fight to challenge the court order requesting the implementation of a district-wide integration plan? LACBE chose to challenge Judge Gitelson’s order. Reagan, who also portrayed himself as fiscally conservative and promised to use his office to fight integration, also chose to use state resources to defeat busing.

### *Constructing Parameters around the Civil Rights Movement: Crawford and Busing on the National Stage*

The *Crawford* case in Los Angeles was a critical part of the broader civil rights movement that challenged racial segregation in public schools regardless of cause. After the *Brown* decision of 1954, many civil rights organizations brought lawsuits against school districts to comply with *Brown*, particularly outside the South. Some districts appealed the decisions, while others complied. In part, orders to bus students took into account the racial and residential patterns within a given district. Civil rights organization won desegregation cases in San

Francisco, Sacramento, Denver, Detroit, and Charlotte-Mecklenburg, with integration attaining varying degrees of success.<sup>301</sup> Closer to Los Angeles, school integration went into effect in Pasadena, Inglewood, Riverside, Santa Barbara and several Orange County school districts including Fullerton, Placentia, La Habra, and Santa Ana. Some parents in these areas at first opposed integration, sometimes violently, but gradually acquiesced.<sup>302</sup>

The *Crawford* case in Los Angeles and California politics surrounding the case began to take on national significance. Although *Crawford* took place in a state court, the Gitelson decision took on issues of national importance, and federal agencies previously in favor of integration to remedy *de jure* segregation criticized the ruling as going too far. The *Los Angeles Times* reported, “Federal authorities were stunned ... by what they understood to be the scope of the Los Angeles school desegregation decision. They feared that, if eventually upheld by the Supreme Court, it could produce a new national crisis in education.”<sup>303</sup> Federal officials, the *Los Angeles Times* explained, were “taken aback” because Gitelson ruled that it was the duty of every school board “to provide integrated education ... The duty of the board is affirmative, not negative.”<sup>304</sup> Federal official could not recall if there was a court precedent calling for “affirmative” desegregation.

Robert Finch, HEW Secretary and other officials, criticized the *Crawford* decision for going “beyond Supreme Court rulings” and federal law, for not differentiating between *de jure* and *de facto* segregation, and for being “totally unrealistic.”<sup>305</sup> The *Los Angeles Times* elaborated on the federal response: “The immediate shock here was occasioned by visions of untold sums that would be needed for thousands upon thousands of school buses throughout the United States if the decision became applicable nationally.”<sup>306</sup> In the past, there were as many as 100,000 school boards in the United States that in time consolidated into larger districts numbering less than 20,000 “for the economic benefits to be derived by pooling resources and reducing activities.”<sup>307</sup> Federal officials worried that this trend would begin to reverse and neighborhoods would “break away from large consolidated district to form their own districts to prevent having their children bussed to distant parts of a city.”<sup>308</sup> As a result of decreased consolidation, the educational costs in the school districts would “rise and education might suffer.”<sup>309</sup> The scope of the case extended into state and federal politics when Superintendent Kelly and LACBE President Gardner sought help from state and federal agencies to stay the order.

Two months before he was assassinated, a reporter asked President John F. Kennedy, “Mr. President, as a parent do you think it is right to wrench children away from their neighborhood family area and cart them off to strange, far-away schools to force racial balance?”<sup>310</sup> President Kennedy’s reply contained two disparate, contradictory components. He said he opposed mandatory busing but at the same time he contended that the decision remained a local matter. President Kennedy stated, “Well, the question, as you described it—I would not approve of the procedure you described . . . now a lot of these, of course, depend on the local school districts, and I would have to see what the situation was in each district.”<sup>311</sup> President Kennedy continued explaining, “But I would not have any hesitancy in saying no to your question. I would not approve it. But this in the final analysis must be decided by the local school. This is a local question.”<sup>312</sup> President Richard Nixon too opposed mandatory busing to achieve racial balance<sup>313</sup> and supported appealing Judge Gitelson’s decision while at the state level, Governor Reagan supported the anti-integration and anti-busing banner in Los Angeles carried by Assemblyman Wakefield and the South Gate City Council.

On March 24, 1970, within a month after the Gitelson decision and a month before the unanimous April 1971 Supreme Court decision in *Swann vs. Charlotte-Mecklenburg School District*, President Nixon embarked on an anti-busing crusade.<sup>314</sup> Nixon called the Gitelson decision “the most extreme judicial decree so far” that “would divert such sums of money to noneducational [*sic*] purposes and would create such severe dislocations of public school systems, as to impair the primary function of providing a good education.”<sup>315</sup> In his statement, Nixon criticized Southern-style *de jure* segregation. However, Nixon believed *de facto* segregation was an entirely different matter not subject to court oversight. To neutralize charges of racism, he called for the elimination of segregation among teachers, espoused *quality* education, and if necessary, supported funding special programs for disadvantaged urban areas.<sup>316</sup> In other words, Nixon favored compensatory education in racially segregated schools instead of integration. He also believed that local school boards deserved to have the ultimate authority over school matters, that the neighborhood school was paramount, and that the law should be colorblind.<sup>317</sup>

Nixon proposed federally funded compensatory education programs in “racially impacted areas,” allocated \$500 million for the programs, and asked Congress to allocate another billion in 1971.<sup>318</sup> This strategy served multiple purposes: 1) to counter charges of racism against his

administration by civil rights groups and minorities; 2) to create divisions within and among minority and civil rights group on the integration issue; 3) to solidify political clout among the white voting majority nationally; and 4) to legitimize “equalizing” educational opportunities for minorities in racially isolated neighborhood schools through compensatory education.

In the United States Congress, U.S. House Representative James C. Corman from California, representing the Twenty-Second District in the San Fernando Valley, was a vocal proponent of busing for integration, and contested Nixon’s efforts to halt busing through an anti-busing bill. Although his tenure began in 1961, by 1972 Corman had already compiled a remarkable resume.<sup>319</sup> On May 24, 1972, before the House Judiciary Committee, Corman confronted Nixon’s anti-busing efforts.<sup>320</sup> He asserted, “Mr. Chairman, appalled by the recent events which bring me before your Committee today, I urge opposition to a proposal by the President of the United States concerning civil rights.”<sup>321</sup> Corman declared:

Even when I was most pessimistic about President Nixon’s actions in 1970 and 1971, when his Administration began to dismantle the Federal apparatus [of busing] so painstakingly constructed to begin to solve the problems of social separation in the public schools, it was beyond my imagination that a President would urge the Congress to exercise its awesome power to destroy the Constitutional Rights of children who happened to be black.<sup>322</sup>

Corman was a formidable defender of busing and posed a legitimate challenge to President Nixon. Corman was well versed on civil rights, as he had helped draft the Civil Rights Act of 1964, and had served on the National Advisory Commission on Civil Disorders.

With his efforts to pass an anti-busing bill unheeded by May 1972, Nixon skillfully opted to enact anti-busing legislation by attaching anti-busing measures to a broader higher education bill. According to Caughey, anti-busing procedures “went to a measure that had been languishing in Congress for years, a federal aid to higher education bill appropriating \$21.3 billion to provide as much as \$1,400 a year to college students and matching grants to colleges. By amendments this bill was given several of the anti-busing provisions outlined by the president.”<sup>323</sup> The bill passed in the United States Senate sixty-three to fifteen, and, after being amended slightly, passed through the House 218 to 180.<sup>324</sup> Corman opposed anti-busing legislation and meticulously tracked Democratic votes. A disappointed Corman listed all “109 DEMOCRATS VOTING WRONG ON ANTI-BUSING [amendment] VOTES.”<sup>325</sup> California’s two Liberal senators voted for the bill. The bill carried a rider that set a thirty-month moratorium

on court-ordered busing to achieve racial balance unless all appeals had been exhausted, “set barriers against transfers for integration,” “severely restricted use of any federal funds for busing for integration,” “barred any federal pressure on local schools districts to bus for integration ‘unless constitutionally required.’”<sup>326</sup> The NAACP’s Roy Wilkins remarked that college students, who were disproportionately white, obtained a gift from Congress “by selling out black children.”<sup>327</sup> *Crawford* was spared from the rider’s stringent anti-busing language. The moratorium on court-ordered busing did not apply to *Crawford* because the case was tried in state court, instead of federal court.<sup>328</sup> Therefore, without a national constitutional amendment barring busing for integration, Gitelson’s order remained intact.

Regardless of the good intentions behind the votes for the higher education bill, its passing had a devastating effect on integration efforts. Previously, federal agencies and funds supported integration and busing efforts, and some school districts had spent some ESEA funds for busing to integrate. After passage of the bill, the federal government would purportedly *not interfere*, though Nixon’s recent actions made it clear that federal officials from Nixon’s White House *would interfere* by opposing busing in the courts. The net effect of federal legislation was federal support for the neighborhood school, and a lack of federal support to continue school desegregation efforts.<sup>329</sup> Integrationists in Los Angeles increasingly contended not only with opposition to integration from LACBE, the city’s district attorneys, the city council, and the state government, but also with the full weight of the Nixon White House and the federal government.

While Nixon launched political attacks against busing, he intervened in previously settled or ongoing desegregation and busing cases. Nixon asked, and the attorney general agreed, to send federal counsel to oppose the busing program in Oxnard, California, after the U.S. Supreme Court rejected an appeal of Oxnard’s busing program. Nixon’s crusade had an effect. In Inglewood, California, the school board voted 4 – 0 to halt busing for integration. Nixon paid a visit to Michigan to highlight his opposition to Judge Roth’s busing order in Detroit.<sup>330</sup> In the Presidential Election of 1972, Nixon won every state but Massachusetts and garnered 520 electoral votes compared to George McGovern’s 17.<sup>331</sup> Americans from all regions of the country voted for Nixon and overlooked problems in the Nixon White House, including but not limited to the stalemate in Vietnam, inflation, unemployment, and Watergate.<sup>332</sup>

Nixon’s strategy to stress compensatory education proved acceptable to some minority communities and leaders, and to some civil rights leaders and liberals, but not others.<sup>333</sup> In a

story titled, “Civil Rights: The Renaissance of Separate-but-Equal,” Robert J. Donovan, Washington bureau chief and associate editor of *The Los Angeles Times*, reported, “As a significant measure of what is happening, the once-repudiated doctrine of separate-but-equal is suddenly coming back into fashion in the field of public education.”<sup>334</sup> He elaborated, “Even among many white liberals and many Negroes the emphasis is shifting from enforced integration toward the ideal of improving the quality of schools in disadvantaged areas.”<sup>335</sup> In Los Angeles, this strategy translated to additional federal funding and slightly more local control. Early in *Crawford*, CORE’s LA chapter was one of the most vocal proponents of complete integration. By 1970, however, Roy Innis, the National Chairman of CORE, supported funding for compensatory education programs instead of busing for integration. He once remarked, “I say let us create two districts—one predominantly white and one predominantly black—where you now have one district. Each district will create its own board to manage the school system. Each will hire a superintendent.”<sup>336</sup> As a result, he declared, “Each [district] will be autonomous and truly equal.”<sup>337</sup> John Caughey reported that Innis referred to busing as “obsolete and dangerous to black people who want to control *their own destiny*” (emphasis mine).<sup>338</sup> Yet Innis opposed Nixon’s compensatory education proposals because they were “utterly lacking in any assurance of black control of black schools.”<sup>339</sup>

Busing for integration still had its national proponents. The AFL-CIO denounced Nixon’s anti-busing stance and voiced its support for “quality, integrated education.”<sup>340</sup> Roy Wilkins, executive director of the NAACP, accused Nixon of “leading the mob which is tearing down the concept of equal protection of the law” and called the anti-busing fervor “but another way of reinstating racial segregation.”<sup>341</sup> Lawyers and attorneys disagreed with the idea of a moratorium on busing court decisions and the limits on the justice system to desegregate schools.

### *Outnumbered Pro-Busing California Politicians*

Some members of the California delegation serving in the United States Congress backed mandatory busing, although they were outnumbered by a 3-1 margin.<sup>342</sup> California Senator Alan Cranston backed mandatory busing as “only one of many methods” to integrate, and believed anti-busing proposals represented “a sabotage of the civil rights movement.”<sup>343</sup> Cranston declared, “Under our Constitution segregated schools are inherently unequal schools and cannot be made ‘equal’ in quality ... I categorically reject the discredited and undemocratic doctrine of

‘separate but equal’ schools.’<sup>344</sup> Cranston also called for other desegregation strategies including: attendance boundary changes, building new schools, and instituting special programs.<sup>345</sup> Augustus Hawkins, an African American serving in the U.S. House of Representatives representing California’s 21<sup>st</sup> District, remarked that he accepted busing “among many techniques that can be used to end racial segregation in the schools.”<sup>346</sup> He explained, “I disagree that it should be the primary or only means.”<sup>347</sup> “High quality of education and desegregation of the schools in the context of constitutional requirements are inseparable. The two factors are one issue,” elaborated Hawkins.<sup>348</sup>

Representative Ed Roybal echoed Cranston and Hawkins’ sentiments. “It would seem reasonable that bussing could be considered as at least one of many devices that might be utilized in an effort to overcome a situation of unconstitutional racial, or ethnic segregation in the schools.”<sup>349</sup> While Hawkins perceived high quality education and desegregation as “one issue,” Roybal considered them as “twin issues” intended “to help achieve America’s agreed objective of a good education for every boy and girl in the nation.”<sup>350</sup> Roybal worried about the repercussions of racially isolated schools. “Racial segregation or ethnic or cultural isolation are not healthy phenomena in any society. The longer they are tolerated the more of a threat to the peace and tranquility of the country they will pose,” he warned.<sup>351</sup> He stated, “Time is not on our side, and the quicker we as a nation respond affirmatively to these problems and put into effect positive and constructive solutions the better for all of us.”<sup>352</sup> Congressman James C. Corman, representing Van Nuys in the San Fernando Valley, unequivocally backed mandatory busing.<sup>353</sup> He declared, “I favor taking whatever steps are necessary to comply with the constitutional requirement, whether federal or state, prohibiting racial segregation in public schools.”<sup>354</sup>

#### *A Threat to Gitelson’s Life and His Judicial Career Ends*

Immediately after Judge Gitelson’s much publicized and criticized February 11, 1970 decision, seven lawyers filed to oppose him in the judgeship election for his seat in 1970.<sup>355</sup> In the California court system a majority of judges are appointed to the bench, are subject to the recall and removal for cause, and must stand for reelection every six years.<sup>356</sup> On the typical ballot, a majority of superior court judges run unopposed, and of those who are opposed, many are reelected. The “Get Gitelson out” campaign of 1970 interrupted this usual process, and the unrelenting public attacks to defeat the “busing judge” began.<sup>357</sup> In addition to attack ads,

Gitelson received hateful, cowardly, anonymous cards and letters chastising him for his decision.<sup>358</sup>

The most cowardly and appalling of these attacks came in late April, as the police identified Judge Gitelson as the target of an assassination attempt by five men.<sup>359</sup> In an interview Judge Gitelson stated he “would not be surprised that a political figure would be made the target of some plot such as this, but I am shocked that a member of the judiciary should be singled out in this way.”<sup>360</sup> Judge Gitelson had miscalculated the high degree of opposition to integration and busing. The *Los Angeles Times* reported the astonishing cache of weaponry behind the threat: more than 250 weapons, including an arsenal of submachine guns and a grenade launcher, and 10,000 rounds of ammunition located in suburban areas, mostly in Topanga.<sup>361</sup> The police gave Judge Gitelson and his family around-the-clock protection.<sup>362</sup>

To demonstrate impartiality and respect for the election process, Judge Gitelson did not campaign for his reelection. The ACLU, the force behind *Crawford*, could not officially endorse Gitelson because they supported principles and “not individuals,” and they never endorsed candidates.<sup>363</sup> Others openly supported Gitelson’s reelection, including the *Los Angeles Times*. The county bar supported Gitelson because the fiasco surrounding *Crawford* challenged not only integration efforts but also the impartiality and “integrity of the courts.”<sup>364</sup> In the primary, Judge Gitelson received 44% of the votes, more than twice the number of his closest rival, but short of the “50% plus one vote” that would have secured his reelection.<sup>365</sup>

In the runoff election, anti-busing forces against the “busing judge” coalesced behind William Kennedy, a staunch anti-busing candidate who viewed the election as a referendum on forced busing, and Kennedy defeated Judge Gitelson by 1,020,963 to 815,538 votes, or 55.6% to 44.4%.<sup>366</sup> A disappointed Judge Gitelson blamed his loss on “enough people who are truly racists.”<sup>367</sup> He expressed, “I hope that none of the judges in any part of the country will be intimidated by my loss.”<sup>368</sup> Gitelson worried about public challenges to an independent judiciary, and declared, “I feel truly that if we aren’t going to have an independent judiciary ... then the concept that our courts must be independent in order to preserve for all people their human rights will be destroyed.”<sup>369</sup> Judge Joseph A. Wapner, the presiding judge of the Los Angeles Superior Court, challenged Kennedy’s “fitness” to the judgeship due to Kennedy’s less-than-ideal legal stance on a judge’s decision-making process, which Kennedy claimed *necessitated* a consideration of the wishes of the people.<sup>370</sup> Judge Wapner stated that Kennedy “had for now

and for an indefinite future ... disqualified himself from ever hearing any cases involving racial questions,” and proceeded to assign Kennedy to the criminal division.<sup>371</sup> Wapner explained that Kennedy expressed “his bias and prejudice on these (racial) matters” during the recent campaign.<sup>372</sup> Wapner, too concerned about an independent judiciary, explained, “Judges must follow the law as it exists. They cannot decide cases in accordance with what a majority of the public believes in at any given moment.”<sup>373</sup> Wapner concluded, “It is most important that judges not be forced to decide cases in fear of public criticism.”<sup>374</sup> After thirteen years on the bench, Judge Gitelson returned to private practice, representing one of the first political casualties in the school desegregation fight.<sup>375</sup> Kennedy, an “anti-busing” judge, replaced Gitelson but would never preside over the case. Finding a replacement for Judge Gitelson in *Crawford* became an arduous task that took several years.

### *The 1970 Racial and Ethnic Survey*

Integrationists’ calls for racial/ethnic student and teacher surveys in the early 1960s were an essential element of their calls for school integration, as the information could show if Los Angeles schools were racially segregated. At first, LACBE scoffed at the idea, deeming it unnecessary, but by 1971, the racial-ethnic survey was an annual practice. With little fanfare, LACBE released the *Racial and Ethnic Survey, 1970*, on February 1, 1971. The survey showed there were 263 segregated schools with minority enrollment of over 50% as defined early in *Crawford*.<sup>376</sup> Later, the definition of segregated school changed to include less than 10% minority. In the same 1970 survey, 137 schools failed this ten percent minority enrollment minimum. In fifty-two of the minority, segregated schools, “the shortage of whites and the presence of two or more minorities” produced the segregation.<sup>377</sup> Students of “Spanish-surname” were a numerical majority in 94 schools; “Orientals” were a majority in two schools; “Negroes” were a majority in 115 schools.<sup>378</sup> The patterns of racially isolated minority schools stretched from the downtown L.A. area to small pockets of minority schools in and near the beach communities and the northeast section of the San Fernando Valley. Caughey explained that majority white segregated schools “encircle the three outposts of segregation, fringe the heavily impacted area segregated schools of the ghetto and the barrio, and spread over nine tenths of San Fernando Valley.”<sup>379</sup>

These findings undermined the anti-integrationists' and anti-busers' allegations that students would have to be bused far away to integrate. The census made clear that distance played only a partial role, as many minority, segregated schools were located near or next to majority, white segregated schools. The censuses for the 1966-67 to 1970-71 school years also showed a trend in which the combined number of minority students would soon outnumber whites.<sup>380</sup>

*An Opportunity Lost: The Sylmar Earthquake, a "Segregated, Integrated School", and Opposition to Integration Across Racial Lines*

On the morning of February 9, 1971, a powerful earthquake of 6.6 magnitude struck the Los Angeles basin. The Sylmar Earthquake lasted only ten seconds, but killed sixty-five people. Its epicenter located north of Sylmar on the other side of the San Gabriel Mountains, the earthquake caused more than \$500 million in damage to homes, two hospitals, freeways, and a nearby dam. It destroyed or damaged beyond repair many school buildings throughout the district, with a disproportionate number located in minority communities in the central and southern areas of Los Angeles that contained some of the oldest school facilities in the district.<sup>381</sup> LACBE's response to the formidable effects of the earthquake exposed LACBE's opposition to school integration.<sup>382</sup> In a moment when LACBE could reassign children to safe schools and immediately and simultaneously integrate these schools, it chose to: 1) offer half day sessions at one school, with whites attending the morning session and minorities attending the afternoon session; 2) assign or keep minority children in unsafe buildings and overcrowded schools, and 3) set up an expensive program consisting of bungalows to replace damaged buildings.<sup>383</sup> The earthquake also gave LACBE an opportunity to test the feasibility of a popular integration strategy: voluntary student transfers

For example, about twenty miles away from Sylmar, the earthquake damaged beyond repair the main building of Los Angeles High School, the oldest public high school in the Southern California region, located at 4650 West Olympic Boulevard. Engineers condemned the school building for demolition. In response, LACBE transferred the Los Angeles High School staff and bused its 3,441 students to nearby Fairfax High School, located at 7850 Melrose Avenue, for *afternoon sessions*. The result of LACBE's ingenuity was a "segregated, integrated school," a school in which a majority white student body at Fairfax attended the morning half

sessions, while an overwhelmingly minority student population (95%) from Los Angeles High School attended the afternoon half sessions.<sup>384</sup> LACBE also created a patchwork of remedies to keep students near their attendance areas. The board phased out the use of hazardous school buildings, implemented minor attendance boundary changes, held classes in bungalows, and replaced unsafe buildings with portable buildings. Rather than assigning minority children to safe empty classrooms elsewhere, the board assigned thousands of students to unsafe classrooms by LACBE's own standards during the phase out period.

Such deliberate actions demonstrated that even a natural disaster could not persuade LACBE to integrate. Nearly ten months after the earthquake, in December 1971 LACBE instructed its staff to "examine the logistical implications and prepare recommendations for a plan which would vacate immediately all buildings which do not comply with Field Act standards."<sup>385</sup> Eleven days later, LACBE passed a resolution calling for the consideration of the district's current integration policy and racial balance when reassigning students from hazardous school buildings.<sup>386</sup>

At a moment when the safety of all children, minority and white, was at stake, some middle-class minority parents and many white parents from nominally diverse neighborhoods throughout the school district persistently opposed busing. Some white parents opposed busing children from hazardous segregated minority schools to safe predominantly white neighborhood schools, or busing their children out of hazardous neighborhood schools to safe minority schools. South Gate residents whose children attended Bryson Avenue Elementary opposed busing minority children who attended Hooper Avenue Elementary located in South-Central L.A. to Bryson.<sup>387</sup> Parents from Cahuenga Elementary, nestled in an area known today as Koreatown, then a predominantly white school but with a nominally diverse student body including children of "Spanish surname," "English surname" and Filipino, Chinese, and Japanese descent, resoundingly and unequivocally favored providing *bungalows* instead of busing minority children into their neighborhood school.<sup>388</sup>

#### *Ad Hoc Committee on Integration Update, June 1971*

With little fanfare, LACBE created the Ad Hoc Committee on Integration (AHC) for the 1970-71 academic year.<sup>389</sup> Board member Donald Newman served as chairman, joining Hardy and Gardner. In a June 28, 1971 memo, Newman reflected on the year's accomplishments

despite the board's own statistics on the low numbers of voluntary transportation. Newman's report reflected on several programs that the committee members deemed a success. He indicated that more than "30,000 young people have had educational experiences in an integrated setting" and participated in programs such as the Voluntary Transportation Program (VTP), Program for Interschool Enrichment (PIE),<sup>390</sup> Area Program for Enriched Exchange (APEX), Open School Permit Policy, and English as a Second Language (ESL).<sup>391</sup>

LACBE's AHC also served political purposes, including showing "good faith" towards desegregation on the part of the board. In *Crawford*, a point of contention between petitioners' counsel Berman and LACBE's counsel centered on whether or not LACBE had acted in bad faith when it segregated L.A.'s public schools.<sup>392</sup> Chairman Newman proposed a motion extending the services of the AHC for the 1971-72 academic year to counter charges of bad faith. LACBE members voted for it unanimously.<sup>393</sup>

One of the most conspicuous statistics involved student participation in the Voluntary Transportation Program (VTP) for integration, which Newman had listed *first* as one of the strategic integration successes. A total of 1,071 pupils participated in the VTP, roughly 3.57% of the total of more than 30,000 participants in LACBE's touted integration programs. In addition, Newman projected an increase to 1,572 students for the 1971-72 academic year, with a projected increase in Mexican American participation.<sup>394</sup> African American and Mexican American students made up the bulk of participants in the VTP, making the VTP largely minority, one-way busing program.

### *The Task Force for Educational Options*

The Sylmar Earthquake gave LACBE an unambiguous opportunity to mandatorily reassign students away from structurally hazardous schools to safe schools, and accomplish desegregation; however, LACBE chose instead to survey parents for recommendations on how to confront the issue of student attendance at hazardous school facilities. On April 13, 1972, LACBE received an important report from the Task Force for Educational Options (TFEO), a task force commissioned by LACBE a month and a half earlier in order to receive parents' recommendations "in relation to the two options available to children in schools affected by the earthquake safety measures being taken by the Board of Education."<sup>395</sup> TFEO offered staggering busing figures revealing the extensive use of busing in Los Angeles, and highlighted the limited

use of busing for desegregation in the district: “In our school system alone at the present time, some 50,000 students are transported each day for various reasons.”<sup>396</sup> Of the 50,000, “2,100 are involved in a voluntary transportation program which has been a regular activity of the district since 1968.”<sup>397</sup> As of April 13, 1972, only 4.2% served the voluntary busing program for integration, while 95.8% of busing served students for other reasons such as transporting students to neighborhood schools far away from their home as well as special-needs students.<sup>398</sup>

The TFEO polled parents from eighteen schools because “these sites will be losing classrooms, and because voluntary transportation could be considered a practical alternative to the housing problem created by the closing of these buildings.”<sup>399</sup> The task force estimated that “the willingness of 4,000” to be voluntarily bused would have eliminated “the necessity of any double or extended day sessions in these schools.”<sup>400</sup> The task force mailed out nearly 15,000 cards, and parents mailed back 9,898 cards; this amounted to an astonishing 72% response rate. Out of 9,898 responses, 2,391 parents (24.1%) indicated a willingness to have their child transported to a receiving school, while 7,319 parents (74%) preferred that their children remain “at their own local school in spite of the possibilities of double sessions or extended day classes.”<sup>401</sup> The task force reported that the responses to the poll were not representative of the feelings of “parents throughout Los Angeles, throughout Southern California, in the state of California, or the nation,” but instead represented the desires of parents “whose children’s educational futures are affected by the closure of certain buildings and classrooms.”<sup>402</sup>

Following LACBE’s past history of “colorblindness” in record keeping, the TFEO did not ask parents for their racial background, thus failing to take advantage of an opportunity to gain a better understanding of the racial and political implications of busing and student transfers as a response to earthquake damage in the district. An understanding of the racial and class implications of busing students away from their earthquake-damaged neighborhood schools to receiving schools requires knowledge of both the location of the students’ “neighborhood” schools and their parents’ responses to the TFEO questionnaire. For example, a majority of parents who responded to TFEO questionnaires from Bret Harte Junior High, which was located in South-Central L.A. and had a projected Black student body population of 94.3% for the 1972 academic year, and its feeder schools supported transferring and busing their children away from their neighborhood schools. From a total of 2,756 questionnaires mailed to Bret Harte Junior High parents and the parents of its feeder schools, parents returned 1,576 (57%) of the

questionnaires. A total of 877 parents, or 55.6%, from Harte and its feeder elementary schools responded “Yes” to transferring and busing their children to safer schools and away from their neighborhood school, and to avoid overcrowding and potential double sessions.<sup>403</sup> This finding suggested that a majority of African American parents from Harte and its feeder schools were willing to have their children bused outside the neighborhood school.

A glaring case of resistance to student transfers and busing away from earthquake-torn schools came from the parents of Bancroft Junior High School, a school that served the Hollywood Hills, an area “up in arms” over busing and whose residents were overwhelmingly white and middle-class.<sup>404</sup> The projected student population for the 1972 academic year at Bancroft was 82.8% white and 17.3% minority. More than 150 Hollywood Hills parents voiced their unequivocal opposition to student transfers and busing away from damaged neighborhood schools in a telegram to LACBE. In response to the TFEO survey, 1227 out of 1437 parents, about 85%, from Bancroft and its feeder elementary schools, responded to the TFEO questionnaires, and unambiguously opposed transferring and busing their children to other schools. Out of 1227 respondents, only forty-six parents (or 3.7%) were willing to have their children transferred to another school, while 1162 (94.7%) opposed the notion of transferring their children to another school.<sup>405</sup>

Responses from parents of children attending Cahuenga Elementary provided a glimpse of what occurred when a neighborhood was somewhat diverse. At Cahuenga Elementary, the student population was 65.8% white and about 34.2% minority.<sup>406</sup> Parents from Cahuenga previously had voiced to LACBE their opposition to busing their children away from the school in eighty-eight letters. These letters showed a moderately diverse racial and ethnic makeup of Cahuenga parents, including individuals of “Spanish surname,” “English surname” and Filipino, Chinese, and Japanese descent.<sup>407</sup> Out of 255 Cahuenga parents polled by TFEO, 240 (94%) responded. Of these respondents, 231 (96.25%) opposed busing, while only a total of nine parents, or 3.75%, supported busing. These statistics showed that individuals of minority background who had reached a certain degree of social and economic success and lived in relatively privileged and nominally diverse neighborhoods intimately linked the community and the neighborhood school as manifestations of their economic and social success. In the Cahuenga case, the parents of “Spanish surname,” “English surname,” and Filipino, Chinese and Japanese descent coalesced to protect perceived attacks on their community and their

neighborhood school by opposing student reassignment, even if that meant *not* reassigning their children to safe schools.

The format of TFEO's questionnaire likely influenced the outcome of the polling, as it listed the receiving schools in consideration for busing. Middle-class parents of diverse backgrounds from Cahuenga Elementary knew that the receiving transfer school for their children was Marvin Elementary, which had an anticipated 95.9% Black student population. The mostly white parents of Bancroft Junior High students were well aware that the projected receiving school was Pasteur Junior High, with a 78.5% Black, 4.6% "Oriental," 4.7% "Spanish surname," and 12.1% White student population. African Americans parents of Bret Harte Junior High students recognized that their children could be transferred to majority white schools, in this case Fulton Junior High (89.2% white) or White Junior High (68.7% white plus a sizeable potential "Spanish surname" student population of 24%). Harte parents remained divided on busing, but their opposition to busing paled in comparison to opposition from parents at Cahuenga and Bancroft.

Race and class influenced parents' views about student transfers and busing out of earthquake-damaged schools. In these glaring examples, many middle-class whites and some individuals of minority background from the Hollywood Hills whose children attended Bancroft Junior High overwhelmingly opposed the idea of busing their children to *safe* receiving minority schools. Members of the African American community served by Bret Harte Junior High were divided roughly 55% to 45% in support of busing. In the Cahuenga Elementary case, a nominally diverse group of parents sought to protect their neighborhood school and simultaneously protect their nominally diverse neighborhood, even if that meant that their children would attend unsafe, earthquake-damaged buildings in their neighborhood schools.

In both the Cahuenga and Bancroft cases, white and minority parents who had reached a measure of middle-class respectability opposed busing their children away, even it meant that their children learned in bungalows or other temporary educational facilities. A majority of respondents of minority parents in South-Central L.A. surveyed by the TFEO were more open to the idea of busing to avoid unsafe buildings, overcrowding, and double sessions. Minority parents surveyed by TFEO were also divided over busing, but upwardly mobile minority parents were more likely to oppose busing their children out of neighborhood schools.<sup>408</sup>

Ultimately, LACBE decided to follow the recommendations of Superintendent William Johnston, who had replaced Superintendent Crowther, who stressed providing portable classrooms and repairing and “modernizing” facilities where feasible.<sup>409</sup> Superintendent Johnston’s staff made the same recommendations to all affected schools regardless of their racial and class makeup. Even though over half of the parents surveyed at Bret Harte Junior High expressed interest in busing their children away from their neighborhood school, LACBE largely ignored them, opting mostly for temporary classrooms and nominal busing for integration. In some cases when LACBE bused a small number of minority students for integration to remove them from hazardous educational facilities, parents from receiving schools complained, not for how the minority presence would affect the majority white student population, but how bused minority children would feel a sense of inadequacy in the “better” schools. By late 1972, LACBE instituted a small-scale voluntary busing program, the “Permit with Transportation” or PWT.<sup>410</sup>

#### *Academics and the Integration Debate*

Academics, a group intimately linked to desegregation cases, studied school integration, its implications in small and large schools districts and cities, as well as the political implications of planning, implementing, and sustaining integration programs. The University of California system created the School Desegregation Assistance Center at the University of California at Riverside campus. On January 24, 1972, LACBE, with backing from the AHC, passed a motion granting the superintendent permission to use resources at state and county educational offices as well as the “Western School Desegregation Projects” at UC Riverside.<sup>411</sup> The AHC acknowledged the center’s potential importance in developing “innovative integration program activities.”<sup>412</sup> The motion passed 5 - 2, with Chambers and Ferraro voting against the motion.

With an appeal of *Crawford* in the works, with Judge Alfred Gitelson’s removal from the bench, and with alarmist anti-busing fervor increasingly fomented by local, state and national political figures, integrationists pressed their cause for desegregation in Los Angeles despite more precarious prospects. Integrationists had chipped away at LACBE’s justifications for not desegregating schools, including “colorblindness,” *de facto* segregation (as opposed to *de jure*), and the idea of instituting compensatory education programs in minority neighborhoods instead of integration.<sup>413</sup>

The 1968 South-Central L.A. and East L.A. student unrest unintentionally compelled some East L.A. parents to consider busing as a strategy to improve their children's education, not necessarily to support busing for the purpose of desegregation. Increasingly, the board enacted new compensatory education programs as a proxy to school desegregation to keep the African American and Mexican American communities satisfied. LACBE could claim that existing compensatory programs promoted "quality education," and that "remedial education" programs were geared toward achieving equal education opportunities.

As LACBE continued implementing new compensatory programs to attempt to ameliorate the substandard educational conditions and opportunities in minority neighborhood schools, the board began to work closely with local state universities and colleges, such as California State University, Los Angeles and Dominguez Hills. The board sought to train Mexican American graduate students in educational counseling, and recruited students with a knowledge of Mexican American culture and history and fluency in Spanish as mentors under a Work-Study Program for Mexican American youth.<sup>414</sup> In some instances, LACBE publicly and feverishly searched for Mexican American counselors and administrators because their numerical representation in the ranks of both in the district was infinitesimally small.

LACBE also promoted and funded cultural resource centers, including the Plaza de la Raza Resource Center located at Lincoln Park. In South-Central L.A., LACBE implemented educational proposals from the Greater Watts Model Neighborhood, a community-run program, during the 1971-1972 academic year that included: 1) Early Childhood Education, 2) Model Schools for Model Cities, 3) Education Aides, 4) Career Opportunities, 5) Supportive Staff-Black Education Commission, and 6) Recruitment of Black Counselors. Except for the Early Childhood Education program, LACBE extended all the programs through the 1972-73 academic year.<sup>415</sup>

In 1972, the UCRC-NAACP's and other civil rights organizations' calls for a more representative and accurate student racial and ethnic census reached another milestone, with assistance from the federal government. In September and October 1972, LACBE, at the direction of the Office for Civil Rights, United States Department of Health, Education, and Welfare, for the first time took a racial census that included a national origin section. The Measurement and Evaluation Branch of the school district explained that "there will be a special survey of the national origins of pupils heretofore classified as either "Oriental" or "Filipino and

Other Minorities.”<sup>416</sup> The office elaborated on the new guidelines: “Schools will be asked to indicate whether ‘Oriental’ pupils are Chinese, Japanese, or Korean in national origin.”<sup>417</sup> “Similarly,” the office continued, “information will be sought as to whether those shown as ‘Filipino and Other Minorities’ are Filipino, Hawaiian, Indonesian, Samoan, Vietnamese, or other Asian.”<sup>418</sup> Notably, the new survey recognized diversity and difference within the broad Asian classification.

### *LACBE Reconsiders Appealing Judge Gitelson’s Decision*

About a year and a half after LACBE’s immediate appeal of Judge Gitelson’s *Crawford* decision, and after innumerable extensions, LACBE’s counsel at last filed the board’s appeal brief. The 209-page document restated many of the same arguments LACBE claimed against integration: the size of the district, the high costs associated with integration and busing, that segregation in the district was *de facto* and not *de jure* and therefore not the district’s fault or responsibility, and that busing would have negative repercussion on education. LACBE also opposed the petitioners’ attorney fees of \$65,000 and extolled the district’s voluntary integration programs. LACBE again argued that the petitioners had not proven that school segregation had caused educational harm, thus questioning the very basis of *Brown*.

Five months later, in early February 1972, petitioners’ counsel Berman responded by filing a brief detailing the merits of the case, and submitted friend-of-the-court briefs from a consortium of thirty-nine community organizations.<sup>419</sup> Berman’s brief referenced *Brown* and charged that Los Angeles’ segregated schools were “the antithesis of equal opportunity and inflicts grievous harm.”<sup>420</sup> The brief highlighted the petitioners’ support for a district-wide integration plan and their defense of the Gitelson decision. Berman restated that the ruling deemed that “school segregation in Los Angeles has the quality of *de jure* and that a state as well as a federal imperative rests on the board to integrate.”<sup>421</sup> The brief also mentioned upholding the petitioners’ counsel fees.<sup>422</sup> In mid March, the ACLU submitted a “special 113-page survey of research on integration” that demonstrated that desegregation improved the academic achievement of minority students.<sup>423</sup> In late 1972, LACBE counsel submitted an answering brief, which was necessary for the case to go to the State Court of Appeal.

On February 11, 1974, on the fourth anniversary of the Gitelson decision, civil rights and labor groups attempted to convince LACBE to act on Judge Gitelson’s integration order.<sup>424</sup>

Speakers in support of the Gitelson decision included the ACLU's Ramona Ripston, the UTLA's Robert Unruhe, and Councilman David Cunningham of the Tenth District. Critical of LACBE inaction on integration after four years the Gitelson's integration order, Ramona Ripston declared, "This school board has a unique distinction. It is the only governmental agency in town, whether state, local, or federal, that imposes segregation."<sup>425</sup> Cunningham asked LACBE to "consider steps to be taken to bring about fully integrated schools."<sup>426</sup> Richard Alatorre, a prominent Mexican American and California Assemblyman from the Forty-Eighth District and one of the first leading Mexican American politicians to voice support for integration, declared that the Gitelson decision "typified the Supreme Court[']s desire to bring equality and quality to our educational system."<sup>427</sup> Alatorre professed, "It is a sad commentary on our own Los Angeles City School District that we have not fully implemented that decision and made desegregation a common practice in our schools."<sup>428</sup> Therefore he urged LACBE "to seriously consider moving forward for the sake of our children."<sup>429</sup> Alatorre did not see a conflict between the goal of integration and the East L.A. student demands, which focused on community, bilingualism, and cultural pride.

Raoul Teilhet, President of the California Federation of Teachers, AFT, AFL-CIO, member of the Pasadena Federation of Teachers, Local 1050, the California Task Force for Integrated Education, and the ACLU, pleaded with LACBE to implement Judge Gitelson's decision. Teilhet criticized LACBE and the district's staff under the direction of the superintendent, who were "laboring under the delusion that if you procrastinate long enough and if you pretend that the problem of segregated schools does not exist that such wishful thinking will become a self-fulfilling prophecy."<sup>430</sup> Teilhet demanded that LACBE halt its appeal of the Gitelson order on moral grounds and "to immediately initiate the necessary planning and research to provide serious and positive alternatives to the current drift toward a more segregated school system."<sup>431</sup> Teilhet concluded that LACBE could lead the district "in a long journey back toward social just and true quality education" for all the student of the district.

Such pleas moved board member Nava to submit a motion on February 14 to LACBE to reconsider the decision to appeal Judge Gitelson's order. Councilman Cunningham reiterated his support to halt the appeal. Other notables spoke before LACBE in support of Nava's motion, including Assemblyman Alatorre, Executive Director of the Los Angeles Urban League John Mack, the ACLU's John Caughey, the Catholic Human Relations Council's Paul Lockwood, and

the CRCSC's Julian J. Keiser. LACBE acknowledged correspondence from organizations such as the CRCSC, Crenshaw Neighbors, and Women for Legislative Action that wrote in support of the Gitelson decision and integration.<sup>432</sup> Mrs. Dolly J. Swift of the Valley Advisory Council on Education attended the board meeting and opposed Nava's motion.<sup>433</sup>

Defending his motion, Nava argued that "the best course of action ... would be to stop the appeal and thereby make it possible ... to enter into good faith efforts to prepare a plan that would be practical, financially feasible, and acceptable to the voters and the District and to the Court."<sup>434</sup> Board member Docter supported Nava's motion, and argued that the question before the board was not "so much an educational or a social question but a question of morality."

LACBE reported:

Dr. Docter emphasized that the motive of integration is not simply to facilitate the improvement of test scores; that it is a moral issue which asks what kind of American we want in the future -- whether we want it to look like Ulster or like the multi-ethnic, multi-cultural, multi-racial community that Board members have the potential of developing by abandoning this lawsuit and getting to work on the task before them.<sup>435</sup>

In light of her initial opposition to the appeal, LACBE member Hardy backed Nava's motion and "expressed her strong conviction that a good educational program prepared children for the life they are going to lead in a complex society of multi-ethnic backgrounds."<sup>436</sup> For that reason, she asked her fellow board members to support Nava's motion and to "start developing a plan" that moved towards fulfilling the *Crawford* decision.<sup>437</sup> Ferraro pointed to Superintendent Kelly's recommendation of an appeal "in the interest of clarifying what governmental policy shall be with respect to mandated racial balance and the extent to which a program must be undertaken regardless of feasibility."<sup>438</sup> He recalled that his motion to appeal had passed, hinting that LACBE members who first voted to appeal now were backtracking on their initial vote to appeal.

Newman took a different approach by pitting integration against East L.A.'s most cherished demands: bilingual and bicultural education. The district reported that Newman "expressed concern for the continuation of the bilingual bicultural ESOL program under any [integration] plan which might be developed by the District."<sup>439</sup> Newman challenged Hardy, who claimed that the board could have developed a plan had it not appealed the Gitelson's decision. Newman added that desegregation was "just movement of bodies, whereas integration is a state of mind and can never be legislated."<sup>440</sup>

In his support for an appeal, LACBE member Chambers emphasized parent consent to transport children and the importance of neighborhood schools. Chambers stressed the costs of busing for integration and resorted to hyperbole by claiming that “obtaining the equal distribution of minorities would require moving people into and out of communities and even across state lines.”<sup>441</sup> LACBE President Bardos backed the appeal because the order was “so restrictive” and “so specific that it is not feasible to implement it and achieve the goals Board members want.”<sup>442</sup> Bardos attempted to tread a middle ground by insisting that the board should not wait for a court order and should “come up with a plan by which the District can continue to move in a direction to achieve the goals.”<sup>443</sup> On the board’s vote to reconsider appealing the Gitelson decision, President Bardos, Ferraro, Newman, and Chambers voted *in opposition* to reconsider the LACBE’s appeal of the Gitelson order. Docter, Hardy, and Nava represented the votes to reconsider. The appeal would continue.

On May 16, 1974, the ACLU’s LaRee Caughey addressed the board on the twentieth anniversary of *Brown* and pointed out one of the ironies that developed out of *Brown*. She declared:

Brown drove Jim Crow away from the water fountain, restroom, bus, elevator, lunch counter, motel, barbershop, playground, graveyard, voting booth, jury box, government employment, and public office . . . .

All, that is, except one. In the precise field that gave rise to the decision and the explicit ruling that “separate educational facilities are inherently unequal,” there are officers of government primarily school superintendents and boards of education, brazenly persisting with segregated schools.

The North and West now provide the more conspicuous examples, of which Los Angeles is one.<sup>444</sup>

Caughey also ridiculed the board and the superintendent when she asked them to halt all “deliberate flouting” of the law as “codified in Brown.”<sup>445</sup>

The political terrain of the integration debate and the actors within the debate continued to shift and increase. While LACBE appealed Judge Gitelson’s order, further establishing itself as one of the central protagonists in the integration fight, African American and Mexican American students were participating in the small but growing voluntary busing program, the PTW. A recent survey showed that a majority of African Americans backed busing for integration and not coincidentally African American students comprised 75% of the participants

in the PTW in 1970. Only about a third of Mexican Americans supported busing for integration, and they accounted for 25% of the PWT. White Angelenos from across classes and areas of the district consistently opposed integration regardless of the integration method, such as voluntary or mandatory busing, boundary changes, and reassignment, and they all but ignored the voluntary PTW busing program. Mexican Americans and whites supported compensatory education programs in overwhelming numbers, while African Americans, although most supportive of busing, backed the funding compensatory education more than funding for busing.

The Sylmar Earthquake and the damage it caused to district buildings provided LACBE and the district an opportunity for integration. However, instead of desegregating some schools, LACBE opted to keep students segregated in unsafe buildings, to provide bungalows and other temporary classrooms, and, with some ingenuity, to design a “segregated, integrated” Fairfax High School operating on double sessions, with white students attending the morning session and Los Angeles High School transfer students attending the afternoon session. In within this setting that *Crawford* entered the appeals stage.

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<sup>1</sup> Ruben Salazar, “Chicanos Would Find Identity Before Coalition with Blacks,” *Los Angeles Times*, 20 February 1970. Salazar was a prolific journalist. He was born in Juarez, Mexico on March 3, 1928. His family moved to the United States months after his birth. California State University Los Angeles named one of the campus buildings after Salazar. For additional biographical information and selected writings, see Ruben Salazar, *Border Correspondent: Selected Writings, 1955-1970*, ed. Mario T. García (Berkeley: University of California Press, 1995).

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> *Los Angeles Times*, 7 July 1966.

<sup>5</sup> To date, John Caughey has provided the best contemporary account of *Crawford v. Los Angeles City Board of Education* from 1968 to 1970 and the debates surrounding the case. See John Walton Caughey and LaRee Caughey, *To Kill a Child's Spirit: The Tragedy of School Segregation in Los Angeles* (Itasca, Ill.: F. E. Peacock Publishers, 1973). I rely on his work to provide a general overview. However, John Caughey and his wife LaRee were members of the ACLU, the very civil rights organization seeking to integrate the Los Angeles school district, and therefore were partisans in *Crawford*. John Caughey's observation delved into questions of white privilege that translated into an anti-busing and anti-desegregation stance often veiled in a discourse of “integration by choice,” or “voluntary busing.” San Fernando Valley residents accepted busing that benefitted their neighborhood children, but rejected busing for desegregation. Although the San Fernando Valley increasingly became *the* hub of anti-busing and anti-desegregation, it was not alone. In March 1968, as opposition to busing mounted, Assembly Bill (AB) 231, authored by Floyd Wakefield, an anti-buser from South Gate, garnered more widespread support. The City Council of Gardena adopted a resolution in support of AB 231 and informed LACBE. See City Council of the City of Gardena, Resolution, 13 March 1968, fol. Race Question Genl. 1967 – 68 Part X, Box 966, Race Question(s) Collection, Los Angeles Unified School District, Los Angeles, California (from now on RQC-LAUSD).

<sup>6</sup> The League of Women Voters (LWV) previously had backed desegregation programs, but by early April 1968, the group modified its support. Instead of supporting desegregation and busing outright, the LWV opted to support “school integration in a voluntary fashion” and compensatory programs “to raise the educational level of the child in the disadvantaged areas.” See Mrs. M.B. Friend, President, League of Women Voters, letter to LACBE, 4 April 1968, fol. Race Question Genl. 1967 – 68 Part XI, Box 966, RQC-LAUSD. After Dr. King's death, LACBE continued to receive almost daily correspondence in opposition to busing in April 1968.

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<sup>7</sup> Public Information Office, Los Angeles City Schools, Memo, 10 May 1968, fol. Race Question Genl. 1967 – 68 Part XI, Box 966, RQC-LAUSD.

<sup>8</sup> Marv and Harriet Newton, letter to LACBE, from Van Nuys, 14 May 1968, fol. Race Question Genl. 1967 – 68 Part XI, Box 966, RQC-LAUSD. They concluded, “We have to start doing something no matter how limited an effort this 4 point program may be.”

<sup>9</sup> Miss K. Speno, letter to LACBE, 15 May 1968, fol. Race Question Genl. 1967 – 68 Part XI, Box 966, RQC-LAUSD.

<sup>10</sup> *Valley Times Advertiser*, 23 May 1968. See also LACBE, Reg. Mtg, Minutes, 710, 20 May 1968 fol. Race Question Genl. 1967 – 68 Part XI, Box 966, RQC-LAUSD.

<sup>11</sup> *Ibid.* Superintendent Crowther had outlined 29 desegregation strategies but presented only four to LACBE for a vote. Although LACBE voted for the limited integration plans, implementation presented more challenges as LACBE had to argue, approve, or reject financial and operational details of the programs.

<sup>12</sup> LACBE, Reports of Correspondence, 763 and 776, 20 and 24 June 1968, fol. Race Question Genl. 1967 – 68 Part XII, Box 967, RQC-LAUSD.

<sup>13</sup> LACBE, Report of Correspondence, 734, 3 June 1968, fol. Race Question Genl. 1967 – 68 Part XII, Box 967, RQC-LAUSD.

<sup>14</sup> In 1969, California Assemblyman Leon Ralph, attempting to capitalize on minority efforts to control neighborhood schools, introduced AB 2118.

<sup>15</sup> Caughey, *To Kill*, 133.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*, 134.

<sup>18</sup> *Ibid.*, 63. In a key revision to the language of the amendment, it called for the desegregation of "racially imbalanced" schools, a change from the more direct and unambiguous term "segregated." In an anonymous district report, according to the revisions up for consideration to Sections 2010 and 2011, the parameters would “indicate that there are no schools in the district that would be considered integrated.” The report further stated, “In order to achieve minimum balance under the proposed revisions to Section 2010 and 2011 of the California Administrative Code, Title V, the district would be required to bus between 239,124 and 251,941 pupils in grades preschool through twelve daily.” See Anonymous, Analysis of 1968-1969 Racial Census Data, November 1968, *Crawford Case Files Part One 7/11/1963-4/27/1970*, *Crawford Case Files*, Board Secretariat, Los Angeles Unified School District, Los Angeles, California (from now on CCF-BdS/LAUSD).

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*, 64.

<sup>21</sup> *Ibid.*, 65. The state board did not act on the amendments for the rest of the year. It adopted the amendments in February 1969, roughly four months after the trial began. John Caughey wrote that in a memorandum by counsel filed on February 29, 1969, “effective demonstration was made the changes added little to the substantive law on the duty of local districts to end segregation and were no substitute for a determination of petitioner's rights and respondent's duties under the Fourteenth Amendment.” Judge Gitelson accepted the argument and thus the amendments’ effectively became moot in the trial.

<sup>22</sup> *Ibid.*, 58.

<sup>23</sup> *Los Angeles Times*, 29 October 1968. In preparation, the ACLU had deposed school board members, Superintendent Crowther, and other staff members.

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.* Berman also pointed out that although the lawsuit did not seek to desegregate the junior college system, the adult education program, or school faculty and staff, the petitioners sought to eliminate "segregated pupil assignments in the regular program from kindergarten through high school." See Caughey, *To Kill*, 66.

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.* The amendment would define a school as racially imbalanced when its minority student population rose 15% above the percentage of minority students of the local district in which the school is located. Before

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contemplating the amendments, the State Education code stated that school district “shall exert all effort to avoid and eliminate segregation of children on account of race or color” but did not define school “segregation.”

<sup>32</sup> Ibid.

<sup>33</sup> Ibid. The *Los Angeles Times* Jack McCurdy claimed, “The suit against the school district was filed in 1963 but inaction on the part of the ACLU in pressing for trial has caused delays for five years.”

<sup>34</sup> *Los Angeles Times*, 30 October 1968.

<sup>35</sup> Ibid. Schneider also claimed that he was aware that in “individual instances” in which minority students in a segregated setting attained higher achievement levels of education.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid. Judge Gitelson proposed agreeing to several stipulations in *Crawford* on the fundamentals in *Brown* which included: 1) that segregation of children in public schools solely on the basis of race deprived the children of the minority group of equal educational opportunities; 2) that racial segregation generated "a feeling of inferiority" in students; 3) segregation of white and "colored" children had a detrimental effect upon the "colored" children; and 4) that "separate and equal" had no place in education. LACBE declined to accept these stipulations and argued that *Brown* was based on *de jure* segregation, and therefore the stipulations did not apply in the Los Angeles case.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid. Schneider’s attack on the premise that racial segregation translated to deprivation of equal opportunity concerned some district officials. The *Los Angeles Times* reported that Schneider claimed that “the courts have not found that segregation regardless of cause is inherently unequal.” The *Los Angeles Times* also reported, “They [district officials] consider the legal tactics as contradictory to the district’s official position in favor of integration and the evidence in its behalf.” “After all, they argue, it was the research and knowledge from the field of social science which provided the chief rationale for the board’s commitment to integration last December,” the newspaper concluded. See *Los Angeles Times*, 11 November 1968.

<sup>41</sup> Ibid.

<sup>42</sup> *Los Angeles Times*, 11 November 1968.

<sup>43</sup> *Los Angeles Times*, 30 October 1968.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Caughey, *To Kill*, 71.

<sup>48</sup> *Los Angeles Times*, 30 October 1968.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid. According to John Caughey, petitioners’ counsel also introduced his book *School Segregation on Our Doorstep* as evidence, which was based on the racial census of the 1967-1968 school year. In it, Caughey documented that 200 segregated schools existed in the Los Angeles district “within six to eight miles of City hall.” Three additional areas of segregated schools existed in the San Fernando-Pacoima, Venice West, and the harbor district. Caughey offered more stark statistics: in the 333 predominantly white schools, the “Mexican” enrollment averaged 6.4 percent and the “Negro” enrollment was 1.15 percent. Caughey summarized his findings: “The number of white pupils in segregated schools was 26,478” while the total white student population enrolled in segregated “white” schools was 267,334. See Caughey, *To Kill*, 72-73.

<sup>51</sup> Caughey, *To Kill*, 71.

<sup>52</sup> Jerry F. Halverson, LACBE Legal Adviser, Inter-Office Correspondence Addressed to Jack P. Crowther, Superintendent of Schools, 8 November 1968, *Crawford* Case Files Part One 7/11/1963-4/27/1970, CCF-BdS/LAUSD.

<sup>53</sup> *Los Angeles Times*, 12 May 1969.

<sup>54</sup> Jerry F. Halverson, LACBE Legal Adviser, Inter-Office Correspondence Addressed to Jack P. Crowther, Superintendent of Schools, 8 November 1968, *Crawford* Case Files Part One 7/11/1963-4/27/1970, CCF-BdS/LAUSD.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid. He explained that the petitioners based their case on the testimony of “outside experts” who compared LACBE to other school districts in New York, Philadelphia, Chicago, and other cities. Halverson claimed that those other cities had “experienced far more serious problems than we have.”

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<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid. See also *Los Angeles Times*, 11 November 1968.

<sup>61</sup> *Los Angeles Times*, 11 November 1968.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid. Specialists testified on behalf of the petitioners about the damaging effects of segregation and the benefits of integration for minority students. C. Wayne Gordon, associate dean of education at UCLA testified that according to a study measuring achievement of Mexican students in Los Angeles schools, segregation negatively affected Mexican students' motivation to learn. Keith Hartwig, Integration Program Evaluator in the Sacramento schools, testified that test results of students who "had been transferred from inner-city segregated schools to schools that were integrated" demonstrated "a statistically significant differential favorable to integration." David K. Cohen, sociologist, associate professor of education at Harvard University, and author of *Racial Isolation in the Public Schools*, a study commissioned by President Lyndon B. Johnson, testified that "minority children from low-income, low-education families learned and achieved significantly more when transferred to schools predominantly white and with a peer group drawn from higher income, higher educated families." Cohen professed that if "minority pupils were to have that more favorable situation, the only way to get it was by transfer into predominantly white schools, in other words, by integration." When LACBE counsel asked Cohen if he would choose a segregated school with a bilingual remedial program or an integrated school without a bilingual program, Cohen "unhesitatingly opted for the integrated school." Cohen recommended "not less than 10 to 20 per cent or more than 30 to 40 per cent minority" to accomplish school integration. See Caughey, *To Kill*, 76 – 77 and 79 – 80. Dan W. Dodson, professor of educational sociology and anthropology and director of the Center for Human Relations at New York University, argued that he "saw no significant difference" between *de facto* and *de jure* segregation, and that, "Segregated schools lower the quality of education, lower motivation, and create hostilities, and degenerate to second-class, second-rate education." Dodson also testified that "government action has so much to do with producing what is called *de facto* segregation that there is no real distinction left" between *de facto* and *de jure* segregation. Dobson further testified that "unqualifiedly [compensatory education] cannot be a substitute" for integrated schools. In consideration of the March 1968 protests by African American students from South-Central L.A. for a greater say in their neighborhood schools, as well as the show of support from the African American community, LACBE counsel asked Dobson if he opposed "the wishes of the black separatists." Dobson disagreed with the notion of "separatist" control over neighborhood schools, but argued that such a strategy was a natural (Does he say "natural"?) response to the racism of "our white society." Dobson nonetheless described both "lily-white" schools and minority segregated schools as "hiding places from interracial encounter," thus suggesting that people of different racial and ethnic backgrounds contributed to educational segregation. See Caughey, *To Kill*, 91 and 93-94. On the claim of racism, cross-examination became heated. LACBE counsel asked Dobson, "Is it your opinion that white society is a racist society?" Dobson replied, "Yes." "As a whole?" asked counsel. "Yes, I don't think there is any doubt about it," Dobson replied. "On what is your opinion based," counsel asked. Dobson replied, "On a lifetime of experience. I grew up behind the cornpone curtains of the South, moved north. It has been a lifetime revelation. All the data we know from all sources tends to indicate it." LACBE counsel then asked, "Are the people of California racist?" "Yes. I don't think there is any doubt about it," replied Dobson. See Caughey, *To Kill*, 94.

<sup>64</sup> Caughey, *To Kill*, 97.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid. He accomplished this by conducting "drive through" surveys, which Caughey described as "late afternoon counts from the car window of children at play and adults coming home from work." Owens further testified that he had no power to develop attendance areas.

<sup>67</sup> Ibid., 99.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid., 100. Owens also provided information detailing how school enrollments were more racially imbalanced than predicted, and that the district's open enrollment and transfer policy had contributed to this imbalance and therefore further segregated schools. In an effort to close this loophole that had perpetuate school segregation, LACBE took the unprecedented step of enacting new policy that prohibited any new student transfers that would

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shift minority enrollment above 30% or below 10% at either the student's neighborhood school or the receiving school. See *Los Angeles Times*, 4 August 1971.

<sup>70</sup> For a full list of federally funded compensatory education programs in Los Angeles, see Caughey, *To Kill*, 101.

<sup>71</sup> Caughey, *To Kill*, 102.

<sup>72</sup> *Ibid.*, 103.

<sup>73</sup> Dr. Sam Hamerman, the first Equal Opportunity Chief in the Office of Urban Affairs that opened in 1963, testified that he gathered information about desegregation strategies and that LACBE essentially ignored his pleas for integration. He served as a main witness for LACBE because he offered a list of desegregation efforts such as PIE and APEX, and a voluntary program that involved about one thousand students. However, some of this testimony countered LACBE's stance on school segregation. Hamerman, according to John Caughey, "warned about the futility of piecemeal actions such as pairing of schools or redrawing attendance boundaries around the fringes of the ghetto because ... such actions would only stimulate white flight." Hamerman proposed a "simultaneous shift to integration at all levels," and "through the district or, better still, all through *metropolitan Los Angeles*" (emphasis mine). He insisted that a metropolitan integration program had to have community "support, involvement, and acceptance, must impose a quota on all schools, and be *mandatory*" (emphasis mine). Hamerman also conceded that the board's highly touted APEX program was not a desegregation program at all and that the recent voluntary desegregation programs had shown little success. See Caughey, *To Kill*, 107.

<sup>74</sup> For a more detailed explanation of the Davis plan, see Caughey, *To Kill*, 111-116. The Davis plan would have only amounted to 3% of the Los Angeles School District budget. At the time, LACBE budgeted \$20 million for compensatory education, which, again, only affected a little over 40,000 students.

<sup>75</sup> Caughey, *To Kill*, 119. He testified he had a list of district cutbacks totaling \$40 million (the cost of the integration plan for the first year). Kelly based his ideas on the integration plan already debunked by petitioners' counsel.

<sup>76</sup> Kelly testified that the district rejected requests for data for the Coleman Report because the "research design was faulty and that participation would be burdensome." See Caughey, *To Kill*, 122.

<sup>77</sup> *Los Angeles Times*, 12 May 1969.

<sup>78</sup> *Ibid.*

<sup>79</sup> *Ibid.*

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*

<sup>83</sup> *Los Angeles Times*, 14 February 1969.

<sup>84</sup> *Ibid.* The *Los Angeles Times*' Jack McCurdy reported that the 1954 *Brown* decision had outlawed the doctrine of "separate but equal" and that other court rulings had ordered some school districts to "eliminate de facto segregation caused by housing patters." He added, "But in other cases courts and public agencies have been hesitant in moving against racial imbalance because of the lack of agreement on a workable definition of segregation."

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.* Jack McCurdy of the *Los Angeles Times* reported that these "factors, sources said, could allow district to escape massive action to relieve imbalance if—as in the case of Los Angeles—some white and Negro neighborhoods are widely separated by distance." On the other hand, a district like Los Angeles "also would have to comply where predominantly white and minority schools are in close proximity." "However, other district with no clear-cut excuses such as these would be subject to the new guidelines and would have to confirm in some way," he added.

<sup>88</sup> *Ibid.*

<sup>89</sup> *Ibid.*

<sup>90</sup> *Ibid.*

<sup>91</sup> According to the *Los Angeles Times*, the 50% definition "has been used largely as a result of sociological studies but has had little support in the law."

<sup>92</sup> *Los Angeles Times*, 14 February 1969.

<sup>93</sup> *Los Angeles Times*, 20 February 1969.

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*

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<sup>96</sup> *Los Angeles Times*, 25 February 1969.

<sup>97</sup> *Ibid.* For a detailed recount of LACBE's efforts to halt the trial to conduct a feasibility study and an analysis of the task LACBE would face if it attempted to fulfill the "racial balance" guidelines, see *Los Angeles Times*, 9 March 1969.

<sup>98</sup> *Ibid.*

<sup>99</sup> *Ibid.*

<sup>100</sup> *Ibid.*

<sup>101</sup> *Los Angeles Times*, 12 May 1969.

<sup>102</sup> *Ibid.*

<sup>103</sup> Caughey, *To Kill*, 126.

<sup>104</sup> *Los Angeles Times*, 12 May 1969.

<sup>105</sup> *Ibid.* The district's counsel further argued that the district lacked "sufficient resources to permit more than a very few pupils to develop their abilities to the maximum."

<sup>106</sup> *Ibid.*

<sup>107</sup> *Ibid.*

<sup>108</sup> *Ibid.*

<sup>109</sup> *Ibid.*

<sup>110</sup> *Ibid.*

<sup>111</sup> *Ibid.*

<sup>112</sup> *Ibid.*

<sup>113</sup> *Ibid.*

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid.*

<sup>116</sup> Office of Urban Affairs, Integration Unit, Report, *Voluntary Busing Enrollment*, 10 June 1969, fol. Race Question Genl. Part XIV, Box 968, RQC-LAUSD. See also LACBE, Minutes, 812, 16 June 1969. Same location.

<sup>117</sup> *Ibid.* See also LACBE, Minutes, 812, 16 June 1969 and Public Information Office, Memo, "School Busing Program Called Success, Recommended for Continuation," 20 June 1969. Same location.

<sup>118</sup> *Ibid.* See also LACBE, Minutes, 812, 16 June 1969. Same location.

<sup>119</sup> LACBE, Minutes, 812, 16 June 1969 and Public Information Office, Memo, "School Busing Program Called Success, Recommended for Continuation," 20 June 1969, fol. Race Question Genl. Part XIV, Box 968, RQC-LAUSD.

<sup>120</sup> *Los Angeles Daily Journal*, 4 November 1969. The Court's opinion was important because it was the first decision handed down since Chief Justice Warren E. Burger took over leadership of the court for Chief Just Earl Warren. Burger was a Nixon appointee.

<sup>121</sup> *The Bakersfield Californian*, 31 October 1969.

<sup>122</sup> Superior Court of the State of California in and for the County of Kern, *People of the State of California vs. Bakersfield City School District, et al*, No. 106225, "Memorandum of Intended Decision," 23 October 1969, fol. Race Question Genl. Part XV, Box 968, RQC-LAUSD.

<sup>123</sup> *Ibid.* Andreen seemingly ignored the California Supreme Court's findings in *Jackson v. Pasadena*, which deemed the distinction between *de facto* and *de jure* in California irrelevant.

<sup>124</sup> Section 1010 would be added to the state education code. See Attorney General of California, Schools: Bussing for Integration Initiative, Section 1010 Is Added to the Education Code. LACBE, Minutes, 390, 6 November 1969, fol. Race Question Genl. Part XV, Box 968, RQC-LAUSD.

<sup>125</sup> William G. Oxx, III, Statement before LACBE, 6 November 1969, fol. Race Question Genl. Part XV, Box 968, RQC-LAUSD.

<sup>126</sup> LACBE, Minutes, 390, 6 November 1969, fol. Race Question Genl. Part XV, Box 968, RQC-LAUSD.

<sup>127</sup> *Ibid.*

<sup>128</sup> *Ibid.*

<sup>129</sup> Reverend William E. Steel, Woodland Hills United Methodist Church, letter to LACBE, 26 March 1969, fol. Race Question Genl. Part XIV, Box 968, RQC-LAUSD.

<sup>130</sup> Mrs. Morton Denker, Statement before LACBE, 24 April 1969, fol. Race Question Genl. Part XIV, Box 968, RQC-LAUSD.

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<sup>131</sup> Another parent, Susan Imai, a self-described member of the “white community,” believed a voluntary busing program would “bring our society closer to the ideal of ‘freedom and justice for all.’” In “trying to stop the rising tide of hate and anger ... misunderstanding and fear.” Imai praised LACBE’s voluntary integration program for giving “the white community ... an opportunity to start building bridges.” She continued, “I want my children to know all kinds of people. I feel this is a crucial part of their education. I do not want them to be afraid ... I want them to be big enough inside and secure enough to make friends easily, without fear of differences.” See Susan Imai, Statement before LACBE, 28 April 1969, fol. Race Question Genl. Part XIV Box 968, RQC-LAUSD.

<sup>132</sup> Marilyn Bendat, Statement, 28 April 1969, fol. Race Question Genl. Part XIV, Box 968, RQC-LAUSD.

<sup>133</sup> *Ibid.*

<sup>134</sup> *Ibid.*

<sup>135</sup> LACBE, Minutes, 15 December 1969, fol. Race Question Genl. Part XV, Box 968, RQC-LAUSD.

<sup>136</sup> In 1970, before Gitelson rendered his decision, two politicians, Assemblyman Bill Green, representing the African American community of Watts, and Senator John Harmer, representing overwhelmingly white, middle-class Glendale, introduced SB 242, which called for the decentralization of the Los Angeles School District by breaking it up first into twenty-four parts then amending the number to twelve, while keeping LACBE as the district’s figurehead. Several civil rights, political, and community groups protested in Sacramento on several grounds. The ACLU protested on the grounds that the subdivisions would be racially segregated. LACBE opposed SB 242, on the grounds that it wanted to study and implement its own decentralization plan. The California Legislature enacted SB 242 but the governor vetoed it. Caughey argued that a voucher bill also threatened integration efforts. For a summary of LACBE, the voucher argument, and decentralization efforts, see Caughey, *To Kill*, 189-192. Caughey, noting that LACBE had given increased autonomy to thirteen racially homogeneous schools, feared decentralization and its potential damaging effects on desegregation, arguing, “The greater the individuality achieved, the more difficult it would be to transfer pupils in or out, and reassigning or transferring pupils is the essence of integration.” Eight of the thirteen schools were 96%-100% minority, and four schools were 2%-4% minority. See John Caughey, Notes on Decentralization, The Ultimate in Bad Faith document, n.d., American Civil Liberties Union of Southern California Records, ca. 1935- (Collection 900). Department of Special Collections, Charles E. Young Research Library, University of California (from now on ACLU/SC-DSC/UCLA). In light of these concerns, LACBE adopted a tentative decentralization policy on June 1, 1970, in which “the district would be divided into four geographical areas, each with an area superintendent and staff that would provide support services such as counselors and curriculum consultants to individual schools.” See *Los Angeles Times*, 2 June 1970. See same article for the area each zone would cover.

<sup>137</sup> *Crawford v. Los Angeles City Board of Education*, No. 822-854, Cal. Super. Ct. filed February 11, 1970 (Findings of Facts and Conclusions of Law and Order of Judgment), ACLU/SC-DSC/UCLA.

<sup>138</sup> *Ibid.*

<sup>139</sup> *Los Angeles Times*, 12 February 1970.

<sup>140</sup> *Crawford v. Los Angeles City Board of Education*, No. 822-854, Cal. Super. Ct. filed February 11, 1970 (Findings of Facts and Conclusions of Law and Order of Judgment), ACLU/SC-DSC/UCLA. See also Caughey, *To Kill*, 140.

<sup>141</sup> Public Information Office, Los Angeles City Schools, Memo, “City Board Expected to Appeal Integration Decision,” 13 February 1970, *Crawford* Case Files Part One 7/11/1963-4/27/1970, CCF-BdS/LAUSD; see also Caughey, *To Kill*, 140. According to De Flon, Deputy County Counsel, LACBE would implement school integration according to the parameters outlined in the California State Board of Education, Title V, in which “each school shall have a percentage of each minority in its school population equal to the percentage of such minority in the district as a whole, plus or minus 15 percentage points.” “For example,” De Flon explained, “if there are 20 percent Negroes in the school district, each school shall have a proportion of Negroes with the range of 5 percent to 35 percent.” See Alfred Charles de Flon, Deputy County Counsel, “Memorandum to John D. Maharg, County Counsel, and John H. Larson, Chief Assistant County Counsel, *Crawford v. Board of Education*,” 13 February 1970, *Crawford* Case Files Part One 7/11/1963-4/27/1970, CCF-BdS/LAUSD.

<sup>142</sup> *Los Angeles Times*, 13 February 1970.

<sup>143</sup> Public Information Office, Los Angeles City Schools, Memo, “City Board Expected to Appeal Integration Decision,” 13 February 1970, *Crawford* Case Files Part One 7/11/1963-4/27/1970, CCF-BdS/LAUSD. See also *Los Angeles Times*, February 13, 1970. Kelly repeated some of the same testimony as rationales to challenge the Gitelson ruling. Kelly emphasized the size of the district (711 square miles), the number of students to bus

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(240,000), and costs of integration. Kelly claimed that it would take allotting \$40 million out of next year's revenue in order to initiate a "mass busing program" that would amount to "the virtual destruction of the school district." Civil rights lawyers had debunked both the number of students and the costs associated with the Davis busing plan on cross examination, yet Kelly used these same statistics as rationales for an appeal.

<sup>144</sup> *Los Angeles Times*, 13 February 1970.

<sup>145</sup> *Ibid.*

<sup>146</sup> *Ibid.* See also Caughey, *To Kill*, 142. Civil rights attorneys filed *Crawford* in state court, not federal court, therefore, *Crawford* could only reach the California Supreme Court,

<sup>147</sup> *Los Angeles Times*, 15 February 1970. Dr. Nava was a candidate for state superintendent of public instruction. On the issue of Title I funds, Nava erred. Nava also ignored the findings in *Jackson v. Pasadena* ruling about *de jure* and *de facto* segregation.

<sup>148</sup> *Ibid.* During the same impromptu news conference, he added, "Most people of good will want to break down racial isolation and help prepare children to live in the world that will be theirs when we turn over the reins of power."

<sup>149</sup> *Los Angeles Times*, 17 February 17, 1970.

<sup>150</sup> *Ibid.* See also Caughey, *To Kill*, 147.

<sup>151</sup> *Ibid.*

<sup>152</sup> LACBE, Minutes, 620, 16 February 1969, fol. Race Question Genl. Part XV, Box 968, RQC-LAUSD. See also Caughey, *To Kill*, 147.

<sup>153</sup> After the trial, the makeup of LACBE changed. Robert Docter, Valley State College (today's California State University, Northridge) professor of educational sociology, Richard Ferraro, LACSD teacher, and Dr. Donald Newman had replaced Reverend James E. Jones, Ralph Richardson, and Hugh Willett.

<sup>154</sup> Caughey, *To Kill*, 147.

<sup>155</sup> LACBE, Minutes, 620, 16 February 1969, fol. Race Question Genl. Part XV, Box 968, RQC-LAUSD. See also *Los Angeles Times*, February 17, 1970.

<sup>156</sup> *Ibid.* See also *Los Angeles Times*, February 17, 1970 and Caughey, *To Kill*, 149. Interestingly, although LACBE authored an appeal, LACBE counsel could not formally appeal until Judge Gitelson issued a formal integration decree that could take at least three weeks. LACBE preemptively appealed the desegregation order.

<sup>157</sup> *Ibid.*

<sup>158</sup> For several years since civil rights organizations first filed the *Crawford* and since LACBE received and approved several of the main ideas within the Ad Hoc Committee report, the board and the district failed to implement a meaningful integration plan.

<sup>159</sup> *Los Angeles Times*, February 13, 1970.

<sup>160</sup> *Ibid.*

<sup>161</sup> *Ibid.*

<sup>162</sup> *Ibid.*

<sup>163</sup> *Ibid.*

<sup>164</sup> Jerry Halverson, Inter-Office Correspondence to Dr. Robert Kelly, Superintendent, 10 April 1970, *Crawford* Case Files Part One 7/11/1963-4/27/1970, CCF-BdS/LAUSD. In April, the Mississippi Attorney General received judicial permission to appear as a friend of the court in support of the Gitelson decision. See *Los Angeles Times*, 11 April 1970.

<sup>165</sup> *Ibid.*

<sup>166</sup> Jerry Halverson, Inter-Office Correspondence to Dr. Robert Kelly, Superintendent, 19 May 1970, *Crawford* Case Files Part Two, 4/30/70-1/18/79, CCF-BdS/LAUSD.

<sup>167</sup> David O'Shea, C. Wayne Gordon, and Mark Ginsburg, "Desegregation in Los Angeles School District: Report of a Public Opinion Survey," *Educational Research Quarterly* 1, no. 1 (Spring 1976): 3. The researchers conducted the survey in 1970 but published their findings in 1976. The researchers noted that the Los Angeles School District authorities had "assigned priority to compensatory education, drawing upon federal and state funds, and have initiated some measure of decentralization of administration in an effort to facilitate greater responsiveness on the part of individuals schools to the special needs of their student population." They added that desegregated had "elicited no more than minimal response [from the district] reflecting the fact that of all three demands it is the one that is associated with strong negative attitudes among the majority white population." Researchers attributed efforts of community control over neighborhood schools in the African American community to "the black power

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movement as early as 1966.” In white neighborhoods, the same concept was called the local control of the “neighborhood school.” They also seemingly positioned “black nationalists” with “white segregationists” in the same political camp when they examined decentralization, which meant greater local autonomy over neighborhood school matters.

<sup>168</sup> Ibid., 2.

<sup>169</sup> Ibid.

<sup>170</sup> Ibid., 4.

<sup>171</sup> Ibid., 4-5

<sup>172</sup> Ibid. Here, O’Shea, Gordon, and Ginsburg argued that the “relatively negative image of the schools among black parents apparently extends to the black population [in this study] as a whole.” They also inferred that the high satisfaction rates among Mexican Americans (76.6%), relative to Blacks (55.7%), accounted for less support for desegregation from Mexican Americans relative to Blacks.

<sup>173</sup> Ibid., 5

<sup>174</sup> Ibid.

<sup>175</sup> Ibid.

<sup>176</sup> Ibid., 6. The researchers found the data showing high Black community support for busing “especially significant in light of the fact that black nationalist militants had been engaged in well publicized action to promote some measure of community control over local schools, rather than desegregate, for three years prior to the survey [in 1970].” This finding appeared to surprise the researchers who seemed to have an acute fixation on “black militant” activity.

<sup>177</sup> Ibid.

<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid., 7.

<sup>181</sup> Ibid.

<sup>182</sup> Ibid., 8. Among Blacks, 56.4% favored busing and 65.1% answered favorably to an unspecified reassignment strategy; among Mexican Americans, 49.3% and 38.5% respectively; and among whites 25.1% and 16.2%.

<sup>183</sup> Ibid.

<sup>184</sup> Ibid.

<sup>185</sup> Ibid., 9. The researchers delved into three approaches to desegregate: 1) widening geographical attendance boundaries for existing high school to attain heterogeneous students bodies; 2) “specialized subject matter” high schools; and 3) elementary and junior high magnet schools. The researchers argued that the voluntary aspect of the three plans made them more palatable to whites.<sup>185</sup> Asked if the district should provide transportation to specialized and magnet schools, 86% of Blacks, 67% of Mexican Americans, and only 41% of whites backed district transportation.

<sup>186</sup> Ibid., 11. The level of education categories included: 1) less than high school; 2) high school graduate; and 3) more than high school graduate.

<sup>187</sup> Ibid.

<sup>188</sup> Ibid.

<sup>189</sup> Ibid.

<sup>190</sup> Ibid., 12-14.

<sup>191</sup> Ibid., 12.

<sup>192</sup> Ibid.

<sup>193</sup> Ibid., 11.

<sup>194</sup> Ibid., 14.

<sup>195</sup> *Los Angeles Times*, 13 February 1970. See also Caughey, *To Kill*, 150.

<sup>196</sup> LACBE, Report of Correspondence, 669, 9 March 1970, fol. Race Question Genl. Part XVI, Box 968, RQC-LAUSD.

<sup>197</sup> LACBE, Reports of Correspondence, 628, 639, and 641, 19, 24, and 26 February 1970, fol. Race Question Genl. Part XV, Box 968, RQC-LAUSD. See also LACBE, Report of Correspondence, 2 March 1970, fol. Race Question Genl. Part XVI, Box 969, RQC-LAUSD.

<sup>198</sup> *Los Angeles Times*, 13 February 1970. See also Caughey, *To Kill*, 150.

<sup>199</sup> *Los Angeles Times*, 17 February 1970.

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<sup>200</sup> *Los Angeles Times*, 28 March 1970.

<sup>201</sup> *Los Angeles Times*, 15 February 1970.

<sup>202</sup> *Ibid.*

<sup>203</sup> *Ibid.*

<sup>204</sup> *Ibid.*

<sup>205</sup> *Ibid.*

<sup>206</sup> *Ibid.*

<sup>207</sup> *Ibid.*

<sup>208</sup> *Ibid.*

<sup>209</sup> *Ibid.*

<sup>210</sup> *Ibid.*

<sup>211</sup> *Ibid.* Opposition to the Gitelson ruling also came from an interesting source: Belmont High School, a school instrumental in the 1968 student walkouts seeking bilingual and compensatory education programs. Students in a business class at Belmont that included students of “Spanish surname,” “English surname” and Asian backgrounds opposed busing and instead favored re-zoning, which “would give the black, brown, and white student an opportunity to go to the school of his or her choice.” Busing, the class proclaimed, “would force the minority student to go to a school (of majorities) where he may not wish to attend.” The students concluded, “We do not feel that forcing these students will bring about a change for better race relationships.” See Belmont High School, General Business Class, Room 233, Period 4, letter to LACBE, 9 March 1970, fol. Race Question Genl. Part XVI, Box 968, RQC-LAUSD.

<sup>212</sup> *Los Angeles Times*, February 18, 1970.

<sup>213</sup> *Ibid.* MAEC adopted the recommendation by a 12 to 1 vote with four abstentions.

<sup>214</sup> *Ibid.*

<sup>215</sup> *Ibid.*

<sup>216</sup> *Ibid.*

<sup>217</sup> *Ibid.*

<sup>218</sup> *Ibid.*

<sup>219</sup> *Ibid.*

<sup>220</sup> *Ibid.*

<sup>221</sup> *Ibid.*

<sup>222</sup> *Ibid.*

<sup>223</sup> *Ibid.*

<sup>224</sup> *Ibid.* Ken Kurose, a seventeen-year-old Roosevelt student body president of Asian descent favored busing, and stated, “Thinking more in future terns, it is the best way of achieving a better education.” He added, “It is really hard to get the feeling this is white America [here at Roosevelt.]” The student body at Roosevelt was 80% Mexican American, 10% African American, and the other 10% “Oriental” and “Other.”

<sup>225</sup> *Ibid.* At the time, Fremont’s student body included one white student and forty-five Mexican American students. The rest were African American.

<sup>226</sup> *Ibid.*

<sup>227</sup> *Ibid.*

<sup>228</sup> *Ibid.*

<sup>229</sup> *Ibid.* McGowan explained, “I don’t want my child to go out in blue jeans while the others are wearing wash and wear.” She also worried about how children from poorer neighborhoods would react experiencing middle-class neighborhoods, explaining that students would be going to a nice place, but “then come back to roach-infested houses. This is bad.”

<sup>230</sup> *Ibid.*

<sup>231</sup> *Ibid.*

<sup>232</sup> *Ibid.*

<sup>233</sup> *Ibid.*

<sup>234</sup> *Ibid.*

<sup>235</sup> *Ibid.*

<sup>236</sup> *Ibid.*

<sup>237</sup> *Ibid.*

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<sup>238</sup> LACBE, Reports of Correspondence, 885, 895, 915, 4, 8, and 11 June 1970, fol. Race Question Genl. Part XVII, Box 969, RQC-LAUSD. See also 12 identical letters from several individuals and couples. Same location. In response to the board's appeal of Judge Gitelson's ruling and the community's reaction, including anti-integration measures by the California Congressional delegation and State Board of Education, John and LaRee Caughey wrote a scathing report critical of this response in which they outlined and sought to debunk 18 popular myths about school integration in the Los Angeles City School District. Although the report does not have a date, the Caugheys likely authored it immediately after the Gitelson ruling in 1970. One of the myths they challenged included the idea that Judge Gitelson "ordered massive long-haul busing as the only way to integrate schools of Los Angeles." Another included that integration required forced busing. Another dealt with the charge that busing would increase smog in Los Angeles. The Caugheys found that busing 240,000 students "would not amount to more than that from one half of one percent of the 4 million autos presently operating in the basin." They challenged the concern that integration would "mean the end of black studies and brown studies." In another example, they defied the notion that "the best way to give minority pupils equal educational opportunity is to upgrade their segregated ghetto and barrio schools by pouring in more money and more remedial courses." The Caugheys called this myth reminiscent of the "discredited 'separate but equal' doctrine" central in *Plessy*. See John and LaRee Caughey, "Myths about School Integration in Los Angeles," n.d., ACLU/SC-DSC/UCLA.

<sup>239</sup> Ibid.

<sup>240</sup> Ibid.

<sup>241</sup> Ibid.

<sup>242</sup> *Los Angeles Times*, 9 April 1970.

<sup>243</sup> Ibid.

<sup>244</sup> Ibid.

<sup>245</sup> *Los Angeles Times*, 18 February 1970.

<sup>246</sup> *Los Angeles Times*, 14 October 1971. There was more than one single voluntary busing program, so the figures change according to the specific program. For example, LACBE's Ad Hoc Committee for the year 1970-71 praise its Voluntary Transportation Program (VTP), in which 1,071 minority students participated. The racial/ethnic breakdown of the participants was projected to be roughly the same, 75%/25%.

<sup>247</sup> Ibid.

<sup>248</sup> Ibid.

<sup>249</sup> Crenshaw Neighbors, Inc., Press Release, 20 February 1970, *Crawford Case Files Part One 7/11/1963-4/27/1970*, CCF-BdS/LAUSD.

<sup>250</sup> Ibid. CN's idea of "a broadly based citizens group" predated a LACBE-commissioned citizen's advisory committee on student integration known as CACSI.

<sup>251</sup> Ibid.

<sup>252</sup> Ibid. CN's recommendation of a "regional approach" was one of the earliest references in Los Angeles to the idea of a metropolitan integration plan.

<sup>253</sup> Ibid.

<sup>254</sup> Ruth A. Philips, President, Los Angeles Section National Council of Jewish Women, letter to Arthur Gardner, LACBE President, 19 May 1970, *Crawford Case Files Part Two 4/30/70-1/18/1979*, CCF-BdS/LAUSD. The NCJW/LA's headquarters was located at 543 N Fairfax Ave. Los Angeles, CA 90036 in the Westside.

<sup>255</sup> Arthur F. Gardner, LACBE President, letter to Mrs. Seymour (Ruth) Philips, President, Los Angeles Section National Council of Jewish Women, 4 June 1970, *Crawford Case Files Part One 7/11/1963-4/27/1970*, CCF-BdS/LAUSD.

<sup>256</sup> Rabbi Morris M. Hershman, Temple Solael, letter to LACBE, 16, June 1970, *Crawford Case Files Part Two 4/30/70-1/18/1979*, CCF-BdS/LAUSD.

<sup>257</sup> Ibid.

<sup>258</sup> Lila Aurich, Chairwoman, First United Methodist Church of Canoga Park, Social Concerns Commission, letter to LACBE, 24 March 1970, *Crawford Case Files Part One 7/11/1963-4/27/1970*, CCF-BdS/LAUSD.

<sup>259</sup> Ibid.

<sup>260</sup> Mr. and Mrs. Allard Thurston, letter to LACBE, 22 March 1970, *Crawford Case Files Part One 7/11/1963-4/27/1970*, CCF-BdS/LAUSD.

<sup>261</sup> *Los Angeles Times*, 13 February 1970.

<sup>262</sup> Ibid.

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- <sup>263</sup> *Los Angeles Times*, 14 February 1970. Caughey, *To Kill*, 150.
- <sup>264</sup> Governor's Office, State of California, Press Release, 17 February 1970, *Crawford Case Files Part One 7/11/1963-4/27/1970*, CCF-BdS/LAUSD.
- <sup>265</sup> Governor's Office, State of California, Press Release, 17 February 1970, *Crawford Case Files Part One 7/11/1963-4/27/1970*, CCF-BdS/LAUSD.
- <sup>266</sup> *Ibid.*
- <sup>267</sup> *Ibid.*
- <sup>268</sup> *Ibid.*
- <sup>269</sup> *Ibid.*
- <sup>270</sup> *Ibid.*
- <sup>271</sup> *Ibid.* Although the correspondence did not come from a diverse segment of the population, many Angelenos continued to write to LACBE in opposition to the order. See LACBE, Report of Correspondence, 673, 12 March 1970, fol. Race Question Genl. Part XVI, Box 968, RQC-LAUSD.
- <sup>272</sup> *Ibid.*
- <sup>273</sup> *Ibid.*
- <sup>274</sup> *Ibid.*
- <sup>275</sup> *Ibid.*
- <sup>276</sup> *Ibid.*
- <sup>277</sup> *Los Angeles Times*, 6 March 1970.
- <sup>278</sup> Caughey, *To Kill*, 154.
- <sup>279</sup> *Ibid.* Wakefield had pressed LACBE to pass a resolution in support of AB 231 as early as February 13, 1968. See Floyd L. Wakefield to LACBE, telegram, 13 February 1968, fol. Race Question Genl. 1967 – 68 Part X, Box 966, RQC-LAUSD. Caughey reported, "The court took note that there were circumstances in which assignment of a pupil to a school other than the one closest to his residence would be educationally advisable, and that for purposes of integration busing might be a necessary adjunct." Additionally, he wrote, "The court therefore ruled that school boards could make such assignments and, where indicated, should offer transportation. Parents and guardians then could decide whether to avail themselves of this busing but should not have individual veto over the school assignment."
- <sup>280</sup> *Los Angeles Times*, 15 March 1970.
- <sup>281</sup> *Los Angeles Times*, 23 April 1970.
- <sup>282</sup> *Ibid.*
- <sup>283</sup> In mid May, a Sacramento Superior Court judge granted a restraining order against CSBE's "impartial" policy on integration. See *Los Angeles Times*, 17 May 1970. In late May, Sacramento Superior Court Judge William A. White nullified the CSBE's repeal of integration regulations on racial balance. See *Los Angeles Times*, 27 May 1970.
- <sup>284</sup> Caughey, *To Kill*, 156.
- <sup>285</sup> Ronald Reagan, Governor of California, letter to the Honorable William T. Bagley, 4 May 1972, fol. Race Question Genl. 7-6-72 to 8-12-74, Box 970, RQC-LAUSD.
- <sup>286</sup> *Ibid.*
- <sup>287</sup> *Ibid.*
- <sup>288</sup> *Ibid.*
- <sup>289</sup> Nixon's Student Transportation Moratorium of 1972 declared a moratorium on "new or additional orders involving transportation of students" and continued the moratorium until July 1, 1973 or "until passage of substantive [anti-busing] legislation." See Washington Research Project, "Memorandum to James C. Corman," n.d., fol. School Deseg.: Notes, P.R. 1971-72, N.D., Box JCC/RG9 56, James C. Corman Collection, 1920-1980, Urban Archives Center, Oviatt Library, California State University, Northridge (from now on JCCC-UAC/CSUN).
- <sup>290</sup> LACBE, Reports of Correspondence, 543 and 566, 24 February and 2 March 1972, fol. Race Question Genl. Part XIX, Box 970, RQC-LAUSD.
- <sup>291</sup> Tweety Elementary School Advisory Board, letter to LACBE, n.d., fol. Race Question Genl. Part XIX, Box 970, RQC-LAUSD. There were a total of 45 signatures; one appears to be a duplicate. Of the 45 signatures, at least two were of "Spanish surname."
- <sup>292</sup> *Ibid.*
- <sup>293</sup> *Ibid.*

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<sup>294</sup> Caughey, *To Kill*, 224.

<sup>295</sup> *Ibid.* The initiative would have outlawed not only busing but also any other integration method or effort, such as pairing, attendance boundary changes, magnet schools, etc. It could have also barred race-based assignments to relieve overcrowding or fill underenrolled schools. The design of the initiative partly focused on student assignment, not on transportation or anti-busing efforts per se. This design extends to the prohibition on census taking.

<sup>296</sup> LACBE, Minutes, 519, 10 February 1972, fol. Race Question Genl. Part XIX, Box 970, RQC-LAUDS.

<sup>297</sup> *Ibid.*

<sup>298</sup> LACBE, Minutes, 145, 14 September 1972, *Crawford Case Files Part Two, 4/30/70 - 1/18/1979, CCF-BdS/LAUDS.*

<sup>299</sup> *Ibid.*

<sup>300</sup> This margin approximated the *anti-fair* housing Proposition 14, which passed with 65% of the vote.

<sup>301</sup> For an overview of the complex San Francisco school desegregation case, which involved five classified racial/ethnic groups of sizeable populations, see Caughey, *To Kill*, 174-178. In Detroit, Judge Stephen Roth excluded the suburbs from an integration plan however the case is important because it introduced the idea of a metropolitan integration plan.

<sup>302</sup> See Caughey, *To Kill*, 166-174.

<sup>303</sup> *Los Angeles Times*, 13 February 1970. The *Los Angeles Times*' Robert Donovan added, "The decision caused such concern in Washington [D.C.] that Robert H. Finch ... and his aides were up much of Wednesday night discussing its possible consequences."

<sup>304</sup> *Ibid.*

<sup>305</sup> *Ibid.* See also Caughey, *To Kill*, 152. For an incisive editorial about the growing anti-integration and anti-busing fervor and Governor Reagan in particular by Raoul Teilhet of the California Federation of Teachers' California Teacher see same location.

<sup>306</sup> *Ibid.*

<sup>307</sup> *Ibid.*

<sup>308</sup> *Ibid.*

<sup>309</sup> *Ibid.*

<sup>310</sup> *Ibid.*

<sup>311</sup> *Ibid.*

<sup>312</sup> *Ibid.*

<sup>313</sup> *Ibid.*

<sup>314</sup> In a unanimous decision, the United States Supreme Court upheld cross-town busing and other strategies as appropriate strategies to desegregate public schools. See *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971) and *Los Angeles Times*, 21 April 1971.

<sup>315</sup> *Los Angeles Times*, 25 March 1970. See also Caughey, *To Kill*, 156, 158.

<sup>316</sup> *Los Angeles Times*, 26 March 1970.

<sup>317</sup> *Los Angeles Times*, 25 March 1970. See also Caughey, *To Kill*, 158.

<sup>318</sup> Caughey, *To Kill*, 159.

<sup>319</sup> James C. Corman was born in Galena, Kansas in 1920. He moved to Los Angeles at the age of eleven. He earned a degree in political science from UCLA in 1942, and a law degree from USC in 1948. During World War Two, Corman served in the United States Marine Corps, and earned a bronze star. In 1957, Corman was elected to the Los Angeles City Council as a Democrat. He was elected to the United States House of Representatives on November 8, 1960. He served on several committees including the Committee on Science and Astronautics, Select Committee on Small Business, the Ways and Means Committee, and from 1963 to 1968, the House Judiciary Committee. Corman helped draft the 1964 Civil Rights Act and was a proponent of additional civil rights legislation. Notably, Corman served on the National Advisory Commission on Civil Disorders (also known as the Kerner Commission). See *Descriptive Finding Guide to the Congressman James C. Corman Collection, 1920-1980*, James C. Corman Collection, 1920-1980, Urban Archives Center, Oviatt Library, California State University, Northridge (from now on JCCC-UAC/CSUN).

<sup>320</sup> James C. Corman, *Statement by Honorable James C. Corman A U.S Representative in Congress from the State of California before the House Committee on the Judiciary*, 24 May 1972, fol. Corman 24 May 72, Box JCC/RG9 57, JCCC-UAC/CSUN.

<sup>321</sup> *Ibid.*

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<sup>322</sup> Ibid.

<sup>323</sup> Caughey, *To Kill*, 219.

<sup>324</sup> Ibid.

<sup>325</sup> James C. Corman, Memorandum, "Busing Votes," n.d., fol. School Deseg.: Notes, P.R. 1971-72, N.D., Box JCC/RG9 56, JCCC-UAC/CSUN.

<sup>326</sup> Caughey, *To Kill*, 219 - 220. See also James C. Corman, Memorandum, "Busing Votes," n.d., fol. School Deseg.: Notes, P.R. 1971-72, N.D., Box JCC/RG9 56, JCCC-UAC/CSUN.

<sup>327</sup> Ibid., 220.

<sup>328</sup> Ibid., 223.

<sup>329</sup> Nixon's politically advantageous anti-busing efforts did not end there. He helped pass additional legislation, the Equal Educational Opportunities Act, which placed more stringent anti-busing, anti-integration measures. The bill specifically outlawed assigning a student to a school farther than the second closest to her or his home. In addition, it specified that busing could only be used as a last resort to achieve integration after all other methods and strategies, such as redrawing attendance boundaries and constructing new schools, were exhausted. See Caughey, *To Kill*, 221.

<sup>330</sup> Caughey, *To Kill*, 221.

<sup>331</sup> John Caughey argued that "the upswelling of white racism against busing and school integration" gave Nixon the overwhelming victory. Caughey quipped that "Nixon was fully rewarded for out-Wallacing Strom Thurmond." See Caughey, *To Kill*, 222.

<sup>332</sup> Several individuals who championed integration chose to pursue other goals. Ralph Hornbeck, Superintendent of Pasadena Schools, resigned; Neil Sullivan, Massachusetts education commissioner, joined the faculty of Long Beach State University (today's California State University, Long Beach); and Thomas Shaheen resigned his post of superintendent of school in San Francisco. Sullivan and Shaheen blamed resistance to integration for their resignations. See Caughey, *To Kill*, 221.

<sup>333</sup> *Los Angeles Times*, 1 March 1970. Significantly, Donovan highlighted that the integration issue divided white liberals.

<sup>334</sup> Ibid.

<sup>335</sup> Ibid.

<sup>336</sup> Ibid.

<sup>337</sup> Ibid.

<sup>338</sup> Caughey, *To Kill*, 215.

<sup>339</sup> Ibid., 216.

<sup>340</sup> Ibid.

<sup>341</sup> Ibid.

<sup>342</sup> *Los Angeles Times*, 15 March 1970. The California delegation had thirty-six members.

<sup>343</sup> Ibid. See also Caughey, *To Kill*, 217.

<sup>344</sup> Ibid.

<sup>345</sup> Ibid.

<sup>346</sup> Ibid.

<sup>347</sup> Ibid. See also Caughey, *To Kill*, 217. Hawkins was the first African American from California to serve in Congress. He served California's 21<sup>st</sup> District from January 1963 to January 1975. He represented California's 29<sup>th</sup> District from January 1975 to January 1991. Among his many accomplishments, he authored legislation including Title VII of the Civil Rights Acts of 1964, which established the Equal Employment Opportunity Commission

<sup>348</sup> Ibid.

<sup>349</sup> Ibid.

<sup>350</sup> Ibid.

<sup>351</sup> Ibid.

<sup>352</sup> Ibid.

<sup>353</sup> Ibid. Among the many accomplishments in his illustrious political career, James Corman helped draft the Civil Rights Act of 1964 and served on the National Advisory Commission on Civil Disorders, also known as the Kerner Commission.

<sup>354</sup> Ibid.

<sup>355</sup> *Los Angeles Times*, 20 February 1970.

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<sup>356</sup> Caughey, *To Kill*, 161.

<sup>357</sup> *Ibid.*, 160.

<sup>358</sup> *Los Angeles Times*, 30 April 1970. Gitelson explained that since the controversy began after his decision in *Crawford*, he had received about 200 letters, many unsigned, and that 25% of them were abusive and included “considerable reference” to the fact that he was Jewish. See also Caughey, *To Kill*, 162.

<sup>359</sup> *Ibid.*

<sup>360</sup> *Ibid.* Gitelson explained that since the controversy began after his decision in *Crawford*, he had received about 200 letters, many unsigned, and that 25% of them were abusive and included “considerable reference” to the fact that he was Jewish.

<sup>361</sup> *Ibid.* See also Caughey, *To Kill*, 162. The *Los Angeles Times* reported the names of the suspects, many who were later convicted on weapons charges: Robert L. Schurman, retired gun-shop owner, 50, from Topanga, described by his attorney as “a sick man” and “heavy drinker” who had had two heart attacks; Marco Hanson (who was later cleared of any involvement with the assassination attempt), 44, a railroad switchman from Canoga Park; George Ross Clemens, 33, a market manager from Canoga Park; Bela Steve (Bill) Mezey, 33, a gun shop owner from Canoga Park; Darrell James Tatman, 36, a contractor from Canoga Park. The warrant described the men as members of a right-wing extremist group. This was later found unfounded, but prosecutors discussed the National States Rights Party, formerly the American Nazi Party, in connection with the case. The *Los Angeles Times* also reported that during the undercover investigation, Schurman had asked the undercover agents to “drive a penny nail” into the forehead of Judge Gitelson with a note attached that read, “This for the niggers.” Schurman was charged with two counts of soliciting another to murder Gitelson, five counts for possession of illegal weapons, possession of marijuana, possession of a “destructive device,” and possession of brass knuckles. See *Los Angeles Times*, 1 May 1970. Schurman’s attorney later submitted a plea of innocent by reason of insanity. See *Los Angeles Times*, 23 June 1970. In late November, Superior Court Judge David N. Fits found Schurman guilty of soliciting two undercover Los Angeles Police Officers to assassinate Judge Gitelson, on two counts of possession of illegal weapons, and one count of marijuana possession. Schurman had testified that he drank so heavily on the day of the solicitation that he did not remember anything about it and that if he had discussed killing Judge Gitelson that he had not been serious. He was sentenced to five years probation after spending sixty days at a State Department Corrections facility for psychiatric diagnosis and treatment. See *Los Angeles Times*, 22 December 1970 and May 1, 1971. Clemens later pleaded no contest to charges of selling a machine gun to an undercover officer and was sentenced to three years probation and five weekends in country jail, but was cleared of conspiracy charges. See *Los Angeles Times*, 25 August and 17 November 1970.

<sup>362</sup> *Ibid.*

<sup>363</sup> Caughey, *To Kill*, 163.

<sup>364</sup> *Ibid.*

<sup>365</sup> *Los Angeles Times*, 4 June 1970. With most precincts counted, Gitelson’s closest rival, William P. Kennedy, received 19% of the votes. Other candidates received 15%, 12%, and 9%. Registrar-Recorder Ray E. Lee later discovered errors in the punch card ballot system that might have affected the Gitelson race and other races. See *Los Angeles Times*, 6 June 1970.

<sup>366</sup> *Los Angeles Times*, 5 November 1970. In the runoff election, the *Los Angeles Times* and the Burbank Bar Association had backed Judge Gitelson for re-election. See *Los Angeles Times*, 21 and 22 October 1970 respectively.

<sup>367</sup> *Ibid.*

<sup>368</sup> *Ibid.*

<sup>369</sup> *Ibid.*

<sup>370</sup> *Los Angeles Times*, 7 November 1970. Caughey, *To Kill*, 164-165.

<sup>371</sup> *Ibid.* See also Caughey, *To Kill*, 165.

<sup>372</sup> *Ibid.*

<sup>373</sup> *Ibid.*

<sup>374</sup> *Ibid.*

<sup>375</sup> *Los Angeles Times*, 29 December 1975. Judge Alfred Gitelson passed away at the age of sixty-nine from a heart attack while vacationing on a cruise off the Panama coast.

<sup>376</sup> John W. Caughey, *Shame of Los Angeles: Segregated Schools, 1970-1971* (Quail Books, Los Angeles), 7.

According to Caughey, the ACLU was instrumental in forcing LACBE to develop a racial census. After repeated

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requests for the racial make up from the ACLU and other civil rights organization, and LACBE rejections, the ACLU asked the State Board of Education to demand racial censuses in the school districts within California. The State Board heeded their demand and on March 5, 1966 “mandated school-by-school impersonal racial censuses.” LACBE conducted the first racial and ethnic survey in October 1966. For the varying and inconsistent racial and ethnic classifications for the racial census see Caughey, *Shame*, 8-9.

<sup>377</sup> *Ibid.*, 13.

<sup>378</sup> *Ibid.*, 16.

<sup>379</sup> *Ibid.*, 17. For an analysis of educational segregation by race and school level, in which segregation was most pronounced, see Caughey, *Shame*, 19-20. For his part, Caughey challenged LACBE’s assertion in Crawford that school integration caused “white flight” and racial segregation in the city. On the contrary, he argued that whites fled all ready segregated schools and that other factors accounted for residential flows.

<sup>380</sup> *Ibid.*, 16.

<sup>381</sup> According to Caughey, the district had 91 school buildings “known to be earthquake hazardous, condemned as such by the standards of the Field Act, and forbidden for school use after 1975.” See Caughey, *Shame*, 197.

<sup>382</sup> Official agencies that study and track earthquakes have also referred to this earthquake as the San Fernando Earthquake.

<sup>383</sup> For a detailed account of LACBE politics in response to the emergencies that developed from the San Fernando Earthquake of 1971, See Caughey, *To Kill*, 197-208.

<sup>384</sup> Here I refer to Fairfax as a “segregated, integrated school.” These are contradictory terms, but often LACBE policy itself was contradictory, thus the need for similarly unusual terminology. Caughey, for his part, called the Los Angeles/Fairfax High Schools situation “Busing for Segregation,” phraseology which is equally awkward but necessary to describe the circumstances there. See Caughey, *Shame*, 29.

<sup>385</sup> LACBE, Minutes, 345, 2 December 1971, fol. Race Question Genl. Part XIX, Box 970, RQC-LAUSD.

<sup>386</sup> LACBE, Minutes, 377, 13 December 1971, fol. Race Question Genl. Part XIX, Box 970, RQC-LAUSD.

<sup>387</sup> LACBE, Report of Correspondence, 527, 17 February 1972, fol. Race Question Genl. Part XIX, Box 970, RQC-LAUSD.

<sup>388</sup> LACBE, Report of Correspondence, 566, 2 March 1972, fol. Race Question Genl. Part XIX, Box 970, RQC-LAUSD. After reviewing the correspondence and removing at least two duplicates, I found a total of 88 pieces of correspondence. To the best of my knowledge, the ethnic breakdown of the signatures from Cahuenga parents according to last name is as follows: “Spanish surname,” 6 signatures (6.8%); “English surname,” 73 (83%); Filipino, 1 signature (1.1%); Chinese/Chinese American, 3 signatures (3.4%); and Japanese/Japanese American, 5 signatures (5.7%).

<sup>389</sup> Public Information Office, Los Angeles City Schools, Memo, “Board of Education Approves Ad Hoc Committee on Integration,” 19 June 1970, fol. Race Question Genl. Part XVII, Box 969, RQC-LAUSD.

<sup>390</sup> LACBE and the district later referred to PIE as the Program for Intergroup Education, instead of Program for Interschool Enrichment.

<sup>391</sup> Donald D. Newman, Inter-Office Correspondence to LACBE, Memo, “Supportive Comments Regarding the Motion that the Board Appoint an Ad Hoc Committee on Integration for the School Year 1971-72,” 28 June 1971, fol. Race Question Genl. Part XVIII, Box 969, RQC-LAUSD.

<sup>392</sup> *Ibid.*

<sup>393</sup> LACBE, Minutes, 788, 28 June 1971, fol. Race Question Genl. Part XVIII, Box 969, RQC-LAUSD.

<sup>394</sup> Donald D. Newman, Inter-Office Correspondence to LACBE, Memo, “Supportive Comments Regarding the Motion that the Board Appoint an Ad Hoc Committee on Integration for the School Year 1971-72,” 28 June 1971, fol. Race Question Genl. Part XVIII, Box 969, RQC-LAUSD.

<sup>395</sup> Task Force for Educational Options, Report, 13 April 1972, fol. Race Question Genl. 4-13-1972 to 6-29-1972, Box 970, RQC-LAUSD, 2. In my analysis of responses to the idea of busing children out of schools damaged by the earthquake from diverse neighborhoods, it is important to keep in mind the “anticipated” racial makeup student enrollment for the 1972 academic year from the following minority schools: Bret Harte Junior High School, 98.4% Black, 0.3 “Oriental,” 1.1% “Spanish Surname,” and 0.5% White; Bancroft Junior High School, 5.5% Black, 4.1 “Oriental,” 7.5% “Spanish surname,” and 82.8% White; Cahuenga, 2.6% Black, 10.9% “Oriental,” 20.7% “Spanish surname,” and 65.8% White; and Cahuenga, 2.6% Black, 10.9% “Oriental,” 20.7% “Spanish surname” and 65.8% White. See School Building Planning Division Committee, *Building Committee Report No. 2*, 28 February 1972. Same location.

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<sup>396</sup> Ibid., 1-2.

<sup>397</sup> Ibid., 2.

<sup>398</sup> Ibid.

<sup>399</sup> Ibid., 3.

<sup>400</sup> Ibid., 5-6. Another 188 parents (1.9%) submitted responses “that could not be categorized.”

<sup>401</sup> Ibid., 15

<sup>402</sup> Ibid.

<sup>403</sup> Ibid., 13.

<sup>404</sup> One hundred fifty-eight parents from the Hollywood Hills, a well-to-do neighborhood, had lent their names in opposition to busing students from their unsafe neighborhood junior high school, Bancroft Junior High School, to Louis Pasteur Junior High, a minority school. They believed that the transfers would provide “an inadequate educational experience” and warned the board, “More tragically, it will become an horrendous example of destructive integration.” Hollywood Hills Parents to LACBE, telegram, 7 March 1972, fol. Race Question Genl. Part XIX, Box 970, RQC-LAUSD. See also LACBE, Report of Correspondence, 597, 16 March 1972. Same location.

<sup>405</sup> Task Force for Educational Options, Report, 13 April 1972, fol. Race Question Genl. 4-13-1972 to 6-29-1972, Box 970, RQC-LAUSD, 13. The FTEC could not categorize the responses of the other 19 parents. On April 20, LACBE acknowledged a petition from Bancroft Junior High School student with 690 signatures opposing busing. The petition suggests that the racial makeup of Bancroft and the community it served was almost homogeneously white. Out of 690 signatures, at least seventeen were of “Spanish surname” (2.5%) and at least twelve were of Asian descent (1.7%). See LACBE, Report of Correspondence, 663, 20 April 1972. Same location. I find it important to mention that a student at Bancroft, who signed the petition but wrote next to his name “1/2 inc”, suggesting the student grudgingly considered both remaining at or leaving Bancroft as viable options.

<sup>406</sup> Under guidelines developed later during *Crawford*, Cahuenga would have qualified as integrated.

<sup>407</sup> It is impossible to know the specific racial background of “Spanish surname” and “English surname” parents. “English surname” parents could have been African American or white.

<sup>408</sup> LACBE’s faced a difficult task replacing buildings that did not meet earthquake safety standards and were up for demolition.

<sup>409</sup> LACBE, Building Committee Report No. 2, 20 April 1972, fol. Race Question General, Part 4-13-1972 to 6-29-1972, Box 970, RQC-LAUSD. See also LACBE, Minutes, 672, 24 April 1972. Same location. The minutes for this LACBE meeting chronicle the votes on the superintendent’s recommendations for each of the 25 schools damaged by the earthquake. The TFEO polled parents from 18 out the 25 schools only. The ACLU was either unaware of the TFEO poll or unhappy with its limited scope. In a May 8 letter from John and LaRee Caughey and Eason Monroe, the ACLU asked LACBE to poll all the parents of children attending earthquake damaged schools. See John and LaRee Caughey and Eason Monroe, 8 May 1972, letter to LACBE. Same location. Board member Robert Docter followed up on the ACLU’s request and presented a motion that reflected the ACLU’s demand. LACBE defeated the motion soundly by a vote of 6 to 1. See LACBE, Minutes, 737, 15 May 1972. Same location.

<sup>410</sup> LACBE, Minutes, 109-2, 24 August 1972, fol. Race Question Genl. 7-6-72 to 8-12-74, Box 970, RQC-LAUSD.

<sup>411</sup> LACBE, Minutes, 473, 24 January 1972, fol. Race Question Genl. Part XIX, Box 970, RQC-LAUSD. See also Caughey, *Shame*, 166.

<sup>412</sup> Ibid.

<sup>413</sup> Caughey, *Shame*, 23.

<sup>414</sup> The Higher Education Act of 1965 funded LACBE’s Work-Study Program.

<sup>415</sup> William Johnston, Superintendent, and the Educational Development Committee, Communication No. 2 to LACBE, 10 July 1972, fol. Race Question Genl. 7-6-72 to 8-12-74, Box 970, RQC-LAUSD. By March 1973, the Superintendent and LACBE engaged in efforts to find Spanish-speaking counselors as well as a Chinese-speaking counselors “thoroughly familiar with the problems in Chinese ... communities.” By June 25, 1973, LACBE approved ESEA Title III-funded Knowledge of English Yields Success (KEYS), a training center for English education in Asian American communities. See William Johnston, Superintendent, and the Personnel and Schools Committee, Communication No. 1 to LACBE, 1 March 1973 and Communication No. 3 to LACBE, 25 June 1973, respectively. Same location.

<sup>416</sup> Measurement and Evaluation Branch, LAUSD, Memorandum No. 2, 19 September 1972, fol. Race Question Genl. 7-6-72 to 8-12-74, Box 970, RQC-LAUSD.

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<sup>417</sup> Ibid.

<sup>418</sup> Ibid.

<sup>419</sup> *Los Angeles Times*, 4 February 1972. Caughey, *To Kill*, 183. Some of the organizations included: American Association of University Women, San Fernando Valley branch; California Teachers Association; Japanese-American Citizens League; League of Women Voters of Los Angeles; UTLA; and the Los Angeles Urban League. In late March, eight Jewish community groups and the Community Relations Conference of Southern California (CRCSC) and the Law Foundation of the Beverly Hills Bar Association filed a “friend of the court” brief in support of the Gitelson decision. The Jewish organizations included: the American Jewish Committee; American Jewish Congress; Anti-Defamation League of B’nai B’rith, Board of Rabbis of Southern California and Chaplaincy Service; Community Relations Committee of the Jewish Federation; Jewish Labor Committee; National Council of Jewish Women; and Union of American Hebrew Congregations. See *Los Angeles Times*, 28 March 1972.

<sup>420</sup> Caughey, *To Kill*, 185.

<sup>421</sup> Ibid.

<sup>422</sup> Ibid.

<sup>423</sup> *Los Angeles Times*, 13 March 1972.

<sup>424</sup> LACBE, Minutes, 425, 11 February 1974, fol. Race Question Genl. 7-6-72 to 8-12-74, Box 970, RQC-LAUDS.

<sup>425</sup> Ramona Ripston, Executive Director ACLU, Statement, *Standing in the Schoolhouse Door*, 11 February 1974, fol. 3, Box 2, John and LaRee Caughey Papers on the ACLU and School Integration, 1962-1980, Urban Archives Center, Oviatt Library, California State University, Northridge (from now on JLC-UAC/CSUN).

<sup>426</sup> LACBE, Minutes, 425, 11 February 1974, fol. Race Question Genl. 7-6-72 to 8-12-74, Box 970, RQC-LAUDS. Statements from speakers at the February 11 1974 LACBE meeting can also be found in *Crawford Case Files Part Two*, 4/30/70 - 1/18/1979, CCF-BdS/LAUDS.

<sup>427</sup> Richard Alatorre to LACBE, telegram, 11 February 1974, fol. Race Question Genl. 7-6-72 to 8-12-74, Box 970, RQC-LAUDS.

<sup>428</sup> Ibid.

<sup>429</sup> Ibid.

<sup>430</sup> Raoul Teilhet, Statement before LACBE, 11 February 1974, fol. Race Question Genl. 7-6-72 to 8-12-74, Box 970, RQC-LAUDS.

<sup>431</sup> Ibid.

<sup>432</sup> LACBE, Report of Correspondence, 431, 14 February 1974, fol. Race Question Genl. 7-6-72 to 8-12-74, Box 970, RQC-LAUDS.

<sup>433</sup> LACBE, Minutes, 429, 14 February 1974, fol. Race Question Genl. 7-6-72 to 8-12-74, Box 970, RQC-LAUDS.

<sup>434</sup> Ibid.

<sup>435</sup> Ibid.

<sup>436</sup> Ibid.

<sup>437</sup> Ibid.

<sup>438</sup> Ibid.

<sup>439</sup> Ibid.

<sup>440</sup> Ibid.

<sup>441</sup> Ibid.

<sup>442</sup> Ibid.

<sup>443</sup> Ibid.

<sup>444</sup> LaRee Caughey, Statement before LACBE, 16 May 1974, fol. Race Question Genl. 7-6-72 to 8-12-74, Box 970, RQC-LAUDS.

<sup>445</sup> Ibid. In the early 1970s, LACBE took an active role in teacher and staff integration. I will related this topic to the issue of student desegregation when I see fit. However, the separate issue of teacher reassignment will necessitate further study. What is apparent is that many teachers of “English surname” and several school faculties in Valley schools began protesting the teacher racial and ethnic survey and others began protesting both the student and staff surveys. In late 1974, faculties from Napa Elementary in Northridge, El Camino Real High School in Woodland Hills, and Reseda High School, in Reseda, had gone on the record in opposition to teacher surveys for various reasons. By early 1975, two more school faculties, Taft High School, also in Woodland Hills, and Portola Junior High, in Tarzana, protested the validity of the survey. At last one individual protested the student racial and ethnic survey on the grounds that her two children were of “two mixtures that society refers too [*sic*] as minorities”

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and were being forced to check “Other,” when they “wanted to put down both.” The Reseda High School faculty also questioned the validity of the survey and expressed concern about whether children of mixed race were counted. For a sample of LACBE initiatives and analyses regarding staff integration, see LACBE, *Addenda to Progress Report on Development of Planning Efforts for Staff Integration*, 31 July 1974, fol. Race Question Genl. 8-19-74 to 6-30-75, Box 971, RQC-LAUSD. In December 1974, LACBE reported that 73% teachers and staff favored a voluntary staff integration program, only 11% favored mandatory staff integration, and 16% did not favor any staff integration. See Office of the Associate Superintendent, LAUSD, Memorandum #7, 2 December 1974. Same location.

#### Chapter 4: A Quandary of Multidimensional Proportions: LACBE's Community Advisory Committee on Student Integration, Shifting Board Dynamics, and Community Advisory Councils

In March 1975, the California Second District Court of Appeals overturned Judge Alfred Gitelson's ruling in *Mary Crawford vs. Los Angeles City Board of Education* (from now on *Crawford*) ordering LACBE to desegregate the Los Angeles School District. On March 10, 1975, after a stalled appeals process that took about five years, the California Second District Court of Appeals reversed Judge Alfred Gitelson's decision. It cited as precedent two cases since the Gitelson decision that ruled California district boards of education were not bound to alleviate *de facto* segregation. While the ruling technically remanded the case to Superior Court, the ACLU appealed the ruling to the California Supreme Court to review the appellate court's findings. However, in late June 1976, the California Supreme Court overturned the California Appeals court decision, and sent *Crawford* back to the Superior Court, where LACBE and civil rights organizations engaged in a protracted legal scrimmage in an effort to agree on a "reasonable and feasible" plan to desegregate the district, a mandate the California Supreme Court emphasized. Other than this guideline, the California Supreme Court gave the Superior Court debatable guidelines susceptible to disagreements among LACBE, civil rights organizations, and intervenors. The many issues up for debate in *Crawford* included: developing definitions for the terms segregation, desegregation, and integration that took into consideration flexible racial and ethnic ratios; whether to employ voluntary or mandatory integration strategies or a combination of both; whom to reassign to integrate schools; what constituted a "reasonable and feasible" plan; and staff integration.

In this chapter, I argued that in addition to civil rights and community groups partaking in *Crawford*, outside groups voiced their competing views about integration to influence the outcome of *Crawford*, LACBE desegregation policy-making, and court rulings, and in the process blurred the distinction between the city's racial politics and an independent judiciary. I

analyze the integration debate at three interrelated sites: the California court system, the Los Angeles City Board of Education (LACBE), and the community at large. Historically, LACBE membership remained largely steady, with incumbents often retaining their LACBE offices in at-large school board elections. This changed dramatically and suddenly in early 1976 when Dr. Donald Newman passed away from a heart attack. After a protracted search, LACBE appointed USC law professor Howard Miller. His tenure also began dramatically when he immediately introduced an anti-busing resolution that LACBE readily passed, upsetting integrationists, civil rights groups, and minority community leaders. After vocal protests by civil rights and community organizations groups, LACBE rescinded the anti-busing motion, frustrating anti-busers. The adoption of the anti-busing motion and its subsequent demise frustrated integrationists, anti-busers, many parents, and anyone else invested in the integration issue. Miller's appointment and board elections transformed the dynamics of LACBE.

Two main stories about the desegregation comprise this chapter. First, as *Crawford* continued to make its way through the court system, LACBE commissioned CACSI, a formidable committee, both in its sizeable membership with almost one hundred members, its representation of many parts of the district, and its detailed integration plan that relied on a *phase-in* strategy, that began with a voluntary phase and, if necessary, continued in a mandatory phase. CACSI's phase-in integration strategy has garnered very little analysis in previous works about school desegregation in Los Angeles, but this strategy had lasting effects long after CACSI's existence. CACSI authored two integration proposals, one preliminary and the other a final proposal.

Second, LACBE encouraged input from community groups and promoted community advisory committees (CACs), also known as community advisory councils, at each school to invite community participation in educational issues including integration. Some of the organization that answered LACBE's call included: Crenshaw Neighbors (CN), Lake View Terrace, the San Fernando Valley Interface Council (VIC), and the Fair Housing Council of the San Fernando Valley, among other groups and communities. On the integration issue, CACs overwhelmingly backed the neighborhood school concept and generally opposed comprehensive integration plans, especially mandatory busing. In CACs, the notion of the neighborhood school became ever more entrenched, and, although not all community advisory councils opposed mandatory integration strategies, and the racial makeup of the CACs sometimes was not always

white, a clear majority of CACs agreed on one key issue: opposition to mandatory, two-way busing. Years later, Bobbi Fiedler, a devout anti-buser, credited PTAs and CACs for creating the structure for the anti-busing organization BUSTOP, stating, “I mean, we [BUSTOP] organized around the schools who had already a structure. They had their PTAs, they had their Advisory Councils, they had two of them as active members of our community; and we began to go from one community to another speaking out and informing the public....”<sup>1</sup> The community advisory councils also reinforced community cohesion, thereby concentrating opposition to integration efforts. In other words, LACBE established two competing forums of community participation on integration: 1) CACSI with membership from civil rights and community leaders and 2) CACs (along with preexisting PTAs) at the community level whose membership overwhelmingly opposed comprehensive integration efforts that included mandatory two-way busing.

Related issues, such as the student and teacher racial censuses, faculty and staff integration, affirmative action, and a Permit with Transportation (PWT) program, developed out of and in response to desegregation efforts and civil rights community mobilization. People from different racial and class backgrounds responded to these issues in markedly divergent ways. Many majority white communities from across the district opposed the student and teacher censuses. In other cases, nominally diverse neighborhoods opposed desegregation efforts and asked LACBE to help them maintain the racial makeup of their neighborhoods. Racial and ethnic minorities in racially isolated communities seemingly acquiesced to LACBE’s requests of the student background information.

### *1975 LACBE Elections*

In 1975, the makeup of LACBE was in flux with four board seats up for election. Sixteen-year LACBE member and staunch opponent of desegregation Jewel Clifton Chambers was up for re-election. Georgiana Hardy decided to retire after serving on LACBE for twenty years. Chambers’ main opponents included Kathleen Brown Rice, who was the sister of California Governor Jerry Brown and had support from two U.S. Senators, five California members of U.S. Congress, and members of the state legislature,<sup>2</sup> and candidate Brownlee Haydon, an executive with the RAND Corporation for the past twenty-five years and human relations activist.<sup>3</sup> Diane Watson, a school psychologist and potentially the second African

American and the first African American woman to serve on LACBE, and Dolly Swift, a conservative, led a field of fifteen candidates for Hardy's seat. Bardos, a conservative, and Nava, considered a liberal by the print media, were also up for reelection.

His LACBE seat at stake, in March, the *Los Angeles Times* quoted Chambers making racially insensitive remarks that linked race to sexual behavior, when the newspaper prompted him to comment about sex education in schools. Chambers told the *Los Angeles Times*, "It is important that youngsters get a certain amount of sex education at a time when they are able to take and digest it. But we should not mix classes (of boys and girls) and they should be taught by medical doctors and nurses...."<sup>4</sup> The *LA Times* reported that "sexual development is one reason he [Chambers] doesn't want to 'mix the races.'"<sup>5</sup> Chambers expressed to the newspaper:

Black youngsters are two to three years ahead sexually. They mature two to three years ahead and have less personal restraint and they are exposed to more in the home. My concern is with the 13-and 14-year old (white) girls who are exposed to a more rapidly maturing (black) boy. Everyone knows so much can happen—and believe me, it does.<sup>6</sup>

The Black Education Commission (from now on BEC), a LACBE-commissioned entity, responded to Chambers' comments linking race to behavioral, sexual, and moral traits by calling them "absurd, irresponsible, reprehensible, and a definite insult to the Black community."<sup>7</sup> The BEC asked Chambers either to back up his "scurrilous" statement or to release an immediate retraction. If he did neither, the BEC asked LACBE to censure him. "In the event that Chambers refuses to respond," the BEC continued, "the Board's credibility in the Black community on such issues as staff integration and affirmative action will most surely be in serious jeopardy!!"<sup>8</sup> Los Angeles NAACP member Henry B. Dotson, Jr. also expressed concern about Chambers' remarks.<sup>9</sup>

LACBE member Nava introduced a motion to the board to repudiate Chambers' comments about "racial differences between black and white children" by reaffirming a two-year-old board policy, which declared that "all mankind is created equal" and rejected the notion "that any race is inherently superior to another."<sup>10</sup> The board chose to *set aside* Nava's motion by a 4-2 vote,<sup>11</sup> and the following day, Docter introduced a motion to reject emphatically "any theoretical position which alleges to relate sexual maturity, experience, or promiscuity to racial-genetic origins."<sup>12</sup> Docter's resolution went down to defeat by a 3 to 3 vote, as a tied vote

translated to a failed motion. Docter, Hardy, and Nava voted for it and Bardos, Ferraro, and Newman voted against it.<sup>13</sup> Chambers was conspicuously missing from the votes in both motions, as his vote to kill the motion was unnecessary.

His bold statements against race mixing in sex education paralleled his positions against student and staff integration. Although the federal government required the district to integrate its staff to be eligible for federal funds, Chambers believed it was “none of their business” because people moved “in [to the neighborhoods of their choice] for the churches and schools, and it’s not fair to make teachers move.”<sup>14</sup> Chambers also questioned the constitutionality of racial balancing in the staff and alleged that “the community” did not support it.<sup>15</sup>

Brown Rice, Chambers’ main challenger for a board seat, attempted to tread a middle ground, proclaiming that integration in a pluralistic society was “vital,” but at the same time opposing compulsory busing.<sup>16</sup> Backing boundary changes, Brown Rice claimed that in her neighborhood, “if we pushed the boundary a few blocks south, we would have very integrated schools.”<sup>17</sup> Brown Rice did not disagree with the concept of voluntary busing, but opposed a voluntary plan that “would destroy the Los Angeles public school system.”<sup>18</sup> She supported a voluntary teacher integration program instead of a teacher lottery, but quipped that she was “appalled the board waited so long to act.”<sup>19</sup>

Another candidate for Chambers’ board seat, Brownlee Haydon stated, “Busing is not the solution, only a tool. It is being used nominally here and there. It wouldn’t work if it were mandatory and massive.”<sup>20</sup> He backed other alternatives such as minority student transfers to majority white schools with empty classrooms, and magnet schools.<sup>21</sup> Haydon believed that “staff integration” was “the appropriate precursor to pupil integration,” and hoped that some students transfer to follow their teachers to new schools.<sup>22</sup>

The board of education elections resulted in changes to the makeup of LACBE, which now included four reported liberals. The board of education elections of April 1<sup>st</sup> produced the reelection of Nava, with 59% of the vote.<sup>23</sup> Three other board races resulted in runoffs in the general election in May.<sup>24</sup> In the runoff elections, Kathleen Brown Rice defeated J.C. Chambers; Diane Watson replaced retiring member Georgiana Hardy by defeating Dolly Swift; and Bardos won reelection by defeating Robert Peters.<sup>25</sup> With Kathleen Brown Rice replacing the embattled Chambers, the new LACBE membership included: President Robert L. Docter, Dr. Julian Nava, Richard Ferraro, Dr. Donald Newman, Phillip Bardos and Diane E. Watson.

### *Magnet Schools*

In mid 1975, local discussion began in earnest about magnet schools, an integration strategy already in effect in Detroit, Boston, and other parts of the country. A *Time* article, “Integration by Magnets,” explained:

The idea seems simple enough: create schools with special programs and they will attract students from all parts of the city. Such “magnet” schools are becoming increasingly popular not only as a means of providing superior education—and not just to the brightest children—but also as a method of desegregation.<sup>26</sup>

While Chicago and New York were in the midst of planning magnet schools, Detroit had already begun operating magnet schools four years earlier.<sup>27</sup> In Boston, parents signed up their children for magnet schools, which represented the second phase of a desegregation plan by Federal District Court Judge W. Arthur Garrity’s. Boston’s magnet schools would have a student body population “reflecting the city’s total enrollment: 52% white, 36% black, 12% other minorities.”<sup>28</sup> The magnet schools helped to integrate Boston’s schools and were formed in response to the rioting, violence and absenteeism by the white population a year earlier.

Los Angeles had no magnet schools, and although the city had a small but growing Permit With Transportation (from now on PWT) program, some Angelenos began asking board members to consider magnet schools to integrate the district because residential segregation was visible, blatant, and abrupt. Not only did segregated neighborhoods and schools exist due to the Santa Monica Mountains, distance, and train tracks. Segregated neighborhoods also existed right next to each other, and school attendance boundaries reinforced this segregation.

### *Community Input: The Fair Housing Council of the San Fernando Valley Offers*

#### *Recommendations*

Concerned about increasing residential and educational segregation in the San Fernando Valley, the Fair Housing Council of the San Fernando Valley (FHC/SFV) advocated for “true community open housing” and believed LACBE had a responsibility to provide quality schools to maintain racial balances at already desegregated schools and to prevent white flight.<sup>29</sup> The FHC/SFV expressed, “Problems of school busing and teacher transfers to achieve racial balance would be solved by a viable policy of true community open housing.”<sup>30</sup> The FHC/SFV used Lake View Terrace as an example of an “integrated” community. Located in the northeast section of the Valley, just east of the community of San Fernando, Lake View’s population was

27% Black and 72.5% white, according to the 1970 census. FHC/SFV surveyed Lake View residents and found “citizen satisfaction in virtually all areas of community life with the exception of schools.”<sup>31</sup> In its report, the FHC/SFV reported that 49.6% of the respondents believed the staffs at the two neighborhood elementary schools were average or above average and that only 47% considered the educational programs average or above average.<sup>32</sup> At the junior high school level, 27% of respondents considered the staff to be average or above average, while 25.9% believed that the educational programs were below average.<sup>33</sup> Regarding high school education, 32.7% of the respondents believed the staff and educational programming were average or above average and 31.2% found them below average.<sup>34</sup>

Concerned about patterns of increased vacancies and homes for sale in Lake View, the FHC/SFV argued that in order for the neighborhood to remain “integrated,” it was “incumbent upon the Board of Education to provide excellent staff and programs in this community.”<sup>35</sup> Alternately, if LACBE provided substandard public education, Lake View Terrace could become segregated due to white flight. There were signs that this was occurring in Lake View. The FHC/SFV reported, “By September, 1974, the number of vacant homes rose to 83 while the number of ‘for sale’ signs rose to 51.”<sup>36</sup> Lake View Terrace’s “integration” was precarious. The outmigration of whites concerned the FHC/SFV, as empty homes and “for sale” signs did not create the most appealing and optimal conditions for a healthy real estate market, and compelled residents to contemplate selling their homes and leaving the neighborhood.

The process of segregation towards a minority community concerned Crenshaw Neighbors, Lake View Terrace residents, and the Fair Housing Council of the San Fernando Valley. Solomon and Fairfax parents too worried about their community becoming a segregated minority school. In a period when Crenshaw Neighbors *pleaded* for assistance from LACBE to prevent its neighborhood schools from becoming minority segregated and isolated, and the FHC/SFV *requested* LACBE to improve Lake View Terrace’s neighborhood schools to keep the community nominally integrated, the Community Advisory Council of Fairfax High School sought to control the racial makeup of Fairfax’s student body in order to “stabilize” the community’s racial makeup. The council’s chairman, Herb Solomon O.D., *demand*ed the preservation of “that enriching multicultural experience and opportunity” in what he called the Fairfax Cluster.<sup>37</sup> He was fully aware of the impact of the 1968 earthquake, which destroyed

Los Angeles High School and led to L.A. High students attending Fairfax High in the morning session and Fairfax High students attending afternoon sessions. Solomon remarked:

Beginning in 1968 our community literally overnight has faced the dual traumas of earthquake rebuilding and integration through boundary changes. This integration of cultures though enriching, was accomplished with very little preparation of staff, parents, and students for change. Naturally the lack of dialogue, information and explanation resulted in much trauma and strife. The flight of the upper socio-economic groups of all ethnic backgrounds in the last 2 years became a reality.<sup>38</sup>

Solomon demanded proactive efforts to maintain the integration achieved at Fairfax, which included special programs and funding. He believed his community was in competition with East L.A. and South-Central L.A. areas for funding, and remarked, “Our community expects and will accept nothing less than Priority #1 for Funds and Programs. A prioritization *even higher* than those of the so called traditionally culturally disadvantaged and ghettoized communities” (emphasis mine).<sup>39</sup> “Too long communities in change have received the tail end of special program funds,” he added, hinting that communities and schools in the process of becoming segregated received little assistance from LACBE to remain integrated. He asked LACBE to help “stabilize our community and thereby reinforce and secure the decision of all parents for sensible integration.”<sup>40</sup> Therefore Solomon and the advisory council did not oppose integration, but wanted to control the *degree* of integration and minority student presence.

One of Solomon’s more draconian measures to protect and “stabilize” the racial makeup of the Fairfax student body included “using all legal means including hiring special staff investigators to prevent new entries who are unauthorized and out of the district.”<sup>41</sup> This request amounted to spying to keep “outsiders” from enrolling at Fairfax. Racial undertones plagued this request, suggesting that Solomon and the council wanted to stop minority parents from enrolling their children at Fairfax. Ironically, Solomon and the Fairfax council emphasized the school’s *nominally* diverse student body and the community’s *nominally* diverse population as rationales for keeping minorities out. Solomon and the Fairfax Community Advisory Council even asked LACBE to use Fairfax as a model to maintain an integrated school for the rest of Los Angeles public schools.<sup>42</sup> LACBE to date had done nothing for either the Crenshaw area or Lake View Terrace, one community already overwhelmingly minority with a 10% white population and the other in transition or on the tipping point of becoming a racially isolated minority neighborhood. Solomon and the Fairfax CAC awaited LACBE’s response.

### *A Racially Segregated Valley Minority School*

Although popular images of the San Fernando Valley stereotyped its population as white, and contrasted it to the inner city's minority population, the Valley was not completely racially homogeneous. However, minority residents lived in racially isolated pockets in the eastern part of the Valley. Many Valley residents accepted a white Valley/minority inner city binary, and opposed mandatory busing to integrate Valley majority white schools with minority schools in the city proper via two-way busing. Some claimed that the culture of "The Valley" differed markedly from the inner city, and that bringing together children from these different backgrounds would result in racial conflict. However, this racial, cultural, and geographical binary between a white Valley and a minority inner city did not exist, as minorities too resided in the Valley.

Pointing out a clear example of racial segregation *within* the Valley, Edward L. Kussman of the NAACP's San Fernando Valley Branch declared, "The Board should be concerned as to why in a Valley of 1.4 million whites, we have a [*sic*] 80% black school," Maclay Junior High School,<sup>43</sup> located in Pacoima. He highlighted how white Valley children and minority Valley children inhabited racially segregated educational spaces. Kussman asked, "We are requesting the Board ask its staff to explain why in an area where the majority of residents are white[,] the second highest number of residents are Spanish surname [, but] the majority of pupils at Maclay are all Black?"<sup>44</sup>

Kussman protested LACBE's open transfer policy that made possible such glaring school segregation. For example, the policy helped create a racial divide between a black Valley school and a white Valley school: respectively, the aforementioned Maclay Junior High in Pacoima, and nearby Mt. Gleason Junior High, located in Sunland and roughly only nine miles east of Pacoima. Kussman asked LACBE to investigate how white student transfers away from the predominantly African American Maclay Junior High to the predominantly white and overcrowded Mt. Gleason Junior High School contributed to Maclay becoming a "majority minority" school.<sup>45</sup> Permitting white students to transfer out of Maclay not only encouraged educational segregation, but also ensured that parents of diverse backgrounds from the *same community* would not come together during PTA meetings and other functions.

The intent behind the NAACP's request was to make certain that white and Spanish surname students attended their neighborhood school and to stop the district from exacerbating

racial segregation through its transfer policy. Although many Valley whites had professed their adoration for the neighborhood school concept, many whites parents in the Maclay attendance boundaries found themselves in a neighborhood school with a predominantly minority population and wanted to transfer out and many did. Kussman charged that LACBE's "indulgence ... should not allow the will of *bigots* and *separatists* to prevail and overcrowd Mt. Gleason and have an almost half empty ... Maclay" (emphasis mine).<sup>46</sup> According to Kussman, the NAACP unanimously voted to ask the board "to take action immediately to enforce your boundry [*sic*] rules and change the willful disregard for their own regulations by allowing cooperative school officials to issue transfers to those wishing to evade going to Maclay."<sup>47</sup> LACBE President Docter acknowledged and agreed with Kussman's concerns, promising to look into the issues as the Maclay matter was "personally among the highest priorities for resolution that fall on my personal agenda."<sup>48</sup>

A summary of LACBE integration efforts showed that minority children made the most sacrifices associated with integration. Five out of seven LACBE programs in late 1975 involved busing minority children to predominantly white schools. While students participating in voluntary integration programs numbered 11,432 out of an estimated 550,000 total enrollment in the district,<sup>49</sup> minority students accounted for the majority of the volunteers in the integration programs.

### *High School Student and Adult Surveys on Integration and Busing*

In November 1975, the *Los Angeles Times*, with permission from city school officials, conducted an unprecedented survey of high school students in the Los Angeles school district on the issue of desegregation, and reported its findings the following month. The *Los Angeles Times* found that many high school students believed that it would be "best if all student bodies included students of all racial and ethnic groups." but balked at the notion of mandatory busing.<sup>50</sup> These findings among high school students paralleled those of adult respondents' residing in the district in 1970, according to a study by UCLA researchers O'Shea, Gordon, and Ginsburg, demonstrating that the younger generation adopted at least some of the views of the older generation.<sup>51</sup> Among Black high school students, 72% agreed with the statement: "*It would be best for all students if all student bodies included students of all racial and ethnic groups.*"<sup>52</sup> Sixty-two percent of surveyed "Latins" agreed, and 60% of whites agreed.<sup>53</sup>

Students commented for and against this statement. A “Latin” male eleventh grader opined, “This is best for you to get to learn and become interested in other people’s beliefs and life-styles.”<sup>54</sup> A white, female eleventh grader wrote, “Then no one would feel left out.”<sup>55</sup> A black, female eleventh grader ascertained, “You would begin to understand the different racial groups and probably would begin to see (if you are prejudiced) that other groups are not so bad.”<sup>56</sup> A “Latin” female twelfth grader disagreed and expressed, “It would end up in a big fight.”<sup>57</sup> A white, male twelfth grader wrote, “I would not like to see my classrooms become overfilled with minority groups. From what I have seen of them, there are, on the average, underachievers. They would hamper the progress of the classroom.”<sup>58</sup>

The survey also included a statement declaring that “racial balance” in schools provided a better education for students, to which a majority of only Black students agreed. While 56% of Blacks agreed, only 36% of “Latins” and 23% of whites agreed.<sup>59</sup> Offering her opinion about such “racial balance,” a Black, female eleventh grader noted, “If you want an education bad enough, you can get it at any school.” Yet another Black, female eleventh grader stated, “If you attend a school that is all black, your education wouldn’t be as good ... because in white schools you learn more.” A white, male eleventh grader wrote, “The learning opportunity may be enlarged, but if problems should arise, an unfriendly atmosphere could develop, and that wouldn’t be better in any way.”<sup>60</sup>

While many experts argued that integration would most likely succeed if it began at the elementary school level, the survey asked students to agree or disagree with the statement, “*Some say it is more important to provide busing for elementary students than for secondary students to insure racially balanced schools. How do you feel?*” Highest support came from “Latins” at 43%, while 42% of Blacks and 34% of whites agreed.<sup>61</sup> A black, male eleventh grader expressed, “If a child grows up with other races’ children, he wouldn’t be prejudiced. A child only learns what he’s taught.”<sup>62</sup> A white, male twelfth grader asserted, “If you mix these kids up during elementary school, then it wouldn’t bother them. By the time they got to junior high or high school, it wouldn’t be anything new.”<sup>63</sup> A white, female eleventh grader wrote, “If we could be sure that there will be no fighting, then I agree.” A white, male eleventh grader disagreed and asserted, “No, The little kids could get hurt too easily.”<sup>64</sup>

Aware that LACBE and the district would have to contend with issues of voluntary or mandatory desegregation strategies if civil rights attorneys successfully overturned the Second

District Court of Appeals decision, the *Los Angeles Times* asked students if they agreed with the statement, “*Voluntary busing would probably take care of all of the racial balancing needs of our schools.*”<sup>65</sup> Among Blacks, 37% agreed and 39% disagreed; among whites, 37% agreed and 36% disagreed. Among the three groups, a higher proportion of Latinos agreed, 41%, while 29% disagreed.<sup>66</sup> Black and white students were almost equally skeptical about voluntary busing “taking care of all the racial balancing needs.”<sup>67</sup>

High school students were keenly aware of a likely shortage of busing volunteers, and appeared to be aware the contradiction of wanting integration but not wanting mandatory busing. According to the *Los Angeles Times*, many students who provided comments for the aforementioned statement, even some who disagreed that voluntary busing would “take care of all the racial balancing,” said they would “favor voluntary busing (‘because no one would have his rights infringed upon’) but that they knew it wouldn’t work because (‘there would not be enough volunteers’).”<sup>68</sup> Commenting on voluntary busing, a white, male eleventh grader wrote, “I don’t really think that most kids would do it voluntarily.”<sup>69</sup> A white, female eleventh grader commented, “Racial balance can only be successful when it is not forced upon us. But I don’t think many would volunteer. Therefore, it would not be successful.”<sup>70</sup> In response to the statement on voluntary busing taking care of all racial balancing needs, a Black, male eleventh grader exclaimed, “No way! Parents make the decisions and they are prejudiced against other races.”<sup>71</sup> While adults clamored for voluntary busing instead of mandatory busing, high school students admitted that voluntary busing was unlikely to work because students would not volunteer.

Compared to “Latinos” and whites, Black high school students were most likely to agree with the statement, “*Court-ordered busing, rather than voluntary busing, is necessary to achieve racial balance in the schools.*” Thirty-six percent of Black high school students, 24% of “Latin” high school students, and 16% of white high school students agreed with the statement. The *Los Angeles Times* surmised, “Many students agreed that court-ordered busing is necessary to achieve the goal of racial balance but remained strongly opposed to the concept.”<sup>72</sup> A white, female eleventh grader wrote, “It is necessary, but I’d rather have segregated schools than court-ordered busing—or anything, for that matter that is court-ordered.”<sup>73</sup> A “Latin” male twelfth grader expressed, “Some parents may not want to ... (but) if everyone is made to do so it will help, because all students will be given a chance to learn about other races.”<sup>74</sup> A white, female

tenth grader commented, “I know a lot of people wouldn’t like it, but that’s the way it should be.”<sup>75</sup> A “Latin” female twelfth grader conveyed, “Sometimes people need a push to start something before they realize the good of it.”<sup>76</sup> A white, female twelfth grader worried: “Court orders will only bring about a lot more trouble! There will be more riots.”<sup>77</sup>

Although high school students were divided within their respective racial and ethnic groups on whether mandatory or voluntary busing would work, there was also a noticeable difference of opinion about court-ordered (mandatory) busing *between* Blacks and whites. Blacks were more likely than whites to agree with court-ordered busing. The newspaper asked students to state whether they agreed, disagreed, were uncertain, or did not know to the following: “*Court-ordered busing is a good way to achieve racial balance in the schools if neighborhoods are segregated.*”<sup>78</sup> Among Blacks, 48% agreed with the statement and 30% disagreed. Among whites, only 20% agreed and 59% disagreed. Among “Latins,” 34% agreed, 37% disagreed, and 28% were uncertain.

The students’ differing and competing opinions highlighted the diversity of ideas within each racial or ethnic group, and sometimes showed agreement between races. A Black, female tenth grader commented, “I think that [busing] just causes more disturbances.”<sup>79</sup> A white, female eleventh grader wrote, “When people are ordered to do something against their will this completely turns them off and brings a lot of opposition.”<sup>80</sup> Yet, a white, male eleventh grader argued, “Yes, This way they [students of all races] can get together.”<sup>81</sup> However, a black, male eleventh grader wrote, “The neighborhoods would erupt at the sight of the opposite race being bused into their schools.” A Chicano, female twelfth grader wrote, “Maybe this would be a good way but a lot of parents would argue and fight the law.”<sup>82</sup> Many Asian American high school students apparently decided not to add comments to their surveys, but one Asian American, male twelfth grader commented, “Busing doesn’t mean that (students of different races) will communicate with each other. In my opinion ... they will stick with their own groups.”<sup>83</sup>

The *Los Angeles Times* delved into a more personal level when it asked students to agree or disagree with the statement, “*If a court ordered that I be bused from my home across town, I would do it.*” Black students were more likely to follow the court’s order with 39% in agreement, but also 39% in disagreement.<sup>84</sup> By a substantial majority, only 8% of white student respondents were willing to follow a court order, and 77% answered they would not follow a court’s busing order. Among “Latins,” 19% agreed with the statement while 63% would not

follow a court-ordered busing. In a time when conservative politicians often proclaimed their fondness for law and order, the survey demonstrated that Black students were much more likely to follow a court order for desegregation than whites or “Latins.” Still, individuals within each racial group expressed diverse opinions. Affirming that she would follow court-ordered busing, a Black, female expressed, “Yes, because I have nothing against nobody. And I think some whites are very nice.”<sup>85</sup> In contrast, a Black, male eleventh grader, concerned about the receiving school’s attitude, wrote, “You would be going where you’re not wanted.” Another Black, male eleventh grader said he would not follow court-ordered busing, remarking, “No, because the schools you would go to wouldn’t be fair about letting you go to their school.”<sup>86</sup> A Black, female eleventh grader commented, “To ask a person to leave his home to go to a strange place is absurd ... If a black was to go to an all-white school or a white to go to an all-black school, he would receive nothing but hell.”<sup>87</sup> A Black, female tenth grader attending a “white school” expressed, “If I thought I would have a better—or the same—education, I would. But if not, I would not go ... I have always gone to a white school and like it a lot.” At odds with her mother over busing, a Black, female eleventh grader explained, “My mother wants me to, but if it was left up to me, I wouldn’t.”<sup>88</sup>

Whites and Latinos, less likely to follow court-ordered busing than blacks, also showed diverse opinions within their respective racial or ethnic group. A white, female eleventh grader offered a very common anti-busing sentiment, writing, “I, among a lot of other people, want to go to the school closest to me.”<sup>89</sup> Expressing racial fear, a white, female eleventh grader wrote, “Yes, I am afraid of the other races. I want to be with my friends. It’s too late to change the world.” Another scared white, this time a male eleventh grader, wrote, “If they made me go, I’d bring a knife for protection.”<sup>90</sup> A white, male eleventh grader rationalized his unwillingness to partake in busing, and wrote, “Though I support the morals of busing, I don’t think that I would want to face the hassles of it.”<sup>91</sup> A white, male eleventh grader who would not follow a busing order explained how he would avoid attend a district school. “No way. I would go to a private school first,” he commented.<sup>92</sup> A “Latin,” female twelfth grader supportive of busing declared, “The only way to make other people see the good of school busing is for me to set a good example and not be a hypocrite—saying it’s good and not doing it myself.”<sup>93</sup> Illustrating a generational gap in whether she would follow court-ordered busing, a Latin, female eleventh grader explained, “I probably would, but my parents wouldn’t like it.”<sup>94</sup>

In “Desegregation in Los Angeles School District: Report of a Public Opinion Survey,” David O’Shea, C. Wayne Gordon and Mark S. Ginsburg found that the African American community consistently backed desegregation and busing.<sup>95</sup> An analysis of both the 1975 *Los Angeles Times*’ high school survey and a 1970 survey titled, “Desegregation in Los Angeles School District: Report of a Public Opinion Survey,” conducted by UCLA researchers David O’Shea, C. Wayne Gordon and Mark S. Ginsburg, pointed to a generational divide within the African American *and* the Hispanic communities on the issue of busing. Community activists pressing for more local control in their respective communities in the late 1960s and early 1970s had an indelible effect on the younger generation. A higher proportion of Black adults supported busing and integration in 1970 compared to Black students in 1975, illustrating changes in views across generations. In their 1970 opinion poll, O’Shea, Gordon, and Ginsburg found that 56.4% of Black respondents favored busing of students to achieve desegregated schools, while in 1975 the *Los Angeles Times* found that 39% of Black high school students would fulfill a court busing order.<sup>96</sup> Similarly in 1970, O’Shea found that 38.5% of Mexican American respondents favored busing, while the *Los Angeles Times* found that only 19% of “Latin” high school students would participate in court-ordered busing in 1975. In *both* surveys, only a small numeral minority of whites supported busing, showing consistent anti-busing views among whites over time. Among white adult respondents in 1970, 16.2% favored busing while only 8% of white high school students would participate in court-ordered busing in 1975.

#### *LACBE Appoints Howard Miller*

On January 11, 1976, board member Dr. Donald Newman died from a heart attack, sending LACBE scrambling for an immediate replacement.<sup>97</sup> In early February, the board narrowed a list of 336 diverse applicants<sup>98</sup> that included former LACBE and state school board members, previous LACBE candidates, college professors, politicians, and a former chancellor of the Los Angeles Community Colleges<sup>99</sup> to ten finalists.<sup>100</sup> While the *Los Angeles Times* reported that Newman “first won election to the board as a conservative but soon came to be regarded as a middle-of-the-roader and a moderating influence on board decisions,”<sup>101</sup> *Los Angeles Times* writer Jack McCurdy later surmised that board members would appoint “someone probably more liberal than the late Donald D. Newman.”<sup>102</sup> The board’s questioning of candidates, according to McCurdy, revealed that the applicants “took positions more liberal than

Newman's on a number of major issues facing the city schools."<sup>103</sup> USC law professor Howard Miller and CACSI Chairman Dr. Robert Loveland were among the ten finalists for the vacant board seat.

On February 5, LACBE appointed Howard Miller by a 5-1 vote to serve the remaining one-and-a-half years of Newman's four-year term, with Ferraro casting the vote in opposition, which he later changed.<sup>104</sup> LACBE's newest member Miller became immediately immersed in the integration debate, as board members voted on whether to create an advisory committee on student integration on the same day of his appointment.

### *LACBE Creates CACSI*

Building upon the idea of community input for desegregation strategies, on February 5, 1976, board member Phillip Bardos called for the formation of the Citizens' Advisory Committee on School Integration (from now on CACSI), "derived from nominations submitted by organization or groups which have a demonstrated interest in equal educational opportunity."<sup>105</sup> The motion also called for LACBE to solicit nominations from sixteen groups, including but not limited to civil rights and community groups, grassroots organizations, and government, religious, business, professional, and other groups, as well as representatives of cities within the school district.<sup>106</sup> CACSI would go on to include fervent integrationists such as John Caughey and Marnesba Tackett from the SCLC/West to representatives from the Los Angeles Mayor's office.

Bardo's motion also established goals and procedures for CACSI. LACBE entrusted CACSI with the responsibility to prepare "any coherent single approach or set of approaches to a *district-wide* effort to the reduction of racial isolation."<sup>107</sup> LACBE also entrusted CACSI to "react to" any single coherent approach or set of approaches to a district-wide integration plan. CACSI would also assist LACBE and its staff "in the implementation of the strategies or efforts" to reduce "racial isolation," including strategies developed and accepted by LACBE *and* the community.<sup>108</sup> LACBE wanted to establish CACSI immediately and set February 19, 1976 as the deadline. The motion to create CACSI passed by a six to one vote, with Ferraro alone in opposition.<sup>109</sup>

The creation of CACSI and the subsequent proceedings on integration simultaneously frustrated proponents and opponents of busing and integration. On the same day LACBE

established CACSI, the board also reaffirmed its control over integration efforts. Newly appointed board member Howard Miller sought to construct strict parameters for CACSI and announced he would introduce a motion forbidding “compulsory busing of students” in the district.<sup>110</sup> The creation of CACSI likely thrilled proponents of integration and busing, and frustrated anti-integrationists and anti-busers. Miller’s proposed motion likely had the opposite effect: thrilling opponents of integration and busing, and frustrating integrationists and proponents of busing. Therefore, LACBE actions likely irritated *everyone* on *both* sides of the integration debate. Miller formally introduced his controversial motion to ban compulsory on Thursday February 26.<sup>111</sup>

By the end of February 1976, LACBE appointed CACSI’s ninety-eight members, who represented the city’s racial, class and political diversity, and the spectrum of competing views on the issue of integration. On February 26, LACBE voted on the individuals to compose the committee.<sup>112</sup> Overall, CACSI’s final membership constituted an amalgamation of several civil rights, community, religious, women, professional, labor, business, and parent groups and organizations, as well as student representatives and groups representing the media.

#### *LACBE Passes and then Rescinds Miller’s Anti-Busing Motion*

On March 1, 1976, a “picketing, sign-waving and a noisy, overflow crowd” swelled the LACBE auditorium in anticipation of LACBE’s scheduled vote on Miller’s controversial motion banning compulsory busing.<sup>113</sup> Board members Miller and Brown Rice reportedly co-sponsored the motion to disavow “the use of massive busing over long distances.” However, they and other members indicated their support for attendance boundary changes to integrate predominantly white and predominantly minority schools that were in close proximity to each other that could potentially require “so-called compulsory busing over short distances” if the distance was too long for students to walk.<sup>114</sup> Docter called Miller’s motion “phony” because it would “not stop the California Supreme Court in its forthcoming decision to order the district to undertake a plan of desegregation that will necessitate busing.”<sup>115</sup>

Representatives from “a cross-section of Los Angeles liberal, minority and civil rights leaders” clamored for a halt to Miller’s motion to ban compulsory busing, which they claimed would “heighten racial antagonism revolving around integration rather than calming the community.”<sup>116</sup> These leaders blamed Miller and Brown Rice for “catering to ‘white racist

fears.”<sup>117</sup> The ACLU’s John Caughey asserted, “In 1976 to say, ‘We’re for integration, but not for forced busing,’ is crass hypocrisy. The preamble salves the conscience; the code words that follow are the rallying cry of the segregationists.”<sup>118</sup> Caughey accused LACBE of lip service in its “series of glowing policy statements.”<sup>119</sup> Caughey concluded that the proposed motion meant two things: 1) “Aid and comfort to South-Boston type resistance to school integration in Los Angeles,” referencing white Bostonians who rioted against mandatory busing; and 2) “Thinly veiled notice that this Board does not intend to comply with a court order to integrate.”<sup>120</sup>

The equally indefatigable Marnesba Tackett protested Miller’s motion and accused LACBE of trying to influence the California State Supreme Court. Formerly the chairwoman of the NAACP-UCRC education committee and now the executive director of Southern Christian Leadership Conference/West (SCLC/West), which Tackett claimed as “the organization founded by the late and revered Dr. Martin Luther King, Jr[.],”<sup>121</sup> Tackett told LACBE that “we are ... appalled that ... you are about to consider a motion that is diametrically opposed to your firm policy [of integration].”<sup>122</sup> She explained, “You are at the threshold of a decision from the State Supreme Court which you have stated you believe will rule in favor of Crawford vs the Board of Education.”<sup>123</sup> Trying to discern LACBE’s rationale, Tackett asked, “Are you, by this motion, attempting to influence the Court?”<sup>124</sup>

Tackett noted the paradox between a vote in favor of Miller’s proposed motion and the board’s creation of CACSI, and then called attention to the district’s history of inaction on integration. Aware of how Miller’s motion to ban compulsory busing limited CACSI’s effectiveness, Tackett asserted, “You are setting up a broad Community Task Force to ostensibly honestly deal with the problems of integration. What other constraints have you or do you propose to enforce upon them?”<sup>125</sup> She chastised the board for doing nothing noteworthy to integrate since *Brown*. “[H]ad this school district (Board and Administration) responded as quickly and positively to the U.S. Supreme Court decision of 1954 and later to the United Civil Rights Council, or more than a hundred organizations, demands for quality integrated education in 1963,” Tackett charged, “Los Angeles would now be a shining example of a successfully integrated public school system.”<sup>126</sup>

The Black Education Commission (BEC), which LACBE had commissioned, strongly condemned Miller’s motion. BEC Representative Ernest L. Aubry claimed the motion would polarize communities, play upon people’s fears, place LABCE in a position of “non-leadership,”

and “constrict the options, and usurp the functions” of CACSI.<sup>127</sup> Aubrey challenged LACBE’s assumption that “compulsory busing” would intensify student segregation, claiming instead that the adoption of Miller’s motion would “be an indicium” of segregation.<sup>128</sup> The BEC also warned the Miller anti-busing motion could undermine the board’s own powers to implement any mandatory reassignment policy, regardless of a busing component.<sup>129</sup> The BEC also claimed the motion would make “a mockery” of CACSI and make community participation “hollow and illusory.”<sup>130</sup> The BEC also accused LACBE with “intent to maintain segregation” in this fashion: “[T]he refusal ... to consider a given alternative or factor to go into a desegregation construct must be interpreted as approbation of existing [segregated] conditions.” “A school board which neglects to avoid [the issue of] racial segregation is itself causing the segregation,” the BEC affirmed.<sup>131</sup>

The BEC worried that opponents of student integration *and* staff integration would coalesce into a united front, but told LACBE that they could overcome opposition to both issues “only when it becomes evident from official policy plus action that school district officers are committed to eradication of race as a distinction in school facilities.”<sup>132</sup> However, if LACBE failed to assume a leadership position, opposition “will be further solidified.”<sup>133</sup> Whether Los Angeles’s debates over integration turned into violence reminiscent of South Boston depended on LACBE.

The BEC denounced the voluntary busing program because it placed the responsibility of desegregation on minority children, precluded the possibility of bringing white students into minority schools, and constituted “an additional form of racial discrimination” because voluntary busing meant “one-way movement only: movement only of minority students, not whites.”<sup>134</sup> Aubrey concluded, “A plan calling only upon minorities to accept reassignment is substantially discriminatory itself. The burden of extracting students from racially segregated assignments may not be cast upon one race.”<sup>135</sup>

Taking into consideration the five districts that made up metropolitan Los Angeles, the BEC highly recommended a metropolitan or “inter-district” project financed with federal funds through the Emergency School Act (ESAA). Such a project, according to Aubrey, “would greatly increase the District’s options for reducing segregation and, through proper grant application, could result in significant federal financial assistance under ESAA to aid in the effort.”<sup>136</sup> Aware that LACBE and the superintendent had applied for and received funding for

compensatory programs and “culture-based” education programs, BEC suggested LACBE apply for and utilize federal funding for a metropolitan integration plan, just as other school districts in California had used ESEA funds to integrate through busing programs.

Others at the LACBE meeting opposed Miller’s motion to ban compulsory busing, including the Community Relations Conference of Southern California (CRCSC). CRCSC President David Ochoa was “shocked and disappointed” by the motion because the CRCSC had hoped to play “some role” in helping the board and district “prepare this community for movement toward school integration.”<sup>137</sup> “If this motion passes,” Ochoa warned, “we doubt that such will be possible.”<sup>138</sup> Ochoa considered the motion deceptive because it began with support for school integration and ended “with support for a tricky code phrase devised and promoted by the opponents of school desegregation – ‘forced busing’, or ‘compulsory busing.’”<sup>139</sup>

Ochoa offered staggering nationwide busing statistics that not only showed that the majority of students in the country were bused; the figures also revealed that busing for reasons other than desegregation did not face opposition from white parents, and that busing only became politically contentious issue when it served the purpose of school desegregation. “Over 50% of the school population in the U.S. is bused to school,” Ochoa reported, however, “Only 3% are offered bus transportation for the purpose of achieving school desegregation.”<sup>140</sup> The other 47% of students were bused to school because of transfers, disabilities, and distance, hazardous or harsh environmental conditions. Such statistics challenged anti-busing proponents’ often-cited concern over costs and tax increases. LACBE offered busing at taxpayers’ expense. “Forced busing,” Ochoa charged, “is an emotional code phrase used by the opponents of desegregation.”<sup>141</sup> Miller’s motion to ban compulsory busing “falls into their trap,” he added.<sup>142</sup> Ochoa told LACBE to be honest with the community by opposing Miller motion.

The CRCSC too contended that Miller’s motion undermined CACSI and the future efforts of its countless community volunteers. If LACBE adopted the anti- busing motion, Ochoa alleged, the board would be telling all CACSI volunteers that “you don’t trust them to use their good judgement [*sic*] as they proceed with their task.”<sup>143</sup> The CRCSC asserted that placing a full restraint on busing as an integration strategy would frustrate CACSI members, and if that were the case, to disband CACSI as it had “no task to perform.”<sup>144</sup> Importantly, the CRCSC noted Miller’s motion would become moot pending the California Supreme Court’s upcoming decision on the appeals’ court ruling on the Gitelson order to desegregate. Ochoa figured that

the anti-busing motion would be debatable if the California Supreme Court found that more desegregation was necessary under a master plan. Passing the motion would deceive anti-integration and anti-busing proponents into believing that compulsory busing policies would never be implemented. Ochoa also warned that if Miller's anti-busing motion passed, federal funding geared toward a grant *to develop* a desegregation plan would not be forthcoming from the U.S. Civil Rights agency in charge of dispensing such funds.<sup>145</sup>

LACBE member Docter called the resolution "double talk" and warned that the California Supreme Court would not "buy it."<sup>146</sup> He warned that the motion "provides temporary and phony reassurance that will lead to tremendous anger and anxiety and confusion when what we need are cool heads and careful planning."<sup>147</sup> Charging that the LAUSD "had an obligation to do a job of planning sensible and workable procedures for the integration of our students and teachers," Docter exclaimed, "We have just begun to take this planning seriously."<sup>148</sup> He worried that the motion would do irreparable damage to that planning and "emasculate" the recently formed CACSI.<sup>149</sup> Docter called for parent and teacher participation in district "governance," acknowledged financial restraints on the district, and emphasized how both were related to school integration.

In addition to the aforementioned individuals and groups expressing their concerns at the March 1 LACBE meeting, a notable assortment of organizations spoke against Miller's motion, including the NAACP, United Teachers-Los Angeles (UTLA), the Progressive Labor Party (PLP), Socialist Workers Party (SWP), San Fernando Valley Interfaith Council (VIC), and the Mexican American Education Commission (MAEC).<sup>150</sup> The Los Angeles County Commission on Human Relations passed a resolution the same day the board considered Miller's motion, strongly urging the board "to take no action on the proposal not to engage in compulsory busing" and "to continue its plans for desegregation and study all possibly alternatives in such a manner that racial tensions within the city and county will be reduced and the quality of education will be enhanced."<sup>151</sup>

After all the pleads, calls for calm, requests to halt the vote on the motion, and scathing criticisms, LACBE members voted *in favor* of Miller's motion to ban compulsory busing by a four to three vote.<sup>152</sup> The ayes included Miller, Bardos, Brown Rice, and Nava, while the minority vote included Ferraro, Watson, and President Docter.<sup>153</sup> Miller's motion did not pass in its original form. The *Los Angeles Times* reported, "The antibusing resolution was amended

before passage with the words ‘consistent with law,’ apparently to indicate that the board would comply with any court order requiring busing.”<sup>154</sup> The pivotal vote came from Nava, who indicated “his opposition early in the meeting but wound up voting for the resolution after it was amended.”<sup>155</sup> Ferraro, “an expected supporter” of the anti-busing motion, voted against it because it endorsed *voluntary* busing.<sup>156</sup> Ferraro opposed *all* busing for integration. A “visibly shaken” Brown Rice stated she opposed “compulsory busing” based on what she had seen “in other large urban school districts,” yet remained supportive of voluntary busing.<sup>157</sup> Miller claimed that in “other cities busing ‘increased tension and the cities were more segregated after implementation of busing plans.’”<sup>158</sup> Docter countered by stating that “a number of other researchers have found little or no link between desegregation and white flight, and noted that Coleman has largely scaled down his original findings in the face of this and other criticisms.”<sup>159</sup>

African American and civil rights leaders were “seething with anger” because they had strongly supported Miller’s appointment to the board, reported the *Los Angeles Times*’ Jack McCurdy.<sup>160</sup> African American community activists and civil rights leaders warned that unless LACBE rescinded the motion, they would “lobby for a cutoff of the district’s state and federal funds” and CACSI.<sup>161</sup> McCurdy explained why African American and civil rights groups responded so vociferously: “The sanctions were threatened by the Community Task Force for Better Education [CTFBE], the same group of black leaders influential in seeing Howard Miller ... appointed to the school board....”<sup>162</sup> “Representing about 50 organizations, the group joined a number of Jewish community leaders in supporting Miller for the vacancy on the board, an action which may have been decisive in his getting the post,” added McCurdy.<sup>163</sup> Reverend G. Garnett Henning, the group’s chairman, expressed that Miller’s motion was a complete surprise because “Miller had promised to discuss with black leaders any major action involving the highly sensitive issue of integration.”<sup>164</sup>

The intense response by community leaders and civil rights advocates’ perplexed Miller, who denied ever making promises to the CTFBE or to fellow board member Diane Watson.<sup>165</sup> Watson, who along with the coalition of African American and Jewish leaders had played a pivotal role in helping appoint Miller to the board, called him dishonest for “allegedly agreeing to delay introducing the resolution ... and then going ahead anyway.”<sup>166</sup> However, Miller called for cooperation in developing a voluntary desegregation plan<sup>167</sup> and stood by his resolution because he believed that “in the long run it will do more to unify the community than divide

it.”<sup>168</sup> Miller explained that the motion represented an effort to “calm the community in anticipation” of the California Supreme Court ordering an expansion of desegregation efforts, and to convey to the court that the board did not “believe compulsory busing” was a “reasonably feasible method” to desegregate the city schools.<sup>169</sup>

Although a coalition of African American and Jewish community leaders and groups reportedly cemented Miller’s appointment to LACBE, the Jewish community did not respond as vociferously to the adoption of Miller’s motion,<sup>170</sup> Although a “number of leading Jewish organizations took exception” to the anti-busing resolution, according to the *Los Angeles Times*, they “reaffirmed their support for school desegregation, including the use of busing if necessary.”<sup>171</sup> “However,” the newspaper reported, their reaction was “mild compared to the indignation expressed ... by black community leaders who saw the board’s action as an insult to blacks.”<sup>172</sup> Jewish community leaders were “reluctant to criticize either of them” but “seemed most upset that Miller had failed to consult with any of them in advance about the resolution and that he ignored their appeal to postpone the action.”<sup>173</sup> The *Los Angeles Times* discovered that the American Jewish Committee (AJC), of which Miller was a member, had “sent a letter to Miller and other board members asking them to delay action” on the anti-busing motion and “to provide time for further discussion.”<sup>174</sup>

Jewish leaders pointed out that Miller’s resolution “should not be seen as an expression of Jewish sentiment just because he is Jewish.”<sup>175</sup> Charles Posner, executive director of the community relations committee of the Jewish Federation Council of Greater Los Angeles, an umbrella unit for many Jewish groups, expressed that his organization approved of busing “when it is the most effective or only feasible way” to desegregate schools.<sup>176</sup> Understanding that the forthcoming decision of the California Supreme Court would decide how the district would desegregate its schools, he argued that the board resolution carried “no weight at all.”<sup>177</sup> But he added, possibly to bring some levity, that he thought that “black leaders were ‘overreacting’” to the resolution as “we (Jews) do on many issues.”<sup>178</sup> George Foos, President of the Los Angeles Chapter of the American Jewish Committee, reaffirmed the organization’s support for an “integrated society” and opposition to “any legislative action against bussing.”<sup>179</sup> He deemed Miller’s resolution as “not consistent” with his organization’s policy.<sup>180</sup> The Jewish Labor Committee (JLC) also criticized the Miller motion explicitly, and its executive director Max Mont “called for the board to rescind it.”<sup>181</sup>

On March 8, pro-busers and anti-busers sat side by side in the LACBE auditorium and expressed their views about the Miller resolution.<sup>182</sup> Marnesba Tackett and the CRCSC's Julian Kaiser asked LACBE to rescind the resolution.<sup>183</sup> In contrast, parents and youth group leaders from Lemay Street Elementary School located in Van Nuys sent a resolution with 144 signatures commending the motion against "compulsory busing."<sup>184</sup> While decrying Miller's anti-busing resolution, the ACLU's Ramona Ripston discussed how numerous other school districts within the state had managed, sometimes with court intervention, to integrate:

There are school districts that have integrated voluntarily - - for instance, Berkeley, Riverside, Monrovia, San Mateo, Santa Barbara. Others after a nudge by a court, have proceeded without further compulsion - - Oxnard, San Francisco, Sacramento. But no district that we know of has integration by abdicating its authority and leaving integration to the whim of every pupil, every parent. Yet this is precisely what the Miller resolution promises.<sup>185</sup>

Ripston also discussed a related issue, staff integration, to promote student integration. "This week," Ripston stated, "the Board revealed that HEW [the U.S. Department of Health, Education, and Welfare] has ordered integration of faculties in every school," or else suffer a loss of ninety million dollars in federal aid.<sup>186</sup> She warned, "The Board is aware, and the community should be, that another suit asks HEW for a parallel order for pupil integration."<sup>187</sup> With an order in *Crawford* forthcoming and favoring mandatory busing, Ripston continued, "In any such operation some pupils will go voluntarily to schools where their presence will assist integration. But the fundamental in every achievement of integrated schools is assignment of pupils to integration."<sup>188</sup> Ripston called on LACBE to rescind Miller's resolution.

The Southern California Leadership Conference/ West (SCLC/West) admonished LACBE for adopting Miller's motion and threatened not to participate in CACSI. According to SCLC/West President Bishop H. Hartford Brookins, the organization "fought ... for total integration of the American community" since its "inception under the inspired leadership of Dr. Martin Luther King, Jr."<sup>189</sup> "The central thrust was, and remains to be," Brookins continued, "absolute equality in education for all children in an integrated learning setting. From this there can be no compromise."<sup>190</sup> Brookins declared, "We, therefore, call upon each and every member of this Board to accept his and her moral obligation to rescind this resolution now."<sup>191</sup>

Dr. Julian J. Keiser, Executive Director of the CRCSC, believed Miller's motion had "done irreparable damage to human relations in this community and like Brookins from the SCLC/West, questioned his organization's participation in CACSI."<sup>192</sup> He charged that the motion's "use of the segregationist code-phrase – 'compulsory busing' – has inflamed and insulted minority groups and many moderates."<sup>193</sup> Keiser told LACBE that the CRCSC's participation in CACSI remained doubtful, but that they would "consider it worthwhile to cooperate" with CACSI even though it was "reduced to a charade" by Miller's resolution."<sup>194</sup> He reminded the board that it could count on the CRCSC and its ninety organizations "to assist this community and school district to respond peacefully and constructively to any order of the State Supreme Court requiring school integration."<sup>195</sup>

Although Reverend Donel McClellan of the VIC had backed Miller's motion previously, the VIC now challenged the board and anti-busers by arguing that integration was more complex than simply a question over busing.<sup>196</sup> Reverend McClellan declared, "Therefore it is polarizing rather than clarifying to reduce the question of school integration to positions of 'to bus' or 'not to bus'; or the rights of the minority vs. the rights of the majority."<sup>197</sup> The VIC blamed LACBE for "failing to achieve any major programs of equal education opportunity since that concept was endorsed by the Board in 1963," and concurred with several integration concepts proposed by the ACLU's Ripston.<sup>198</sup> McClellan and the VIC reaffirmed their commitment to work with "civil rights and religious groups" with whom they had "a history of allied effort."<sup>199</sup> Although the VIC listened to the concerns of its constituency in the San Fernando Valley, it affirmed its commitment to the city of Los Angeles and to "all citizens."<sup>200</sup> However, McClellan made it a point to defend Valley residents from stereotypes as white racists who opposed busing and integration, asserting that "negative assumptions and stereotypes about a generalized group called 'Valley people' are not helpful."<sup>201</sup>

The Los Angeles Urban League joined in calls on LACBE to rescind the "anti-busing" and "anti-integration" Miller motion as well. Ten days after LACBE adopted the resolution, John Mack argued that adopting the motion and "the ensuing controversy it generated has ... escalated racial hostilities and further divided the black and white communities - - rather than calmed us and brought us together."<sup>202</sup> Mack berated the passing of Miller's motion, which amounted to the board "playing games with racists; the confused; as well as the advocates of quality education for all."<sup>203</sup> He reminded LACBE that if the California Supreme Court's

decision included mandatory busing, LACBE would be compelled to abide by the ruling. Mack asked LACBE to rescind Miller's resolution, and too warned that if it did not, the Urban League would not participate in CACSI.<sup>204</sup>

Ten days after passing Miller's motion, LACBE essentially rescinded Miller's motion banning compulsory busing, thereby capitulating to the pressures of community and civil rights groups backing mandatory busing as a desegregation strategy. Brown Rice submitted a motion asking the board to *reconsider* Miller's anti-busing motion.<sup>205</sup> LACBE passed Brown Rice's motion six to one, with only Miller in opposition because he felt that it was "important for the board to be on record against compulsory busing."<sup>206</sup> By voting in favor of *reconsidering* Miller's motion, the board in effect *annulled* Miller's controversial motion. To replace Miller's motion, LACBE adopted a second complementary motion that did not mention compulsory busing but pledged that LACBE should use "voluntary methods."<sup>207</sup> LACBE again sought preemptively to dictate CACSI's parameters in terms of which strategies it could and could not propose for integration.<sup>208</sup> Board member Watson asked to amend the motion to include: "Other options necessary to be consistent with law and to achieve integration for quality education."<sup>209</sup> LACBE voted in favor of the amended motion by a six to one vote, with Miller voting *for it* and Ferraro casting the lone vote against it.<sup>210</sup> The amendment granted CACSI limited flexibility while it simultaneously emphasized voluntary integration methods. The *Los Angeles Times* surmised, "[T]he board's actions wiped out the antibusing resolution and left the door open for compulsory busing should a pending California Supreme Court decision require it."<sup>211</sup>

Miller's resolution sparked much controversy and brought together many civil rights, community, religious, and government organizations against it. After ten days, LACBE replaced the motion and simultaneously granted CACSI some legitimacy, while maintaining considerable control over the committee's parameters for integration. The new resolution left available compulsory integration strategies to CACSI, though it did not grant the committee any powers to enforce its recommendations.

In response to the second substitute motion endorsing voluntary busing, African American and Jewish leaders who pressed for rescinding the Miller anti-busing motion were "cautious in their reaction to the board's" recent efforts.<sup>212</sup> They were "concerned" that Brown Rice's resolution stressed "'positive and voluntary methods' for carrying out desegregation, even though the resolution did not preclude the use of compulsory busing."<sup>213</sup> "In mentioning

voluntary methods,” the *Los Angeles Times* concluded, “the resolution—as board policy—went further in defining the board’s position on desegregation than the 1967 policy which the board had relied upon until Thursday’s action,” which simply stated that “the board’s goal was ‘an integrated (school) system at all levels and divisions.’”<sup>214</sup>

Mexican American leaders to date had remained relatively quiet on school desegregation, until early April 1976 when Ramiro J. Garcia, chairman of LACBE’s Mexican-American Education Commission (MAEC), expressed the group’s hopes for integration. Garcia noted that MAEC supported integration, not merely desegregation, and differentiated the meanings of “reducing racial isolation,” “desegregation,” and “integration.”<sup>215</sup> He articulated his concerns about “reducing racial isolation” because the term connoted that racial isolation had “reached its peak.”<sup>216</sup> “Reducing racial isolation” also implied that LACBE was going to reduce instead of eliminate or prevent racial isolation, and that the district would engage in “a minimal effort in order to qualify for state and federal aid.”<sup>217</sup> He commented that desegregation was purely the “reverse of segregation,” suggesting that desegregation encompassed the intermingling of people of different racial and ethnic backgrounds within a given space where they would otherwise be physically separated by race.<sup>218</sup> Garcia then defined “integration,” the optimal strategy to bring a diverse group of students within a given space, as “the total concept of physical, social, and psychological human interrelationships.”<sup>219</sup> “In an integrated environment, ethnic and racial groups intermingly [*sic*] with human relations programs and classes in developing pride and self esteem being offered to everyone concerns,” he elaborated.<sup>220</sup> MAEC, Garcia concluded, “will not accept anything less than integration as defined here.”<sup>221</sup>

After rescinding the controversial Miller resolution, LACBE embarked on adopting the “organizational representation and the composition” of CACSI. On April 1, 1976, the board unanimously adopted a list of CACSI *nominees* compiled by the superintendent’s office, including distinguished organizations that had pressed LACBE to integrate and improve the educational opportunities in minority neighborhoods.<sup>222</sup> The board unanimously elected the sole nominee for CACSI chairperson, Dr. Robert Loveland of the “District Goals Committee” from Area F. After Miller submitted a motion calling for each board member to “appoint three representatives” to CACSI, LACBE cleared a major impediment by agreeing that the school board did not have to vote on individual representatives chosen by each member. After some changes to previous CACSI parameters and three amendments seeking CACSI to furnish updates

to the board and other district offices, and to “obtain maximum community involvement in the development of its recommendation,” LACBE passed the final motion by a six to one vote, with Ferraro alone in dissent.<sup>223</sup>

### *Teacher Integration*

On May 3, LACBE held a meeting before a capacity crowd in the board auditorium “dominated by shouting, sign-carrying teachers and others who angrily attacked” a LACBE teacher reassignment plan for integration.<sup>224</sup> The *Los Angeles Times* explained, “Federal officials last month found the district had discriminated in the assignment of most minority teachers to predominantly minority schools.”<sup>225</sup> After a heated debate, LACBE adopted by a four to three vote a mandatory teacher transfer plan for integration “over the vociferous objections of the three major teacher organizations representing the vast majority of teachers” in the district in order to comply with a teacher integration mandate by the Department of Health, Education, and Welfare (HEW).<sup>226</sup>

With intensifying debates over voluntary versus compulsory student and teacher integration, LACBE’s adoption of a mandatory teacher integration plan was a monumental enterprise because it made Los Angeles “the first big-city district to undertake a total teacher desegregation program” that “was expected to require the shift of about 1,000 permanent teachers.”<sup>227</sup> Teachers opposed to mandatory reassignments made arguments that closely echoed anti-busing arguments; they called for a *voluntary* teacher integration plan.<sup>228</sup> If a voluntary approach failed to “racially balance teaching staffs ... they insisted that seniority could be used as a basis for any voluntary transfers.”<sup>229</sup> The *Los Angeles Times*’ Jack McCurdy surmised, “A seniority system would ... exempt many veteran teachers from transfer, requiring younger and more inexperienced teachers to be shifted among schools.”<sup>230</sup>

Anticipating that teacher voluntarism would not meet HEW’s mandate, LACBE adopted a lottery system to determine teacher transfers, which would go into effect in September 1976. Although LACBE included a voluntary transfer provision, the plan would “provide for the random selection of teachers from throughout the district, regardless of seniority,” in what became known as the “lottery system.”<sup>231</sup> Under the plan, no schools would have less than 15% or more than 45% minority teachers by September 1976, and no less than 20% or more than 40% minority teachers by September 1977.<sup>232</sup> The plan required teacher volunteers to transfer to

another school for two years, while randomly selected teachers to transfer for three years.<sup>233</sup> A displeased Hank Springer, President of the United Teachers of Los Angeles (UTLA), said the UTLA would appeal the board's action to "higher federal authority, including the courts."<sup>234</sup> While teachers decried the lottery system plan, Marnesba Tackett approved of the strategy because "random selection would be the only fair system."<sup>235</sup>

Docter, Nava, Brown Rice, and Watson voted in support of the controversial policy, while Bardos, Ferraro, and Miller voted against it.<sup>236</sup> Nava, referring to teacher integration as long overdue, called approving the teacher integration plan a "pleasure, honor, and great responsibility."<sup>237</sup> A proud Brown Rice stated that the board had shown "moral leadership" by adopting the plan.<sup>238</sup> She and Watson called on all district teachers "to support the integration program for the good of students."<sup>239</sup> Miller and Bardos disagreed, arguing that teacher integration could be accomplished through voluntary transfers by offering incentives to teachers. Superintendent Johnston called the reassignment lottery system for teacher integration "just and proper," but worried that the teachers' vocal opposition to the lottery system meant that the district's "most experienced teachers might not want to serve the needs of all the students."<sup>240</sup>

### *The California Supreme Court Rules*

On June 28, 1976, the California Supreme Court rejected the appellate court's reversal of Judge Gitelson's decision and affirmed the original findings in *Crawford*. Citing California precedent, the California Supreme Court declared:

Thirteen years ago, in Jackson v. Pasadena City School Dist. (1963) 59 Cal. 2d 876 (hereinafter Jackson) this court, in a unanimous decision authored by then Chief Justice Gibson, explicitly declared that "[t]he segregation of school children into separate schools because of their race, even though the physical facilities and the methods and quality of instruction in the several schools may be equal, deprives the children of the minority group of equal opportunities for education and denies them equal protection and due process of the law."<sup>241</sup>

Therefore, the California Supreme Court reasoned that "as a consequence school boards in this state bear a constitutional obligation to undertake reasonably feasible steps to alleviate such racial segregation in the public schools, *regardless of the cause* of such segregation" (emphasis mine).<sup>242</sup> The Court reviewed key elements in Gitelson's order in *Crawford* and found that although the schools of the Los Angeles Unified School District were severely segregated and were becoming increasingly segregated, the school district "had failed to take any steps to

attempt to alleviate the segregated condition, and indeed, had taken affirmative acts which contributed to and perpetuated the racial and ethnic segregation in its school system.”<sup>243</sup> The Court ruled, “On the basis of these findings, the court ordered the defendant school board to prepare and implement a reasonably feasible plan for the desegregation of its schools.”<sup>244</sup>

The California Supreme Court took into consideration LACBE’s claims that school segregation was *de facto* rather than *de jure*, and that the board owed “no constitutional duty to alleviate such de facto school segregation.”<sup>245</sup> The California Supreme Court ruled: “The findings in this case adequately support the trial court’s conclusion that segregation in the defendant school district is *de jure in nature*” (emphasis mine).<sup>246</sup> The Court declared that the Superior Court’s findings of a segregated school district and the district’s failure “to undertake reasonably feasible steps to desegregate its schools” were “sufficient to sustain the trial court’s order compelling the school board to prepare and implement a plan which attempts to alleviate the segregation and the traditional harmful effects of segregation in its district’s schools.”<sup>247</sup>

The California Supreme Court struck down a key Gitelson finding: specific minimum and maximum minority percentage requirements for integrated schools. The Court disagreed with Gitelson on this one major point, declaring, “While we affirm the trial court’s order ... we shall point out that one portion of the judgment, defining ‘segregated’ school in terms of specific racial and ethnic percentages, is in error and must be modified on remand.”<sup>248</sup> The Court elaborated on its reasoning: “Moreover, although no specific desegregation plan is presently before this court ... we should attempt to clarify the scope of the school board’s constitutional duty in this area.”<sup>249</sup> The California Supreme Court reasoned:

[T]he Constitution does not require a school board to achieve a particular or identical ‘racial mix’ or ‘racial balance’ in each school; rather, the constitutional evil inheres in the existence of segregated schools. It is the elimination of such segregation and the harms inflicted by such segregation that is the ultimate constitutional objective.<sup>250</sup>

The Court endeavored to clarify its legal expectations of LACBE: “Furthermore ... a school board fulfills its constitutional obligation in this area *so long as it undertakes reasonably feasible steps to alleviate segregation and its accompanying harms*” (emphasis mine).<sup>251</sup> The Supreme Court, wary of past school desegregation efforts that yielded varying degrees of success “in terms of both the actual number of students who ultimately attend desegregated schools and the quality of the integrated educational programs that the affected school children receive,” warned

that the task of integration was “an extremely complex one which entails much more than the assignment of specified percentages of pupils of different races or ethnic groups to the same school.”<sup>252</sup>

Although the California Supreme Court emphasized desegregating schools, by rejecting concrete student percentages by race and ethnicity, it gave vague guidelines as to how to desegregate students. The Court therefore backed an approach that granted much latitude to school boards. The California Court also ruled that a presiding judge should not intervene in developing a desegregation plan “even if it believes that alternative techniques might lead to more rapid desegregation of the schools.”<sup>253</sup> Moreover, according to the California Supreme Court, simply desegregating schools did not translate to successful integration, and cautioned, “We have learned that the fastest path to desegregation does not always achieve the consummation of the constitutional objective; it may result in resegregation.”<sup>254</sup>

The California Supreme Court hoped that LACBE would develop a desegregation plan with the backing of the community.<sup>255</sup> “In the absence of an easy, uniform solution to the desegregation problem,” the California Supreme Court acknowledged, “plans developed and implemented by local school boards, working with community leaders and affected citizens, hold the most promising hope for the attainment of integrated public schools in our state.”<sup>256</sup> Whether the California Supreme Court was aware or not, by suggesting that LACBE work with “affected citizens,” it laid the adversarial groundwork as “affected citizens” throughout the district opposed busing.

The California Supreme Court gave local school boards an opportunity to plan and implement desegregation plans in good faith, with Court intervention as an option of last resort. The Court remained cautious lest a local school board failed to proceed with workable integration plans, and aware that the flexibility granted to a school board by the Court had its limitations. The Court declared:

In those instances, however, in which a court finds that a local school board has not embarked upon a course of action designed to eliminate segregation in its schools or, having done so, has not implemented a plan that provides meaningful progress toward that goal, a court has no alternative but to intervene and to order the school board to undertake immediately a reasonably feasible desegregation program.<sup>257</sup>

The California Supreme Court's findings sent LACBE scrambling, resulting in a closed-door executive session. Afterwards, President Docter announced that LACBE would prepare a statement in response to the California Supreme Court ruling.<sup>258</sup>

On July 1, Dr. Julian Nava became LACBE President, a position he held previously during the 1970-71 academic year as the board's first Mexican American LACBE president. Nava briefly addressed the recent court ruling and assessed some of the difficulties awaiting the board on integration. The Los Angeles City Unified School District's newspaper *School Observer* quoted Nava:

All of us are aware of the California Supreme Court decision and directions to the board regarding integration. We must seek earnestly to learn the meaning of this complex decision and identify the limits within which the board can move and the options which may be available to us.<sup>259</sup>

Contrary to the board's lackluster efforts to desegregate Los Angeles schools in the past six years and the board's appeal of the 1970 Gitelson decision, Nava stated, "[T]here is a strong majority on the board in support of reducing racial segregation regardless of the cause because it is bad for children and a disservice to our country."<sup>260</sup> Then Nava declared, "I believe it is fair to say that the Supreme Court in California has, for the most part, supported the position advanced by the school district that we are obliged and will undertake efforts which are reasonably feasible to integrate our schools."<sup>261</sup> Even though the California Supreme Court disagreed with the Superior Court's parameters of a segregated school that contained specific racial and ethnic percentages, Associate Superintendent Dr. Jerry Halverson, the district's top legal counsel, argued, "We are going to be asked to deal with what the court refers to as numerical segregation."<sup>262</sup> On how to contend with the harms of racial isolation, Halverson stated, "We're going to have to deal with how we can eliminate the *perceived or identified harm* caused by racial isolation" (emphasis mine).<sup>263</sup>

Although the California Supreme Court determined that concerns over white flight should not interfere in the implementation of a desegregation plan, Halverson flatly rejected this part of the court's instructions, but at the same time, opposed a neighborhood school policy that resulted in segregation.<sup>264</sup> He acknowledged that his reading of the California Supreme Court led him to the conclusion that the neighborhood school policy was "unconstitutional in this state if the utilization of that policy results in segregation—regardless of whether the segregation is de

jure or de facto.”<sup>265</sup> He sought to ward off attacks from ardent proponents of neighborhood schools, stating, “I’m not saying that this [neighborhood school] concept is good or bad, but it’s something you should be aware of as you get involved with the community on that particular political and social issue.”<sup>266</sup>

LACBE agreed to accept the California Supreme Court order, and on July 19, 1976, the board voted to make the order official board policy. Brown Rice moved the following motion on behalf of Bardos, Docter, Miller, Watson, and President Nava: “THAT the Superintendent be instructed not to file a petition for rehearing with the State Supreme Court in the case of Crawford v. Board of Education.”<sup>267</sup> LACBE passed the motion by a 5-1 vote.<sup>268</sup> The ACLU’s John Caughey called the California Supreme Court decision “a landmark ruling in that it brings *Brown* west.”<sup>269</sup>

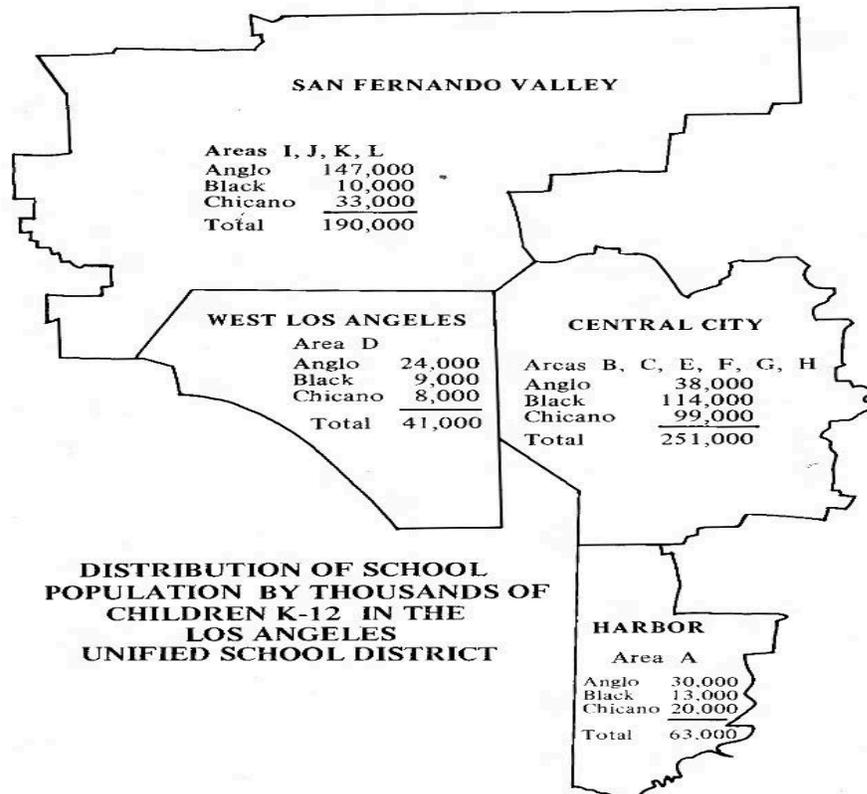
Distrustful of LACBE, the ACLU was “alarmed” by the rationales some LACBE members expressed for accepting the California Supreme Court integration order. According to the ACLU’s Ramona Ripston in a July 26 board meeting, “Fear was expressed that appeal to the Supreme Court might result in a much harsher requirement.”<sup>270</sup> Ripston alleged that board members stated that, “Under the present ruling ... the Board can take its time, move cautiously, and not have to get rid of segregation root and branch.”<sup>271</sup> Ripston offered a biting interpretation of these ideas: “Translated into human terms, that means rescuing only selected children while leaving the rest in the pestilential swamp of segregated schooling. So callous an approach to the plight of more than half the children entrusted to your care is intolerable.”<sup>272</sup>

Claiming that the California Supreme Court decision offered an improved definition of segregated schools, Ripston identified new indicators of a segregated school: 1) the racial and ethnic makeup of the student body; 2) the composition of faculty and administration; 3) the attitude of the school board; and 4) the attitude of the Los Angeles community.<sup>273</sup> The ACLU advised the board, “Stop doing what has segregated; start doing what will integrate.”<sup>274</sup> In a later appearance before the board on August 12, Ripston presented concerns about the unclear phrase “reasonably feasible.”<sup>275</sup> She stated, “Applied to an order to integrate, ‘reasonably feasible’ under one construction becomes a license to continue segregation.”<sup>276</sup>

*Backlash to the California Supreme Court's Ruling*

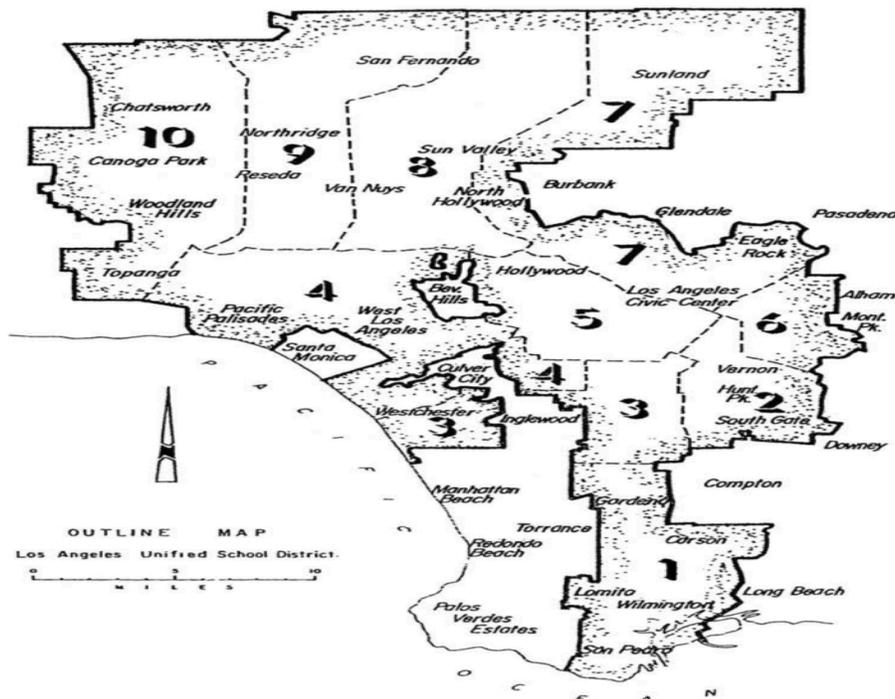
By late August, many white parents from across Los Angeles began protesting the California Supreme Court's ruling affirming Gitelson's decision to desegregate in *Crawford* and LACBE's decision not to appeal the ruling, and more specifically mandatory busing. Some parents from the San Fernando Valley began associating the student integration plan with the staff integration plan, clearly opposing both.<sup>277</sup> Other Valley residents specifically stressed their opposition to compulsory busing in letters to LACBE.<sup>278</sup>

Vocal opposition to mandatory busing came not only from the Valley in the northwestern part of the district, but also from the Harbor area in the southern part of the vast school district. The harbor area, covered under district Area A, was second only to the Valley in terms of white student representation (see Map 4.1). In the Harbor community of San Pedro, several residents expressed opposition to "forced busing," student integration, and teacher integration through reassignment, though sometimes pledging support for different variations of integration.<sup>279</sup>



Map 4.1. Distribution of Student Enrollment by Race and Ethnicity in Different Regions of the Los Angeles Unified School District, 1976. This is one of several maps that show the diversity of the Los Angeles Unified School District as a whole as well as racial and ethnic segregation in different sections of the district. Prepared by MAEC Member Vahac Mardirosian in December 1976. Source: Carlos Manuel Haro, *Mexicano/Chicano Concerns and School Desegregation in Los Angeles*, 28.

A community group, Organization for Improved Education (OIE), with broad multiracial, multilingual representation from throughout the Los Angeles metropolitan region, submitted a petition to LACBE on September 2, 1976 opposing “forced busing” yet included support for aspects of the East L.A. student demonstrations of 1968. The group endorsed school “choice,” but at the same time demanded transportation, i.e. busing, to the schools of “choice.”<sup>280</sup> The 587 petitioners did not identify their racial background, however, their last names offered a glimpse of the multiracial and multicultural nature of the group. Of the 587 signatures, 114 (19.4%) were of Spanish surname; 328 (or 55.8%) signatures were of “English surname”; 142 (24.2%) signatures were by person of Asian descent, including Japanese and Chinese. Additionally, the group translated the petition into Spanish and Chinese. Of the 587 signatures, 26 (4.42%) signed the petition in Spanish and 108 (18.4%) signed the petition in Chinese.<sup>281</sup> Signatures came from all regions of Los Angeles, as far north as Altadena and Tujunga, neighborhoods nestled in the San Gabriel Mountains, as far east as La Habra, 29 miles away from downtown L.A., as far south as Long Beach, as far west as Westwood, and southwest from the beach community of Redondo Beach (see Map 4.2). Individuals from the eastern part of Los Angeles signed petitions in



Map 4.2. Los Angeles Unified School District Administrative Areas. LACBE opted to decentralize the Los Angeles School District while at the same time maintained full control of the district. Source: Paul Egly, “Unfulfilled,” *University of La Verne Law Review* 31, no. 2 (2010): 279.

Spanish, and individuals who signed the petition in Chinese were from the Chinatown area, just north of downtown Los Angeles.<sup>282</sup> The petitioners who signed the petition in their native language, possibly first or one-and-a-half generation native Spanish and Chinese speakers, voiced their opposition to “forced busing,” and provided the first hints that some immigrants might oppose mandatory busing, and in the process join vocal Valley residents.<sup>283</sup>

### *CACSI Begins Its Work*

The 1976-1977 academic year began without a CACSI integration plan, as CACSI had received little direction from LACBE. When LACBE commissioned CACSI early in 1976, it asked it to generate an integration report by June so that its ideas could be implemented by the beginning of the 1976-77 academic year as part of an integration plan. On September 16, George Slaff of the ACLU reminded LACBE “that your delegated committee would report by June 28 and that you would have desegregation programs operating this September.”<sup>284</sup> By comparison countless other cities had successfully integrated or had begun the process of integrating. Slaff referred to the ongoing integration efforts in Omaha, Milwaukee, Dayton, and St. Louis.<sup>285</sup> In addition, he pointed to the U.S. Commission on Civil Rights’s report Fulfilling the Letter and Spirit of the Law, which detailed “successful integration in scores of cities including Denver, Minneapolis, Tampa, Tulsa, Tacoma, Tempe, and Portland.”<sup>286</sup> Slaff affirmed, “ACLU accepts the wisdom of the California Supreme Court in giving you first chance to develop an integration plan. We do not intend to badger you at every meeting. But the opening of a new school year is an inescapable checkpoint.”<sup>287</sup> Slaff recounted that Judge Gitelson’s 1970 order called for a schedule to integrate by phases that included deadlines, updates, and revisions to integration plans if necessary.<sup>288</sup>

By September 20, individuals and organizations disputed CACSI’s request of an accurate and detailed racial and ethnic census, which documented each student’s name, address, school, grade, age, heritage, ethnicity/race and predominant language at home.<sup>289</sup> John Caughey staunchly defended the detailed census because methods of desegregation “will require explicit identification of individuals as to race and ethnicity.”<sup>290</sup> Courts had upheld the validity and constitutionality of racial censuses and the CACSI request of a racial census was a variation of a state board of education mandate of racial censuses that dated back to 1966. Anti-integrationists had opposed student and teacher censuses because the census provided tangible and measurable

information and potential sites of discrimination by determining the racial and ethnic makeup of each school's student body across time.

### *Policed Integration*

Fairfax High School, which was modestly racially integrated, represented a case in which LACBE funded a school's Multi-cultural Education Excellence plan designed to maintain a "measured" degree of integration. In August 20, 1976, Fairfax Community Council member John Paley asked LACBE to "demonstrate its sincerity to positive integration measures by immediately placing in the Regular Budget the Fairfax Multi-cultural Educational Excellent plan."<sup>291</sup> The neighborhood was protective of the enrollment at Fairfax High and had asked LACBE to help it police its attendance to keep "outsiders" from enrolling in the school. LACBE had funded Fairfax's program previously, and Paley warned, "We need your action to survive NOW!"<sup>292</sup>

Herb Solomon, the Chairperson of the Fairfax High School Community Advisory Council, found a powerful ally in Los Angeles Mayor Tom Bradley. At Solomon's request, Bradley wrote a letter to LACBE "in support of the program 'Maintaining Excellence of Education in a Multi-Cultural School.'"<sup>293</sup> Bradley declared, "The goals of this proposal are unimpeachable; I know we share the firm belief that it is imperative to maintain quality education and to encourage the maintenance of the racial balance now extant at Fairfax High School."<sup>294</sup> Bradley, in one of his clearest statements in favor of integration, supported the carefully crafted and heavily monitored racial balance at Fairfax. The political connection between the Fairfax Community Advisory Council and the mayor's office likely provided the leverage to fund Fairfax's program. By comparison, LACBE ignored Crenshaw Neighbors' pleas for similar assistance to ensure integration at Dorsey High School and in the neighborhood schools. Crenshaw Neighbors had requested similar assistance from LACBE but to no avail.

On September 27, LACBE approved funding the Fairfax Multicultural Education Plan, and also approved \$30,000 "for the development of a plan for Los Angeles High School to serve as a 'magnet school.'"<sup>295</sup> Board President Nava informed Mayor Bradley of LACBE's actions, seeking to demonstrate the board's dedication to integration. Whether LACBE approved

funding for Fairfax's multicultural program based solely on Bradley's influence remains unknown, however, Bradley's support appears to have proved invaluable.

*Bobbi Fiedler and BUSTOP Join the Integration Debate*

In a late September board meeting, Bobbi Fiedler spoke on behalf of BUSTOP, an anti-busing organization based out of Van Nuys formed "for the purpose of supporting [a] voluntary integration program, but strongly opposing mandatory integration."<sup>296</sup> (This is one of the earliest documented appearances of BUSTOP.) Fiedler had previously engaged in efforts opposing teaching reassignments for teacher integration.<sup>297</sup> She explained how she became embroiled in the integration debate:

Well, basically what happened is, I became involved in the desegregation issue in the early part of 1976, and at that time they were discussing desegregation of staff. Historically, it has been the position of the Department of HEW, Health, [Education], and Welfare, Washington, that they felt that having teachers of like cultural and ethnic backgrounds was helpful from a role model standpoint and therefore, teachers often were assigned to schools with students who were a lot more like themselves.<sup>298</sup>

By late 1976, BUSTOP's opposition to a student racial census and integration continued to coalesce. BUSTOP embarked on a crusade to halt the racial census. At first, with little fanfare from the media, BUSTOP held its first meeting with fifty members. BUSTOP then grew to three hundred, and then one thousand members.<sup>299</sup> When board member Miller, who had authored and helped pass an anti-mandatory busing motion that LACBE later rescinded, spoke at an early BUSTOP meeting in Palms, an area near the Westside, chants of "Burn Miller Burn" rang out from people opposed to Miller and his anti-busing stance.<sup>300</sup> This event forced BUSTOP to retreat to the San Fernando Valley.<sup>301</sup> However, BUSTOP pressed on and embarked on a crusade to halt the racial census. Fiedler recounted, "The first major thing that we did is, we began to fight what was called the 'Racial-Ethnic Survey,'" with "about \$40,000 worth of free legal services, and nothing but volunteers, and a handful of attorneys who had volunteered their time to the effort."<sup>302</sup>

To thwart accusations of racism, BUSTOP recruited minority members from the Valley and "put together a large number of individuals from various racial and ethnic backgrounds; some of who had been adoptive parents, some who happen to be multi-racial parents, [and] all sorts of kids from a variety of backgrounds," according to Fiedler<sup>303</sup> BUSTOP, Fiedler recalled,

focused recruiting “heavily on minority children, because we knew that the charge of racism would be made in the minute that we started trying to go to court.”<sup>304</sup> Fiedler believed the BUSTOP was diverse with a “lot of people from a variety of ethnic backgrounds, particularly Eastern Europe [who] were involved to escape Communist rule and who saw the impact of forced busing as being very little different from Communism.”<sup>305</sup> She noted the large Croatian-Yugoslavian representation in the San Pedro’s BUSTOP chapter.

Fiedler pointed out that BUSTOP had a number of supporters from East L.A. Yet, although she rejected claims of racism against her and BUSTOP, she denied requests from East L.A. residents to establish a BUSTOP chapter in East L.A. She acknowledged, “They [East L.A. BUSTOP supporters] came out and asked us if we could come organize in the area. I made the decision that it would be better and more credible if they were to organize in their own community and they did.”<sup>306</sup> However, Fiedler noted that BUSTOP had chapters in Ventura County, Orange County, and beyond. (These neighborhoods were overwhelmingly white and middle class and some were much farther away than East L.A.) BUSTOP had also endeavored to present itself as politically centrist. Its leadership decided to limit membership early on “to those people that we knew and worked directly with, uh, because we knew that there were a lot of radical extremists that got involved on both, on both ends of the issue all the way from the KKK ... through the Communist Party.”<sup>307</sup>

On October 11, Bobbi Fiedler and other individuals asked the board to halt the racial census CACSI requested.<sup>308</sup> Board member Miller introduced a motion with unusually harsh language calling the “racial classification of individuals” as “contrary and odious to the principles of American society” that aimed to stop the racial and ethnic census that CACSI requested. Miller moved: “RESOLVED That the Board...rescind its instructions that teachers take a survey on October 12, 1976, identifying individual students by racial classification.”<sup>309</sup> After a “lengthy” discussion involving board members, CACSI Chairman Dr. Loveland, and Calvin Hamilton, Director of Planning for the City of Los Angeles and CACSI member, LACBE defeated the motion by a three to two vote.<sup>310</sup> The “noes” included Docter, Rice, and Bardos; the “ayes” included Ferraro and Miller. The CACSI census and a HEW Pupil and Program Survey both remained scheduled for October 12.

However, on October 12, LACBE, the superintendent, and every school received a message informing them that the Los Angeles Superior Court issued a temporary restraining

order relating to the CACSI Student Survey To Collect Data on Ethnicity prohibiting the district “from showing or releasing” any of the CACSI “forms or any of the information thereon to parents.”<sup>311</sup> Parents could “not view, and consequently not change, anything on the forms.”<sup>312</sup> The restraining order did *not* affect the HEW racial survey. The litany of reasons opposing the CACSI racial census filed with the restraining order request read like previous attempts to halt student and teacher integration, and other racial censuses, and included: claims of “unconstitutionality and unlawfulness” and “improper expenditure of taxpayer funds.”<sup>313</sup>

On November 4, LACBE member Ferraro introduced a motion directing “Superintendent Johnston to order all [CACSI] survey forms destroyed on pupils where the parent has filed a signed ‘Right to Privacy Form’ provided by the District, or has written a letter forbidding the release of directory information.”<sup>314</sup> Miller suggested amending the resolution to “remove the student’s address from all pupil survey forms,” in lieu of destroying the forms.<sup>315</sup> Before the vote, an animated Marnesba Tackett of the SCLC/West defended the CACSI survey, asked the board to reject Ferraro’s motion, and proposed that the board ask even more personal questions of its students. Tackett asked, “Do you not take the name, address, age, grade and primary language of each children you enroll? If you don’t you should.”<sup>316</sup> According to Tackett, LACBE did not collect each child’s race but she charged, “Judging from the way boundaries have been moved in the past, and your selection of new school sites, I would not be surprised to find that you also have a code for designating race.”<sup>317</sup> As a member of CACSI, Tackett also resented Ferraro and Miller’s insinuations about CACSI ineffectiveness. She stated, “Another thing, Dr. Ferraro and Dr. Miller, we, the volunteers to whom you have delegated this responsibility (a CACSI integration plan), resent your criticism, accusations of incompetence and hints of subversiveness.”<sup>318</sup>

Two days before the board voted on Ferraro’s motion calling for the destruction of the CACSI racial and ethnic surveys, Steven J. Carnevale, Deputy County Counsel, affirmed the legality of the survey. Responding to an inquiry whether the district was compelled to destroy all information gathered from the CACSI survey “for those students whose parents have not consented to the release of directory information,” Carnevale responded, “The term ‘directory information’ refers to certain items of personally identifiable information concerning students which school districts may make public absent a request by the student’s parents that the information remain confidential.”<sup>319</sup> He explained that “no personally identifiable information

concerning students collected in the student racial and ethnic survey will be available to anyone other than District officials and the parents of the students involved.”<sup>320</sup> “Consequently, there is no legal requirement that all information collected in the survey, which relates to students who have restricted the release of directory information, be destroyed,” Carnevale concluded.<sup>321</sup> In spite of Carnevale substantiating the legality of the CACSI survey, Ferraro still submitted his motion two days later seeking the destruction of student forms whose parents had requested privacy. Bardos, Docter, Rice, Watson, and President Nava voted against the motion, with Ferraro and Miller voting for it.<sup>322</sup>

As more correspondence continued to inundate LACBE in opposition to mandatory student and staff integration, “forced busing,” and the CACSU survey,<sup>323</sup> in mid November, Bobbi Fiedler, now Executive Director of BUSTOP, offered several voluntary programs for the board’s consideration. Magnet schools represented the heart of her presentation, but she also proposed implementing the failed integration programs PIE (Program for Intercultural Enrichment), APEX (Area Program for Enrichment Exchange) and Open Enrollment or Controlled Enrollment, among others. She offered a plethora of general goals and objectives, not central to comprehensive integration. Fiedler revealed one of BUSTOP’s central tenets: “Integration will never be a substitute for education!”<sup>324</sup> BUSTOP therefore opposed the views of Tackett, the Caugheys and other integrationists who believed that integration was a fundamental part of improving education.

### *Opposition to Mandatory Busing Beyond the Valley*

Vocal opposition to mandatory two-way busing spread beyond the San Fernando Valley. In December 1976, the community advisory council of the Fairburn Elementary School, located in the upper-class neighborhood of Century City, submitted the results of a survey showing that respondents overwhelmingly opposed mandatory busing, but supported and ranked six other integration strategies.<sup>325</sup> One hundred sixty-two out of 200 families responded. Asked if they would allow their children to be bused if LACBE ordered mandatory busing for integration to a school less than ten miles away, 15.6% answered that they would allow their children to be bused, while 86.6% answered no.<sup>326</sup> If the distance was more than ten miles, support diminished by more than half to 6.3%, while 93.7% answered they would not allow their children bused more than ten miles. On whether the community had a responsibility to help school integration,

58.8% of respondents answered yes, while 41.1% answered no. Asked whether efforts should be made to increase minority enrollment in “our School,” 48.6% answered yes, while 51.4% responded no. But when asked if they favored “voluntary busing of minorities to this School as a means of achieving integration,” 72.5% of the respondents answered yes while only 27.5% answered no. This showed that while more than half (58.8%) of Fairburn parents believed they had a responsibility of help school integration, almost three-quarters preferred one-way busing of minority students to their school.

One of the more revealing questions in the Fairburn survey dealt with the question of parents volunteering their children to schools with varying degrees of a minority population. If a school had a “predominantly minority” population, meaning over 50%, 1.7% responded yes to volunteering their child to be bused there, while 98.3% responded no. If a school had a minority population 25% to 50%, 2.6% answered yes to volunteering their child, while 97.4% answered no. And, if a school had a minority population of 10% to 25%, 8.1% percent answered yes to volunteering their child for busing there, while 91.9% answered no. One could reframe the last question in a very different manner, by asking if a parent would send their child to a school with 75% to 90% white student body. Read this way, the overwhelming percentage of the respondents, 91.9%, said they would not send their child to another school that was only slightly integrated. This response could indicate that the respondents clung to the neighborhood school concept, and one-way busing of minority students into their school. Of the small number of Fairburn parents who were willing to bus their children to minority schools, the number of parents likely to volunteer their children increased as the percentage of minority students within a given school decreased.

Lastly, the survey asked parents if they would allow their children to attend a school outside the neighborhood if that school had special programs (such as a magnet school) in an area of interest to their child. A majority of respondents, 69.5% answered they would *not* allow their child to attend a magnet school outside of their neighborhood, while 30.5% said they would allow their child.<sup>327</sup> In other words, Fairburn parents’ educational interests for their children superseded their children’s educational interests and choices.

Interspersed among the correspondence against mandatory student and teacher reassignments, Reverend Donald R. Rogers, an African American preacher from Los Angeles in an area just north of LAX, opposed busing *minority* children because he believed it signified

second-class citizenship. He framed his case partly in terms of colorblindness, and partly in defense of the neighborhood school concept. “Bussing in the long run will not help the minority communities, it will further implant in their minds that they are second class citizens, who are continually pushed around to salve the consciences of people like yourself,” he argued.<sup>328</sup> “It is high time that we as a society treat each person as human being, and not as a ‘Black’ or ‘Chicano,’” he added.<sup>329</sup> Reverend Rogers defended the neighborhood school concept, asserting. “Historically, education has taken place at schools close to the home. This way the child is close to the community in which he lives, and he may relate to the local scout master, Pop Warner coach, YMCA, etc.”<sup>330</sup> “Bussing is nothing more than using children as pauns [*sic*] to salve the consciences of school board members,” he lamented.<sup>331</sup> “It is the coward’s way out, and does nothing except achieve racial balance in the schools.”<sup>332</sup>

### *The Integration Project Joins the Integration Debate*

In early December 1976, The Integration Project (from now on TIP), described by its representative Asher Rosen as “a growing group of teachers, parents and community people concerned about the quality of education in the Los Angeles City Schools,” joined the integration debate by presenting its core goal to LACBE.<sup>333</sup> Rosen declared, “We intend to meet with any and everyone sharing our desire for integrated quality education.”<sup>334</sup> The group challenged school segregation because it believed “that segregation by race or income deprives ALL our children of the means to combat racism and privilege.”<sup>335</sup> It proposed that LACBE “undertake a staff development program, beginning in February 1977” to prepare for student desegregation in September.<sup>336</sup> TIP embarked on more than simply telling LACBE how to ready everyone for integration. It also probed strategies for funding and asked the board if it had inquired into funding possibilities for the preparatory stages of integration, including funding from programs such as the Emergency School Assistance Act, Public Law 874, School Assistance to Federally Affected Areas, and the Elementary and Secondary Education Act (ESEA).<sup>337</sup>

TIP pursued goals broader than school integration based on race and ethnicity. TIP sought “an integration plan which will bring about true integration – that is, integration across income, racial and ethnic lines.”<sup>338</sup> The group declared:

We want schools to include more emphasis on the cultural contributions made by all peoples. We want schools to teach each person not only to be proud of his or her group,

but also to appreciate and respect differences in others. In short, we want education for democracy.<sup>339</sup>

TIP members believed that school integration would lead to a cohesive citizenry and a unified democratic society.

### *Built-In Shortcomings in Teacher Integration*

Teacher reassignment for faculty racial balance was intimately linked to overall integration efforts. Although student integration remained elusive in Los Angeles, by comparison, teacher integration efforts were continuing relatively quickly, partly due to pressures from the Office of Civil Rights that tied federal education funding to faculty racial balance. On October 28, board member Watson presented a sweeping motion calling for the integration of the administrative staff of the LAUSD that LACBE promptly passed with a five to zero vote.<sup>340</sup>

However, by early December 1976, the Watts NAACP Branch questioned the fairness of the district's racial balance efforts in teacher faculty, and in particular asked how the district reached the percentages that were the basis of its definition of a racially balanced faculty. The Watts NAACP's Jeanne Rushing charged, "Neither professional nor non professional staffs reflect the racial or ethnic backgrounds of the public population as a basis for hiring."<sup>341</sup> Referring to the district's definition of an integrated teacher staff as "35 per cent minority teachers in minority communities, and 15 per cent minorities in white communities," Rushing remarked that in only two areas, "one ghetto area with a 90 per cent minority population has 50 per cent minority teachers, and only one white area with a white public population of 80 per cent has a minority teacher force over 15 per cent."<sup>342</sup> "The term minority is whimsical and Black teachers may not necessarily be represented equitably in any given minority composition since that composition is arbitrary and not based on population," she protested.<sup>343</sup> The Watts NAACP argued that defining teacher racial balance necessitated a numerical basis, and claimed that the district's student population of 59.8% percent minority fulfilled this requirement. Rushing inquired as to why the district's teacher population was 70% white, while the district's student population was 59.8% minority.<sup>344</sup>

Rushing detailed some of the practices in teacher transfers in and out of "the ghetto" that frustrated the Black community, and undermined LACBE's reputed lottery system. In one

example, Rushing noted, “Tenure was offered to white substitute teachers coming to the violent ghettos. In addition to demoralizing the black community, it increased white employment.”<sup>345</sup> By comparison, she declared, “No equal opportunity was presented to blacks.”<sup>346</sup> On minority teacher transfers, Rushing contended that “Black tenured and experienced teachers were sent to the white areas replacing inexperienced transferees to the [sic] ghetto. They were interviewed, accepted or rejected individually.”<sup>347</sup> The same individual process did not occur in the “ghetto” schools with white teacher transfers. “Black long term substitutes are abolished or reduced to day to day substitutes since positions designated for whites must be filled by whites,” she explained.<sup>348</sup> Rushing claimed that these practices resulted in low teacher morale, and exacerbated poor student discipline and performance.<sup>349</sup> For these reasons, the Watts NAACP opposed the teacher integration policy, although for very different reasons compared to white teachers and Valley residents. Rushing and the Watts NAACP’s criticisms of the LACBE teacher transfer policy for integration explained some of the seemingly unintended negative effects it wrought on racially isolated minority neighborhood schools and Black teacher teaching opportunities.

#### *Opposition to Integration Efforts from Integrated Communities*

Another rationale continued to gain momentum against mandatory busing for integration: the contention that neighborhoods and neighborhood schools already integrated should be exempt from mandatory integration plans. Some CACs and PTAs throughout the city from across socio-economic levels believed their neighborhood schools were already integrated and staunchly opposed including their schools in any mandatory integration plan.<sup>350</sup> Brentwood, the upper-class neighborhood served by Kenter Canyon Elementary School, located west of the 405 Freeway and nestled at the base of the Santa Monica Mountains, opposed mandatory busing, but had a strong case for exemptions. Kenter’s Community Advisory Council proudly reported its 23% “minority factor,” and expressed to LACBE, “Our school is in a predominantly white area and has been a leader in school integration activities for *eighteen years*” (emphasis mine).<sup>351</sup> The program was “working successfully” and had been “recognized as a model school,” the council reported.<sup>352</sup> The group boasted, “We now have one of the two PWT demonstration centers for the entire District and we have two active and successful PIE programs in full operation.”<sup>353</sup> “We are a prime example of the benefits which can be attained through voluntary integration and

reiterate our strong support and commitment for all voluntary, quality, related integration programs,” the group claimed.<sup>354</sup> The council referred to the California Supreme Court’s call for reasonably feasible steps to alleviate school segregation regardless as a rationale for supporting voluntary measures.<sup>355</sup> The Kenter CAC made a compelling case for voluntary measures based on its proactive integration efforts. The Kenter Canyon leadership’s measured and purposeful ideas suggested that the community’s sensibilities differed from many other neighborhoods that too opposed mandatory reassignment.

### *Ambitious Integration Ideas*

Among the voluminous correspondence against mandatory busing, Joyce P. Silver, a “Los Angeles certificated elementary substitute and mother of four young students” from Granada Hills, called for desperate and radical measures to integrate, ideas that symbolized some of her Valley neighbors’ worst nightmares. Her recommendations and outlook were unique; she demanded two-way busing and magnet schools. After attending a local advisory council meeting, she proposed:

Close the “problem” schools {High minority schools” [*sic*]  
Disperse these minority students throughout the valley. Make these schools, which have been closed, magnet schools, with special programs. Bus the *white students* into these now empty schools. Integrate these schools, if needed (emphasis mine).<sup>356</sup>

Silver proposed some of the most innovative integration recommendations, and distanced herself from most residents of the Valley who opposed mandatory busing. Her proposals were more daring than some from the most fervent civil rights groups.

Joining Silver in her ideas, the PTA Integration Study Committee at Patrick Henry Junior High School, also in Granada Hills, also recommended closing “inner city schools where neighborhood influences are detrimental to the learning process,” which Silver called the “problem” schools.<sup>357</sup> The committee also recommended opening year-round schools to “compensate for closed schools,” turning *all* high schools into magnet schools, expanding the PWT program, and creating open schools.<sup>358</sup> The committee did not oppose mandatory methods of integration outright, suggesting instead that LACBE try “all voluntary programs in the first instance before mandatory methods are imposed.”<sup>359</sup> The committee also asked for quality education, upgrades to curriculum, services, and staff development, a half-hour maximum travel time for mandatory busing, and consideration of the Southern California Rapid Transit District

(RTD) for transportation of secondary students.<sup>360</sup> Although Valley residents overwhelmingly opposed integration through mandatory busing, a few members of the political minority in the area, represented by Silver and the PTA Integration Study Committee from Patrick Henry Junior High, offered some sweeping integration strategies.

### *TIP's Integration Recommendations*

On January 3, 1977, TIP offered its most comprehensive recommendations for a district integration plan, emphasizing that the group's goal "went far beyond desegregation."<sup>361</sup> TIP's objective was "the full and permanent integration of the schools" of the district.<sup>362</sup> TIP proposed a "Neutral Site" plan consisting of: 1) moving students from geographic extremes of the district to central geographic areas; 2) shifting more people fewer miles instead of moving a smaller number of people for longer distances; 3) including presently "integrated" schools in the Master Plan; 4) creating schools within clusters with the approximate ethnic percentage of the overall cluster; 5) within a cluster, developing schools with no more than 2% to 4% points off of the overall percentage for that cluster; and 6) avoiding an environment of racial isolation for new students who were shifted to new schools.<sup>363</sup>

TIP attempted to capture the complexity that LACBE and the district faced. Therefore, it proposed a lengthy set of guidelines numbering nineteen in addition to the six features in the "Neutral Site" plan, some reminiscent of the 1968 East L.A. student protesters' demands.<sup>364</sup> TIP agreed with the 1968 East student protesters on matters of bilingual and bicultural education, with TIP recommending offering bilingual and bicultural programs "to all students who need them."<sup>365</sup> TIP asked for codes of conduct to be applied uniformly among all students, a request that East L.A. students also made in 1968. TIP, like the students demonstrators, also voiced concerns about the physical conditions of educational facilities, and asked that all "plants, facilities, and equipment and materials to be repaired, [should be] improved, and equalized."<sup>366</sup>

### *CACSI's Preliminary Integration Plan*

On January 10, 1977, CACSI submitted a preliminary report to LACBE, the district, and the city. CACSI celebrated its efforts that it hoped would "bring not only equal educational opportunity to all students in the District, but a quality education for all students as well."<sup>367</sup> "The first questions that must be asked and answered," the CACSI Preliminary Report read, "as a precondition of any planning ... are those of fundamental policy."<sup>368</sup> The CACSI preliminary

report also read: “What is the goal of this District in meeting its moral and legal obligations to provide an integrated, quality education for all students? What concepts are to be employed in achieving that goal?”<sup>369</sup>

CACSI differentiated desegregation from the more complex idea of integration. CACSI defined desegregation as “a re-arrangement of students and faculty to achieve some degree of racial balance” and defined integration as an “appropriate degree of racial balance in each school staff and student body.”<sup>370</sup> Integration also involved a “learning environment characterized by mutual cultural and inter-racial acceptance,” and “curriculum and staff that are responsive to the educational needs of all participants.”<sup>371</sup> During its investigation, CACSI discovered that racial segregation permeated the district and occurred across grade levels.<sup>372</sup> At the same time, CACSI also found a diversity of languages within the school district.<sup>373</sup> These findings informed CACSI’s recommendation to LACBE.

In its preliminary report, CACSI dealt with an exhaustive number of concerns in addition to voluntary and mandatory busing, and other integration strategies previously entertained by LACBE. These strategies included but were not limited to magnet schools, open schools, traditional schools, continuous progress schools, specialized schools, and schools which offered calendar options such as year-round or traditional academic year.<sup>374</sup> CACSI analyzed in detail the implications of an integration plan on bicultural and bilingual education, matters important to the East L.A. student demonstrators and the Mexican American community as a whole. CACSI recommended that the “opportunities of Mexican-American children for bilingual instruction be protected under any desegregation plan approved for the Los Angeles city school system.”<sup>375</sup>

CACSI’s main integration strategy consisted of a hybrid plan combining voluntary strategies, with backup mandatory strategies. CACSI recommended a “phasing-in” integration strategy, which TIP endorsed, which included a *voluntary period* followed by *mandatory reassignment* if necessary. Although CACSI did not explain its rationale behind the hybrid strategy, at its core, the gradual strategy asked parents to make a good faith effort to volunteer their children to participate in integration CACSI’s strategy and would test whether enough parents would volunteer their children and successfully integrate the district or choose not to volunteer their children leading to mandatory integration strategies.<sup>376</sup> CACSI envisioned expeditious integration planning but gradual implementation of the plan to completion in three years. Stage I dealt with all the planning and logistical underpinnings of the integration plan.<sup>377</sup>

CACSI emphatically advocated “quality educational programs” in all district schools, “but especially in [racially isolated minority] schools designated for first stage implementation.”<sup>378</sup>

Also in Stage I, LACBE would develop “integration training kits to be used in subsequent stages of the plan and provide curriculum changes and models which will lead to the establishment of as many optional programs as possible by September, 1977.”<sup>379</sup>

In Stage II, the implementation phase, CACSI focused on desegregating segregated minority schools, but not segregated white schools. CACSI declared, “That the most segregated schools be integrated first,” and that “the most segregated minority elementary schools must have been sufficiently integrated (reduced to no greater than 70% of one racial or ethnic group, or combination of minority groups) by September, 1977.”<sup>380</sup> This recommendation demonstrated that CACSI, even with a membership of liberals and progressives such as John Caughey and Marnesba Tackett, wanted to pursue integration gradually. Stage II granted all parents in the district an opportunity to “choose the schools and programs identified and developed in Stage I, to which they would prefer to be assigned, as long as their choice would promote integration.”<sup>381</sup> CACSI’s key stipulation within the voluntary option to parents was that if enough parents did not volunteer for the voluntary option to satisfy the court, then mandatory reassignments would ensue. Heeding pleas from some nominally and moderately integrated schools, CACSI recommended, “Endeavor to avoid the reassignment of student from any school which is integrated.”<sup>382</sup>

CACSI called for a halt to structural forms of segregation, which had plagued the district in the form of open enrollment and school construction site selection that maintained or increased segregation. In order to avoid these problems, CACSI recommended carefully selecting sites for future new school construction that would not increase segregation but instead increase integration.<sup>383</sup> CACSI also explained, “Consideration should be given to the closing of any school which cannot meet acceptable educational or environmental standards, and consolidation of schools with small enrollments.”<sup>384</sup> Students from the inner city were underperforming and their dropout rates were higher than the rest of the district. Therefore, CACSI proposed changing the environment by closing failing inner-city schools.<sup>385</sup>

Like CRCSC members, CACSI members did not think that integration and compensatory education were mutually exclusive, incompatible endeavors. To ensure compensatory education programs and educational equality, CACSI recommended: 1) “Ensure that students performing

two years or more below grade level in English speaking and comprehension shall have their particular educational needs recognized and met, no matter which school the student attends” and 2) “Any plan of integration shall affect all schools equally with respect to educational resources, both human and material, financed by the general fund of the District.”<sup>386</sup> By offering these two proposals, CACSI sought to safeguard bilingual education and equal educational opportunity.

On the issue of bilingual education, CACSI referred to the 1974 United States Supreme Court case, *Lau v. Nichols*,<sup>387</sup> and declared that “the District shall provide instructional aides and such other personnel and/or material necessary to render education possible for all language groups represented by 10 or more students according to the language dominance survey, until a student can function in a regular program.”<sup>388</sup> CACSI deemed bilingualism and biculturalism essential elements in the broader question of integration, and sought to protect and expand bilingual and bicultural education within an integration plan.<sup>389</sup> Bilingual education, a compensatory education strategy, was based on the notion that it helped non-English speaking (NES) and limited-English speaking students (LES) assimilate into American society through language. It was also based on the idea that students could retain their cultural identity, without shame, even as they adopted American culture.

CACSI opted to focus on bilingual education as a means to assist non-English speakers “catch up” academically with English speakers, and recommended: “Diagnose the linguistic and educational needs of each student ... identified as non-English or limited-English speaking, and prescribe and provide educational services which assure that each such student’s academic achievement is not impeded by a lack of English language facility.”<sup>390</sup> CACSI recommended conducting what amounted to a district “language census” to help the district develop bilingual education programs. There was a long history of placing non-English speakers in special education programs, remedial education, and speech therapy, so CACSI recommended careful diagnosis of NES and LES students to avoid placing them in the wrong educational programs that would interfere with, or undermine, their educational development.<sup>391</sup>

CACSI commissioned a Logistics Subcommittee Population Task Force to investigate the number of NES and LES students, and their language of origin. The noteworthy list included a total of eighty-five languages including Spanish, “Black Dialect,” various Native American languages, Asian languages including distinct Chinese languages listed separately, Korean, European languages, Southeast Asian languages including Vietnamese, “Filipino” and

“Tagalog,” Middle Eastern languages, Mayan, and “Others not listed.”<sup>392</sup> The languages that had more than one thousand NES *or* LES students included: Spanish (21,687 NES, 49,059 ESL), Black Dialect (1,925 NES, 3,448 ESL), Korean (789 NES, 2,395 ESL), and Cantonese (388 NES, 1,200 ESL).<sup>393</sup> Integration plans would have to take into consideration the three major groups in Los Angeles, African American, “Spanish surname,” and white, as well as students representing L.A.’s spectrum of race, ethnicity, national origin, and culture identified by the Logistics Subcommittee Population Task Force language census.

In 1968, East L.A. student demonstrators asked for a “10 point” leeway in I.Q. tests while some East L.A. educators asked for its redesign to consider culturally neutral standards. CACSI did not suggest granting a “10-point” leeway, but recommended:

Assure that any intelligence, aptitude, or achievement test administered to students whose primary or home language is other than English do not discriminate against such students on the basis of their language background or competency, and that the test results are not skewed by, or essentially a measure of, the student’s lack of English language skills.<sup>394</sup>

Aware that racial and cultural prejudice had negatively affected curriculum in East L.A. schools, CACSI wanted to ensure equal educational opportunities for students there. For example, in its examination of curriculum in the district, CACSI discovered that science was “taught in our westside elementary schools but not in our eastside elementary schools - - we suspect this is true of other Chicano schools.”<sup>395</sup> Although CACSI was primarily concerned with developing integration strategies, it discovered cases of educational inequality. CACSI members hoped that integration and attention to bilingual programs would ameliorate educational inequality in the district.

While desegregation was the short-term goal of CACSI’s preliminary recommendations, CACSI’s ultimate goal was integration. Integration meant understandings across races, cultures, classes, and languages, and would entail developing, fostering, and maintaining integration within the school system. CACSI found that “the Chicano community” promoted the idea that students from other backgrounds should attend predominantly Chicano schools.<sup>396</sup> “The Chicano community sees great benefit in others sharing in the bilingual bicultural experience,” CACSI elaborated. CACSI recommended: “That integration is a *two-way* process that will allow other ethnic youngsters the opportunity to receive a bilingual and bicultural experience in a predominantly Mexican-American community” (emphasis mine).<sup>397</sup> The Mexican American

community, according to CACSI, believed that a bilingual and bicultural experience in a “Chicano” majority school would benefit non-Chicano students who were bused in. Alternately, Mexican American students bused to predominantly white schools would benefit from their experiences in predominantly white communities.

CACSI also called for an “office of integration” and an integration monitoring committee responsible to the court consisting “of community persons with ethnic representation proportionate to the student population of the District.”<sup>398</sup> CACSI asked for aides from the sending communities to accompany children bused to schools in other neighborhoods to ensure their safety.<sup>399</sup> CACSI called for a close relationship and collaboration between “the community of residence” and the “school community.”<sup>400</sup> To communicate its integration plans, CACSI recommended the translation of materials “in all appropriate needed languages.”<sup>401</sup>

Among the many desegregation methods, pupil transportation, i.e. busing, garnered much opposition and scrutiny from Angelenos, particularly Valley residents. Opponents raised questions about student safety, travel distance and time, the number of students assigned for busing, costs, environmental implications, and the feasibility of after-school activities. CACSI proposed that elementary students travel approximately forty-five minutes for mandatory transportation, and that junior and senior high students travel be reasonable, with shortest times given priority, though CACSI did not offer an approximate travel time for them.<sup>402</sup> Echoing one of TIP’s recommendations, CACSI recommended, “That more children travel shorter distances rather than have fewer children travel longer distances.”<sup>403</sup> To ensure that bused students participated in school activities CACSI stipulated that any integration plan “shall provide an opportunity for students to participate in school related activities with transportation provided.”<sup>404</sup> CACSI hoped that its recommendations would lead to more student participation in busing strategies without hindering after-school activities.

In the student protests of 1968, both African American and Mexican American student demonstrators clamored for improved school-community relations. With integration plans in the works in 1977, the potential relationships could not only involve those between the school (teachers, staff, and administration) and the community (students, parents, and community leaders), but also could multiply exponentially to include relationships between receiving and sending communities from varying racial, ethnic, class and cultural backgrounds. To avert conflict, CACSI recommended that “any plan of integration shall provide for racial, ethnic and

cultural intergroup education for parents, students, teachers and other certificated personnel, classified personnel, administrators, and interested community members prior to the start of the plan and during its operation.”<sup>405</sup>

In its research to help develop recommendations for an integration plan, CACSI made some startling findings in statistical data from 1973 from several surrounding school districts “within six miles” of the LAUSD. Thirteen out of the forty-two of these districts reported a student population of 90% or more categorized as “Other,” which for all practical purposes, translated to “white.” Ten districts reported a population of 80.0% to 89.9% “other.” Six other districts reported a student population of 70.0% to 79.9% “other.” Only two districts reported a Black student population of at least 50%. Compton reported an 88.2% Black student population while Inglewood reported 59.7% Black student population. Only two districts had a substantial Spanish surname student population of 50% or more. Garvey reported 60.6% and Montebello reported 59.6%. In forty-two districts, the Native American student population ranged from 0.0% to 1.1%. The Asian American population ranged from 0.2% in Compton to 14.8% in Alhambra Elementary, which was the only “school district” with an Asian American population above 8.3%. (It appears that Alhambra Elementary comprised the whole district.) Such highly segregated and predominantly white districts near Los Angeles suggested to CACSI that a feasible metropolitan plan could help integrate the Los Angeles school district. Most of the districts were located adjacent to or near the Los Angeles district just east or west of the South-Central LA corridor or in the San Gabriel Valley just northeast of downtown LA, not far away in the San Fernando Valley or adjacent counties.<sup>406</sup>

Many parents who opposed mandatory busing bolstered the PWT as one of the most viable solutions to accomplish integration, and a rationale for not implementing mandatory busing. Individuals, and civil rights organizations, and community groups pressing for integration that included mandatory busing had mixed feelings about the PWT. Some argued the PWT could serve as one component out of several components as part of a comprehensive integration plan. Others argued that the PWT placed undue responsibility of integrating schools on minority children because it relied on one-way busing of minority students. In its research, CACSI discovered LACBE neglected the PWT, even though the school board celebrated the PWT’s limited integrative effects. When CACSI asked the district to provide the background of the participants and whether the PWT had improved the educational quality of the participants,

the LAUSD staff found, “The majority of PWT pupils come from the mid-city area and from the eastern part of the Los Angeles area.”<sup>407</sup> LAUSD staff inadvertently substantiated CACSI and civil rights groups’ charges of one-way minority student busing when it reported, “Ethnically, the PWT program consists of about 85% Black children, 10% Spanish surnamed, and 5% Oriental and Other White.”<sup>408</sup> “Beyond this brief demographic description, there have been no in depth sociological studies,” CACSI reported.<sup>409</sup> Minority students made up no less than 95% of the participants in the PWT.<sup>410</sup> If LACBE and the district wanted to improve and expand the PWT, their lack of follow-up research into the existing program undermined their claims of support for the PWT.

A CACSI inquiry into the lack of participation by some schools and areas revealed some important findings. CACSI reported that school staffs demonstrated some reluctance in encouraging participation in the PWT because “there is concern about ‘losing faculty’ and concern that reduced student population would cause some adverse effect in the school curriculum.”<sup>411</sup> This finding indicated that teachers failed to endorse student to participation in the PWT, opting for self-preservation because they feared a loss of jobs. These teachers erroneously made this assumption, even though sending schools could also request consideration for *receiving* school status. On why enthusiasm differed among schools, CACSI reported, “Variation is obviously also related to the priority in which individual teachers and administrators view the program.”<sup>412</sup> Such variation in teaching and administrative staff support illustrated not only the teachers’ lack of resolve, but also LACBE and the district’s resolve. LACBE did not have an enforceable and tangible policy to encourage participation in the PWT. CACSI reported, “The Board of Education’s position has been to present a neutral offer to parents and students at designated schools.”<sup>413</sup> This neutrality effectively stripped the PWT of any formal LACBE endorsement and ensured only a gradual expansion. LACBE did not even invest in its expansion to meet demand, as evidenced by a PWT waiting list.

### *Chicanos and Integration and Chicano Participation in CACSI*

Carlos Manuel Haro explained the conflicting Chicano attitudes on integration in *Mexicano/Chicano Concerns and School Desegregation in Los Angeles*. He wrote, “Chicano parents have indicated, on several occasions, at various meetings in East Los Angeles barrios, that desegregation is not their main educational concern.”<sup>414</sup> “First and foremost in their minds is

the need to establish quality education in barrio schools, and for those schools to meet the education needs of Chicano youth,” he explained.<sup>415</sup> At the same time, some Chicanos supported school desegregation because it would have an equalizing effect on education. Haro stated, “To varying degrees, many Chicanos believe that eliminating segregated schools will improve the quality aspect of schooling, as well as provide for equal educational opportunity.”<sup>416</sup>

Political fragmentation between proponents of integration and backers of bilingual/bicultural education entered CACSI politics.<sup>417</sup> Although CACSI developed some recommendations geared toward the Mexican American community, or more broadly the “Spanish-surname” community, Maria Montes of East L.A., a member of CACSI as well as the East L.A.-based education group Parent Involved in Community Action (PICA), felt that “the few Chicano members of CACSI encountered difficulty in making their concerns known.”<sup>418</sup> Montes expressed “I was going to say they showed a lack of consideration for us.”<sup>419</sup> Noting that none of the members of the integration planning team were Mexican American, Montes said, “We constantly had to remind them, ‘Hey, we’re here!’ We’re the largest minority in this district. How many times do we have to say that?”<sup>420</sup> Los Angeles Deputy Mayor, Grace Davis, another Chicana member of CACSI, relayed her experiences serving in CACSI. “It was very frustrating. From April (when CACSI was formed) on, it was a continuous struggle to get them (other CACSI members) to even accept that we [Chicanos] had a different point of view.”<sup>421</sup> Rose Lopez, “a longtime education activist in East Los Angeles” according to the *Los Angeles Times*, protested that “some supporters of integration display a lack of understanding of Mexican-Americans.”<sup>422</sup> For example, when she and other Mexican Americans attempted to explain the need for bilingual-bicultural education to “officials of the pro-integration American Civil Liberties Union,” Lopez claimed that “they didn’t know what we were talking about.”<sup>423</sup> “I’m a pro-integrationist, but I’m pro-integrationist only with guarantees for the largest student population in Los Angeles,” she affirmed.<sup>424</sup>

The conflicting attitudes about busing that Haro outlined in his book played out during a LACBE hearing in February. Busing divided the Hispanic community, as its leaders backed busing and the general population questioned its necessity. Frank Del Olmo, the second Mexican American staff writer in the history of the *Los Angeles Times*, reported, “Opinions covered a wide spectrum, from those totally against integration by any means to some who advocated large-scale crosstown busing as the only way to force the school district to improve

predominantly minority schools.”<sup>425</sup> However, Del Olmo explained that a “clear majority” opposed the “transportation of Spanish-surnamed students away from schools in the city’s Latin barrios.”<sup>426</sup> Del Olmo recounted that at this meeting “virtually every speaker also expressed serious dissatisfaction with the education Mexican-American students are presently receiving.”<sup>427</sup> In the Hispanic community, the debate over busing revolved not only over bilingual and bicultural education but also about equal educational opportunity.<sup>428</sup> The community’s focus largely remained on improving neighborhood schools, not busing integration.

Mexican American community leaders from Los Angeles proper also attended the aforementioned meeting. Reverend Vahac Mardirosian, an East L.A. community leader and veteran of the 1968 East L.A. student demonstrations and their aftermath, now supported integration, whereas before he backed improving East L.A. schools through compensatory and bilingual education. Asserting that the quality of education in Los Angeles’ Mexican American neighborhoods had remained low for many years, he believed that those schools would not improve “until Anglos from the West Side come to learn and sit down next to our children in East L.A.”<sup>429</sup> Mardirosian readily admitted that he knew “the majority of Mexican-Americans are probably opposed to crosstown transportation of students.”<sup>430</sup> Lou Negrete, a professor at California State University, Los Angeles (CSULA), argued that Mexican Americans feared that integration efforts could interfere or undermine the educational gains resulting from the 1968 East L.A. student demonstrations.<sup>431</sup>

In this chapter, I traced the competing perspectives about how to integrate the Los Angeles school district. Within the California court system, the California Court of Appeals was at odds with Superior Court Alfred Gitelson’s ruling in *Crawford*. However, civil rights groups appeal the ruling to the California Supreme Court, which overruled the appeals court ruling and sent *Crawford* back to the Superior Court for the implementation phase. At LACBE headquarters, civil rights organizations voiced their support for mandatory busing, while communities throughout the city, except for the San Fernando Valley, remained divided over busing. LACBE membership underwent a transformation with the appointment of Howard Miller and the ouster of fervent anti-buser and anti-integrationist Jewel Chambers. However, community perspectives about how to integrate the system varied, with CACSI recommending implementing an integration plan with an initial voluntary phase with a mandatory backup plan if needed in case enough parents and students did not volunteer for busing, but CACs representing

individual schools overwhelmingly opposed to mandatory busing. The San Fernando Valley and some minority communities expressed anti-busing sentiment but for different reasons. The East LA community, for example, feared losing the educational gains the community secured after the 1968 student demonstrations.

CACSI confronted a formidable task but had no enforcement powers to implement any of its ideas. Its members labored for months to develop preliminary recommendations to begin in earnest a serious discussion for integration. However, by presenting a *preliminary* plan, the committee and its report became susceptible to political pressure and attacks, which could potentially transform CACSI's final recommendations.

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<sup>1</sup> Bobbi Fiedler, interview by Richard McMillan, tape recording, 17 November 1988, California State University, Northridge (CSUN), Department of History and University Library's Urban Archives Center, Northridge, California. Bobbi Fiedler was born in Santa Monica in 1937 and moved to the San Fernando Valley in 1966. She was a founding member of BUSTOP, a staunch anti-busing organization based in the San Fernando Valley. At its height, BUSTOP had about 30,000 members. In addition to opposing mandatory busing, the organization opposed teacher reassignment for integration and the early racial/ethnic surveys.

<sup>2</sup> *Los Angeles Times*, 10 March 1975. U.S. Senators Alan Cranston and John Tunney supported Brown Rice.

<sup>3</sup> *Ibid.* Brownlee Haydon also served as chairman of the CRCSC (a coalition of 95 human relations organizations), on an advisory committee of the Human Relations Commission of Los Angeles, as president of the Neighborhood Youth Association, and was a founding member of the Watts Training Center. The *Los Angeles Times* added that Haydon "as a parent" was a member or office of three school-affiliated organizations, two in Pacific Palisades and the third at UCLA's University Elementary School.

<sup>4</sup> *Ibid.* Chambers added that sex education courses could not include information about sexually transmitted diseases, pregnancy, contraception, and abortion.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> Black Education Commission, Press Release, 25 March 1975, fol. Race Question Genl. 8-19-74 to 6-30-75, Box 971, Race Question Collection, Los Angeles Unified School District, Los Angeles, California (from now on RQC-LAUDS).

<sup>8</sup> *Ibid.*

<sup>9</sup> LACBE, Minutes, 490, 31 March 1975, fol. Race Question Genl. 8-19-74 to 6-30-75, Box 971, RQC-LAUDS.

<sup>10</sup> *Los Angeles Times*, 25 March 1975.

<sup>11</sup> *Ibid.* Bardos, Chambers, Newman, and Ferraro voted in agreement.

<sup>12</sup> Black Education Commission, Press Release, 25 March 1975, fol. Race Question Genl. 8-19-74 to 6-30-75, Box 971, RQC-LAUDS. See also LACBE, Minutes, 479, 27 March 1975. Same location.

<sup>13</sup> LACBE, Minutes, 486, 31 March 1975, fol. Race Question Genl. 8-19-74 to 6-30-75, Box 971, RQC-LAUDS.

<sup>14</sup> *Los Angeles Times*, 10 March 1975.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.* She alternatively proposed the Canfield-Crescent Heights plan, where "black and white students were integrated in schools that were close to one another, with one school filled with grades one to three and the other school grades three to six."

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

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<sup>22</sup> Ibid. On the issue of collective bargaining, Brown Rice and Haydon supported collective bargaining. Chambers opposed it. A lesser known candidate, Kathleen O’Nan, a self-described “feminist activist,” offered her outlook on student integration from the point of view of minority communities and said, “Black and Chicano communities have a high pushout rate, the the [sic] lowest academic scores and the poorest facilities. The community [sic] should decide how to handle integration. If they decide on busing, then bus.” She added, ‘If a black or brown community would say, ‘We don’t want busing,’ then don bus.’”

<sup>23</sup> *Los Angeles Times*, 2 April 1975.

<sup>24</sup> Ibid.

<sup>25</sup> *Los Angeles Times*, 28 May 1975.

<sup>26</sup> *Time*, 16 June 1975.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Fair Housing Council of the San Fernando Valley, letter to LACBE, 4 August 1975, fol. Race Question Genl. 7-10-75 to 2-26-76, Box 971, RQC-LAUSD. In a sense, the FHC/SFV was concerned about maintaining a neighborhood desegregated as well as improving education in the area to ensure that “white flight” would not accelerate and lead to a minority, segregated neighborhood. This acceleration was what researchers call “tipping.” Tipping is defined as the highest number of minority residents that white residents accept within a given neighborhood before they begin to move out, which lead to a neighborhood becoming minority segregated. The FHC/SFV believed that good public schools would prevent desegregated neighborhoods from tipping.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Fair Housing Council of the San Fernando Valley, Report, *The Lake View Terrace Story*, 1974, fol. Race Question Genl. 7-10-75 to 2-26-76, Box 971, RQC-LAUSD, 8. This report combined 1970 Census statistics and the Lake View Terrace Project, “the first major survey ever conducted among residents of this community.” The Fair Housing Council of the San Fernando Valley sponsored the study, which included a series of “265 local interviews between the months of April through July, 1974.” See Fair Housing Council of the San Fernando Valley, letter to LACBE, 4 August 1975. Same location.

<sup>34</sup> Ibid.

<sup>35</sup> Fair Housing Council of the San Fernando Valley, letter to LACBE, 4 August 1975, fol. Race Question Genl. 7-10-75 to 2-26-76, Box 971, RQC-LAUSD.

<sup>36</sup> Fair Housing Council of the San Fernando Valley, Report, *The Lake View Terrace Story*, 1974, fol. Race Question Genl. 7-10-75 to 2-26-76, Box 971, RQC-LAUSD, 6. Patterns of increased vacancies and “for sale” signs concerned the community’s residents and indicated a gradual outmigration, however the housing council did not offer a racial breakdown of the owners of the homes for sale nor the tenants who chose to leave Lake View Terrace. When the FHC/SFV asked residents about the abandoned homes, “81.5% felt that they gave an undesirable image, and 61.8% felt that large number of homes displaying the ‘for sale’ signs presented an undesirable image to the community.” There were over 1000 single unit dwellings, with 900 owner occupied. At the time the 1970 census was taken, 27 dwellings were vacant and 12 homes were for sale.

<sup>37</sup> Dr. Herb Solomon, Chairperson, Fairfax Community Advisory Council, Statement before LACBE, 3 November 1975, fol. Race Question Genl. 7-10-75 to 2-26-76, Box 971, RQC-LAUSD.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid. Solomon also spoke what he referred to as better days at Fairfax since 1971. “Last year was a good year at our high school,” he remarked.<sup>39</sup> “[Racial] [i]ncidents were minimal compared to other schools and prior years.” “We wish to believe,” he continued, “thecause [sic] was associated with your support and fruition of our proposal in 1971 for a ‘Model School Program for a High School in Transition.’”<sup>39</sup> Solomon exclaimed, “The results have been dramatic! Private school students are returning to Fairfax!”

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Solomon had a powerful political ally in Councilman from the Fifth District Zev Yaroslavsky. See Zev Yaroslavsky, L.A. City Councilman, letter to LACBE, 6 November 1975, fol. Race Question Genl. 7-10-75 to 2-26-76, Box 971, RQC-LAUSD.

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<sup>43</sup> Edward L. Kussman, President, NAACP, Valley Branch, letter to LACBE, 13 November 1975, fol. Race Question Genl. 7-10-75 to 2-26-76, Box 971, RQC-LAUSD.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Robert Docter, PhD, Board President, letter to Edward Kussman, President, NAACP, Valley Branch, 24 November 1975, fol. Race Question Genl. 7-10-75 to 2-26-76, Box 971, RQC-LAUSD.

<sup>49</sup> Zane Meckler, Inter-Office Correspondence to Jerry Halverson, 10 October 1975, fol. Race Question Genl. 7-10-75 to 2-26-76, Box 971, RQC-LAUSD. The seven integration programs and the number of students in the program included: 1) Permits with Transportation, 6807; 2) Good of the District (rebuilding Audubon Junior High), 1168; 3) Mandatory and Optional Boundary Programs, 1731; 4) Alternate Schools, 1423; 5) Inter-District Transfer of ethnic minority students to Beverly Hills Unified School District, 115; 6) Permit Policy Program, no data; and 7) Other Programs, "188+." Some civil rights groups charged that white and Spanish surname parents took advantage of the Permit Policy program and removed their children from schools increasingly becoming minority schools, thus further aiding segregating their neighborhood schools. The lack of data does not appear coincidental. Ibid. Boundary changes affecting "ethnic attendance areas" as early as September 1, 1967 affected minority students disproportionately in 1975. The district usually shifted minority students to other schools and provided transportation if necessary. One of the major exceptions was the "traumatic" boundary change in September 1, 1968 when an "area changed from Fairfax High to L.A. High" resulting in white "enrollment assigned to L.A. High." When Kennedy High School opened in 1971, the district assigned African American and Spanish surname students.

<sup>50</sup> *Los Angeles Times*, 17 December 1975. The survey also asked students about fair housing.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid. The *Los Angeles Times* somewhat acknowledged this statement lacked clarity, as some students interpreted "good" to mean "effective" and others assumed "good" to mean "desirable."

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

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<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid. Native American students made a miniscule proportion of the student population in the district. The *Los Angeles Times* quoted one “American Indian” female who opposed court-ordered busing this way: “No, because I’ve been riding the school bus to the white school since second grade and I’m tired of always riding it.”

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> David O’Shea, C. Wayne Gordon, and Mark Ginsburg, “Desegregation in Los Angeles School District: Report of a Public Opinion Survey,” *Educational Research Quarterly* 1, no. 1 (Spring 1976). These findings seemingly surprised them because they expected measurable “black militant” influence on the community toward community control over the neighborhood schools.

<sup>96</sup> Ibid., 6. See also *Los Angeles Times*, 17 December 1975.

<sup>97</sup> *Los Angeles Times*, 12 January 1976. Newman died at the Alhambra Community Hospital. He served as board president in 1971-1972 and 1974-1975.

<sup>98</sup> *Los Angeles Times*, 24 January 1976. The *Los Angeles Times* reported that LACBE was not “strictly obligated to make its selection from the list but is expected to do so.” The city charter forbade the board “from calling a special election to fill the post.” The applicants included Georgiana Hardy, who retired the previous year after 20 years on the board, and Jewel Chambers, who lost to Brown Rice. Reverend James Jones, former LACBE member and minister of the Westminster Presbyterian Church, also applied for the position. Newman had defeated Jones, the first African American to serve on the board, in 1969.

<sup>99</sup> Ibid. Other notable applicants included: Miguel Montes, a San Fernando dentist and former state Board of Education member from 1966 to 1970; Blase Bonpane, CSUN professor; Brownlee Hayden, assistant to the president of the Rand Corporation; Donald W. Click, former chancellor of the LA Community Colleges; John Roseboro, coach of the then California Angeles; David Lopez-Lee, USC professor; Monroe Price, UCLA professor; Robert Loveland, physician and former chairman of CACSI; Howard Miller, a graduate of the University of Chicago Law School, USC professor, chairman of the education unit of the American Jewish Committee, and television personality on the public affairs show *The Advocate*; Donald T. Hata Jr., CSU Dominguez Hills professor; Celes King III, former president of the Los Angeles branch of the NAACP; and Kenneth Nabaoka, former mayor of Gardena. Lopez-Lee advocated board elections by geographical district and opposed an increase in the district’s property tax rate.

<sup>100</sup> *Los Angeles Times*, 4 February 1976.

<sup>101</sup> *Los Angeles Times*, 12 January 1976.

<sup>102</sup> *Los Angeles Times*, 4 February 1976.

<sup>103</sup> Ibid. The candidates spoke in favor collective bargaining, increased citizen participation in decision-making at the local school, and increased efforts by the district toward student racial desegregation.

<sup>104</sup> *Los Angeles Times*, 6 February 1976.

<sup>105</sup> LACBE, Minutes, 517, 5 February 1976, fol. Race Question Genl. 7-10-75 to 2-26-76, Box 971, RQC-LAUSD.

<sup>106</sup> Ibid. The complete list of groups that could potentially send representatives to CACSI included: 1) groups representative of all areas of the District; 2) the Mayor of the City, Tom Bradley, or his representative; 3) the City Council of the City of Los Angeles; 4) interested members of the Board of Supervisors, or their representatives; 5) cities included within the District should be involved, either through their mayors or otherwise; 6) religious organizations; 7) civil rights organizations; 8) chambers of commerce, associations of realtors and other business groups; 9) employee organizations of all types, i.e. classified employees, teachers, administrators; 10) parent groups, such as the PTA, school-community advisory councils, and other such groups; 11) organizations representing the

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major ethnic groups within the District; 12) student organizations, such as the City-Wide Student Affairs Council; 13) representatives of professional groups and organizations within the community, such as attorneys, academicians, physicians, engineers, etc.; 14) representatives of organized labor, aside from employee organizations; 15) representatives of the new media; and 16) organizations within the District which have as their purpose the involvement of their membership in public affairs and public issues, such as the League of Women Voters. See also *Los Angeles Times*, 23 February 1976.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid. The procedures and goals included practical matters such as preparing findings “relative to pupil demography, educational needs and requirements, attitudes, opinions, interests, desired and anxieties of pupils, parents, and other community members.” The motion also called for “assessment of strategies, options or alternatives regarding practical and successful approaches to the reduction of racial isolation.” CACSI would also be responsible for “efforts to assist the Board...to obtain community involvement and to inform and persuade the public as to the need for and validity and efficacy of any particular strategy or approach to the reduction of racial isolation” that CACSI could recommend.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid. Miller’s proposed motion garnered support from several Valley residents who immediately sent telegrams asking the Board to vote for the Miller anti-busing and anti-integration motion. See LACBE, Report of Correspondence, 619-2 and 619-3, 15 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD. See also letters and telegrams in support of Miller’s motion before and after the LACBE March 1 vote, Report of Correspondence, 642, 22 March 1976. Same location. In late March, Mrs. Bobbi Fiedler, who would one day become instrumental in the integration and busing debates, spoke before LACBE regarding pupil integration. See LACBE, Minutes, 668, 29 March 1976. Same location.

<sup>111</sup> *Los Angeles Times*, 27 February 1976. While LACBE endeavored to create CACSI toward implementing integration, while it contemplated Miller’s anti-busing motion, the district sought a \$500,000 school desegregation grant from the federal government “to begin planning expanded desegregation efforts, including possible long-range plans to exchange students” with neighboring school districts with predominantly white students, also known as a metropolitan plan. However, the planning proposal was “silent on whether busing would be involved.” See *Los Angeles Times*, 1 March 1976.

<sup>112</sup> LACBE, Minutes, 522, 26 February 1976, fol. Race Question Genl. 7-10-75 to 2-26-76, Box 971, RQC-LAUSD.

<sup>113</sup> *Los Angeles Times*, 2 March 1976.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

<sup>118</sup> John and LaRee Caughey, Education Co-chairpersons, and Ramona Ripston, Executive Director, ACLU, Southern California, Statement, “‘Forced Busing,’ a Dead Horse,” 1 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD. Also located in fol. 3, Box 2, John and LaRee Caughey Papers on the ACLU and School Integration, 1962-1980, Urban Archives Center, Oviatt Library, California State University, Northridge, (from now on JLC-UAC/CSUN). Caughey added, “They mean precisely what the demonstrators in Little Rock shouted in 1957, ‘2-4-6-8; We ain’t goin’ to integrate.’” See also “A Day in Infamy,” 11 March 1976, fol. 3, Box 2, JLC-UAC/CSUN.

<sup>119</sup> Ibid. Caughey accused LACBE of not having had any misgivings about assigning “an ever-increasing number of minority children to segregated schools—almost all the blacks and most of the Chicanos and Asian Americans.” “This Board,” John Caughey pronounced, “now squeamish about ‘forced busing’ never seemed to have a scruple about ‘forced segregation.’” “In the current appeal to the State Supreme Court, the Board still relies on that pseudo-plan, in reality a hoax,” he declared.

<sup>120</sup> Ibid. The *Los Angeles Times* reported that Ramona Ripston expressed that the Miller motion merely gave “comfort and aid to those segregationist forces in society” and that it threatened the ACLU’s participation in CACSI. Miller warned that compulsory busing would “lead to segregation.” See *Los Angeles Times*, 1 March 1976.

<sup>121</sup> Marnesba Tackett, Southern Christian Leadership Conference/West, Statement before LACBE, 1 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

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<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> Ernest L. Aubry, BEC Representative, Statement before LACBE, 1 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD.

<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

<sup>130</sup> Ibid.

<sup>131</sup> Ibid.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> David Ochoa, President, and Julian J. Keiser, Executive Director, CRCSC, Statement before LACBE, 1 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD. The CRCSC declared it was an association of over ninety organizations concerned with improved human relations.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid. In addition, the CRCSC argued that no student was ever forced to take a bus; attendance was based on assignment and if a district assigned a student beyond walking distance, then the district was responsible for transporting that student. "School Districts assign students to a particular school. Busing ... is merely made available as a convenience when the district decides the assigned school is beyond reasonable distance," Ochoa explained. "NO ONE IS EVER FORCED TO USE A BUS. What is required is a specific school assignment," Ochoa claimed.

<sup>140</sup> Ibid.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

<sup>144</sup> Ibid.

<sup>145</sup> Ibid.

<sup>146</sup> Robert Docter, LACBE President, Statement before LACBE, 1 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

<sup>150</sup> LACBE, Minutes, 585, 1 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD.

<sup>151</sup> Los Angeles County, Commission on Human Relations, Resolution Opposing Proposal Not to Engage in Any Compulsory Busing in the LAUSD, 1 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD.

<sup>152</sup> LACBE, Minutes, 585, 1 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD.

<sup>153</sup> *Los Angeles Times*, 2 March 1976.

<sup>154</sup> Ibid.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid.

<sup>157</sup> *Los Angeles Times*, 3 March 1976.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid.

<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid. See also LACBE, Minutes, Reg. Mtg., 585, 1 March 1976, fol. Race Question Genl. 3/1/76-4/1/76, Box 972, RQC-LAUSD.

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<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

<sup>167</sup> Ibid.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid.

<sup>170</sup> *Los Angeles Times*, 5 March 1976.

<sup>171</sup> Ibid.

<sup>172</sup> Ibid.

<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> Ibid.

<sup>176</sup> Ibid.

<sup>177</sup> Ibid.

<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid.

<sup>181</sup> Ibid.

<sup>182</sup> LACBE, Minutes, 607, 8 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD. The debates over student and staff integration grew simultaneously. In early March, parents from Rinaldi Street School in Granada Hills sent a total of 26 letters protesting the mid-year transfer of Renee Nourai. Although the parents understood that the goal of the transfer was staff integration, most complained on the grounds that the transfer was to take place in the middle of the academic year. See LACBE, Report of Correspondence, 599-1, 8 March 1976. Same location.

<sup>183</sup> LACBE, Minutes, 597, 4 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD.

<sup>184</sup> Lemay Elementary School Representatives, Resolution, 5 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD.

<sup>185</sup> Ramona Ripston, Executive Director, ACLU of Southern California, Statement before LACBE, 11 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD.

<sup>186</sup> Ibid.

<sup>187</sup> Ibid.

<sup>188</sup> Ibid. Ripston offered commonly know integration strategies, including “revised attendance areas, school pairings, regarding, clustering, developing school parks, and developing specialized schools.” She believed some children could “walk to integration,” others “will be brought by parents,” while other schools could offer “transportation on the RTD [public transportation] or in school buses.” She contended that “Los Angeles probably will need all these mechanisms and more,” and presented the idea of a master plan, which would call for the “involvement of neighboring districts” and the county and state.

<sup>189</sup> Bishop H. Hartford Brookins, President, SCLC/West, Statement before LACBE, 11 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD.

<sup>190</sup> Ibid.

<sup>191</sup> Ibid.

<sup>192</sup> Julian J. Kaiser, Executive Director, CRCSC, Statement before LACBE, 11 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD.

<sup>193</sup> Ibid.

<sup>194</sup> Ibid.

<sup>195</sup> Ibid.

<sup>196</sup> Reverend Donel McClellan, VIC President, Statement before LACBE, 11 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD. The VIC was a non-profit community organization founded in 1964 to fight for social justice causes.

<sup>197</sup> Ibid.

<sup>198</sup> Ibid. To achieve desegregation, McClellan proposed consideration of attendance zones, school pairing, rearrangement of grade structures, enrollment monitoring, specialized regional campuses, new feeder programs, pupil reassignment with appropriate transportation and other programs.

<sup>199</sup> Ibid.

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<sup>200</sup> Ibid.

<sup>201</sup> Ibid.

<sup>202</sup> John W. Mack, Executive Director, L.A. Urban League, Statement before LACBE, 11 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD.

<sup>203</sup> Ibid.

<sup>204</sup> Ibid. In addition to the SCLC/West and VIC, other religious organizations spoke out against the Miller resolution and in support of busing, even mandatory busing. The Southern California Council of Churches and the American Jewish Committee, both based in Los Angeles, were two such organizations.

<sup>205</sup> LACBE, Minutes, 618, 11 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD.

Rice's substitute motion to replace the Miller motion also read: "THAT the Citizens' Advisory Committee for School Integration, in conjunction with staff, be directed to present to the Board...as soon as possible a positive program for pupil integration." See also *Los Angeles Times*, 12 March 1976.

<sup>206</sup> *Los Angeles Times*, 12 March 1976.

<sup>207</sup> Ibid.

<sup>208</sup> LACBE, Minutes, 618, 11 March 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD. The integration strategies included: pairing, magnet schools or specialized learning centers, expansion of Intergroup Education, PWT, "school stabilization," educational parks, boundary changes, and voluntary transportation. LACBE set for CACSI the parameters of what it could and could not propose for integration.

<sup>209</sup> Ibid.

<sup>210</sup> *Los Angeles Times*, 12 March 1976.

<sup>211</sup> Ibid.

<sup>212</sup> Ibid.

<sup>213</sup> Ibid.

<sup>214</sup> Ibid.

<sup>215</sup> *Los Angeles Times*, 11 April 1976.

<sup>216</sup> Ibid.

<sup>217</sup> Ibid.

<sup>218</sup> Ibid.

<sup>219</sup> Ibid.

<sup>220</sup> Ibid.

<sup>221</sup> Ibid.

<sup>222</sup> Office of the Superintendent, *Committee of the Whole Report No. 2 to LACBE*, 1 April 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD. The list of organizations and their representatives nominated for CACSI is lengthy but nonetheless a majority merit individual listing because representation in CACSI represented, for several of them, the culmination of years of hard work and perseverance towards improving public education for minority students in segregated schools. The list also shows the degree of potential diversity and representation in CACSI. Representatives from racial, ethnic, civil rights, community, parent, student, religious, labor, women's, government, professional, and business groups would compose CACSI. The list of many notables included: Marnesba Tackett from SCLC/West; Ramona Ripston from the ACLU; Julian J. Keiser from the CRCSC; Reverend J.W. Lawson from the NAACP; John Mack from the Los Angeles Urban League. LACBE's Black, Mexican American, Asian American, and American Indian Educational Committees each would have one representative. Several community groups representing different racial and ethnic groups also sent representatives. The Mexican-American Political Association (MAPA), the Mexican-American Educators Association, the Chicano Coalition, the Japanese-American Citizens League, the Pan Hellenic Council, and the California Indian Education Association could send a delegate. The PTA from the 31<sup>st</sup> and 10<sup>th</sup> Districts each had six representatives. The locations of each PTA were not listed, but they were Van Nuys and San Pedro respectively. LACBE did not ignore student participation and created the City-wide Student Affairs Council and it could send thirteen representatives. Twelve district areas could send one delegate. Tom Bradley's office had two representatives; the LA City Council had a representative; the Board of Supervisors had six representatives. LACBE authorized the representation of several religious organizations including: Church Federation of LA, Catholic Archdiocese, the Board of Rabbis, the National Conference on Christians and Jews. Women's groups with one representative each included: the League of Women Voters, Women For:, the YWCA, and the American Association of University Women. The Los Angeles County Federation of Labor and Local 99 represented labor interests. Professional organization including the L.A.

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County Bar Association and the Southern California Broadcasters Association had one delegate each. The L.A. Chamber of Commerce, the L.A. Board of Realtors, and the Merchants and Manufacturers Association each had a representative. LACBE invited the mayors of cities within the district, whose city councils may have passed resolutions against busing, to join CACSI. John Murdock of South Gate, Carlyle Hanson of Maywood, and J.B. Van Sickle of San Fernando offered to go or send a representative. Jim Roberts of Huntington Park, as of April 1, refused LACBE's invitation outright. Edmond J. Russ of Gardena, Jim Cole of Lomita, Joseph Raymond of Bell, Douglas Rolph of Cudahy, and Clarence Bridgers of Carson, as of April 1, had not responded.

<sup>223</sup> LACBE, Minutes, 1 April 1976, fol. Race Question Genl. 3-1-76 to 4-1-76, Box 972, RQC-LAUSD.

<sup>224</sup> *Los Angeles Times*, 4 May 1976. On June 24, 1976 Roberta Lynn Weintraub, on behalf of Concerned Parents of Sherman Oaks School, spoke before LACBE "concerning the District's teacher transfer policy." Weintraub was from the Valley and opposed teacher reassignment for integration. See LACBE, Minutes, 921, 24 June 1976, fol. Race Question Genl. 4/5/76 to 8/9/76, Box 972, RQC-LAUSD. LACBE discussions about teacher reassignment for faculty integration mandated by the U.S. Department of Health, Education and Welfare continued, many taking place in closed-door sessions. However, in response to a taxpayer civil lawsuit brought by Philip H. Henderson, Superior Court Judge Norman R. Dowds issued a preliminary injunction against the board, ordering LACBE to conduct these sessions in public. Dowds, however, ruled that the board could "continue to meet in closed-door or 'executive session' to discuss salary or fringe benefits for teachers being reassigned, and for confidential discussions with school attorneys," which the state government and education code clearly permitted. He proclaimed he issued the injunction "to prevent any misuse of the closed-door provisions of the law." Deputy County Counsel Steven Carnevale noted that LACBE members could conduct session on the faculty racial balance question in closed-door sessions under the "meet-and-confer" clause of the state's Winton Act. LACBE was meeting with a faculty union representative and believed the sessions could be closed to the public. See *Los Angeles Times*, 15 April 1976. Henderson also forced public sessions of the hiring of appointed board member Howard Miller.

<sup>225</sup> *Ibid.*

<sup>226</sup> *Ibid.* Federal officials had asked the Los Angeles School District to submit a teacher integration plan "or face loss of all federal funds," which amounted to about one hundred million dollars a year, or roughly 10% of the district's annual budget. The teacher integration plan included several exceptions, including teachers sixty years old and older, and teachers participating in bilingual education programs. Additionally, school principals could "protect" about 25% of the teachers they "considered essential to the educational program."

<sup>227</sup> *Ibid.*

<sup>228</sup> *Ibid.*

<sup>229</sup> *Ibid.*

<sup>230</sup> *Ibid.*

<sup>231</sup> *Ibid.*

<sup>232</sup> *Ibid.* School officials negotiated an agreement with federal authorities based on their teacher integration reassignment plan.

<sup>233</sup> *Ibid.*

<sup>234</sup> *Ibid.* The UTLA represented 17,000 of the district's 25,000 teachers, or 68%.

<sup>235</sup> *Ibid.*

<sup>236</sup> *Ibid.*

<sup>237</sup> *Ibid.*

<sup>238</sup> *Ibid.*

<sup>239</sup> *Ibid.*

<sup>240</sup> *Ibid.*

<sup>241</sup> *Mary Ellen Crawford, a Minor, etc., et al., v. Board of Education of the City of Los Angeles*, 17 Cal. 3d 280 (1976), from here on *Crawford v. Los Angeles Board of Education*, 17 Cal. 3d 280 (1976). See also *Los Angeles Times*, 29 June 1976.

<sup>242</sup> *Ibid.*

<sup>243</sup> *Ibid.*

<sup>244</sup> *Ibid.*

<sup>245</sup> *Ibid.*

<sup>246</sup> *Ibid.*

<sup>247</sup> *Ibid.*

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<sup>248</sup> Ibid.

<sup>249</sup> Ibid.

<sup>250</sup> Ibid.

<sup>251</sup> Ibid.

<sup>252</sup> Ibid.

<sup>253</sup> Ibid.

<sup>254</sup> Ibid.

<sup>255</sup> Ibid.

<sup>256</sup> Ibid.

<sup>257</sup> Ibid.

<sup>258</sup> LACBE, Minutes, 925, 28 June 1976, *Crawford Case Files Part Two, 4/30/70 - 1/18/1979, Crawford Case Files, Board Secretariat, Los Angeles Unified School District, Los Angeles, California (from now on CCF-BdS/LAUSD).*

<sup>259</sup> *School Observer*, Special Edition, July 1976.

<sup>260</sup> Ibid.

<sup>261</sup> Ibid.

<sup>262</sup> Ibid.

<sup>263</sup> Ibid. Halverson suggested looking into programs “that could be developed separately from the classic desegregation effort which could be incorporated into the plan to make it an integration plan.”

<sup>264</sup> Ibid.

<sup>265</sup> Ibid.

<sup>266</sup> Ibid. In a July 2, 1976 district memo, Superintendent William Johnston responded to the California Supreme Court by asking everyone “to be responsive to requests for assistance and information arising” from LACBE members, from district staff, and from CACSI. The memo continued, “The recent decision of the Supreme Court of ... California ... clearly provides an opportunity for the district to develop and implement plans for integration.” See William Johnston, Superintendent, LAUSD, Memorandum, “Opportunities To Assist in Preparation of Plans for Integration,” 2 July 1976, fol. Race Question Genl. 4/5/76 to 8/9/76, Box 972, RQC-LAUSD.

<sup>267</sup> LACBE, Minutes, 47, 19 July 1976, *Crawford Case Files Part Two, 4/30/70 - 1/18/1979, CCF-BdS/LAUSD.*

<sup>268</sup> Ibid. Ferraro attempted to submit a separate and entirely different motion: “THAT the Board not preclude an appeal of the State Supreme Court decision in the Crawford case.”

<sup>269</sup> John and LaRee Caughey and Ramona Ripston, ACLU, Statement before LACBE, “Emancipation Proclaimed,” 19 July 1976, *Crawford Case Files Part Two, 4/30/70 - 1/18/1979, CCF-BdS/LAUSD.* Also located in fol. 3, Box 2, JLC-UAC/CSUN.

<sup>270</sup> Brownlee Haydon, CRCSC, Statement before LACBE, 19 July 1976, *Crawford Case Files Part Two, 4/30/70 - 1/18/1979, CCF-BdS/LAUSD.* Also located in fol. Race Question Genl. 4/5/76 to 8/9/76, Box 972, RQC-LAUSD.

<sup>271</sup> Ibid.

<sup>272</sup> Ibid.

<sup>273</sup> Ramona Ripston, ACLU, Southern California, Statement before LACBE, “Stop Doing What Has Segregated; Start Doing What Will Integrate,” 26 July 1976, *Crawford Case Files Part Two, 4/30/70 - 1/18/1979, CCF-BdS/LAUSD.* Also located in fol. 3, Box 2, JLC-UAC/CSUN. The ACLU offered to LACBE these nine recommendations: 1) write off certain programs, “so token as to be insignificant” such as APEX and PIE cluster; 2) recognize the low efficiency of programs that merely allow or assist transfer from segregated schools, such as the PWT; 3) mesh integration in with other ongoing or new education programs, such as relieving crowded schools and tying integration to program enrichment at regarded schools; 4) consolidate attendance transportation and transportation for integration, as currently the district provides transportation for 40,000 pupils daily; 5) give priority to programs that will change an entire school from minority segregated to integrated; 6) readjust pupil assignment policies and practices so that the result is assignment to integration; 7) bring in without delay experienced expert integrators to design a master plan; 8) instruct the planners, for purposes of comparison, to sketch also a plan for integrating all the schools in Greater Los Angeles – a metropolitan integration plan; and 9) adjust the 1976-77 budget so that the planning and first stage of integrating are funded.

<sup>274</sup> Ramona Ripston, ACLU, Southern California, Statement before LACBE, “Stop Doing What Has Segregated; Start Doing What Will Integrate,” 26 July 1976, *Crawford Case Files Part Two, 4/30/70 - 1/18/1979, CCF-BdS/LAUSD.*

<sup>275</sup> Ibid.

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<sup>276</sup> Ibid.

<sup>277</sup> Tom and Dorothyann Fennd from Woodland Hills asserted, “We are opposed to forced busing for the purpose of integration. We are opposed to teacher lottery.” They declared, “We purchased our home to have our children near us while in school,” and warned LACBE President Nava, “We will vote in the next election according to your record concerning the busing issue and encourage others to do the same.” See Tom and Dorothyann Fennd, letter to Dr. Nava, 20 August 1976, fol. Race Question Genl. 8/12/76 to 10/21/76, Box 973, RQC-LAUSD. Another couple, Mr. and Mrs. Lelline of Canoga Park, opposed mandatory busing and the lottery system for teacher assignment, reminding Nava that they had voted from him in “many elections.” “We have supported you,” they continued, “and now find that you have turned your back on your supporters.” See Mr. and Mrs. Lelline, letter to Mr. Nava, n.d. Same location. Barbara E. Mackley, another Canoga Park resident, wrote, “If you wish to achieve equal educational opportunities for all children, mandatory reassignment of teachers and children is not the way.” Mackley proposed compensatory education programs and the use of money to “upgrade the schools in the minority areas so that the qualified teachers will want to teach in those areas.” See Barbara E. Mackley, letter to Julian Nava, 12 August 1976. Same location.

<sup>278</sup> Woodland Hills resident Julian Fox recognized the board’s “good intentions,” yet professed that mandatory busing “is not what the people want.” He claimed, “Everyone I have talked to, Blacks, Mexican and of course whites are against busing, so who beside the school board is for it[?]” See Julian Fox, letter to Dr. Nava, 19 August 1976, fol. Race Question Genl. 8/12/76 to 10/21/76, Box 973, RQC-LAUSD. Barbro Morris, a Swedish immigrant, and naturalized American citizen residing in Woodland Hills, opposed “forced racial balance of our schools.” She preferred voluntary busing and the Permits with Transportation (PWT) program in particular, believing that minority students, who were most likely to partake in voluntary busing and PWT programs, should make sacrifices for integration. See Barbro Morris, letter to Dr. Julian Nava, 17 August 1976. Same location.

<sup>279</sup> Gerard K. Leishtikow plainly stated, “I support voluntary integration and am opposed to mandatory reassignment of teachers and students.” See Gerard K. Leishtikow, letter to Dr. Nava, n.d., fol. Race Question Genl. 8/12/76 to 10/21/76, Box 973, RQC-LAUSD. Grace Mascola, also from San Pedro, expressed support for “quality integrated education” for all children, but was “totally against any forced method of integration or re-assignment of children to any other than their neighborhood school.” See Grace Mascola, letter to Dr. Nava, n.d. Same location.

<sup>280</sup> LACBE, Minutes, 146, 2 September 1976, fol. Race Question Genl. 8/12/76 to 10/21/76, Box 973, RQC-LAUSD.

<sup>281</sup> Ibid. The OIE’s demands included: 1) “Hire more teachers; reduce class size; 2) “Increase funding for education aides; restore hours and benefits”; 3) “No further cutbacks in education services; restoration of past cuts”; 4) “Establish bilingual, multicultural, reading and math programs that effectively meet the needs of students”; 5) “Give positive response to all local school issues”; 6) “No forced busing. No funds diverted into forced busing plans”; and 7) “Minorities should have the right to go to the school of their choice with district provided funding and transportation.” Though opposed to “forced busing,” the petitioners demanded more access to busing by choice, which potentially could have the effect of integrating several schools, even though integration was not their intent.

<sup>282</sup> Ibid.

<sup>283</sup> Ibid.

<sup>284</sup> George Slaff, ACLU, Statement, 16 September 1976, fol. Race Question Genl. 8/12/76 to 10/21/76, Box 973, RQC-LAUSD. Also located in fol. 3, Box 2, JLC-UAC/CSUN.

<sup>285</sup> Ibid.

<sup>286</sup> Ibid.

<sup>287</sup> Ibid.

<sup>288</sup> Ibid.

<sup>289</sup> CACSI, Motions, 19 August 1976, fol. Race Question Genl. 8/12/76 to 10/21/76, Box 973, RQC-LAUSD.

<sup>290</sup> John and LaRee Caughey and Ramona Ripston, Statement before LACBE, “On Gathering Personal Information as to Race and Ethnicity for Use in Eliminating Segregation,” 20 September 1976, fol. Race Question Genl. 8/12/76 to 10/21/76, Box 973, RQC-LAUSD. Also located in fol. 3, Box 2, JLC-UAC/CSUN.

<sup>291</sup> John Paley, letter to LACBE, 20 August 1976, fol. Race Question Genl. 8/12/76 to 10/21/76, Box 973, RQC-LAUSD.

<sup>292</sup> Ibid.

<sup>293</sup> Tom Bradley, Mayor of Los Angeles Mayor, letter to LACBE, 2 September 1976, fol. Race Question Genl. 8/12/76 to 10/21/76, Box 973, RQC-LAUSD.

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<sup>294</sup> Ibid.

<sup>295</sup> Julian Nava, LACBE President, letter to Mayor Tom Bradley, 4 October 1976, fol. Race Question Genl. 8/12/76 to 10/21/76, Box 973, RQC-LAUSD.

<sup>296</sup> Bobbi Fiedler, interview by Richard McMillan, tape recording, 17 November 1988, California State University, Northridge, Department of History and University Library's Urban Archives Center, Northridge, California.

<sup>297</sup> Ibid. According to Fiedler, teacher reassignment put a strain on reassigned teachers. She explained, "Anyhow, what happened was it created a major body of opposition because teachers who had been assigned in a given area lived, usually, in that area or fairly close to it." She continued, "[A]nd they [the district] started taking teachers who lived in and worked in South Central Los Angeles and making them come all the way up to Chatsworth in the [San Fernando] Valley; or down, you know, out in the East LA area, or the Harbor district and [that] put a tremendous burden on the teachers." Fiedler claimed that not only teachers were "strongly opposed to it" but that opposition to teacher reassignment also existed in the "diverse" community.

<sup>298</sup> Ibid. Her opposition to mandatory busing was based on her differentiating between *de jure* and *de facto* segregation. She stated in the interview, "I always had pretty strong feelings about segregation in the South." She added, "I am also Jewish, so I was strongly opposed to segregation and felt that it would, you know ... *deliberate* segregation did have to be eliminated and that decision was on that was appropriate in terms of its primary focus of trying to eliminate separate but equal" (emphasis mine). On the issue of "separate but equal," Fiedler commented: Not in the sense of where it is deliberately the act of a school district to deliberately segregate students on the basis of their race." "I was strongly opposed to segregation in every form, whether it be the Japanese internment camps or the Jews, of course, during World War II [the Jews] suffered tremendously and...their race during that time that had very big impact on my life. Lucky[ly] I remember, you know, I feel very strongly about it," she added.

<sup>299</sup> Ibid.

<sup>300</sup> Ibid.

<sup>301</sup> Ibid.

<sup>302</sup> Ibid. Fiedler noted that after she left BUSTOP to join LACBE in June 1977, BUSTOP had accrued a debt of \$50,000. However, Paul Clarke, a former reporter, and Arnold Steinberg, Fiedler's political advisor, engaged in "professional fund-raising efforts" for BUSTOP, which culminated in raising \$750,000 for their anti-busing legal efforts.

<sup>303</sup> Ibid.

<sup>304</sup> Ibid. After the courts and LACBE settled the ethnic-racial survey issue, Fiedler claimed that BUSTOP "just went from there."

<sup>305</sup> Ibid.

<sup>306</sup> Ibid.

<sup>307</sup> Ibid.

<sup>308</sup> Dr. Lewis R. Weintraub, a proctologist from Encino and husband of Roberta Weintraub, and his wife Roberta Weintraub wrote a letter presenting their "official protest of the racial survey [*sic*] taken of all children in the Los Angeles [*sic*] school system." The added, "I wish the names of my children deleted from their racial identification card and consider this an invasion of my privacy under the Privacy in Information Act." They charged, "I also consider that the school system has acted in a very irresponsible manner letting this type of information be taken in the first place without consulting the parents of these minor children. The Weintraubs also claimed that the credibility gap between parents and LACBE had widened. See Lewis R. and Roberta Lynn Weintraub, letter to LACBE, 3 November 1976, Box 973, Race Question Genl. 10-28-76 to 12-20-76, LAUSD, Los Angeles.

<sup>309</sup> LACBE, Minutes, 199, 11 October 1976, fol. Race Question Genl. 8/12/76 to 10/21/76, Box 973, RQC-LAUSD.

<sup>310</sup> Ibid.

<sup>311</sup> LAUSD, Memo to All Schools, 12 October 1976, fol. Race Question Genl. 8/12/76 to 10/21/76, Box 973, RQC-LAUSD. See also LACBE, Inter-Office Correspondence, 20 October 1976 and Report of Correspondence, 225-21, 21 October 1976. Same location. The law firm of Rubindroit and Barnett in Encino, CA, on behalf of Elizabeth Oyarzo requested the restraining order. Superior Court of the State of California for the County of Los Angeles, Case No. C 176608, *Elizabeth Oyarzo, et al., Plaintiffs, vs. LAUSD, et al., Defendants*.

<sup>312</sup> Ibid.

<sup>313</sup> Meanwhile, correspondence opposing mandatory busing and the CACSI racial survey continued to arrive at LACBE. See LACBE, Reports of Correspondence, 206-1, 14 October 1976, 213-3, 18 October 1976, 225-2 and 225-6, October 21, 1976, fol. Race Question Genl. 8/12/76 to 10/21/76, Box 973, RQC-LAUSD.

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- <sup>314</sup> LACBE, Minutes, 253, 4 November 1976, fol. Race Question Genl. 10-28-76 to 12-20-76, Box 973, RQC-LAUSD.
- <sup>315</sup> Ibid.
- <sup>316</sup> Marnesba Tackett, Statement before LACBE, 4 November 1976, fol. Race Question Genl. 10-28-76 to 12-20-76, Box 973, RQC-LAUSD.
- <sup>317</sup> Ibid.
- <sup>318</sup> Ibid.
- <sup>319</sup> Steven J. Carnevale, Deputy County Counsel, Inter-Office Correspondence, Memo to Dr. Jerry Halverson, 2 November 1976, fol. Race Question Genl. 10-28-76 to 12-20-76, Box 973, RQC-LAUSD.
- <sup>320</sup> Ibid.
- <sup>321</sup> Ibid.
- <sup>322</sup> LACBE, Minutes, 253, 4 November 1976, fol. Race Question Genl. 10-28-76 to 12-20-76, Box 973, RQC-LAUSD.
- <sup>323</sup> LACBE, Reports of Correspondence, 254-2, 262-3, and 271-14, 4, 8 and 15 November 1976, and 342, 2 December 1976, fol. Race Question Genl. 10-28-76 to 12-20-76, Box 973, RQC-LAUSD. Most of the correspondence came from Valley residents, as they increasingly became even more vocal opponents of any integration and census taking by the district.
- <sup>324</sup> BUSTOP, document, n.d., fol. Race Question Genl. 10-28-76 to 12-20-76, Box 973, RQC-LAUSD.
- <sup>325</sup> Mr. Martin H. Blank, President, Fairburn Community Advisory Council, Survey, 3 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD. The ranked strategies included: 1) “enlargement of facilities” to permit minority students to attend Fairburn, 2) changing attendance boundaries, 3) controlled enrollment (transfer permits), 4) school pairing, 5) “other plans’ including magnet schools, and 6) central schools.
- <sup>326</sup> Ibid. According to Fairburn’s calculations, the percentages for mandatory busing for a distance less than ten miles erroneously totaled more than 100%.
- <sup>327</sup> Ibid.
- <sup>328</sup> Reverend Donald R. Rogers, letter to LACBE, 3 November 1976, fol. Race Question Genl. 10-28-76 to 12-20-76, Box 973, RQC-LAUSD.
- <sup>329</sup> Ibid.
- <sup>330</sup> Ibid.
- <sup>331</sup> Ibid.
- <sup>332</sup> Ibid.
- <sup>333</sup> The Integration Project, Statement, 2 December 1976, fol. Race Question Genl. 10-28-76 to 12-20-76, Box 973, RQC-LAUSD. This is one of the TIP’s earliest public appearances before LACBE.
- <sup>334</sup> Ibid.
- <sup>335</sup> Ibid.
- <sup>336</sup> Ibid. In addition to staff training, The Integration Project also asked LACBE to establish sensitivity training centers (an idea first conceived in by the District Planning Team in 1967), a “city-wide citizens’, faculty and student committees...to perform advisory and informative functions,” enrichment program of all racial and ethnic backgrounds, including “inter-school activities in common interest areas,” and “two-way closed circuit television setup be established between matched schools of diverse racial makeup, thereby promoting cross-cultural exchange between schools.”
- <sup>337</sup> Ibid.
- <sup>338</sup> Ibid.
- <sup>339</sup> Ibid. The Integration reiterated its commitment to basic education, “teachings of reading, writing and mathematics,” but its commitment extended to “the idea of learning how to live and grow in an integrated society, one which our children will have to create.”
- <sup>340</sup> LACBE, Minutes, 234, 28 October 1976, fol. Race Question Genl. 10-28-76 to 12-20-76, Box 973, RQC-LAUSD.
- <sup>341</sup> Mrs. Jeanne Rushing, Statement before LACBE, 9 December 1976, fol. Race Question Genl. 12-2-76 to 12-29-76, Box 973, RQC-LAUSD.
- <sup>342</sup> Ibid.
- <sup>343</sup> Ibid.

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<sup>344</sup> Ibid. The Watts NAACP also condemned LACBE's hiring practices of support staff as racist and Rushing framed her accusation in terms of white privilege. "Racism or white preference is shown by the [racial employment] statistics of the non professional staff," Rushing told LACBE. Rushing argued that if the unequal educational disparities between Blacks and whites partly accounted for the disproportionately high number of white teachers in minority populated school district, then the proportion of minorities would alternatively be higher in the support staff, which included clerks, cooks, janitors, aides, and others. Mrs. Rushing explained, "Understanding the historical difference in educational opportunities between whites and non whites, the professional over representation of whites is *not balanced* by the non professional over representation of non whites. According to Mrs. Rushing, Blacks made up 9% of the non-professional staff, while whites were 79%.

<sup>345</sup> Ibid.

<sup>346</sup> Ibid.

<sup>347</sup> Ibid.

<sup>348</sup> Ibid.

<sup>349</sup> Ibid.

<sup>350</sup> The Westchester High School PTSA passed a resolution: "Resolved that it is the recommendation of the Westchester High School PTSA that the integration plans of the Citizens' Advisory Committee be formulated in such a way as not to disturb those schools in the district, including Westchester High School, which *already have integrated student bodies*" (emphasis mine). See Dosinda Edgington, President, Westchester High School PTSA, Resolution, 18 November 1976, fol. Race Question Genl. 12-2-76 to 12-29-76, Box 973, RQC-LAUDS.

<sup>351</sup> Sally Sussman, Chairman, Kenter Canyon School Community Advisor Council, Jeanne Kochanm President, PTA Board, Charles Grobe, Chairman, Integration Coordinating Committee, letter to LACBE, 22 November 1976, fol. Race Question Genl. 12-2-76 to 12-29-76, Box 973, RQC-LAUDS.

<sup>352</sup> Ibid.

<sup>353</sup> Ibid.

<sup>354</sup> Ibid.

<sup>355</sup> Ibid. The committee made several recommendations to improve integration voluntarily and "naturally," repeating many of the anti-busing rationales proposed by some of the staunchest opponents of mandatory integration including: 1) magnet schools, "which would attract students from the entire District"; 2) compensatory education, by funneling money "which would be spend on mandatory busing"; 3) expansion of the PWT program "so that minority and *even* majority students who desire to attend school in an area of the city away from their home may be afforded the opportunity to do so"; 4) expansion of tutorial programs for minority students attending majority schools; and 5) curriculum changes that add emphasis on academic subjects, "which are necessary to insure a quality education to all students."

<sup>356</sup> Joyce P. Silver, letter to LACBE, 3 December 1976, fol. Race Question Genl. 12-2-76 to 12-29-76, Box 973, RQC-LAUDS. It is noteworthy that a resident from the San Fernando Valley developed these ideas.

<sup>357</sup> PTA Integration Study Committee, Patrick Henry Junior High, Recommendations, 9 December 1976, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUDS.

<sup>358</sup> Ibid.

<sup>359</sup> Ibid.

<sup>360</sup> Ibid.

<sup>361</sup> Mrs. Tomi Ohta and Ms. Jackie Goldberg, The Integration Project, Statement and Report, *An Integration Plan for L.A.U.S.D.*, 3 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUDS.

<sup>362</sup> Ibid.

<sup>363</sup> Ibid.

<sup>364</sup> Ibid. The Integration Project proposed: 1) that a school will be considered desegregated if: a) the "other white" population is no smaller than 40% (plus or minus 2%-4%) and b) if its school population differs no more than 2-4% with respect to the student enrollment of Black, Asian-American, Spanish-surname, other white, as compared to the percentage for that desegregation cluster; 2) if LACBE chooses to implement a voluntary integration plan, it should meet the guidelines in item number one and in case voluntary programs do not desegregate schools satisfactorily, that LACBE prepare and announce mandatory plans to the public by May 1; 3) evaluate and establish a single code of student behavior including prescribed discipline for specific actions, to be applied uniformly, and overseen by an independent school monitoring committee composed of parents, teachers, students, and school site administrators; 4) establishing citizen, student, and parent group to report directly to the judge on the implementation of the integration

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plan and to recommend possible additions, deletions, or alterations to the plan; 5) repairing, improving, and “equalizing” all physical plants, facilities, equipment and materials as much as possible prior to desegregation in September; 6) improve efforts to “upgrade skill levels of students in reading and mathematics,” including smaller class size, seeking Emergency School Aid Act (ESAA) funds for desegregation, and tutorials established within and between school; 7) preparation “must begin now by teachers and aides to add courses, materials, and teaching strategies to build a multi-cultural curriculum for all students in each school; 8) “bi-lingual/bi-cultural programs will be extended to all students who need them.” Taking account federal and state guidelines and funding to expand existing bi-lingual programs, the eventual goal is that all L.A. school students will be at least bi-lingual; 9) examine “current and/or proposed ability grouping (tracking) of student must be on-going in order to prevent re-segregation within a school, once it has been desegregated; 10) ensure opportunities for extra-curricular activities for bused students and make plans to avoid a “social stigma of ‘outsider’ being placed on bused students”; 11) prepare each school to: a) “develop attitudes that will make violence unlikely as a response to desegregation and b) develop a plan to follow in the therefore unlikely event that a violent incident did occur, and the District should devise a security plan; 12) move more students shorter distances than fewer students greater distances; 13) all transporting of student to achieve desegregation – whether voluntary or mandatory – will be shared approximately proportionately by “other whites” and minority group students. (NO ONE-WAY BUSING PROGRAMS WILL BE ALLOWED.); 14) if phased in, all schools of the designated grade level to be desegregated at each phase, will be desegregated simultaneously; 15) advanced preparation: a) recruit, screen, and employ bus drivers for the Spring 1977, b) parent and student systematic involvement in local school plans for “sending” and “receiving” student next Fall, and c) inter-racial day camps, picnics, hikes, etc., with students, parents, and school staff during the spring and summer; 16) parents, teachers, aides, administrators ride buses and “design meaningful activities for students while on the bus”; 17) develop formal procedures to guarantee maximum opportunities for parents of bused students to participate in advisory councils and PTA’s, including providing free transportation, spaces for officers for “new parents,” translators, and prevent “outside” stigma from developing among bused children and their parents; 18) SEGREGATION WILL NEVER BE A SUBSTITUTE FOR INTEGRATION. “Any action, lack of action or any policy which tends to maintain segregation by intent or accident will be abolished”; and 19) “desegregation must be seen only as a first vital step towards full integration of the LAUSD.

<sup>365</sup> Ibid.

<sup>366</sup> Ibid.

<sup>367</sup> CACSI, *Preliminary Report to the Los Angeles City Board of Education*, 10 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD, ii.

<sup>368</sup> Ibid.

<sup>369</sup> Ibid., iv.

<sup>370</sup> Ibid.

<sup>371</sup> Ibid.

<sup>372</sup> Ibid., E-E5.

<sup>373</sup> Ibid., E-G1.

<sup>374</sup> Ibid., 18.

<sup>375</sup> CACSI also proposed that children from other racial and ethnic backgrounds take the place of Chicano students who are bused out of the neighborhood school. See *Los Angeles Times*, 7 January 1977.

<sup>376</sup> Although the California Supreme Court agreed with a majority of the Gitelson decision, it eschewed defining a “segregated school” in terms of specific racial and ethnic percentages. CACSI tendered several flexible guidelines under “Racial/Ethnic Percentages in Schools” to satisfy the court. The guidelines included: 1) ethnic/racial percentage need not be the same in every schools; 2) a “flexible percentage formula shall be applied to every school...with the following exceptions: Kindergarten classes, Children’s Centers and Special Education Classes”; 3) “in assigning students of any major racial/ethnic group for purposes of integration to a school in which they would be a minority, they be assigned in sufficient number (e.g. not less than approximately 20%) to avoid their being racially/ethnically isolated”; 4) “The over all integration plan shall adopt multi-racial/ethnic grouping and multi-cultural and bilingual/bicultural programs. However, not every school need reflect every racial/ethnic grouping and culture within the District”; 5) “Any plan of integration shall allow sufficient flexibility to accommodate changes in the racial and ethnic composition of the school district population.” CACSI made several special provisions: 1) “There shall be no schools of one race in the LAUSD”; 2) “Every school shall contain ‘Other White’ students”; 3) that planners give sensitive consideration to the special needs of small percentage minority groups and 4) and light

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of provision number 3, to exclude American Indians, Aleuts, and Eskimos from mandatory integration plans but to allow them to participate in voluntary plans. See CACSI, *Preliminary Report to the Los Angeles City Board of Education*, 10 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD, 5.

<sup>377</sup> CACSI, *Preliminary Report to the Los Angeles City Board of Education*, 10 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD, 17. These included: supporting all present effective voluntary integration programs and encouraging their continuance; planning for program excellence; human relations training; development and presentation of integration plan; coordination among CACSI, consultants, District personnel; development of multi-racial, multi-cultural educational experiences for implementation Fall, 1977, for all students *not* participating in an integrated schools experience through assignment; designate integration school for 1977 and 1978, and prepare students, parents, and staff in selection of type of education and integration programs; organization of support for the plan in the community; coordinate present school discipline codes into a district-wide code of behavior; establish necessary transportation system; establish procedures to avoid school resegregation in the classroom; establish specific roles/activities/training for parents participation in integrated schools; involvement of teachers, students, administrators, classified personnel and their respective organizations, in all phases of the integration program; solicitation of funding and assistance from all appropriate governmental agencies.

<sup>378</sup> Ibid.

<sup>379</sup> Ibid., 18.

<sup>380</sup> Ibid. CACSI reported that based on the 1975 racial census, there were “181 elementary schools with 70% or more one minority racial/ethnic group or combination of groups.

<sup>381</sup> Ibid. CACSI reported that based on the 1975 racial census, there were “181 elementary schools with 70% or more one minority racial/ethnic group or combination of groups.

<sup>382</sup> Ibid., 2. The list of other policies as part of the broader integration plan fell into these general categories: logistics, education broadly speaking, transportation including driver recruiting, training and hiring, and miscellaneous but important issues. The policies for each category were as follows. Logistics included: 1) “That secondary schools should not be integrated before elementary school provided that elementary and secondary may be integrated simultaneously” and elimination of all double sessions. Education broadly speaking included: 1) “That when children change schools...they should have maximum opportunity to continue special programs of value to them” and 2) “That the LAUSD shall be responsible for providing at least the same, or higher, level of education each student has been receiving when assigned to another school.” On safety, CACSI recommended that “minimal physical standards for a site consider at least safety and overcrowding. On school transfers within an voluntary integration plan CACSI recommended, “That in the even that a parents and/or student finds the program to which his child or she/he has volunteered unsuitable to her/his needs, she/he will then have an option to apply for another program in another schools as long as the ethnicity of the second school is maintained.”

<sup>383</sup> Ibid., 4.

<sup>384</sup> Ibid.

<sup>385</sup> Regardless of the integration method or methods, CACSI recommended that the LAUSD publicize integration strategies taking place in school to inform the staff working there and to give staff members the opportunity to transfer to another school or remain at the present school “as long as it does not adversely affect the ethnic balance of the staff at that school.”

<sup>386</sup> CACSI had lofty ideals that extended beyond desegregation and integration. CACSI members believed that integration represented a broader effort to improve “the quality of education” that would result “in broadening of curriculum” to meet the needs of each student regardless of the school the student attended. “Any plan of integration shall be one which permits the student to grow academically, socially, psychologically and physically to the maximum of the student’s potential.” See CACSI, *Preliminary Report*, 6. “Any plan of integration shall strive to overcome all elements of isolation: racial, economic, geographical, language, academic, religious, ethnic, and cultural,” CACSI later elaborated. See CACSI, *Preliminary Report*, 13. In 1968, African American students from South Central and Chicano students from East LA demonstrated for culturally based curriculum, which respected and celebrated their respective histories and cultures, and their contribution to American history. In 1977, CACSI indirectly acknowledged their efforts. They recommended, “That curriculum build upon content and materials which are culturally related to the student (socio-psychological patterns, history, literature, music, food, etc.). This of course means that all curriculum materials (textbooks, films, etc.) have a balanced as well as positive portrayal of racial/ethnic minorities.” See CACSI, *Preliminary Report*, 9,10. Although CACSI tailored the recommendation to

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the Chicano student's needs, the recommendation could not only apply to Chicanos, but also African Americans, Asians, and other minority groups.

<sup>387</sup> *Lau v. Nichols*, 414 U.S. 563 (1974). In *Lau*, the United States Supreme Court declared, "The failure of the San Francisco school system to provide English language instruction to approximately 1,800 students of Chinese ancestry who do not speak English, or to provide them with other adequate instructional procedures, denies them a meaningful opportunity to participate in the public educational program and thus violates 601 of the Civil Rights Act of 1964, which bans discrimination based 'on the ground of race, color, or national origin,' in 'any program or activity receiving Federal financial assistance,' and the implementing regulations of the Department of Health, Education, and Welfare."

<sup>388</sup> CACSI, *Preliminary Report to the Los Angeles City Board of Education*, 10 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD, 10.

<sup>389</sup> *Ibid.*, 8. CACSI proposed, "Therefore, in a manner that is consistent with AB 2284 (The Chacon Act) applicable in elementary and junior high schools, we request that no less than 20 Spanish-speaking children per class level be assigned to any school for integration purposes.

<sup>390</sup> *Ibid.*

<sup>391</sup> *Ibid.*

<sup>392</sup> CACSI, Logistics Subcommittee Population Task Force, *Preliminary Report to the Los Angeles City Board of Education*, Exhibit G, "Samples of Bilingual/Bicultural Data," 10 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD, E-G1 – E-G2.

<sup>393</sup> *Ibid.*

<sup>394</sup> CACSI, *Preliminary Report to the Los Angeles City Board of Education*, 10 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD, 9.

<sup>395</sup> *Ibid.*

<sup>396</sup> *Los Angeles Times*, 7 January 1977.

<sup>397</sup> CACSI, *Preliminary Report to the Los Angeles City Board of Education*, 10 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD, 10.

<sup>398</sup> *Ibid.*, 11.

<sup>399</sup> *Ibid.*

<sup>400</sup> *Ibid.*

<sup>401</sup> *Ibid.*

<sup>402</sup> *Ibid.*, 14.

<sup>403</sup> *Ibid.*

<sup>404</sup> *Ibid.*

<sup>405</sup> *Ibid.*, 15. CACSI also recommended "inservice training" related to integration for all district and contract employees who came into any contact with students. In addition to intergroup education, CACSI also suggested human relations programs. Same location.

<sup>406</sup> CACSI, *Preliminary Report to the Los Angeles City Board of Education*, Exhibit E, "Samples of Student Populations Data Utilized," 10 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD, E-E9 –E -E11.

<sup>407</sup> CACSI, *Preliminary Report to the Los Angeles City Board of Education*, Exhibit J, "Samples of Data Collected and Actions Recommended," 10 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD, E – J7.

<sup>408</sup> *Ibid.*

<sup>409</sup> *Ibid.* At the time of the CACSI inquiry, 6,490 pupils were partaking in the program. The district's lack of enthusiasm became even more evident when CACSI inquired into further analysis of the merits of the PWT. The district staff revealed that it relied on anecdotal information such as "personal contact with parents and students" instead of research, and the "high degree of satisfaction with the program" which was "further reinforced by the low attrition rate and the continuing number of waiting list applications." If LACBE and the LAUSD wanted to integrate, were well aware of parent and student satisfaction with the PWT, aware of the low attrition rates, it begged the questions: Why was there a waiting list? Why had the district not expanded the one-way program that it celebrated?

<sup>410</sup> At this time, LACBE and the district considered "Orientals" a minority group.

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<sup>411</sup> CACSI, *Preliminary Report to the Los Angeles City Board of Education*, Exhibit J, “Samples of Data Collected and Actions Recommended,” 10 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD, E — J8.

<sup>412</sup> Ibid.

<sup>413</sup> Ibid.

<sup>414</sup> Carlos Manuel Haro, *Mexicano/Chicano Concerns and School Desegregation in Los Angeles* (Los Angeles: Chicano Studies Center Publications, University of California 1977), 32.

<sup>415</sup> Ibid.

<sup>416</sup> Ibid., 32-33. Haro also explained some of the rationales behind the attitudes in support or in opposition to integration from the Chicano community. Chicano proponents argued: 1) Chicanos could not attain equal and quality education without desegregation; 2) historically, segregating Chicanos in “Mexican” schools or in all Mexican districts had negatively impacted the Chicano community; 3) school segregation does not allow Chicanos and other racial/ethnic minorities to “enjoy the same educational opportunities that privileged white and affluent sectors” enjoy; 4) separate schools for minorities and for whites are unequal. However, Chicanos who opposed desegregation argued: 1) desegregation “simply means that Chicanos are going to be bused to all-white schools in order to fail!”; 2) Chicano students were failing in neighborhood schools, so placing them in schools with a majority-white population would not improve their academic achievement; 3) mixing Chicano and white students was “merely glossing” over the problems Chicanos face; 4) Chicanos would simply be segregated within white schools; 5) Chicanos would “mingle with” other Chicano students because they will feel “more secure with the other Chicanos that have been bused”; 6) reassigning minority students might be “damaging because of the racism that they will face in the all-white school setting”; 7) having faced discrimination in education, Chicano parents feared their children would face discrimination in their relationships with students and teachers; and 8) teachers would mistreat Chicano students because “they care little for, and know little about the linguistic and cultural reality” of Chicanos.

<sup>417</sup> *Los Angeles Times*, 10 February 1977. A Chicano CACSI Subcommittee formed after eight months of CACSI deliberations to focus on Mexican American concerns. These concerns included: 1) that a large scale integration plan might lead to the dilution of the bilingual-bicultural education programs begun in recent years for Spanish-speaking students; 2) transporting young Mexican Americans away from “barrio” schools may result in their isolation among student who do not understand their language and cultural background; and 3) a failure to “stimulate Mexican-American parent interest in education” if their children attend school far from their community. After their tenure, the Chicano CACSI Subcommittee members submitted twenty-nine recommendations for desegregation that centered on protecting and improving bilingual and bicultural programs, placing minority students in appropriate classes, administering bias-free aptitude testing, and calling for counselors who had an ability to work with Chicano children and had a knowledge of their language and culture. For the complete list, see Haro, *Mexicano/Chicano Concerns and School Desegregation in Los Angeles*, 53-57.

<sup>418</sup> Ibid. Of the 114 CACSI members, a dozen were of Spanish surname, although 38% of the district students were of Spanish-surname. On February 8, the Mexican-American Bar Association held a meeting at East Los Angeles Community College to discuss the “Spanish-surname” student’s place in the CACSI integration plan. Some notable attendees included: Deputy Mayor Grace Davis, State Assemblyman Art Torres, and Vahac Mardirosian, a prominent clergyman and long-time civil rights and education activist. In 1977, Mardirosian served as director of the Hispanic Urban Center in Boyle Heights. Haro wrote that during the hearing “Chicano activists charged that Spanish surname students had been overlooked in the planning for school integration.” See Haro, *Mexicano/Chicano Concerns and School Desegregation in Los Angeles*, 52.

<sup>419</sup> Ibid.

<sup>420</sup> Ibid.

<sup>421</sup> Ibid.

<sup>422</sup> Ibid.

<sup>423</sup> Ibid.

<sup>424</sup> Ibid.

<sup>425</sup> Ibid. Ruben Salazar was the first Mexican American staff writer for the *Los Angeles Times*.

<sup>426</sup> Ibid.

<sup>427</sup> Ibid.

<sup>428</sup> Ibid.

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<sup>429</sup> Ibid.

<sup>430</sup> Ibid. For example, Del Olmo reported that Nemoro Alvarez-Tostado, a parent of children attending Ford Blvd. School in East L.A., “told the panel in Spanish that Mexican-Americans do not need integration so much as ‘we need better teacher, we need better schools.’” Alvarez-Tostado complained about overcrowding and the high principal turnover at the school of four principals in four years, “resulting in friction between staff and community members, and even among the staff.”

<sup>431</sup> Ibid.

## Chapter 5: An Emergent Integration Plan: LACBE, Judge Egly, and Competing Interests Spar over the Details of Integration Strategies

In January 1977, LACBE commenced a painstaking, gradual response to CACSI's preliminary report, ultimately rejecting CACSI's key recommendations for voluntary integration followed by mandatory reassignments. LACBE eventually instead developed a controversial limited, part-time desegregation plan exempting early elementary grades, whereby other students would participate in nine-week long integration programs. African Americans, Mexican Americans, and whites throughout the district, as well as civil rights organizations, teachers' organizations, and other groups, voiced their support or disapproval of LACBE's plan. Meanwhile, in *Crawford*, Superior Court Judge Egly confronted the challenge of deciding whether or not LACBE's plan fulfilled the California Supreme Court's mandate. The California Supreme Court ordered boards of education within California to integrate "in a 'reasonably feasible' manner, immediately, regardless of the reasons that racial isolation exists among our schools."<sup>1</sup>

In this chapter, I argued that the complexity of the *Crawford* case combined with a changing LACBE membership, the inclusion of intervenors, and the increasing demands and needs of a highly diverse student population and Los Angeles community, undermined and delayed integration efforts in *Crawford* at a pivotal moment when expedience was essential. I detail LACBE's complicated response to the CACSI preliminary report, LACBE's development and approval of an integration plan, and various opinions of LACBE's actions by competing interests. I also show how Superior Court Judge Egly dealt with political attacks as he considered whether LACBE's plan fulfilled the California Supreme Court's mandate for integration, as he held multiple hearings and confronted numerous arguments from various legal camps. While highlighting LACBE's and Judge Egly's endeavors toward producing an integration plan, I also detail the stakes of LACBE's plan for the East L.A. community, which tried to secure compensatory and bilingual/bicultural educational gains resulting from the 1968

student demonstrations and predominantly white San Fernando Valley students, some who directly expressed their views on integration. As Los Angeles residents voiced their concerns, LACBE elections transformed LACBE from an ambivalent governing body on the integration issue into a conservative, adversarial governing body opposed to mandatory integration strategies, and one key element in particular – mandatory busing.

The slowness of LACBE’s bureaucratic process prevented an immediate resolution to integrating L.A. schools, and LACBE introduced a limited plan that provided only minimum requirements seeking compliance with the California Supreme Court mandate. Judge Egly, considering whether or not LACBE fulfilled the mandate, heard views ranging from the ACLU’s advocacy for a comprehensive integration plan inclusive of various integration strategies, BUSTOP’s fierce anti-busing stance, to The Integration Project’s (from now on TIP) call for mandatory busing. Different racial and ethnic communities throughout Los Angeles also sought to influence LACBE integration politics and the integration debate in *Crawford*. Therefore, I argue that the legal debate during *Crawford* hearings mirrored and was very susceptible to the political debate over *Crawford* happening at LACBE headquarters and communities throughout the Los Angeles Unified School District.

#### *LACBE Responds to CACSI’s Preliminary Report*

In what LACBE called its “Initial Response” to the CACSI preliminary report, LACBE advocated for a limited desegregation plan that included the following: 1) mandatory busing of fourth through sixth-grade students to specialized integrated learning centers (from now on SLCs) for one nine-week period; 2) mandatory busing of seventh through ninth-grade students to SLCs for nine-week periods starting in the 1978-1979 academic year, and following the same approach with high school students starting in 1979-80, but with restrictions; 3) the exemption of all pupils in kindergarten through third grade from any mandatory transfers or busing, with the board encouraging voluntary integration instead.<sup>2</sup> In the “Initial Response,” LACBE reformulated CACSI’s recommendations into thirty-six separate recommendations and removed some key CACSI strategies, including a metropolitan desegregation plan.

Although LACBE formally accepted its own “Initial Response” to CACSI’s recommendations as the foundation of an integration plan, LACBE members Dr. Robert Docter and Diane Watson voted in opposition.<sup>3</sup> Docter told the *Los Angeles Sentinel*, “It’s gotten to the

point where you're either lynched or carried around like a pope.”<sup>4</sup> “But you've got to stand up for what you believe in,” he added.<sup>5</sup> *The Los Angeles Sentinel* described the board's plan calling for nine weeks of busing “a piecemeal school integration plan.”<sup>6</sup>

LACBE at first did not modify CACSI's definition of desegregation and integration, but left open to interpretation the phrase “an appropriate degree of racial representation” until it obtained the “financial and educational implications of the use of a 70-30, 75-25, and 80-20 approach.”<sup>7</sup> LACBE, though, declared exempt from “any mandatory integration components ... any school which is integrated.”<sup>8</sup> However, in late January, LACBE voted on a flexible definition of “what constituted a segregated school,” while the district and the legal camps in *Crawford* had yet to agree on a definition. Whereas CACSI proposed a 70/30 ratio, LACBE granted more leeway for a higher percentage of whites and combined minorities within any school. Board members professed as their “goal, for planning purposes, a racial and ethnic ratio of 25 per cent to 75 per cent, conditioned by plus or minus 5 per cent or by approved exceptional conditions to be defined by the integration planning team.”<sup>9</sup> LACBE passed the motion, with Ferraro alone voting against the measure because he opposed the plan altogether.

While CACSI recommended integrating the most segregated schools first, which would have required white student participation, LACBE transformed the recommendation to focus on black student participation in school desegregation.<sup>10</sup> On the CACSI recommendations that no school would be of “one race” and that every school would have “Other white” students, LACBE only reaffirmed that, “By 1979-80, every student in the District will be participating in a significant integrated educational and instructional program” and that it saw it as desirable “that no school ... be of one race only.”<sup>11</sup> Under LACBE guidelines, “Other white” included white students of European descent but excluded Hispanics who identified themselves as white.

LACBE modified the order of CACSI's list of integration techniques in the first integration stage that focused on the planning and logistical underpinnings of the integration plan. Although LACBE claimed “no rank order implied,” it placed a new item at the top of the list: the SLC, which offered “unique integrated instruction and education programs for all students in grades 4, 5, and 6 who are presently attending schools substantially composed of students of one race.”<sup>12</sup> LACBE re-ranked CACSI's first item, paired schools, to second on its list, and removed new school construction from the list.<sup>13</sup> Responding to CACSI's and The Integration Project's pivotal recommendation “That more children travel shorter distances than

have fewer children travel longer distances,” LACBE distanced itself from making such a commitment instead offering: “*If* travel time is necessitated by this plan, travel time must be reasonable and the welfare of the student be the prime consideration” (emphasis mine).<sup>14</sup>

LACBE rewrote the guidelines and goals in CACSI’s second stage that called for the implementation of the integration plan in the district’s most segregated minority schools. For fourth through sixth graders, LACBE focused on SLCs; for K-3 students, LACBE proposed “the establishment and implementation of multi-cultural learning activities,” such as the Program for Intergroup Education (PIE).<sup>15</sup> Stage II also represented for LACBE “the beginning of the development of magnet school programs,” a significant expansion of the Permit With Transportation (PWT) for students in K-12 with “incentives to increase District-wide participation.”<sup>16</sup> Although LACBE professed that the PWT was a cornerstone of integration, only 10,932 students participated in a district with over 500,000 students and a waiting list for the program remained.<sup>17</sup> In Stage III, the district would prepare and implement the majority of elementary school magnet programs and extend “mandatory programs such as Specialized Learning Centers to grades 7 through 9” beginning in Fall 1978.<sup>18</sup> LACBE eschewed all mention of voluntary programs meant to entice parents to volunteer for integration. LACBE rewrote Stage IV to emphasize the expansion of programs such as the SLCs to grades 10 through 12, completing plans for magnet programs in junior high schools, the continuation of programs developed and implemented in Stages I, II, and III, and finalizing plans for magnet programs in senior high schools in 1979-1980.<sup>19</sup>

LACBE made changes to numerous CACSI recommendations and re-ranked them, altering the intent behind the CACSI recommendations. LACBE voted on each and every CACSI recommendation, making modifications and amendments to each, transforming several parts of the preliminary CACSI report into a tentative integration plan.<sup>20</sup> These changes reflected LACBE reasserting full control over an integration plan.

### *Support for the CACSI Preliminary Report and Disapproval of LACBE’s Response from Los Angeles Civil Rights and Community Groups*

Several civil rights and community organizations and individuals representing minority communities expressed their support for CACSI’s preliminary report and their criticisms and frustration with LACBE’s initial response. The LACBE-commissioned Black Education

Commission (BEC) protested the school board's response to CACSI on the grounds that LACBE had not consulted it on matters affecting black children. It warned LACBE not to "water down" the CACSI preliminary report and told LACBE that "the Black community must NOT be made to bear the brunt of any plan that will be submitted to the Courts by Los Angeles City Schools."<sup>21</sup>

Robert Farrell, an African American Los Angeles City Councilman representing the Eighth District, which stretched from parts of central Los Angeles to South-Central L.A., defended CACSI's efforts and expressed his dissatisfaction with LACBE's tentative integration plans.<sup>22</sup> "After designating a committee of citizens to conduct an extensive study, after they worked diligently for months in the formulation of recommendation and concepts," he observed, "you all then apparently summarily dismissed their work in favor of your own hastily constructed concepts."<sup>23</sup> "This is the kind of collective action which contributes in an adverse way to the faith of citizens in elected government bodies," he opined.<sup>24</sup> The indefatigable integrationist and CACSI member Marnesba Tackett criticized LACBE's analysis of the CACSI preliminary report during the January 17 LACBE meeting, stating, "I attended the meeting at which you claim intensive deliberation, the meeting when Miller pranced around the table keeping you in line on your pre-arranged collaborations in an illegal executive session."<sup>25</sup> "Your summary dismissal of CACSI's report ... has 'placed some strain upon the relationship between the Board ... and 'our' Committee,'" she charged.<sup>26</sup> The Human Relations Commission of the City of Los Angeles, a government organization promoting harmonious race and human relations, commended CACSI for its report and asked LACBE to take "immediate and positive steps to implement school integration."<sup>27</sup>

The Community Relations Conference of Southern California (CRCSC) supported the CACSI's four-stage plan.<sup>28</sup> However, H. Rogosin, a vocal long-time proponent of integration and CRCSC representative, accused LACBE of ignoring many CACSI findings and instead offering proposals that granted "no relief of the harms so long inflicted by segregated schools," nor solutions to eliminate segregated schools.<sup>29</sup> The Integration Project's (TIP) Dorothy Doyle challenged LACBE's modifications, arguing that LACBE "failed to act meaningfully" to improve education for the past thirteen years, roughly since the beginning of *Crawford*.<sup>30</sup> Doyle argued that the poorest and most racially segregated schools of Los Angeles deserved attention. Explaining how racial and class dynamics transformed segregated neighborhoods, she described not "white flight" but "middle-class flight": "Over these years both black and white parents, as

their incomes increased, moved out of the inner city, leaving behind the special problems of that area.”<sup>31</sup> Another TIP representative, Ms. Willie Ventres, criticized the board for undermining CACSI efforts and conveyed deep concern about the SLCs concept’s failure to “challenge the racism that led to segregation in our schools.”<sup>32</sup> She also argued that SLCs would not “reduce racial isolation on the substantially segregated school campuses in this District.”<sup>33</sup> She estimated that for “75% of the year then, most Los Angeles students will still be in segregated schools.”<sup>34</sup> Ventres further explained that SLCs would not lessen the educational inequities affecting segregated minority neighborhoods, declaring, “Overcrowding, split sessions, unsafe buildings, poor plant maintenance, are only a few of the problems that characterize inner city and barrio schools. No nine-week program can begin to address these problems.”<sup>35</sup> Ventres surmised that the nine-week strategy failed “to meet the educational needs of children, the legal requirements of the Court order, and the moral and social necessities of our time.”<sup>36</sup>

A range of religious leaders and organizations continued to support school integration and expressed support for CACSI’s preliminary report. The San Fernando Valley Interfaith Council (VIC) backed the CACSI preliminary report with VIC President Donel G. McClellan offering assistance in the implementation of integration plans. McClellan urged LACBE to “adopt the significant general points of the plan in order to preserve the momentum” that CACSI had created.<sup>37</sup> Jewish organizations also endorsed CACSI’s preliminary report. The Board of Rabbis of Southern California complimented CACSI “for its sensitivity to the vital interests of the Jewish community in its after-school religious education programs.”<sup>38</sup> The Board of Rabbis reaffirmed its dedication towards high quality, integrated public education in the district, and called upon the Jewish community of Los Angeles to take “an active, constructive role in preparing for the integration.”<sup>39</sup> The American Jewish Committee of Los Angeles (AJCLA) passed a resolution pleading LACBE to work with CACSI to develop “a workable plan and unified plan of integration to present to the court” in which “there can be community consensus.”<sup>40</sup> Although commending LACBE for implementing voluntary integration, the AJCLA questioned “the adequacy of the nine week learning center concept,” the centerpiece of the LACBE plan, “as the sole mandatory response to the direction given by the courts.”<sup>41</sup>

Although many civil rights, community, and religious groups uniformly criticized aspects of LACBE’s response to the CACSI plan, these groups voiced their concerns mostly separately from each other. However, in late January 1977, the Holman United Methodist Church, which

was a Black congregation, and the Temple Isaiah, a Jewish group from the Westside, held a weekend dialogue on school integration at Temple Isaiah and challenged the fragmented calls for integration. Over 300 members from both organizations signed a petition in full support of affirmative integration.<sup>42</sup> Not only did the joint petition recognize the California Supreme Court's confirmation of Superior Court Judge Alfred Gitelson's findings, and also ask LACBE to adopt significant CACSI proposals, it also called upon LACBE to "adopt a desegregation plan which meaningfully attacks the evil of school segregation with strong, affirmative, corrective action."<sup>43</sup> Such action included "provisions for mandatory substantial student reassignment and transportation to achieve racially integrated schools."<sup>44</sup> Temple Isaiah's Sylvia Berger explained that both groups came together to embrace affirmative integration, and the petitioners made "a moral commitment to a better American society," which "can only be achieved when all people can relate to each other."<sup>45</sup> The Isaiah-Holman endeavor represented a powerful and tangible but fleeting moment of cross-racial and cross-denominational collaboration backing school integration at a time when many of the city's minority residents remained silent about integration, and vocal cross-racial alliances in favor of integration remained largely scarce.

#### *The San Fernando Valley's Response to the CACSI Preliminary Report*

Unlike the relatively silent African American and Mexican American communities in South-Central L.A. and East L.A., residents from the San Fernando Valley continued to communicate with LACBE by harshly criticizing "mandatory busing." A member of CACSI from the San Fernando Valley, Bobbie Fiedler claimed to represent the dissenting voice within CACSI "not permitted to speak."<sup>46</sup> "I am putting you on notice that every attempt made to silence me will increase my commitment to speak out on this and any other issue that is of concern to me," she cautioned.<sup>47</sup> She went on to say, "It is important that everyone be given the opportunity to speak out, within the law, regardless of the point of view."<sup>48</sup> She told LACBE members, academics and consultants involved in *Crawford*, "For the childrens [*sic*] sake, try to rise to the occasion, put down your book on social planning and listed, listen, listen...."<sup>49</sup>

LACBE also recorded over 600 letters overwhelmingly from the Valley in opposition to integration or aspects of the CACSI plan. These Valleyites pursued a collective goal to undermine comprehensive integration efforts, while simultaneously endorsing compensatory education programs and the Permit With Transportation program.<sup>50</sup> LACBE also recognized

over two hundred pieces of correspondence in opposition to the mandatory integration guidelines, with most again originating from the San Fernando Valley, while other letters originated from some of wealthiest neighborhoods in L.A. County including Pacific Palisades, Brentwood, Beverly Hills, and Topanga Canyon. All but a handful opposed “compulsory” integration programs, particularly mandatory busing, and some supported the implementation of a gradual voluntary integration program. This correspondence included letters from parents, students, religious organizations, homeowners associations, attorneys, doctors, a banker, PTAs, community advisory councils (CACs). Many parents who authored the letters supported LACBE’s response to the CACSI report and opposed the CACSI report, even though LACBE adopted several CACSI recommendations. The difference rested on LACBE’s emphasis on voluntary integration strategies while deemphasizing mandatory integration strategies. Many white parents from throughout the Los Angeles area backed LACBE’s nine-week SLCs. In response to mandatory reassignment provisions in CACSI, some parents claimed to have placed their children in private schools or considering leaving Los Angeles altogether.<sup>51</sup>

San Fernando Valley residents increasingly declared their “Valleyite” identity, with some basing their argument against mandatory busing on “Valley distinctiveness.” Kenneth L. Adler of Chatsworth argued that the San Fernando Valley should integrate separately because the Valley was “in most respects ... a distinct and separate community with unique geography, demographics, and life style.”<sup>52</sup> He explained, “It would make sense to integrate the Valley as a separate area from the rest of the District. I believe that the CACSI concept proposes such an approach for the Harbor area, which is not nearly as distinct geographically as the Valley.”<sup>53</sup> Adler’s notion that the Valley was “distinct” countered defenders of the Valley who begged Angelenos to avoid stereotyping Valley residents as “Valley people.”

Some Valleyites gained a sense of what it meant to be a political and numerical *minority*, as they comprised a numerical and political minority in CACSI and therefore were unable to dictate integration recommendations in the group. Irving Ornstein of Woodland Hills conveyed white, middle-class Valleyite angst due to its inability to control CACSI by linking the Valley’s “distinctiveness” to its lack of representation in CACSI. Ornstein noted that among the 100 plus members appointed to CACSI, the majority that numbered “in the forties for the majority against 10 to 12 in the minority ... continuously voted for issues that were contrary to the feelings of the residents of the San Fernando Valley.”<sup>54</sup> Ornstein racially categorized such voting patterns,

arguing that the “handful of whites with children living in the San Fernando Valley on this committee ... had little chance to properly express the feelings of the people they truly represented.”<sup>55</sup> He added, “There was never an attempt to obtain the true input of Valleyites.”<sup>56</sup> Recognizing white flight from the San Fernando Valley and the tax base that accompanied it, Ornstein wrote that many Valley residents were “leap-frogging out the West end into such areas as Calabasas, Agoura, Westlake, Thousand Oaks, etc. and paying unbelievable prices to escape the forced busing issue.”<sup>57</sup> He warned, “This is your middle and upper middle income element, that has provided the tax base for the City of Los Angeles....”<sup>58</sup> Ornstein also conveyed that white Valleyites who could not or would not move away from the Valley were “in the process of creating the largest parochial and private school system in the country right here in the San Fernando Valley.”<sup>59</sup> Describing an adversarial scenario casting ethnic minorities versus “lilly white” Valleyites, he claimed, “I recognize that the ethnic minorities could care less about the problems incurred upon the ‘lilly whites’ of the Valley, but, do you really feel that their lot will improve in light of the conditions being created by promoting mandatory busing[?].”<sup>60</sup>

Valleyites and residents from other affluent communities continued to flood LACBE with correspondence opposing busing, mandatory or otherwise, the CACSI preliminary plan, the voluntary-first strategy, the implementation timetable, and referenced old reasons for opposition such as long travel time and distance. Some continued to question the court’s decision calling for integration, while others began to propagate the notion that their civil rights and civil liberties were being “infringed upon,” a proxy argument for reverse discrimination. Valleyites also continued to endorse compensatory education programs and the PWT.

#### *Nominal Racial Diversity and Requests for Exemption from Integration*

In response to the CACSI preliminary report, the City of Gardena, which had a majority white population and was located south of South-Central L.A., offered a complex rationale for its anti-busing sentiment: it celebrated its nominal racial diversity but at the same time relied on it as a rationale to request exemption from a districtwide integration program. Previously, several individuals and individual schools had asked LACBE to exclude them from integration plans and busing, but however an entire city served by the LAUSD had not formally requested exclusion through rationales of racial diversity.

Gardena sought to integrate the area's schools via a "sub-district" strategy. Frank Benest, Human Services Director for the City of Gardena, expressed before LACBE that Gardena was "a multi-ethnic community and we believe strongly in maintaining it."<sup>61</sup> Benest explained, "The Gardena community is living proof that Asians, Chicanos and Latins, Blacks and Anglos can all live, work and go to school together."<sup>62</sup> After purporting that the Gardena City Council supported LACBE's efforts to implement a program of quality education conforming to "the letter of the law as defined by the State Supreme Court," Benest praised CACSI's recognition of Gardena's "existing diversified ethnic mix."<sup>63</sup> He claimed that seven out of eight junior high schools and all five senior high schools were "well integrated."<sup>64</sup> In light of this diversity, Benest requested that LACBE grant Gardena "the opportunity to deal with the issue of integration on a sub-regional basis" rather than taking part a LACBE district-wide plan, to "develop innovative approaches that ensure integration and quality education yet minimize the mass student dislocations implied by the traditional busing strategy."<sup>65</sup> Benest referred to this process as "stabilization," a way to preserve "our rich multi-ethnic heritage."<sup>66</sup>

In February 1977, the City of South Gate, located east of Watts, passed a resolution opposing the involuntary busing of students for integration and, like Gardena, made a case for exemption from a desegregation plan because it claimed its schools were already integrated. In the resolution, South Gate opposed involuntary busing policies because they were "not in the best interests of the State, any local subdivision thereof, or any race, color or creed of persons...."<sup>67</sup> South Gate too claimed that "to a major degree various schools within the City of South Gate are now and have for some time have been fully integrated by the voluntary acts of the parents and students within this area."<sup>68</sup> South Gate asserted that because it had voluntarily achieved integrated schools, it deserved exemption from a district-wide integration plan.

South Gate may have credited itself too much on integrating its schools voluntarily. If its schools were indeed integrated, factors likely contributing to such integration may have included the immigration of minority groups and white flight. A another likely factor for South Gate's "integration" may have been civil rights groups' targeting of South Gate High School for desegregation in the original filing of *Crawford*, when the school was overwhelmingly white. Changes to the racial makeup of the school since the original filing prompted the city to declare itself already integrated and request exemption from integration plans.

*Competing Protests: The School Integration March and the San Fernando Valley Boycott of February 1977*

In February 1977, two vocal political groupings - civil rights groups and San Fernando Valley residents - wielded their political strength in contrasting protest strategies. Eager to compel LACBE into developing a more expansive integration plan that would desegregate the Los Angeles school district, numerous civil rights organizations sponsored the School Integration March of 1977.<sup>69</sup> The *Los Angeles Times* estimated that on Saturday, February 12, 1,500 to 2000 participants singing “We Shall Overcome,” “travelled west up the middle of 1<sup>st</sup>. St. then north on Grand Ave.”<sup>70</sup> The march embodied a visible moment of cross-racial and cross-generational cooperation. The demonstration included “black, Anglo, Chicano, Asian-American” participants “from children to senior citizens.”<sup>71</sup> LACBE member Diane Watson, Los Angeles City Councilmen Dave Cunningham and Robert Farrell, and Reverend H. Hartford Brooking, president of the Southern Christian Leadership Conference/West, took part in the demonstration.<sup>72</sup> At the end of the march at a rally in the patio area of the Los Angeles School District headquarters at 450 N. Grand, a defiant Reverend Brooking called the voting majority of five members who had voted for a limited integration plan “racist” who should be indicted, and referred to LACBE member Howard Miller as a “political opportunist.”<sup>73</sup> He praised Watson and Robert Docter and described them as “two lonely voices of that Board of Education that carry the conscience of this community with them.”<sup>74</sup> A mere six days later, San Fernando Valley residents responded by participating in a protest of their own.

San Fernando Valley residents and other Angelenos had expressed their opposition to and dissatisfaction with mandatory integration strategies via correspondence with LACBE, but in February 1977, San Fernando Valley residents resorted to a different form of protest. In early February, despite district officials’ best efforts to ascertain the source, unidentified individuals planned a boycott of San Fernando Valley schools.<sup>75</sup> A parent opposed to both voluntary and mandatory busing mailed an anonymous leaflet about the boycott scheduled for February 18 to LACBE. Emblazoned across the top, the pamphlet read: “CHATSWORTH, WOODLAND HILLS, CANOGA PARK, NORTHRIDGE, AND GRANADA HILLS PARENTS UNITE.”<sup>76</sup> The target audience of the leaflet was unmistakable: white, middle-class Valleyites. The leaflets made their way throughout the Valley asking parents to “walkout,” but the parents ultimately engaged in a boycott by keeping their children at home, and not staging a walkout of classes.

The pamphlet endorsed opposition to mandatory busing and integration, advocated for parents to have a say in their children's education, and called for the preservation of neighborhood schools, parental authority, and children's connection to their communities. It asserted opposition to mandatory busing but support for "voluntary means of integration," by presenting the idea of "freedom of choice"

as a core American ideal: "WE MUST PRESERVE AMERICA, 'LAND OF FREEDOM OF CHOICE.'" <sup>77</sup>

The city's recent history of public demonstrations concerned LACBE and some of the city's leading political figures. Parents who kept their children out of school would break the law, the state's Compulsory Education Act, so the planned boycott also drew a swift response from the city's law enforcement power brokers, who attempted to balance people's right to protest with enforcing the law. Los Angeles City Attorney Burt Pines, District Attorney John K. Van de Kamp, Chief of Police Edward M. Davis, and Los Angeles County Bar Association President John J. Quinn released a stern statement recognizing "the right of anyone to lawfully and peacefully protest," but warned that "when the protest violates the law and deprives our children of an orderly and effective education, then that protest is unconscionable and cannot be tolerated." <sup>78</sup> The statement called on responsible citizens to find "legal ways to express their protests ... rather than violating the law by interfering with the education of our children." <sup>79</sup> LACBE member Bardos submitted a motion supporting the anti-boycott statement, and the board carried it unanimously. <sup>80</sup>

One Valleyite willing to voice her support publicly for the Valley boycott was Doris Meyer, President of the Vintage Elementary PTA. Meyer resigned as president of the Thirty-first District PTA, representing the San Fernando Valley, because it called the planned boycotts illegal, and offered "no HELP to those frustrated parents" and failed to back the "wishes of the majority of PTA members." <sup>81</sup> Aware that the city's police department and district attorney's office might arrest parents who participated in the boycotts, Meyer boasted, "I am going to be proud to be prosecuted, if they choose to do so, for standing up for my rights as a parent to decide my child's future." <sup>82</sup> "There is no 'secret group' proposing tomorrow's boycott – just a lot of very scared parents, PTA officers, and teachers – scared to death, both physically and emotionally, that their child will be the 'first to go,'" she explained. <sup>83</sup> In response to an accusation that boycotters were about to use their children as pawns, Meyer asserted, "I do not

consider caring enough about my children to want them in a neighborhood school using them as a ‘pawn.’”<sup>84</sup>

The Valley Boycott of 1977 happened without any major incidents, and the best estimate is that roughly fifty percent of the students in the Valley schools participated in the boycott.<sup>85</sup> Although largely peaceful, The Integration Project alleged that the boycott was part of a broader intimidation campaign in the San Fernando Valley and presented its claims before LACBE.<sup>86</sup> Speaking before LACBE in late February, TIP’s Dorothy Doyle remarked, “We are aware that both Black and white families in the valley are intimidated into silence ... We are aware that some elementary school gates have been locked out of fear of anti-integrationist vandalism.”<sup>87</sup> Clearly upset with parents who vehemently opposed mandatory busing for integration, Doyle explained that LACBE ultimately bore the blame for the lack of progress on integration. “We hold this Board responsible for creating an environment of hysteria and terror because you led the people to believe falsely they could avoid racial integration of our children if they pressured hard enough against it.”<sup>88</sup> She called on LACBE to replace the nine-week SLC program with a plan that “actually integrates the schools” and practice “decisive leadership.”<sup>89</sup>

#### *Public Hearings Prior to LACBE Submitting Its Integration Plan for Court Approval*

During a February 17, 1977 school board meeting, Julian Nava asked the district staff to schedule public hearings in different areas of the district “to permit interested parties to provide input related to staff’s recommendations for the pupil integration plan” and to publicize the dates in the new media.<sup>90</sup> The hearings would take place from February 24 through March 2, conspicuously peculiar dates because LACBE planned to adopt an integration plan for the Superior Court’s approval in very early March. Meanwhile, the district staff was preparing a plan based on the board’s guidelines from the January 17 meeting, which the staff would submit on February 22 before the hearings. However, LACBE would *not* act on the plan until March 3, only one day after the last public hearings.<sup>91</sup>

Some board members reported during the February 17 meeting that they already attended public hearings on behalf of LACBE. Board member Brown Rice attended a public hearing in early February in South-Central L.A. at the Ward African Methodist Episcopal (A.M.E.) Church.<sup>92</sup> She met with African American ministers who readily admitted they were upset because of her stance against mandatory busing.<sup>93</sup> “They were angry, they felt betrayed,” Brown

Rice said.<sup>94</sup> Alternatively, she expressed, “I never felt I had betrayed them because in my campaign I said I was opposed to compulsory busing.”<sup>95</sup> This stance partly accounted for the African American community’s feelings of betrayal. Bishop H. H. Brookins of the First A.M.E. Church, a prominent leader in the community, said that the group reminded Brown Rice of “the esteem felt in South-Central Los Angeles for her father [former California Governor Edmund Brown] ... and her brother [then California Governor Jerry Brown]... and how those warm feelings had helped her win votes there when she ran for school board.”<sup>96</sup> Brookins also noted the community’s overall perception of Brown Rice as someone who “understood the problems of minority people and would act to relieve them.”<sup>97</sup> He lamented that Brown Rice had “joined with the other reactionaries”<sup>98</sup> “We tried to point out to her where she had gone astray and she told us naively she thought she was pursuing the best course,” Brookins explained.<sup>99</sup>

#### *Judge Egly to Preside over the Implementation Phase of Crawford*

Efforts to locate a judge to preside over the implementation phase of *Crawford* continued. The lawyers for the district and the petitioners had not found a judge, not due to a lack of trying, but because, having reached agreement on several judges, “each agreed-upon judge could not serve for a number of reasons.”<sup>100</sup> It is possible that some judges did not want to take on such a difficult case. LACBE President Nava asked the presiding Judge of the Superior Court either to assign a judge or to appoint a retired judge.<sup>101</sup>

Finally, on February 22, Judge Paul Egly, from the Pomona Branch of the California Superior Court, agreed to hear LACBE’s integration plan and immediately consider the matter of intervenors on March 1, 1977.<sup>102</sup> Egly supervised the 171-member Pomona Branch of the California Superior Court. He was a judge since 1963 when former Democratic Governor Edmund (Pat) Brown named him to the Citrus Municipal Court. Republican Governor Ronald Reagan promoted him to Superior Court in 1968. Egly was elected to Superior Court without opposition the year before.<sup>103</sup> The *Los Angeles Times* reported, “Attorneys on both sides praised Egly’s experience with integration matters, and said they did not feel his work with the San Bernardino [integration] case would give either side an advantage.”<sup>104</sup> All attorneys also signed a waiver, required under California law, of their right to disqualify a judge for “prejudice without explaining why.”<sup>105</sup>

*The District's Staff Begins to Assemble an Integration Plan in Response to CACSI*

While CACSI volunteers worked for nine months to develop a preliminary integration plan, on January 17, LACBE commissioned the school district's staff, also known as the Superintendent's staff, to develop a plan based on LACBE's response to the CACSI preliminary plan. The district staff immediately formulated a plan and presented it during the February 22 board meeting. Effectively, LACBE reasserted its control over integration strategies while still claiming it had taken into consideration CACSI recommendations. According to Superintendent Johnston, the district's staff had "worked virtually around the clock to comply with the Board's direction," formulated a plan, and presented it to LACBE during the February 22 board meeting.<sup>106</sup>

Superintendent Johnston claimed that the board's guidelines were "consistent with" CACSI, but added: "Where Board of Education guidelines differed in whole or in part from the CACSI recommendation, staff conscientiously attempted to follow the directions *as set forth by the Board*" (emphasis mine).<sup>107</sup> The district staff developed guidelines that included dealing with the most racially segregated schools, and changing the ratio of what constituted a segregated school. They considered a school segregated "if any one major racial/ethnic group or combination of minority groups exceeds 75 percent of the enrollment in a given school, plus or minus a 5% leeway."<sup>108</sup> The staff also developed *ten* components in the plan.<sup>109</sup> District staff called on LACBE to consider phasing-in stages and integration techniques for junior and senior high schools prior to adopting a plan. The district staff recommended implementing what it deemed mandatory integration programs in September 1977, with the objective of providing a set of reasonably feasible mandatory programs that were practical, including geographic techniques, intergroup education, and specialized learning centers. The superintendent's staff limited voluntary programs to include the expansion of the Permit With Transfer program and "the implementation of a limited number of 'Schools of Choice' no later than February 1978" and gave LACBE an alternative, stating that LACBE could implement mandatory techniques limited to the SLCs and "PIE-like" activities in September.<sup>110</sup>

Other integration strategies the staff deemed "mandatory" and recommended to LACBE included school closings, boundary changes, and school expansion, which LACBE could implement in February "and for September 1978." Other voluntary techniques such as pairing, school choice, other attendance boundary changes, adjusting feeder patterns, and satellite zoning

could become available at the board's discretion. A school or group of schools that "might wish voluntarily to provide an integrated experience for their students would be required to meet the guidelines and definitions to be established by the Board for an 'integrated school.'" However, the staff suggested strict parameters of no less than 50% minority and 50% other white, plus or minus 5%, so that these localized efforts did not interfere with district-wide efforts.<sup>111</sup>

LACBE voted to receive but not adopt the staff plan demonstrating once again LACBE's pattern of requesting a study or plan only to reject or deliberate further. In this instance, LACBE opted not to adopt the staff's integration strategies even though they were based on LACBE deliberations. LACBE also reasserted its control over integration strategies while simultaneously claiming it had taken into consideration CACSI recommendations. LACBE's slow bureaucratic progress continued at a time when integration efforts required promptness.

*The Ebb and Flow of Racial Politics: African American and Mexican American Attorneys Join the ACLU but the Asian American Education Commission Dissents on Mandatory Integration*

In a watershed moment of cross-racial collaboration, in early March 1978, the ACLU introduced Mexican American and African American attorneys who would serve as co-counsel to Superior Court Judge Paul Egly.<sup>112</sup> In addition to transforming petitioners' counsel into a more diverse group, in terms of racial makeup and legal strategizing, the ACLU's decision averted "other threatened moves to intervene by minority factions."<sup>113</sup> The ACLU's Okrand, Edward Medvene and Thomas G. Neusom, who handled the case, introduced Lynn Pineda of the Los Angeles Center for Law and Justice (LACLJ), Halvor T. Miller Jr., Harry M. Reynolds and Harold C. Hart-Nibbrig, private attorneys, and the NAACP's Nathaniel R. Jones.<sup>114</sup>

African American and Mexican American lawyers had threatened to sue separately on behalf of the interests and needs of the people they represented. The ACLU grew concerned and agreed to include them as co-counsel. The new diverse makeup of petitioners' attorneys reflected the diverse makeup of the petitioners of the case, a makeup made possible by Mexican American students and parents who volunteered to join the case in 1966. Though belatedly, attorneys from the NAACP and the Mexican-American Bar Association (MABA) followed the lead "Spanish surname" students and parents blazed in 1966.

The presence of African American and Mexican American lawyers could provide the lawsuit more credibility in the African American and "Spanish surname" communities. The *Los*

*Angeles Times*' Frank Del Olmo asserted, "The inclusion of Chicano and black attorneys in the case is expected to blunt some of the criticism that surfaced recently in minority communities against the impending desegregation efforts."<sup>115</sup> "Mexican-Americans, in particular," Del Olmo reported, "have been arguing that the unique educational needs of Spanish-surnamed students, the largest single ethnic block in the district, were being overlooked in the planning for school desegregation."<sup>116</sup>

Mexican American lawyers had planned to take an active role in the case. MABA President Ben Aranda explained that "Chicano attorneys had been prepared to ask Superior Judge Paul Egly ... to allow them to intervene in the case because Mexican-American interests were being overlooked."<sup>117</sup> Del Olmo explained, "Aranda said he was pleased the ACLU agreed to accept Chicano participation in the case because 'they will find our ideas much more acceptable if we go in as cocounselors [*sic*] rather than as adversaries."<sup>118</sup> Aranda also thought "Mexican-Americans would accept school integration 'much more readily' with Chicano attorneys involved in the Crawford case."<sup>119</sup>

The participation of Mexican American lawyers illustrated a reversal of opinion among some Mexican American community leaders on *Crawford*. The ACLU originally invited Mexican Americans to join *Crawford* in 1963, an invitation Mexican American community leaders rejected. However in early 1977, Mexican American leadership, and Mexican American attorneys in particular, understood that the outcome of the desegregation lawsuit would affect the Mexican American community, and more broadly the "Spanish surname" community. The Mexican American community's lack of involvement in the desegregation lawsuit had proven to be a political miscalculation.

Mirroring the Mexican American attorneys' maneuvering, the presidents of Los Angeles' five NAACP chapters said they also had also been considering intervening in the case "to protect our interests."<sup>120</sup> Although the ACLU first filed *Crawford* of behalf of African American students and had asked Mexican Americans to join the lawsuit, in many respects, African American and Mexican American attorneys in 1977 believed that their presence and input in *Crawford* would bring legitimacy to the ACLU's integration efforts in their respective communities.

The momentous cross-racial coalition was tempered by the politicking behind the alliance. In an interview of MABA President Ben Aranda, the *Los Angeles Times*' Frank del

Olmo noted that part of MABA's legal strategy to join *Crawford* was based on the idea that Mexican American attorneys were not readily available to represent Mexican American children in 1963 when *Crawford* originated.<sup>121</sup> According to Aranda, MABA, LACLJ, and MALDEF were not around in 1963. If the ACLU had rejected their request to join as co-counsel, Aranda explained that MABA had the ACLU "dead to rights" because MABA was on solid legal ground to join *Crawford*.<sup>122</sup> Aranda expressed that the ACLU "gave into our request" because they were afraid that Judge Egly would allow Mexican American attorneys and others to join in as intervenors.<sup>123</sup> "This is what we were aiming for," Aranda explained.<sup>124</sup> Moreover, as official participants in *Crawford*, Mexican American attorneys planned to oppose vigorously any parties that attempted to delay the case because they wanted to accomplish the fastest possible improvement in schools located in the Mexican American community, such as "upgrading of teachers and physical facilities."<sup>125</sup>

However, Aranda explained that as co-counsels Mexican American attorneys would emphasize "bilingual-bicult[ural] areas" and argue "not to isolate children" of the "monolingual" Spanish-speaking community.<sup>126</sup> On busing, Aranda declared that he objected to voluntary busing, insisted on two-way busing, and explained he believed that "for every kid g[oin]g out of barrio another comes in."<sup>127</sup> By joining *Crawford*, Mexican American attorneys took on a difficult balancing act. They sought to improve the educational opportunities of Mexican American children and by extension LES and NES students, while at the same time joined the ACLU, an organization that prioritized student integration above all other educational matters.

While Mexican American and African American attorneys joined the ACLU in *Crawford*, the LACBE-commissioned Asian American Education Commission (AAEC) publicly disclosed its position on integration. Emphasizing the notion of "freedom of choice," the AAEC declared, "Asian Americans now want and support a voluntary plan – a choice that they can make as their own."<sup>128</sup> The AAEC made it abundantly clear that bilingual education programs were important to the Asian American community and, given a choice, preferred bilingual education and voluntary integration over mandatory integration, particularly busing. "Will moving Asian American children indiscriminately and dispersing them just for the sake of mixing skin colors be an excuse for not providing special language instruction to those pupils who need it?" the AAEC asked.<sup>129</sup> Although acknowledging the "positive aspects" of integration, such as removing biases, the AAEC concluded: "This [integration] is a noble

concept which the Asian American Education Commission supports, but we believe that busing has limited benefits.”<sup>130</sup> By favoring voluntary programs, the AAEC concurred with the majority of white Angelenos who clamored for voluntary integration strategies, and decisively diverged politically from the BEC and the MEAC on the issue of mandatory integration strategies. Yet, on the issue of bilingual education, the AAEC agreed with many in the Mexican American and growing Spanish-speaking immigrant community who wanted improved bilingual education programs in their neighborhood schools.

#### *CACSI Submits Final Integration Report and then Disbands*

On March 1, CACSI finalized and adopted a modified integration plan by an overwhelming forty-three to six vote, and then voted to disband.<sup>131</sup> The differences between the final CACSI plan and LACBE’s current proposals were dramatic. For example, the CACSI plan would eventually desegregate the entire district at all grade levels on a full-time basis, while the tentative board plan concentrated on a part-time, nine-week integrated learning experience at Specialized Learning Centers beginning in the fourth grade.<sup>132</sup> The CACSI plan would eventually eliminate all segregated schools, while the district proposals provided for only part-time integration experiences for students assigned to segregated schools.<sup>133</sup> The CACSI plan called for two-way busing between the central San Fernando Valley and South-Central L.A.; between the western San Fernando Valley and East L.A.; and between L.A.’s Westside and both South-Central L.A. and East L.A.<sup>134</sup> On the committee’s plan to involve students from throughout the district, Patricia Simun, an associate professor of education at California State University, Los Angeles (CSULA) and CACSI member most responsible for the specific CACSI proposals, commented, “Equity was a very heavy concern of the committee.”<sup>135</sup> “We thought, if this is going to work then everyone is going to have to participate, even those parts of the city where resistance to mandatory busing has been strongest,” she elaborated.<sup>136</sup>

The final CACSI plan divided the district into twelve planning units consisting of “student populations ranging from 14,500 to 41,500 and racial mixes of minority to white ranging from 72-28 to 55-45.”<sup>137</sup> CACSI selected schools for pupil reassignment located “as close as possible to major freeways” because under its plan, travel time would be limited to 45 minutes except in pupil exchanges between majority white schools in the western part of the San Fernando Valley and the “largely Hispanic schools of Central and East Los Angeles,” which would be one hour each way.<sup>138</sup> In a surprising approach to pairing as an integration strategy,

CACSI recommended pairing “noncontiguous schools.”<sup>139</sup> The CACSI plan largely excluded the Harbor area from busing because it was “too remote geographically to be combined with school in other sections.”<sup>140</sup> However, CACSI combined six minority schools from South-Central L.A. with Harbor schools in one of the twelve planning units in order to desegregate those schools.<sup>141</sup>

The CACSI plan, the *Los Angeles Times* reported, could lead to the reassignment of 86,500 elementary school students and mandatory cross-town busing.<sup>142</sup> The plan contained an important caveat: it restricted mandatory reassignment to elementary school students. “There are no specific recommendations for desegregation of junior or senior high schools,” reported the *Los Angeles Times*, but CACSI member Calvin Hamilton stated that it was “assumed that [desegregation of junior and senior high schools] would occur as a natural consequence” of desegregation at the elementary level.<sup>143</sup> Overcrowding in public schools, both majority minority and majority white, remained a problem, but was a growing concern in minority schools. The CACSI plan would relieve overcrowding by reassigning “about 10,000 elementary school students to schools with empty classrooms,” most of which would entail reassigning students from minority neighborhoods to white schools.<sup>144</sup>

As for the relationship between CACSI and LACBE at the end of the committee’s tenure, the *Los Angeles Times* reported, “Some CACSI members expressed resentment toward school board members and [Superintendent] Johnson for ignoring the committee’s recommendations and for denying . . . assistance as CACSI was drawing up its final plan.”<sup>145</sup> CACSI Chairman Dr. Robert Loveland remained optimistic. “Every time the district gets nudged a little bit in the direction it ought to go, I’m comfortable,” he told the *Los Angeles Times*.<sup>146</sup> He concluded that LACBE had been “influenced by the form and to some extent by the substance of the committee’s work. Bits and pieces of these concepts will begin to show up in whatever the district does.”<sup>147</sup> CACSI submitted its eleven months of work and disbanded.

### *LACBE Votes on an Integration Plan*

On March 3, 1977, LACBE held a board meeting that President Nava called “undoubtedly, one of the most important meetings ever conducted in the history of the Los Angeles City Board of Education” that “could very well determine the future, the vitality, and social health of our community for many years to come.”<sup>148</sup> The district staff presented the much-anticipated District Pupil Integration Plan that LACBE would take into consideration,

change, and amend before submitting it to the court for approval.<sup>149</sup> Nava acknowledged the board had a duty to perform because the “course was laid out ... on June 28 of last year when the California Supreme Court” ordered the board to integrate “in a ‘reasonably feasible’ manner, immediately, regardless of the reasons that racial isolation exists among our schools.”<sup>150</sup> Superior Court Judge Paul Egly would decide whether or not the LACBE plan, in whole or in part, fulfilled this mandate.

LACBE’s response to the CACSI preliminary plan “served as the guidelines which the District Planning Team used as its directions in preparing a comprehensive approach to the student integration goal.”<sup>151</sup> Nava warned that if LACBE did not approve a plan, Superior Court Judge Paul Egly would intervene and “make that decision for us.”<sup>152</sup> Although Nava applied some pressure on his fellow board members to approve an integration plan for court approval, he conceded, “Obviously, what that Plan includes will not be the ideal that any one of us as individuals would like. No one will get everything. All of us should get something.”<sup>153</sup> CACSI presented its final plan simply titled, CACSI INTEGRATION PLAN, MARCH 3, 1977.<sup>154</sup> Next, each board member had an opportunity to comment about the proposed district plan.

LACBE member Watson believed that the United States Constitution required LACBE to develop an integration plan, and reminded the other board members that Judge Paul Egly would make the final decision about the constitutionality and feasibility of the plan, regardless of what the board members decided.<sup>155</sup> Watson referenced the mandate in *Jackson v. Pasadena City School District*, in which the California Supreme Court ruled that it was the “constitutional responsibility of the members of the Board ... to alleviate the harmful effects of racial isolation” regardless of cause.<sup>156</sup> She rejected the accusation that she and the board were “trying to deprive people of their civil rights.”<sup>157</sup> Instead, she declared that she and the board were attempting to protect the civil rights of every student.

School board member Brown Rice remarked that the racial minority student population comprised the numerical majority in the district, a condition that had changed since the ACLU filed the original *Crawford* lawsuit. She declared that back in 1963, Mary Ellen Crawford’s parents were right when they asked for relief from the Superior Court. She added, “When the Supreme Court told the District not even a year ago that we must, by means that were reasonable and feasible, eliminate racial isolation, whatever its cause ... they were right also.”<sup>158</sup> However,

Brown Rice opposed mandatory integration efforts because she believed current students would be “punished” by mandatory strategies.<sup>159</sup> Miller declined to speak.

Dr. Docter situated the importance of LACBE’s decisions within a historical and national perspective and noted the deep potential impact of the plan on the district’s students. He declared, “It [*Brown v. Board of Education*] has challenged us since 1954 to examine our values, to explore our prejudices, to investigate in a fundamental way the nature of that great dilemma of race relations which has confronted this nation since its founding.”<sup>160</sup> After recounting the court’s requirements of LACBE and asserting that Los Angeles was one of the most segregated cities in the country, Docter challenged his colleagues to take the opportunity to make a difference and “to deal once and for all . . . with that measure of harm which segregation delivers to young people from feelings of superiority and inferiority.”<sup>161</sup>

Staunch conservative LACBE member Ferraro offered his opposition to mandatory student reassignment, and framed the debate in terms of compensatory education versus mandatory busing for integration. He called for a reduction in class size and additional reading teachers in minority schools instead of spending \$40 million on mandatory busing. Ferraro extolled the PWT, PIE, the APEX programs and magnet schools, and stated that parents who opposed mandatory reassignment did not necessarily oppose integration, but instead favored voluntary integration and compensatory education.<sup>162</sup> “I think they’re saying very clearly that they are for improving and maintaining the quality of education for every one of the youngsters in the Los Angeles City Schools,” he noted.<sup>163</sup> Ferraro added, “I think also that the California State Supreme Court looks to this Board to come up with a reasonable and feasible plan, and that plan need not include any forced busing program.”<sup>164</sup> In an attempt to convince teachers and school nurses to side against integration, Ferraro asked LACBE members to “immediately restore the 344 teachers and the 119 school nurses who were two of our first cuts in order to get some of the \$35 to \$40 million for a forced busing program.”<sup>165</sup>

Ferraro also argued that LACBE simply assigned students based on their neighborhood to schools “near which parents have purchased their homes,” and referenced two recent U.S. Supreme Court cases based in Austin and Indianapolis to contextualize the relationship between residential and educational segregation in Los Angeles.<sup>166</sup> Ferraro’s citing of the Indiana case made little sense because Judge Gitelson found *de jure* segregation in the Los Angeles school district. Ferraro also claimed that the U.S. Supreme Court would accept an “all-voluntary

approach to desegregation,” yet *Crawford* was a state case handled in the California court system. Ferraro’s ideas about *Crawford*’s place in the legal system prompted the *Los Angeles Times* to report, “Ferraro did not explain how the case could be moved from state courts, where it has been for 14 years, to federal courts.”<sup>167</sup>

Board member Bardos declared that it was time to obey the law, but claimed that LACBE faced the challenge of defining a “reasonably feasible” plan. Stressing the board’s obligation to follow the law, Bardos affirmed, “As long as this great nation is governed by laws and not by men, then all of us can then go to the next step.”<sup>168</sup> “That next step is how do we achieve all these beautiful, laudable, noble goals...” Bardos asked.<sup>169</sup> Nava opted not to make a statement other than his opening remarks.

LACBE members proceeded to vote on each and every component submitted by the district staff, ultimately creating their own official plan for court approval. In a complete break from LACBE’s policy-making protocol, each board member could “move an amendment, a substitution, or a modification of the Component” without the need for a second, thus making the voting process more complex and tedious.<sup>170</sup> The board voted to define as integrated any school with a minority-to-majority ratio of 25%-75% plus or minus 5%, and exempt such schools from any integration plan.<sup>171</sup> LACBE also voted on the component of Schools of Choice, including magnet schools that offered specialized educational programs different from standard educational programs that were meant to entice parents to enroll their children in integrated schools. The board designated to Schools of Choice a desirable 60%-40% ratio, presumably a minority-to-majority ratio although the board did not clarify which groups would constitute the majority in these schools.<sup>172</sup> LACBE voted in favor of the component Expansion of the Permit With Transportation (PWT) program, which included a provision of two-way busing, and extended the Program for Intergroup Education (PIE).<sup>173</sup> LACBE also voted to protect small neighborhood schools by removing a provision calling for the closing of “small schools.”<sup>174</sup> The board voted to employ boundary changes and satellite zones as integration strategies, which could reduce double sessions, but it postponed voting on school pairing.<sup>175</sup>

With this plan, LACBE embarked on a voluntary-first approach with a mandatory backup, according to a press release by the LAUSD’s Public Information Unit, Office of Communications.<sup>176</sup> “The keystone of the plan,” the *Los Angeles Times*’ Jack McCurdy and William Trombley explained, “is its emphasis on voluntary desegregation before mandatory

methods are invoked.”<sup>177</sup> LACBE would allow parents to volunteer their children “for integrated programs either on an individual basis or as part of a total school effort.”<sup>178</sup> The voluntary phase of LACBE’s integration plan would start in June 1977 when the district would give parents several integrated educational opportunities from which to choose from for their children. *Spotlight*, the school district’s newspaper, emphasized that LACBE did not plan on implementing mandatory programs in the fall of 1977.<sup>179</sup> Instead, elementary schools deemed segregated according to LACBE guidelines would “begin this fall [1977] to select optional programs which will become effective in February of 1978.”<sup>180</sup> However, the *Los Angeles Times* detailed, “If by February [1978] the voluntary phase did not result in desegregation ... then those schools where it failed would be integrated by mandatory methods.”<sup>181</sup>

The *Los Angeles Times* further clarified the complex plan. LACBE would launch the plan in June 1977 by selecting at least fifty elementary schools from those that were the most severely segregated.<sup>182</sup> According to LACBE’s own definition of a segregated school, the school district contained 259 segregated elementary schools, yet only about fifty would partake in integrated activities during the coming school year.<sup>183</sup> LACBE and the district would organize the designated schools into several groups or clusters (or planning units) of two to six schools.<sup>184</sup> LACBE and the district would encourage parents, teachers, and principals at schools and community advisory councils (CACs) within each group to develop *voluntary* desegregation programs from fourth through sixth grades.<sup>185</sup> If these schools did not come up with acceptable voluntary plans to begin in February 1978, then the district would intervene and require desegregation by busing fourth through sixth graders to integrated SLCs.<sup>186</sup> The district would repeat this process in June 1978. As of early March, it was unclear how long the students would spend at the SLCs, but the board at the time contemplated at least nine weeks, but likely not more than eighteen weeks per school year.<sup>187</sup> However, LACBE did not clarify “whether the [mandatory] busing would be full- or part-time,” according to the *Los Angeles Times*.<sup>188</sup> Whether students would participate in part-time or full-time busing could potentially depend on grade levels.

Every minute detail of LACBE’s plan was susceptible to close scrutiny. LACBE agreed on a “20-minute limit on most mandatory travel time,” according to a LAUSD press release.<sup>189</sup> This prompted CACSI Chairman Dr. Loveland to suggest that the twenty-minute bus ride limit was close to “bad faith” because it forced the exclusion of so many segregated schools, but he

hoped that either the court or the board would later adjust it.<sup>190</sup> Ferraro, Bardos, Miller and Brown Rice voted for the twenty-minute time limit, while Nava, Docter, and Watson opposed it.<sup>191</sup> Some board members who voted for the twenty-minute time limit considered the figure “a goal” and not “an absolute limit.”<sup>192</sup> Brown Rice, who proposed the time limit, called it a “reasonable goal” and admitted it could be increased “plus or minus five minutes.”<sup>193</sup> Bardos called the time limit flexible that could be increased to thirty minutes one way.<sup>194</sup>

A key component of the plan, the SLCs for fourth, fifth, and sixth graders in segregated schools, would not be implemented “unless the board, beginning in February 1978, was forced to go to mandatory programs because voluntary desegregated failed to attach enough students.”<sup>195</sup> Several board members considered the nine-week SLCs and the accompanying mandatory busing “a moderate response to the California Supreme Court’s mandate to desegregate the district,” but many Angelenos who attended the hearings leading up to the vote, particularly Valleyites and residents from the Westside and the Harbor area, vehemently disagreed.<sup>196</sup> As a result of the negative reception to the SLCs, LACBE settled on “the emphasis of voluntarism, plus the 20-minute time limit on bus travel, as a more palatable response.”<sup>197</sup>

However, as a result of political pressure, LACBE replaced the SLC concept as the central integrative strategy with a new central strategy, the “educational planning units,” or EPUs, while keeping the SLC concept in the plan. The Office of Communications reported that the educational planning units “would consist of between two and approximately six schools of different racial/ethnic student populations.”<sup>198</sup> “Parents, teachers and administrators of the schools within each unit,” the press release continued, “would have until a still undetermined date during the fall semester to select, from the options available, a program which can be implemented next February, on their campuses.”<sup>199</sup> The EPU schools would include already existing or developing EPUs, that included paired schools, clustered schools, magnet schools, open enrollment schools, alternative schools, fundamental schools, and SLCs.<sup>200</sup> In addition to exempting Currently Integrated Schools (CISs), the district reported, “If at least 50 elementary schools do not select integration-type programs which can be implemented next February, the district will bring that figure up to at least 50 by assigning 4<sup>th</sup> and 5<sup>th</sup> grade students in segregated elementary schools to specialized learning centers.”<sup>201</sup>

LACBE engaged in a reoccurring pattern of behavior. It had previously commissioned the Ad Hoc Committee on Student Integration (AHC) in the early 1960s before the ACLU filed

*Crawford*, only to ignore many of its findings and recommendations. During the March 3 meeting, Nava remarked that the district could not afford the more “extensive approach to desegregation recommended” by CACSI, which called for eliminating segregation in 198 of the district’s segregated schools and reassigning roughly 86,500 students.<sup>202</sup> LACBE members largely ignored the most sweeping CACSI recommendations, prompting the *Los Angeles Times* to report, “Although CACSI was created by the school board, little action has been paid to its recommendations to day.”<sup>203</sup>

The integration strategies of the plan divided LACBE into political factions, with Watson and Docter passionately at odds with other board members on key integration strategies of the plan, Ferraro staunchly opposed to mandatory integration strategies, and a LACBE majority satisfied with the integration strategies and logistics of the plan. In response to LACBE’s shift from EPU to SLCs, LACBE member Watson asserted that the school board capitulated to the pressure from “the big, vocal and largely white San Fernando Valley.”<sup>204</sup> “The court said you must alleviate harmful effects of racial isolation and we just have too few students who are involved,” Watson declared.<sup>205</sup> “I just don’t see this program heading toward extensive desegregation of youngsters,” she concluded.<sup>206</sup> Watson anticipated that Judge Egly would consider the plan solely a starting point and then request further steps.

Miller disputed Watson’s allegations and argued that both African American and white parents had “objected to long bus trips.”<sup>207</sup> “We heard objections to the long trips at [predominantly African American] Fremont High School just as strongly as we heard those objections in the harbor, West Los Angeles or the San Fernando Valley,” he stated.<sup>208</sup> Nava reflected about the basis of anti-busing sentiment in the Valley, contending, “While much of the opposition to busing was poorly disguised racism, it was really more about fear.”<sup>209</sup> He also asserted, “Much of the opposition was a truly valid objection to having something forced on you before you can try to do it yourself.”<sup>210</sup>

Brown Rice stated LACBE did not vote to appease white protesters, and equated protests in white neighborhoods with protests by African Americans. She claimed, “I could close my eyes [during a public hearing at Fremont High School] and think I was in the Valley.”<sup>211</sup> However, she readily acknowledged losing “tolerance” for whites who shouted, “Hell no, we won’t go” at hearings.<sup>212</sup>

Docter disavowed the LACBE plan. “I really can’t find any rational judgment for that [plan] other than they [the other board members] came in with a political copout hoping to negotiate with the judge,” he said.<sup>213</sup> However, Ferraro, who did not like the plan because it included some busing, claimed it served “no purpose other than pleasing the political aims and sociological views of a majority of the members” of LACBE.<sup>214</sup> Bardos, the swing vote, wanted “to begin with voluntary integration [as the preliminary CACSI plan advised], followed by a mandatory plan for those who refused to participate.”<sup>215</sup> The *Los Angeles Times* reported that Bobbi Fiedler, a “candidate for Docter’s seat and an organizer of the militant antibusing group Bustop,” called the plan “a step in the right direction.”<sup>216</sup> However, Fiedler worried that “children might be held for ransom” if the voluntary phase of the plan failed. Roberta Weintraub, another opponent of Docter, stated, “Obviously, we won . . . I’m pleased that the political pressure put on the board by the candidates, including myself, has forced them to fulfill their commitment to give us a voluntary option before shoving any mandatory programs down our throats.”<sup>217</sup>

The board’s approved motions comprising the basis of its desegregation plan moved on to the district counsel and staff who would synthesize the motions into a coherent plan. LACBE attorney Shea promised Judge Paul Egly that he would submit the board’s “detailed plan to integrate” on March 18.<sup>218</sup> Synthesizing the board’s motions was a complicated, painstaking task. The *Los Angeles Times* noted that the district needed to add much detail to the plan before submitting it to Judge Egly.<sup>219</sup>

The district staff ran into difficulties stemming from the twenty-minute, one-way travel time limit, and predicted that about 80% of the district’s segregated elementary schools would remain untouched by the desegregation plan due to this time constraint.<sup>220</sup> Harry Saunders, director of school building and planning for the district, stated that slightly “more than 50 elementary schools could be desegregated without violating the 20-minute limit,” however, many schools would have to send students to “midway sites” located between sending schools, to stay within the twenty-minute limit.<sup>221</sup> Saunders and other district staff administrators readily admitted that “it will be necessary to go to bus rides of at least 30 minutes to desegregate substantially more than the first 50 schools.”<sup>222</sup>

Within a week after adopting elements for an integration plan, some LACBE members began to question some aspects of the plan and the board’s commitment to integration. On

March 10, President Nava expressed that the twenty-minute travel limitation, “even plus or minus five minutes,” was “totally unworkable” because the “limitation would make it impossible to enter into the second phase or the second 50 elementary schools that are most segregated in the Fall of 1978.”<sup>223</sup> He also believed the twenty-minute time limit would “effectively prevent desegregation of junior and senior high schools.”<sup>224</sup> LACBE reported, “[Nava] believes that the Court and others might see that the Board has either made a monumental mistake or that it has been negligent in the calculations of the logistics of the District . . . .”<sup>225</sup> Nava asked the district staff to reevaluate the limited travel time.

On March 14, the board voted not to approve Nava’s request to extend travel time to approximately between twenty to thirty minutes for mandatory elementary school integration.<sup>226</sup> In response, Nava, who had cast the decisive vote on many of the plan’s essential elements, asserted, “I disassociate myself from the previous board actions [the integration plan elements] on which I voted.”<sup>227</sup> Among his votes, Nava had voted to desegregate the district on a voluntary basis until February 1978, and phasing in a mandatory program at the time if voluntary methods failed.<sup>228</sup> He later explained to reporters, “I honestly believe the plan is so inherently inadequate . . . that I might be personally liable in a lawsuit.”<sup>229</sup> He feared a contempt of court citation for “approving a desegregation plan which does not come close to meeting the California Supreme Court mandate to take ‘reasonable feasible’ steps to desegregate the city schools.”<sup>230</sup> During the same meeting, Docter also disassociated himself from the plan because he believed it was “sufficiently faulted,” and made him susceptible to “incur legal responsibilities and culpability.”<sup>231</sup> The *Los Angeles Times* elaborated: “If Nava stands firm, the board will go to court Friday with a plan which has the support of only three of its seven members.”<sup>232</sup> However, in a sudden about-face, LACBE voted 6 to 1 to extend mandatory bus rides for up to 30 minutes for elementary students and 35 minutes for junior and senior high school students.<sup>233</sup> On Friday March 18, LACBE formally submitted its desegregation plan to Superior Judge Paul Egly.<sup>234</sup>

### *Integrationists Respond to the LACBE Plan*

Disappointed by LACBE’s desegregation plan, African American, Mexican American community representatives, civil rights groups, and other pro-integration organizations doubted that “white voluntarism” would integrate the district’s schools, contended that voluntary desegregation efforts had not worked in other cities and would not work in Los Angeles, and

questioned LACBE's commitment to school integration.<sup>235</sup> Reverend H. H. Brookins, a leading proponent of affirmative integration, mandatory student reassignment, and busing from the African American community, stated, "If voluntarism worked, court action would not have been necessary."<sup>236</sup> "Without teeth and without substance a program of this [voluntary] nature cannot be successful. I would hope the courts would recognize this," he elaborated.<sup>237</sup> Henry Dotson, President of the Los Angeles NAACP asked, "Where can you get in 20 minutes? This is further proof that there is no will or desire on the part of the school board to desegregate the school system."<sup>238</sup>

Raul Arreola, from LACBE's MAEC, worried the recent LACBE plan, like all the plans the board had produced so far, had "only created confusion in the Mexican-American community."<sup>239</sup> Joyce Fiske, President of the Southern California ACLU, asserted, "This is just an extension of the same old pattern—do as little as possible take as long as possible."<sup>240</sup> TIP's Sharon Stricker charged, "The board acted in a really racist manner, like a Southern city in 1911. They are supporting the status quo and are making no effort to provide integration or equality of educational opportunity."<sup>241</sup> Integrationists predicted that after voluntary integration programs failed due to a lack of volunteerism, the ensuing twenty-minute travel time limit would make it virtually impossible to "desegregate any significant number of schools on a mandatory basis."<sup>242</sup>

#### *Judge Egly Introduces the Metropolitan Plan Idea in Court*

On March 11, with a capacity crowd in his courtroom for a three-hour hearing, Judge Egly introduced the metropolitan plan idea as a possible desegregation strategy and the plausibility of designating the state of California as a party in *Crawford*.<sup>243</sup> He raised these issues partly in response to the short travel time and the potentially limited desegregation projections within the proposed LACBE plan. "Under such a [metropolitan] system, pupils in large city district usually with a predominantly minority enrollment," the *Los Angeles Times* reported, "are integrated with those in surrounding suburban districts with predominantly white enrollments."<sup>244</sup> At the end of the hearing, Egly stated, "It comes to an inescapable conclusion there may be an indispensable party in this case."<sup>245</sup> He elaborated: "I have done some more thinking about it ... I have come to the conclusion about it [the state of California becoming a party to the case], and I am afraid of my conclusion."<sup>246</sup>

An already complex case could become ever more complicated if the state of California joined *Crawford* because, if the state began to “advocate for a metropolitan plan, other school districts in the area might be brought into the case at that time,” and each district could potentially sue to challenge the plan, in whole or in part, and further undermine any progress in the case.<sup>247</sup> Although the United State Supreme Court dismissed metropolitan plans in Detroit and elsewhere, the Los Angeles case was being litigated in the state court system, subject to review by the Second District Court of Appeals and the California Supreme Court. Accordingly, as of March 1977, the Los Angeles integration case was not subject to intervention by federal courts or review by the United States Supreme Court. Therefore a metropolitan plan remained a possibility.<sup>248</sup>

In a rare moment of unity between competing legal camps, the metropolitan idea met resistance from school district officials and skepticism from civil rights organizations, as both camps worried about the major delays and legal complications the strategy could potentially cause in the case. Superintendent William J. Johnston projected, “The legal process would take forever. Every one of those districts would sue. We would never get out of court.”<sup>249</sup> LACBE counsel Halverson argued, “The advantages of incorporating other districts might well be outweighed by the disadvantages and delays in this lawsuit.”<sup>250</sup> ACLU of Southern California President Joyce Fiske also sought a more immediate solution. Although she believed that it was “rational to have these adjoining districts involved if only to minimize the transportation, she surmised, “We would like to do what can be done now and ultimately hope for a metropolitan solution.”<sup>251</sup> NAACP/LA President Henry Dotson stated, “I would prefer at this time that a plan be approved and that we proceed with a plan. It’s been so very long since we embarked on this whole thing and nothing has happened.”<sup>252</sup> He concluded that “a larger task (like a metropolitan plan) would only cause delay.”<sup>253</sup> The metropolitan plan met with various degrees of resistance from competing parties in *Crawford*.<sup>254</sup>

Three LACBE members gave varying degrees of support to the metropolitan idea. President Nava stated that Egly was “moving in the right direction” although admitted that “adjacent districts will resent” a metropolitan plan.<sup>255</sup> Nava also believed that the metropolitan approach would slow white flight because “they [whites] would have no place to go.”<sup>256</sup> Brown Rice favored the idea, the *Los Angeles Times* reported, but she remained “somewhat skeptical” because the U.S. Supreme Court did not favor metropolitan plans in recent cases.<sup>257</sup> Watson, the

lone African American serving on LACBE, supported the metropolitan plan and remarked, “If we’re going to make integration work we’re going to have to have interdistrict transfers.”<sup>258</sup>

### *Race, Integration, and Busing from the Perspective of LAUSD Students*

Students also shared their perspectives on integration and busing around this time, particularly during the San Fernando Valley boycott on February 18. Although San Fernando Valley students and their parents, predominantly white and middle-class, did not affect *Crawford* hearings directly, they influenced how LACBE formulated its integration plans and its legal strategies in *Crawford*. In this respect, Valley student perspectives about integration were important because they represented an unadulterated window into their parents’ views about integration, race relations, and the urban/suburban divide. These letters filled the informational void that countless surveys could not fill. Roughly fifty percent of mostly white, middle-class Valley students from Mulholland Junior High School, whose parents opted to send them to school instead of participating in the boycott, attended school. In a class assignment on the day of the boycott, students wrote letters to LACBE and expressed their views on integration and busing, offering a rare, unfiltered glimpse into their construction of both the real and imagined communities of “the Valley” and the racial “other” on the other side of the Santa Monica Mountains. Principal Robert E. Mills explained that the assignment gave students “the opportunity to express their views on the student integration issue,” and wrote, “We felt it was important to let the pupils, who are very involved in this process, speak out in a legitimate form of expression of opinion.”<sup>259</sup>

Two hundred forty students completed the assignment, with most offering an opinion about mandatory busing. Roughly eighteen (about 7.5%) supported mandatory busing and integration to some degree, with the rest (92.5%) opposing mandatory busing. Some went so far as to convey they opposed integration altogether. A few students claimed that opposition to mandatory busing was about 90% or 95% in the Valley. Some students alluded to legal and moral arguments for why they supported or opposed busing.

### *Mulholland Students Who Support Integration and Busing*

Several of the eighteen students who backed mandatory busing, including some who were bused from the city proper to Mulholland in the San Fernando Valley, framed integration as an idealistic goal and a worthy cause. A white, female student supported integration while

differentiating it from the method of busing. She wrote, “I indeed believe that there should be bussing.”<sup>260</sup> However, she continued, “People are getting the word bussing and integration mixed up. Integration is a yes, that is not the issue. It is bussing that is the issue. Bussing is just to carry out the law of integration.”<sup>261</sup> She concluded, “[T]here will be a better social environment for students and will make for a better society later on.”<sup>262</sup>

Some students, although in support of integration and busing, feared violence toward white students if bussed to minority schools, and had reservations about the quality of education in those schools. A white, male student backed busing but worried that Valley students would be victims of violence and an inferior education.<sup>263</sup> He wrote, “And the school in L.A. called Bret Harte is a bad school.”<sup>264</sup> He explained, “There are fights there all the time. People carry knives in that school. What if one of us white or mixed people got jumped while we were out there? Our parents would probably sue the Board of Education.”<sup>265</sup> Supportive of integration, he challenged LACBE to begin busing in 1977 if it was “really serious” about busing.<sup>266</sup> A white, female student apprehensively admitted she would not like “being bused a long way from home,” but confided, “I realized that it wasn’t the distance that bothered me, it was that I’m a bit afraid of stronger kids beating up on me.”<sup>267</sup> Nevertheless, she concluded, “I think every kid deserves a good education. And if integration can help I’m all for it.”<sup>268</sup> Another white, female student deemed busing “okay,” yet showed deep ambivalence when warning LACBE, “[B]ut if we get bussed we could get KILLED.”<sup>269</sup>

Other students in support of busing realized that whites’ racial stereotypes of African Americans influenced opposition to integration. An English-surname, female student believed that playground justice would force white students to confront and understand racism. “I think the white kids should be bused to L.A. because some of them act mean to blacks,” she contended.<sup>270</sup> She also conveyed how prejudice spread from one child to another: “Like one day this girl told this girl I know, that all blacks are born violent.”<sup>271</sup> She proposed, “Let them [white kids] go out there. And when they start some stuff they will find out what violent means. (the hard way.)”<sup>272</sup>

At least one minority student at Mulholland Junior High School shared her experience in the Permit With Transfer Program, urging better and mutual understanding between white and black students. An English-surname, female minority student, wrote, “I think that the white children (I’m not prejudice), shouldn’t think what they don’t know ... To tell the truth I thought

I wasn't going to like Mulholland Jr. High but it turned out that I did."<sup>273</sup> "For instance," she continued, "some of my white friends said it's bad enough having the black out here with the good education and now we have to go to the bad education."<sup>274</sup> Although she called the boycott a "damn shame," she remained hopeful that white children bused to minority schools would find out that black and white children could get along and "find a new culture & way of associating with people out of their race, religion or color."<sup>275</sup> A white, male student agreed with the need for integration among diverse students and believed that integration was part of a larger endeavor, declaring, "I think busing is good for are people to go to other schools and get acquainted with other schools, and so we could have integrated schools around the world."<sup>276</sup>

Some students referred to their parents' views and concerns in their assignment letters to LACBE. A white, female student, whose parents were L.A. schoolteachers and supporters of busing, differentiated their support. Her father was "pretty much for busing, but her mother was "for busing" but had "regular worries that all mothers have."<sup>277</sup> Her mother feared being unable to reach her children in case of a natural disaster such as an earthquake or flood.<sup>278</sup> In spite of their doubts and fears, they supported busing for integration. Her friends and their parents, however, had markedly different ideas. Aware of racism in her community, she explained, "All my friends and their parents are prejudice and are definitely not going to go to or let their children go to a black school."<sup>279</sup> Another white, female Mulholland student wrote, "I came to school today because I think bussing is the right thing, so does my mother."<sup>280</sup> Making a specific recommendation, she added, "I think you are doing the right thing integrating school, But I think you should start it with all 7<sup>th</sup> graders."<sup>281</sup> The reason was simple: the ninth and twelfth graders were graduating.

Some students wanted their peers to form opinions independent of their parents' views, especially if the parents expressed racist attitudes. A twelve-year-old black female student of Spanish and English surname argued that keeping parents "out of it" was essential to any integration program's success because both white and black parents told their children not to associate with children of the other race and in the process taught them prejudice.<sup>282</sup> She proposed a fundamentally different perspective that centered on children working out misunderstandings, integration, and busing on their own. She explained, "Why is it all this trouble over busing? I think it is a wonderful idea. Whites and blacks should be able to get along together."<sup>283</sup> She claimed that some Black parents told their children: "You watch yourself

around all of those white people their not no good.”<sup>284</sup> Responding to such comments, she declared, “I think if the parents would just stop saying all those things and let us work it out and we all be treated equal and don’t be always talking about colors all of the time the world would be a whole lot better.”<sup>285</sup> “Afterall,” she explained, “we might be different colors but we are all human beings and have the same feelings.”<sup>286</sup>

At least one student in support of integration had practical concerns regarding the cost of busing. A female, eighth grader of Spanish surname opted to write a letter in Spanish to LACBE member Julian Nava. Although she thought busing was a “good idea” she articulated some reservations and proposed a try-and-see approach. She wrote:

Soy una estudiante en el grado 8 y creo que es una buena idea el plan de integración pero tambien creo que costaria mucho dinero pero podrian rentar los autobuses y poner ese plan por sierto tiempo y ver, y si da resultado y si no da quitarlo y seguir cómo estamos.

I am an eighth grader and I believe that the integration plan is a good idea. But, I also believe that it will cost a lot of money. You could rent the buses and implement the plan for a certain period of time and see what happens and if it provides results and if not remove it and continue as we are (translation mine).<sup>287</sup>

She therefore backed busing but worried about funding such an enormous task.

#### *Students Against Busing and Integration*

About 92.5% of the 240 Mulholland students who attended school on the day of the boycott opposed mandatory busing, and many offered arguments mirroring those of parents who also disapproved of mandatory busing. Some students backed voluntary busing, compensatory education, and protection of neighborhood schools, while others claimed that minorities already attended their school via the PWT, therefore additional integration efforts requiring their participation were unnecessary. A number of students opposed mandatory busing due to concerns over safety, distance, travel time, cost, environmental impact, gasoline expenses, and taxes. Others focused on their parents’ privileged home owner status and their parents’ “hard work,” which paid off when they chose where to live. Many decried mandatory busing as an affront to their individual freedom, freedom of choice, and civil rights, claiming the Constitution forbade mandatory busing. Still other students warned LACBE that mandatory busing would lead parents to move away and remove their children from the district and the public school system, or place their children in private schools. Other students offered tangible reasons for

why they did not want to participate in busing, such as their attendance to religious schools, piano lessons, gymnastics, and culturally based schools. In an ironic twist, many students based their support *for* integration as a partial rationale for *opposing* mandatory busing. For example, one student argued that there were already enough *religious* minorities in each area, thus, they argued, it was unnecessary to integrate by race.

Several students opposed to mandatory busing conveyed their frustrations as powerlessness minors. A white, female student did not “want to get bussed” but conceded, “These letters are the only way we can protest. It won’t do us much good either, I know. Who’s going to pay attention to a letter just from a bunch of kids?”<sup>288</sup> Well listen, we have rights too, just because we are younger, you think you have the right to boss us around! Well you aren’t going to boss me around!” she declared.<sup>289</sup>

Some students questioned whether the United States Constitution permitted busing. Another white, female student opposed to busing wrote, “The Constitution does not say that I the student must get up an hour and a half earlier to ride on abus to the inner city, 40 miles from my mom and dad, only to get a poorer education.”<sup>290</sup> Yet another white, female student asked, “If laws are supposed to be what people want why don’t you take people’s advice and not do this?”<sup>291</sup>

In opposing mandatory busing, some students connected Los Angeles’ residential segregation to educational segregation. A white, female student partly understood the class dimension when she wrote, “I am against this all ... Sure I guess its if a black family is rich enough to come and live in a white community and go to our schools but why should we be taken to their schools.”<sup>292</sup> A white, male student also claimed that people from different racial backgrounds supported the idea of the neighborhood school, and wrote that parents did not pay taxes “for activities in school so that their kids get bussed to a noisy, high crime school.”<sup>293</sup> Arguing that middle-class African Americans and whites shared similar sensibilities, he added, “Negro and White parents alike feel that thier children should go to the closest, best school near them, My God if a child gets injured or any of the sort, its a long way to travel.”<sup>294</sup>

A white, female student claimed to have several “colored friends” at Mulholland that integrated her school, and delineated the challenges busing posed to the development of friendships. “I am attending an integrated school,” she stated.<sup>295</sup> “I have several colored friends. But when they leave school I don’t see them until the next morning. So you see, *the*

*communities* also need to be integrated” (emphasis mine).<sup>296</sup> She asserted that she understood how to solve desegregation and proposed placing new schools strategically. She explained, “As it is now, all the different races of people stay in their own communities. These communities come together and form a kind of border line.”<sup>297</sup> She recommended, “Place the schools on the border lines and kids from each of the communities will go to the same school and live in the same area.”<sup>298</sup>

Another white, female student worried that getting bused to Los Angeles proper would undermine her academic progress, and believed her current good academic performance should preclude her from participating in mandatory busing. She explained, “I mean. Let’s be serious, why bus a student that has had no less than a 3.7 grade point average ... The present grade point average ... would certainly not be maintained in an uncomfortable atmosphere.”<sup>299</sup> She predicted, “I would probably drop [in G.P.A.] drastically.”<sup>300</sup>

Many white students, like their parents, worried about violence breaking out if white students attended “black schools.” A white, male student expressed concern about the safety of bused white children, claiming that they could get “hurt bad or be killed.”<sup>301</sup> He went so far as to suggest that “[i]f we had to have it that way we would have to carry a weapon.”<sup>302</sup> A white, female student showed great fear of African Americans, claiming, “I’m not prejudice, I just don’t want to be killed or raped.”<sup>303</sup> Another white, female student worried, “All the bussing really does is creat hostilities.”<sup>304</sup> Some white kids may think, [‘I’m getting bused all because of the black people,[’] and visa versa.”<sup>305</sup> She added, “... I hear black kids all the time saying, ‘You better not be bussed to a black school because they’ll beat you up so bad.’”<sup>306</sup>

An African American, male student bused to Mulholland agreed with white students’ worries about violence and gangs. He wrote, “I do not think that student should get bus because, there will be more gang fights, in schools.”<sup>307</sup> Comparing black students bused to white schools with white students bused to black schools, he stated, “I do get bused and I like it, but if you start to bus the caucassian in a minute, they will take his or her money and just leave him there[.]”<sup>308</sup> Another bused African American male wary about mandatory busing explained, “[I] feel that busing is not right if they [white students and parents] don’t want to[.] ... In the airef where I live the school is bad.”<sup>309</sup>

Some white students opposed to busing blatantly expressed racist attitudes against African Americans. A white, female student wrote, “Why would you want to bus us down there

just to get beat up and nigers down hear just to make trouble and mess up our schools.”<sup>310</sup>

Another white, female student expressed, “All my friends & I are really mad about getting up at 4:00 am to go down to monkey town.”<sup>311</sup> Expressing similar feelings, a white, male student wrote, “Why bus me to the ‘Planet of the Apes.’”<sup>312</sup> Other students made other negative comments about racial minorities on the other side of the Santa Monica Mountains, and South-Central L.A. in particular. One white, female student feared “rowdy” “black people who live right in the center of L.A. such as Watts.”<sup>313</sup>

Some students denied discriminatory attitudes and even argued that whites were victims of reverse discrimination. A white, female student opposed to busing wrote, “I cannot help what color I am and think that it is pregudrust that you only think about color first!! Does it matter! your the ones that tell us every one is the same.”<sup>314</sup> Another white, female student put it more plainly: “Forced busing is DISCRIMINATION in REVERSE.”<sup>315</sup> Other students argued that parents passed such attitudes against racial minorities and against busing to their children, and therefore, these attitudes were so difficult to overcome that busing would not succeed. A white, female student argued that the hatred instilled into children by their parents was so strong that busing was destined to fail. “If you think that busing will make the people who hate the blacks, whites, or mexicans but they wont because if they were brought up hateing others he will keep on hateing,” she wrote.<sup>316</sup> Another white, female student wrote, “I don’t think bussing is going to solve anything, first of all you shouldn’t put it all upon the kids.”<sup>317</sup> She explained, “[H]alf the problem is from the adults, their the one who tell the kids who and who not to like[,] [so] why cant they bus the adults from there to work to L.A. and back?”<sup>318</sup>

Yet others believed the students themselves could make up their own minds about integration and relay their views to LACBE. A white, female student opposed mandatory busing but wrote that students could work towards integration by themselves, writing, “If you want to integrate us kids you can always let us choose for ourselves!”<sup>319</sup> She too claimed Mulholland was already integrated. Another white, female student recommended an innovative way to communicate student discontent to LACBE: “The Board of Education should set up a voting booth at each junior high school so we can vote against it because I hardly think anyone would want to be bussed!”<sup>320</sup>

Several students framed their opinions about mandatory busing around questions of force and choice. A white, female student believed that LACBE planned “one-way” mandatory busing

for whites only and wrote, “I don’t think that it is fair that the whites will forced to be bused, when the negroes have a choice.”<sup>321</sup> Unambiguous about his opposition to integration, a white, male student wrote, “I don’t want to be forced to got to any other school. It doesn’t matter whether the school has black, blue, green or white.”<sup>322</sup> Another white, female student opposed to busing taunted LACBE: “If we wanted to go to school in downtown L.A. we would, but we dont so ha ha ha.”<sup>323</sup> She would resist mandatory busing, declaring, “Whatever you do to try to get us bused, we aren’t coming.”<sup>324</sup>

A white, male student argued that a learning gap existed between white and minority students long before they began attending school. “Minority children don’t have problems because they go to inferior schools,” he wrote.<sup>325</sup> “They have learning problems because they come from homes and families that can’t or don’t prepare them for schooling. They are behind before they start,” he argued.<sup>326</sup> He proposed early education programs akin to Head Start, but devoid of integration and busing, that could help both minority students and their parents. He explained, “Instead of spending money on integration[,] the money should be spent to get minority children out of their homes at an early, early age for long days of educational experiences.”<sup>327</sup> He believed that this approach would help minority parents seek improving their lot in life. He asserted, “This [early childhood education] could free their parents to pursue training and education and jobs. As a result you will have parents and children who have higher self esteem and who will want to seek higher goals.”<sup>328</sup>

Other students were misinformed or had a lack of information on integration. One white, female student wrote, “This whole business on the busing is so confusing to me that I am going to watch the T.V. ... and that will help me but I want to really know.”<sup>329</sup> She asked LACBE to send a representative who would pick twenty-five students from all grade levels at her school and “sit them in a circle and explain thoroughly the busing issue.”<sup>330</sup> She called it a “big ‘rap’” in which students could “state thier fears and likes.”<sup>331</sup> She volunteered to take part in it. She found busing scary because, as she explained it, she “just did not know.”<sup>332</sup> In an effort to gain more insights into student opinions about integration, the Los Angeles City Human Relations Commission sponsored a daylong forum for the commission’s Youth Subcommittee.

#### *Students’ “Big Rap”: A Youth Forum on Integration*

Ideas about integration from students were part of a broader discussion about school integration, and the student’s ideas about integration provided insights into parents’ views about

integration. On February 19, a “big rap” took place entitled, “Youthful View on School Integration.”<sup>333</sup> A total of thirty-six students (twenty-one representing various parts of Los Angeles proper and fifteen from the San Fernando Valley, including three from all-female private schools) participated in four discussion groups, with each group required to develop recommendations to LACBE.<sup>334</sup> The participants did not assume the district would implement mandatory busing, but made proposals in case it was implemented in the future. They also recommended ways of improving race relations in a *diverse* setting.

The students participating in the Youth Committee confronted several challenges in the busing debate. On busing, one group recommended two-way busing and another suggested to “begin mandatory busing at elementary level rather than at the high school level and gradually work up to junior ... and high school level over a period of time” but to compensate for the transit time by shortening the “length of school time.”<sup>335</sup> Importantly, the students expressed how racial divisions among students did not subside when they attended schools with a diverse student body. One group suggested that fear and racial animosity, “Fear – Black vs White,” was partly responsible for concerns about mandatory busing.<sup>336</sup> Therefore, the group proposed teaching “everyone what busing is, pro and con” and to have “a cultural exchange.”<sup>337</sup> Another group blamed rumors “about schools that scare people” as another source of fear.<sup>338</sup> On racial strife at public schools, one group claimed, “Small disturbances escalate into racial fights.”<sup>339</sup> Positing that students tended to “stick with” students of like background, one group discussed peer pressure on students not to speak to others from different backgrounds. The group explained that students risked “being labled for being friendly with different ethnic groups.”<sup>340</sup>

The students offered possible ways to improve race relations in a diverse school setting and to mitigate the potential for racial conflict. Groups recommended art in some form or another. One group recommended multi-ethnic drama groups while another backed dances with “all types of music held outside to encourage openness, not all closed in.”<sup>341</sup> Another group offered a partial solution: “A mixture of all groups should be bused in, so one group will not be the ‘bad guys.’”<sup>342</sup> Another group suggested mandatory human relations classes at all schools and that “classrooms should be ethnically balanced and not just one ethnic group trying to learn about another ethnic group.”<sup>343</sup> Yet another group put it more plainly: “Classrooms should be integrated as well as the school.”<sup>344</sup>

*The Tension between Integration Efforts and Bilingual/Bicultural Education Efforts*

In 1977, the small gains in bilingual/bicultural education and integration efforts intersected, as Mexican American communities feared losing the existing, limited bilingual and bicultural programs at the same time that the board debated integration plans. Some integrationists, however, worried that bilingual/bicultural education might interfere with integration efforts while others believed that they were not incompatible goals. Although TIP fervently backed integration, including mandatory busing, it tried to balance integration and bilingual/bicultural educational needs. On March 17, TIP's Ms. Maria-Elena Saucedo argued that education of the "Spanish speaking child in Los Angeles has been one of outrageous neglect," and called for protecting bilingual and bicultural programs.<sup>345</sup> Saucedo spoke highly of the 1968 East L.A. student demonstrations and the gains in bilingual/bicultural education that it brought to the community. However, she pressed for the implementation and expansion of bilingual and bicultural pilot programs on a limited basis throughout East L.A. because "[b]y no means do the existing bilingual [and] bicultural programs service all the children who need them. In many cases, these programs are merely English as a Second Language programs posing as bilingual cultural projects."<sup>346</sup> Nonetheless, Saucedo declared that "many parents, teachers, and students who have been involved in the continuous battle to institute bilingual [and] bicultural programs consider these limited gains valuable and are fully committed to protect these programs, as meager as they may be."<sup>347</sup>

Saucedo told LACBE that the court order to desegregate Los Angeles came at a time when "teachers and parents are just beginning to see these small [bilingual/bicultural] educational gains take root in our East Los Angeles schools, and they are angered at the thought of losing what they have struggled for so long to accomplish."<sup>348</sup> Saucedo blamed the district for the East L.A. community's lack of understanding about the integration plans. Saucedo called a board member's claims that "a majority of Spanish-speaking and Mexican American residents" were upset because they feared losing bilingual programs to integration efforts a "distortion." She explained, "Most Latino parents have not been informed on the issues of integration and busing, and this lack of knowledge has left them paralyzed amidst one of the most crucial issues in their lives: an integrated quality education for their children..."<sup>349</sup> Saucedo blamed LACBE and the media for failing to convey the positive effects and advantages of an integrated education to the East Los Angeles community. She also warned LACBE that once the Mexican American

community learned about the benefits of busing, it would become as vocal as ever because it had “a history of taking a dynamic and forceful direction for better education.”<sup>350</sup>

### *The Pivotal LACBE Election of 1977*

The impending board elections for three board seats provided the possibility of substantial changes in the philosophy of LACBE and in the direction it would take on integration efforts. The African American newspaper *The Sentinel* described the political atmosphere on desegregation in light of the upcoming elections: “[A]mid chaotic-like conditions in the ... district and white and black communities with rampant distortions, misinformation, coupled with uncanny delays in the selection of a judge to hear the ... case, enter a school board election for three seats.”<sup>351</sup> Dr. Robert Docter held one of the seats up for election. He was a professor of education at California State University, Northridge (CSUN), a father of six (four children in city schools, and two in college), a resident of Northridge, and former elementary school teacher.<sup>352</sup> Having won the 1973 reelection to LACBE’s Office 4 handily by garnering 61% of the vote in the primary, “Doctor Docter” ran for reelection in 1977.<sup>353</sup> The *Los Angeles Times*’ Jack McCurdy described Docter as the “same candidate ... a consummate liberal who pushed for school desegregation, opposed the use of corporal punishment in schools and worried as much about the attitude of youngsters toward their school experiences as about what they actually learn.”<sup>354</sup>

Docter showed confidence in his re-election based on his support for integration, believing that there was still a “reservoir of strong support” for him based on eight years of “intelligent decision-making, proven behavior, hard work and apolitical voting that cannot be ignored on the basis of one hot issue.”<sup>355</sup> Docter wholeheartedly supported busing for integration, stating, “There are certain things that someone cannot give in on.... I happen to feel that school integration is morally required in order to preserve the nature of this society.”<sup>356</sup> He articulated what he hoped school integration could accomplish: “Within a generation, you could probably make significant inroads on prejudice and bigotry.”<sup>357</sup> On how he would respond if his school-age children were ordered onto buses, Docter explained, “I would be anxiously supportive. I would do everything possible to prepare my youngsters, and then I’d be on that campus on a regular basis ... getting to know the teachers, the principal and the other parents.”<sup>358</sup>

Docter’s six opponents generally opposed mandatory busing. His main rival was none other than busing foe Bobbi Fiedler, whose organization BUSTOP had attempted to recall Docter

the previous year.<sup>359</sup> The *Los Angeles Sentinel* conducted a phone interview with Fiedler in February. In response to charges that BUSTOP was a racist organization, “an opinion held by many blacks and some liberal whites” according to the *Los Angeles Sentinel*, Fiedler denied that BUSTOP was racist.<sup>360</sup> “We don’t oppose integration but the question is methodology,” she argued.<sup>361</sup> When confronted with the news that “some members of her organization have taunted blacks with racist remarks participating at schools board meetings,” Fiedler responded, “That’s very unfortunate, but I certainly don’t condone that.”<sup>362</sup> The *Los Angeles Sentinel* asked her to comment on whether she would “strive to defeat any busing plan” if she were elected to LACBE, to which she replied, “I will always act within the law ... there are many legal aspects coming up in the next several years, I really don’t want to comment further.” However, she explained that BUSTOP would “attempt to be involved as a party to the case” as an intervenor, as a lawyer for the group had previously indicated.<sup>363</sup> In light of Fiedler’s position, the *Los Angeles Times*’ Jack McCurdy reported, “The long-range thinking of at least some of the opponents [of Docter] seems to be that the defeat of Docter would be the first step toward a shift in the board’s philosophy from predominantly liberal to conservative.”<sup>364</sup>

Docter faced difficulties incumbents usually did not face, mainly name recognition and campaign funding. Known as “Doctor Docter,” he believed that the integration issue had “contaminated” his name recognition, making it a liability and “easier for voters to remember his name if they want to vote against him.”<sup>365</sup> Even as incumbent, Docter did not enjoy campaign funding advantages, as three of his opponents had coffers that rivaled his.<sup>366</sup> For example, while Docter expected to spend between \$15,000 and \$20,000, Bobbi Fielder, also a member of the Republican State Central Committee, expected to spend between \$20,000 and \$25,000.<sup>367</sup> Fiedler received major contributions from the National Conservative Political Action Committee (NCPAC), an organization that had supported former Governor Ronald Reagan and other candidates who were “right of center,” according to a NCPAC representative. Fiedler also received contributions from Friends of Richardson (Conservative State Republican Sen. H.L. Richardson of Arcadia), and the Association of Los Angeles County Deputy Sheriffs.<sup>368</sup>

Roberta Weintraub, another anti-buser, was prepared to spend \$30,000.<sup>369</sup> Weintraub, 41, was considered Docter’s second main challenger behind Fiedler.<sup>370</sup> A resident of Sherman Oaks and mother of two children attending city schools, Weintraub was an active member of Democratic Party affairs and founded Parents Against the Teachers Lottery (PATL) and Parents

Against Crosstown Transfer of Teachers and Students (PACTTS).<sup>371</sup> She argued that mandatory busing would cause “whites to flee the district, resulting in further segregation.”<sup>372</sup> “If you don’t have the voluntary approach, you don’t have the possibility of integration,” Weintraub claimed.<sup>373</sup>

Docter also lost the endorsement of the United Teachers Union of Los Angeles (UTLA), which now endorsed Charlotte Kay Motter, 54, an English and drama teacher at Canoga Park High School, resident of North Hollywood, and UTLA member with twenty-eight years of teaching experience.<sup>374</sup> The UTLA had fiercely opposed mandatory teacher integration efforts “to bring faculties at individual schools into compliance with federal teacher desegregation requirements,” and promoted a largely neutral stance on busing but opposed mandatory student desegregation.<sup>375</sup> The union also broke away from Docter because he supported the teacher transfer lottery to integrate instead of seniority-based reassignments.<sup>376</sup> Unlike the rest of Docter’s challengers, Motter conceded “that some mandatory busing would probably be necessary to desegregate the district,” but also acknowledged that “some segregated schools would have to be overlooked because distances are so great.”<sup>377</sup>

The headline of the April 6 *Los Angeles Times* said it all: “BUSING RUNOFF!”<sup>378</sup> On April 5, Angelenos went to the polls to elect three LACBE members, however none of the leading vote recipients received the necessary majority. Candidates failed to reach the 50-plus-1 threshold, thus necessitating a runoff election on May 31 between the two top vote recipients from each race.<sup>379</sup> In the hotly contested election for Office 4, Docter received 36% of the vote, while Fiedler received 24%, Weintraub 13%, and Motter 11%.<sup>380</sup> The elections for the other two seats also resulted in inconclusive results. For Office 2, incumbent Howard Miller received 48% of the vote, with twenty-four-year LAPD veteran Daniel A. Danko, an opponent of mandatory busing and closest competitor, receiving 13%.<sup>381</sup> For Office 6, conservative anti-buser Ferraro received 41% of the vote and would face liberal Rita Walters, who received 24%.<sup>382</sup> Though the makeup of LACBE remained uncertain, *Crawford* progressed in the courts.

#### *Los Angeles City Council Racial Spat over Busing*

While politicians debated and some local governments passed anti-busing resolutions to place political pressure on Judge Egly and LACBE, the Los Angeles City Council had a turbulent session that resulted in the city council going on record opposing mandatory busing to “achieve school desegregation” by an 8-4 vote.<sup>383</sup> The Los Angeles City Council’s symbolic vote

on March 30, 1977 had no effect on the desegregation plan or whether Judge Egly accepted or rejected the plan because the council had no authority over the board or the court.

This session offered a rare moment of bare-knuckle racial attitudes. Councilmen Dave Cunningham, an African-American representing the 10<sup>th</sup> District who opposed an anti-busing measure, and Louis R. Nowell, a white councilmember representing the 1<sup>st</sup> District covering many parts of the San Fernando Valley who opposed mandatory busing for integration and led a campaign to vote on an anti-busing measure, accused each other of racism.<sup>384</sup> Councilman Cunningham, who attempted to shelve the State, County, and Federal Affairs report opposing mandatory busing, “slammed his pen against his desk when the 8-4 roll call was announced” and called the majority “stupid” and “white bastards.”<sup>385</sup> “This is Mississippi in 1954 [before *Brown v. Board of Education*]. That’s what it is,” the *Los Angeles Times* quoted Cunningham.<sup>386</sup> Councilman Gilbert W. Lindsay, another African American on the council, remarked, “They (the majority) are saying we can have equal but separate schools...”<sup>387</sup> “With the council chamber in an uproar, Cunningham, still steaming, walked over to Nowell ... during a recess,” leaned over toward Nowell, told him that he was glad he was leaving the council, and promised to “give him trouble” if he were elected controller.<sup>388</sup> The *Los Angeles Times* documented the rest of the heated exchange between Cunningham and Nowell:

“I can’t wait until you’re gone from this council,” Cunningham said. “You are the greatest racist in this world.”

Nowell, relatively calm, urged Cunningham to “relax.”

But Cunningham continued to scream. “Relax, Louie? It was the same thing about relaxing in 1865 when you owned me. Like chattle.”

Nowell—“I’ve never owned you.”

Cunningham—“Yes, you did. Your father did. Your grandfather did.”

Nowell—“You can’t prove that. Dave, why are you making such a fool of yourself over a matter like this?”

Cunningham—“Because, Louie, I know good and well that deep within your heart ... you hate me simply because I’m black...”

Nowell—“The opposite if true, Dave. You hate me because I’m white.”

Cunningham—“No, I don’t hate you and I pray for you and I feel sorry for you. I’m so glad you won’t be here after July 1. Lord, that’s one prayer of mine that’s been answered.”

Nowell—“You’re the only one...”

Cunningham—“I sure hope you won’t be controller ... because I’ll give you all the trouble you can take if you do get elected.”

Nowell (chuckling)—“I may not sign your check.”

Cunningham—“I would work for this city for nothing.”<sup>389</sup>

Moments later after others intervened, Cunningham, still muttering, walked off, leaving Nowell telling reporters that the City Council had to take a position even though the matter of busing was in the courts.<sup>390</sup> Nowell added, “There is no reason why the citizens shouldn’t have a voice. The majority of citizens—black, brown, and white—don’t want their children in forced busing.”<sup>391</sup> He concluded, “This is a victory for citizens who don’t want their children bused. Voluntarily, yes. Forcefully, hell no!”<sup>392</sup> Although the city council’s anti-busing resolution would not affect *Crawford* proceedings, the exchange between Cunningham and Nowell provided a vivid exchange of the competing ideas about mandatory busing from elected officials representing the city proper and the San Fernando Valley.

### *The Intervenor Question*

The prospect of multiple intervenors joining *Crawford*, which would further complicate the difficult case, plagued Superior Court Judge Egly from the day he took over the case, and the issue ultimately reached the California Supreme Court.<sup>393</sup> TIP, BUSTOP, Better Education for Students Today (BEST), LACBE member Diane Watson, and others pursued joining the lawsuit as intervenors. The *Los Angeles Times* explained what it meant to “intervene” in a California lawsuit: “California state law permits individuals or groups to intervene in an existing lawsuit if it affects them and if they are not already represented by one side or the other.”<sup>394</sup> “Intervention,” the newspaper elaborated, “would give these groups standing in court and the opportunity to support or oppose an integration plan.”<sup>395</sup> Intervenor status would also provide privileges of discovery, cross-examination, and presentation of witnesses and evidence. It would also grant to groups and individuals the right to appeal orders and any part of a desegregation plan with which the group or individual disagreed.<sup>396</sup>

During the March 1 court proceedings, Judge Egly expressed his concerns that granting intervenor status to several groups and individuals would be “too time consuming and could delay adoption of the plan and the intended start of integration next September.”<sup>397</sup> He also stated, “I do want to hear and I shall hear all views. But I am concerned about the vehicle ... intervention could make this trial unmanageable.”<sup>398</sup> Egly contemplated allowing intervenors to participate if they agreed to “voluntarily limit their participation.”<sup>399</sup>

Judge Egly asked all attorneys to tell him “what limitations” they would accept if he “designated their clients intervenors” and also why their clients “should be allowed to join the lawsuit” as intervenors.<sup>400</sup> In a rare show of collaboration, the ACLU’s Fred Okrand and LACBE’s Shea agreed that the viewpoints of the organizations and individuals seeking intervenor status were welcome, but they opposed granting them intervenor status.<sup>401</sup> Okrand suggested they become *amicus curiae* (friends of the court), which would grant them permission to submit written arguments and briefs, but would not allow them to participate in court proceedings. The groups and individuals seeking intervenor status rejected this idea immediately.<sup>402</sup>

After concurring with the ACLU and LACBE counsel, Judge Egly denied intervenor status to TIP, BUSTOP, BEST and Watson, “commenting that their proper forum was the board room rather than the courtroom.”<sup>403</sup> This important ruling indicated that if Egly deemed that the LACBE plan did not satisfy the California Supreme Court’s integration order, he could simply “force the board to rework the plan” until it fulfilled the constitutional requirements and standards set by the state’s highest court without having to worry about appeals from intervenors.<sup>404</sup> The *Los Angeles Times* reported, “Egly firmly enunciated that it is the board’s job to formulate an integration plan and the court’s job to review it to see that it is constitutional.”<sup>405</sup> Egly further clarified the court’s role in the formulation of an integration plan. He declared, “The present duty of this court is to review the plans ... to approve in whole or in part, or to disapprove in whole or in part, those plans as measured by the rule of law of this case.”<sup>406</sup> “It is the court’s opinion that all of these intervenors have an interest which at this point is not a constitutional interest, but a function of how to perform a political duty in a constitutional manner,” Egly ruled.<sup>407</sup> BUSTOP, however, appealed Judge Egly’s intervenor ruling to the Second District Court of Appeals. BUSTOP’s main rationale for seeking intervenor status centered on stopping mandatory integration strategies, including mandatory busing. BUSTOP’s effort to gain intervenor status added a layer of difficulty to the case, and offered a glimpse of what could occur if intervenors participated in *Crawford*.

#### *Crawford Hearings on LACBE’s Plan Begin*

Civil rights organizations sought to call into question LACBE’s capacity to develop a sound integration plan by pointing out that the school board spent very little time developing it, and had settled on a very limited, defective plan. *Crawford* hearings on LACBE’s desegregation

plan began on March 23, with the ACLU asserting that the plan was imprecise, and would leave thousands of students in segregated schools. ACLU attorney Edward Medvene objected to the plan's "shockingly large number" of 270,000 of the district's 595,000 students who would remain racially isolated throughout their school careers.<sup>408</sup> Suggesting that LACBE drafted the plan "in a panic" because it did not like the CACSI plan, Medvene declared the board's integration plan "exceedingly nebulous" and called the board "recalcitrant" for failing to make progress desegregating the district until some attempts in early 1977 despite the Gitelson decision in 1970.<sup>409</sup> Medvene added, "The school board in effect is not meeting its obligation to rid the system root and branch of all indicia of racial segregation."<sup>410</sup> He chided the board for its SLC concept for doing "nothing to provide permanent desegregation," for excluding kindergarten through third grade even though studies showed integration was "best accomplished among the very young," and for including a thirty-minute time limit, because already about 30,000 students (about a third in voluntary integration programs) traveled "up to an hour or more."<sup>411</sup> Medvene called the voluntary-first approach a stalling tactic.<sup>412</sup>

In response, LACBE attempted to deflect ACLU's accusations of failing to desegregate the district since Superior Court Judge Gitelson's 1970 desegregation order. LACBE attorney Shea called witnesses to attest to LACBE's desegregation efforts prior to the California Supreme Court's order.<sup>413</sup> However, on Medvene's cross-examination, Johnston admitted that "he had exercised no leadership in formulating an integration plan and had never tried to present one to the board."<sup>414</sup> Judge Egly intervened. "What I am concerned about is does this plan meet the (Supreme Court) mandate," he expressed.<sup>415</sup> School planner Harry Saunders, on cross-examination by Medvene, admitted that all of the district's segregated white junior high schools could be integrated within the board's thirty-five-minute time limit.<sup>416</sup> Of the desegregative potential of busing based on the twenty-minute time limit on high schools, Saunders testified that studies projected that only two of the twenty-six segregated high schools could be integrated, San Fernando and Granada Hills High Schools.<sup>417</sup> Outside the courtroom, Saunders detailed that seventy-eight of the district's 264 segregated elementary schools could be desegregated with a thirty-minute bus ride, and an additional 136 elementary schools could be desegregated by rides of up to an hour.<sup>418</sup> Meanwhile, some schools were approaching desegregated status due to an ongoing voluntary busing program that involved 10,000 mostly minority students bused to predominantly white schools.<sup>419</sup> During the hearing, Judge Egly learned that BUSTOP attorney

Lee Paul had secured an April 11 hearing before the Second District Court of Appeals to settle the intervenor matter.<sup>420</sup> Lawyers for the petitioners and LACBE believed that BUSTOP's appeal would fail.<sup>421</sup> Egly decided to continue the hearings.

On the second day of testimony, a LACBE and district representative defended ideas and logistics in the integration plan. Acting Deputy Superintendent of Schools Dr. Harry Handler, "an architect of the board's plan," called the SLC concept "innovative," stated it provided a "base" for future integration in the school system.<sup>422</sup> When Judge Egly asked Handler why kindergarten through third graders were excluded, Handler argued that "the school board wants to keep them in home schools to avoid jeopardizing special federal and state funds for Early Childhood Education and other programs."<sup>423</sup> However, Handler did not provide details of how these funds would be in jeopardy, if at all. As for the relationship between the SLC and integration, Egly called the strategy "better than nothing," a summary with which Handler agreed.<sup>424</sup>

In an ensuing court hearing, Judge Egly expressed concern about the "vagueness" of the LACBE plan beyond February 1978, when the voluntary-first phase ended, and, if voluntary efforts failed, the mandatory integration phase began, a sentiment the *Los Angeles Times* called "his first significant expression of opinion about the plan's contents."<sup>425</sup> "In all honesty, what I see in this plan is an immediate solution, with some vague plans to continue in the future," Judge Egly declared on the fourth day of hearings on the LACBE plan.<sup>426</sup> The ACLU's Medvene concurred with Judge Egly and faulted LACBE for having "hastily conceived and poorly thought out" the SLC concept central to the board's *mandatory* strategies.<sup>427</sup> Medvene asserted, "Overnight, without models, they came up with a plan and, without any real work, presented it to the court."<sup>428</sup> He concluded that the SLC was "something they came up with out of desperation" because the board feared "public resistance to a more extensive desegregation plan, involving cross-city busing."<sup>429</sup>

LACBE's decision to designate the SLC concept as the centerpiece of the LACBE's mandatory desegregation strategy if voluntary strategies failed remained one of the most obscure decisions by LACBE. On cross examination, Handler testified that "there had been little staff or board discussion about learning centers before the week of Jan. 10, when the CACSI proposals became known."<sup>430</sup> According to Handler, LACBE desperately tried to develop a plan after CACSI submitted its integration plan after the June 1976 California Supreme Court ruling. He

testified that the SLC idea had originated from a “cultural exchange centers” idea from the 1960s, which was not implemented due to a lack of federal funds. In an unusual twist, Handler also testified “the board was assured in a [January 13] close-door session that a part-time desegregation plan would meet the California Supreme Court mandate facing the board.”<sup>431</sup> It was typically difficult to obtain information from closed-door meetings. Although the *Los Angeles Times* did not indicate who assured the board part-time integration met the California Supreme Court mandate, it did report that on January 13 Associate Superintendent Jerry F. Halverson explained the SLCs concept to the board and “a majority agreed to support it.”<sup>432</sup>

Unmoved, Egly acknowledged the testimony was “interesting” but questioned whether it was pertinent.<sup>433</sup> The short amount of time LACBE spent on the plan concerned him, but he expressed that his “personal concern may not be of any legal significance.”<sup>434</sup> Board attorney Shea admitted the “whole plan” was not finalized, to which Egly replied, “I haven’t made up my mind as to the sufficiency of the plan. All I know is it doesn’t go beyond February 1978.”<sup>435</sup> The issue of whether LACBE was recalcitrant came up again, and Egly said he was “wavering back and forth” on the board’s intent.<sup>436</sup> Nonetheless, a confident Medvene remarked, “We think we can beat ‘em straight up, without getting to that [issue of recalcitrance]. We can prove that special learning center is an inadequate concept because it’s part time and you miss one-half or three-quarters of the kids.”<sup>437</sup> He added, “[W]e can also show you they’re still what they were [in 1963],” a recalcitrant school board reluctant to effect meaningful desegregation.<sup>438</sup>

The idea of mandatory busing was gaining a lot of attention, which disturbed Judge Egly and forced him to try “to steer both parties in the ... case away from a debate about busing.”<sup>439</sup> He declared, “The court is going to editorialize at this point. Busing is a tool of desegregation and integration. It is not necessarily the only tool.”<sup>440</sup> Egly further explained, “There is no question that bodies have to be moved, whether they are moved by helicopters or buses. And I am getting awfully tired of the term busing as being the categorization of this lawsuit because it is not the categorization of this lawsuit.”<sup>441</sup> Judge Egly pointed to the California Supreme Court ruling the previous year, which indicated that busing represented a possible desegregative tool, but not the only tool. He also noted that both the LACBE and CACSI plans utilized busing as one of the several desegregative tools.<sup>442</sup> Egly asserted, “This is not a busing trial.”<sup>443</sup> The hearing would help determine whether the board’s plan met the California Supreme Court’s mandate to desegregate the district.<sup>444</sup>

LACBE's integration plan would allow many schools to remain segregated and the ACLU emphasized this crucial shortcoming. Medvene presented testimony showing that the board's plan would only involve 6,000 of the approximate 71,000 students in the district's twenty-seven segregated senior high schools, largely due to the board's planned thirty-five-minute one-way travel limit.<sup>445</sup> The travel limit would leave many of the district's segregated high schools untouched. Medvene also indicated that plan contained an obvious loophole because although it required "at least one year of integrated learning experience in secondary school (grades 7 to 12)," it permitted "many students presently in junior high school to defer this experience until senior high school, at which point there are no mandatory programs at all."<sup>446</sup> In other words, Medvene pointed out that current students attending junior high school could completely avoid participating in the mandatory phase of the plan.

### *Judge Egly Stuns Everyone*

In mid April, Judge Egly surprised everyone by stopping deliberations because he deemed that LACBE's limited part-time desegregation plan failed to meet United States Constitutional requirements.<sup>447</sup> Egly pointed to a long history of federal cases and asserted that federal district court and appeals court decisions throughout the country ruled that "part-time programs do not fulfill the requirements of the 14<sup>th</sup> Amendment's equal protection clause."<sup>448</sup> He quipped, "I don't think California has a right to set standards lower than the 14<sup>th</sup>."<sup>449</sup> By this, Judge Egly meant that California could not adopt lower school desegregation standards that those permitted by the United States Constitution.<sup>450</sup>

The *Los Angeles Sentinel* reported, "Egly's move to halt discussion of the plan, saying it appears to be unconstitutional, caught lawyers for the school board and petitioners by surprise, and much to the dismay of the board members."<sup>451</sup> Attorney Hart-Nibbrig declared that Judge Egly had "recognized that the board's plan has not satisfied the constitution's 14th Amendment and that it doesn't desegregate at the most, but only provides part-time integrated learning experiences."<sup>452</sup> Hart-Nibbrig opined, "Many are taking the wording from the California Supreme Court order for 'reasonably feasible' integration to mean that all the school board has to do was to submit a bare minimum of desegregation."<sup>453</sup>

After LACBE attorney Shea argued that the California Supreme Court instructions and not the 14<sup>th</sup> Amendment should guide Judge Egly, Egly replied that the LACBE desegregation plan had to meet the "underpinning of the 14<sup>th</sup> Amendment" *as well as* the state Supreme Court

ruling.<sup>454</sup> Feeling “even a little embarrassed to bring it up,” Egly asserted forcefully, “I don’t think California has a right to set standards lower than the 14<sup>th</sup> Amendment as interpreted by the U.S. Supreme Court.”<sup>455</sup> Subsequently, Egly declared, “This plan does not desegregate one single school.”<sup>456</sup>

Some LACBE members contended that LACBE abided by state law but did not necessarily have to follow federal guidelines. Board President Nava, “astounded” by Judge Egly’s remarks, stated, “Everyone has agreed the Crawford decision is within confines of the state Constitution and federal cases do not apply directly.”<sup>457</sup> Brown Rice said she was perplexed because “there has been this distinction between California law and federal law,” and the board had been “operating under that assumption.”<sup>458</sup>

During a hearing two days later, LACBE attorneys tried to persuade Egly “not to reject” the board’s limited part-time desegregation plan, contending that Egly would be engaging in “serious abuse of judicial discretion” if he rejected the plan on the grounds that it was inadequate.<sup>459</sup> They argued, according to the *Los Angeles Times*, that “the school system, in complying with the state Supreme Court’s order to desegregate, does not need to meet federal desegregation standards – standards which they said are stricter than those laid down in the state court order.”<sup>460</sup> An unimpressed Judge Egly changed his mind and decided to proceed with the hearings.<sup>461</sup> However, the intervenor question remained tied up in the appeals process, so Egly decided to halt proceedings again on April 18.<sup>462</sup>

Before proceeding with the hearing, later in April, Judge Egly ordered LACBE to implement Phase 1 of its integration plan, which would indicate to him whether the board and the district’s parents were committed to desegregation. If not, he hinted, the court would intervene and order a more extensive desegregation plan.<sup>463</sup> “I am interested in their performance without having a club over their head which is explicit and which is an order,” he asserted.<sup>464</sup> In response to Egly’s order, LACBE attorney Halverson said that the district did not have “coercive methods” to force volunteering, and added, “We will not hold a pistol to anybody’s head and tell him he has to send his white youngster to a minority school.”<sup>465</sup>

### *The Intervenor Question Answered*

BUSTOP appealed Judge Egly’s ruling denying them and others intervenor status, and appeared before the Second District Court of Appeal on April 11. Contradicting BUSTOP leaders’ claims of colorblindness, and the group’s claim that its anti-busing stance was not race-

based, attorney Lee Paul presented BUSTOP's appeal of the Egly intervenor ruling by emphasizing the group's white membership, and the white community it sought to represent in *Crawford*. The *Los Angeles Times* reported, "Bustop attorney Lee Paul said that at present no one speaks for 'white parents opposed to (mandatory) busing' in the hearings but that Bustop would, if allowed to intervene in the case."<sup>466</sup> Paul stated before the appeals court, "We speak for *white* parents and *white* students in the *white* community" (emphasis mine).<sup>467</sup> He added that BUSTOP wanted an opportunity to show that LACBE's recent integration plan was not "reasonably feasible" because "it includes some mandatory busing, which the community as a whole will not accept."<sup>468</sup>

At the intervenor hearing before the Appeals Court, LACBE attorney Betty-Jane Kirwan and the ACLU's Okrand argued that BUSTOP had "no constitutional grounds to intervene and that intervention would cause the hearings before Egly to be delayed unduly."<sup>469</sup> Okrand told the panel that the California Supreme Court and the United States Supreme Court had "established clearly that mandatory busing was a constitutionally proper method for achieving desegregation."<sup>470</sup> Therefore, BUSTOP had "no business asking for intervention to debate an issue that was a matter of law."<sup>471</sup> Kirwan argued that LACBE "opposed intervention because of the 'cumulative effect' of allowing all the intervenors into the case."<sup>472</sup> She added, "If one is allowed, all should be."<sup>473</sup> Appeals Court Judge Lynn Compton disagreed, stating, "I don't think the time element is a very persuasive argument."<sup>474</sup>

By April 14, BUSTOP won its appeal of Egly's intervention ruling. The Second District Court of Appeals ordered Judge Egly to grant intervenor status to BUSTOP because the organization's members "do have an interest in the litigation."<sup>475</sup> The *Los Angeles Times* reported that the appeal's court ruled, "This interest of those [white] persons represented by Bustop is not presently represented by the parties to the action."<sup>476</sup>

ACLU and LACBE attorneys appealed the Second District Court of Appeal ruling to the California Supreme Court. However, before the latter court could declare its own ruling, Judge Egly, accepting the Second District courts decision, granted intervenor status to TIP and BEST. TIP sought "desegregation of the entire school district next September" and aimed for complete, "nonphased," integration, while BEST sought "immediate but moderate integration" and opposed extensive mandatory busing and the CACSI plan.<sup>477</sup> The *Los Angeles Times* enumerated the organizations involved in the lawsuit: LACBE, the coalition of organizations representing the

petitioners (the ACLU, NAACP, and L.A. Center for Law and Justice), BUSTOP, TIP, and BEST.<sup>478</sup>

Civil rights attorneys proceeded with their appeal to the California Supreme Court to overturn the Second District Court of Appeal's intervenor ruling, claiming that the appeals court had "abused its discretion."<sup>479</sup> The ACLU's Okrand planned to ask Egly to dismiss BUSTOP from the case "on the grounds that the group is seeking an unconstitutional remedy to the desegregation dispute."<sup>480</sup> He pointed to BUSTOP's wording in its intervention complaint, in which it claimed that "any order of this court approving or implementing a desegregation plan for the ... District (should) prohibit the selection of students for reassignment to schools on the basis of race, color or ethnicity."<sup>481</sup> Okrand and NAACP lawyer Harry M. Reynolds indicated that in a case involving the Santa Barbara schools, the California State Supreme Court in 1975 "declared ... that similar language was unconstitutional."<sup>482</sup> Therefore Reynolds summarized the civil right attorneys' position: "They [BUSTOP] are against any form of mandatory transportation, but given the nature and size of the school district ... it would appear to be impossible to desegregate without mandatory transportation."<sup>483</sup> As the legal maneuvering continued, the California Supreme Court decision on intervention neared.

On April 22, the California Supreme Court refused to bar BUSTOP and others seeking intervenor status in the case, denying, *without comment*, the civil rights groups' and LACBE's request to exclude all parties seeking intervenor status in *Crawford*.<sup>484</sup> After the California Supreme Court's ruling, LACBE attorney Halverson planned to ask Judge Egly to "bar both Bustop and The Integration Project on altogether different grounds—that the remedies they seek for the problem of school segregation are unconstitutional."<sup>485</sup> Halverson referred to the Santa Barbara case and adopted the ACLU's argument in that BUSTOP's case to bar mandatory student reassignment and busing according to a student's race, color or ethnicity required an unconstitutional remedy.<sup>486</sup> Commenting on TIP, Halverson stated, "They just go too far. They are asking for the kind of 'root-and-branch' approach that is rejected in *Crawford* ... and in the federal cases."<sup>487</sup> In response to Halverson, TIP attorney Art Goldberg expressed that Halverson's comments exposed "the racist nature of their (the school board's) whole stand on the issue."<sup>488</sup> Halverson's efforts failed, however, as Judge Egly granted all groups intervenor status, finally putting the intervenor question to rest.<sup>489</sup>

*The Hispanic Question: Minority or Mainstream?*

LACBE and Judge Egly up to his point in the hearings had operated under the assumption that all non-white students belonged under a broad “minority” category for integration. As *Crawford* hearings continued, the issue of which racial and ethnic groups were part of the “minority” increasingly became a point of contention. For example, Judge Egly’s proclivity for detail compelled him to question the district’s annual racial-ethnic survey’s classification of “Hispanic.”<sup>490</sup> He suggested that more school desegregation could be accomplished if the district could “separate Mexican-Americans who have been assimilated into the mainstream of city life from those who still live in racial isolation in the barrio.”<sup>491</sup> Board attorney Shea argued the distinction was “difficult, if not impossible to make.”<sup>492</sup> “[I]f some of the Hispanic students are considered to be in society’s mainstream, as Anglo pupils are presumed to be,” Judge Egly explained, “then the number of students would grow smaller and desegregation of the school district would become simpler.”<sup>493</sup> He reiterated that the California Supreme Court mandated desegregating Los Angeles schools and “identified ‘racial isolation’ as the evil to be corrected.”<sup>494</sup> “If once a minority enters the mainstream ... then it seems to me (they have) passed the point of being classified as a minority,” he added.<sup>495</sup> Judge Egly may very well have been trying to introduce class into the hearings as a proxy to “mainstream” status.

Members of LACBE’s MEAC criticized Egly. A “flabbergasted” Paul Arreola, the commission’s chairman, declared that Mexican Americans represented “only 4% of the lawyers and judges in this state, and 50% of the farm workers. That is not mainstream.”<sup>496</sup> However, board member Nava, a Mexican American himself, took a more moderate view, stating that Judge Egly raised “a very important, fascinating question, which raises as many questions as it might answer.”<sup>497</sup> The Hispanic Question divided the civil rights alliance seeking integration in *Crawford*. In a letter to fellow *Los Angeles Times* staff writer Frank Del Olmo, William Trombley explained that the issue “split” the coalition.<sup>498</sup> The LALJC disagreed with Egly’s idea of assimilated Mexican Americans for integration purposes; some ACLU members saw “some merit in the argument”; and the NAACP had remained silent on the issue.<sup>499</sup>

Judge Egly settled the question on May 25, deciding it would be “impractical to try to identify assimilated Spanish-surname pupils” in the district for the purpose of desegregation.<sup>500</sup> He based his conclusion on the work of University of Riverside sociology professor Jane R. Mercer, “a noted desegregation researcher,” who advised Judge Egly that “only about 9% of the

Spanish-surname population of Los Angeles could be considered part of the cultural mainstream.”<sup>501</sup> On identifying the 9%, she asserted the “value of such an effort would be minimal.”<sup>502</sup> Judge Egly agreed with her assessment.<sup>503</sup>

#### *A Revised PWT and Continued Deliberations*

In early May, LACBE offered revisions to the existing Permit With Transfer (PWT) program to the public. While the existing PWT provided busing for mostly minority students (“one-way” busing) to the Valley and within the Valley, the new version provided voluntary “two-way” busing, granting white Valley students an opportunity to attend minority schools.<sup>504</sup> LACBE selected thirty-one elementary schools and two middle schools in the Valley as feeder schools, and the “receiving” schools were located in Hollywood, Baldwin Hills, and East LA.<sup>505</sup> The *Los Angeles Times* explained that district officials “decided to broaden the program into a ‘two-way’ system as part of the Board of Education’s integration proposal now before the Superior Court.”<sup>506</sup> Isaacs clarified that the revised PTW “was designed to both balance ethnic levels in the city’s schools and to give student at largely-segregated white schools and opportunity to experience minority-dominated, multi-cultural settings.”<sup>507</sup> Isaacs explained, “If enough parents volunteer their children, the program will begin in September,” and concluded, “It will be an integral part of our voluntary integration process.”<sup>508</sup>

Nonetheless, on May 6, Judge Egly again vigorously criticized LACBE’s plan, stating the plan included “a lot of hot air,” failed to meet the constitutional standards set by the California Supreme Court the previous year, and failed to desegregate a substantial number of children or schools.<sup>509</sup> To LABCE, Judge Egly declared, “You’re saying this plan desegregates and I’m saying it doesn’t—that your problem,”<sup>510</sup> Of the special learning center concept, Judge Egly told LACBE attorneys, “In all honesty, it’s going to take some convincing to persuade me that’s the best way to do it.”<sup>511</sup>

LACBE counsel Winchester Cooley claimed the board simply had submitted a program with the “broad, structural outline,” yet agreed with Egly’s assessment.<sup>512</sup> While Judge Egly called the unfinished plan “a product of 13 days of work,”<sup>513</sup> Cooley suggested that something tangible and substantial lay underneath the surface. Cooley promised to amend the plan as the board and the district developed “new ideas and see new ways to make things better.”<sup>514</sup> Judge Egly told Cooley, “What I have in front of me at the present time does not satisfy the requirements of desegregation.”<sup>515</sup> Then Egly asked the board to give him “evidence that it (the

board plan) performs the primary task involved—that it removes the physical barrier of segregation and relieves minority isolation.”<sup>516</sup> Judge Egly also requested plans detailing how the board would spend \$33 million allotted for desegregation in the 1977-78 budget.<sup>517</sup>

However, in an interview soon after the hearing, Associate Superintendent and board counsel Halverson proposed that “the plan will be changed to provide more details about desegregation in the district’s senior high schools and to include plans for further desegregation at levels beyond next year,” and to open more SLCs.<sup>518</sup> Halverson admitted that the district could not do more than that “unless mothers and fathers tell us they are willing to put their kids on longer bus rides.”<sup>519</sup> Halverson anticipated mostly adjustments to the voluntary strategies within the plan. In an effort to appease Judge Egly, LACBE approved busing white parents from San Fernando to inner-city schools, what the district called “orientation visits,” an idea proposed by LACBE member Watson.<sup>520</sup>

On May 11, Judge Egly insisted that he would not write a desegregation plan for the district, or say whether he would accept or reject LACBE’s recent plan with amendments. Instead, he would decide what was “good” or “bad” about the plan.”<sup>521</sup> He explained, “I really think the board has a right to look to me. And I think I have a right to tell the board I have listened to this ... I think they are entitled to at least a critical comment.”<sup>522</sup> Egly conveyed his concerns that LACBE members might lack an understanding of what was transpiring in the hearings, and remarked that “they [LACBE members] ought to have some idea of at least what this court cases says about their plan.”<sup>523</sup> The following week, Egly did not to permit LACBE to make substantial changes to the plan because if he did, he argued, “I see no end to the case.”<sup>524</sup>

#### *The Bilingual/Bicultural Debate within Crawford*

In 1968, Chicano students from East L.A. called for bilingual and bicultural education, with LACBE, in response, passing several motions promising to implement bilingual and bicultural programs. After the student demonstrations, many white Angelenos erroneously fused the “busing for integration” issue with demands for bilingual and bicultural programs, unaware that the school integration and bilingual/bicultural education issue were two potentially competing issues. In actuality, the issue of bilingual and bicultural education divided the integrationist camp at the time. Some integrationists viewed integration as paramount to improving education not only for minority students but all students, and perceived bilingual and

bicultural programs as less important by comparison. The other camp posited that desegregation and bilingual and bicultural education programs were both important and not incompatible.

In 1977, these circumstances had changed, with integrationists increasing open to including bilingual and bicultural education as part of the broader integration debate in *Crawford*. At least one representative from the integration group The Integration Project openly advocated for bilingual education and the Mexican American attorneys who joined the ACLU as co-counsels also backed bilingual education. Bilingual education had become part and parcel of *Crawford*.

Therefore, Egly found it imperative to figure out how to integrate the school district while at the same time meeting and not interfering with state and federal educational mandates, and sought the assistance of experts. In May 1977, Bob Rangel, the LAUSD's director of bilingual programs since 1971, testified that integration, particularly "full-time reassignment of elementary school pupils might be harmful because the district could lose state funds for those programs and also because it would spread even thinner the district's limited supply of qualified bilingual teachers."<sup>525</sup> Judge Egly admitted he asked for Rangel's testimony because he wanted to know how the district would "accommodate the requirements of Crawford ... with the requirements of state mandates regarding Spanish-speaking students."<sup>526</sup> Rangel said that "at least 100,000 of the 596,000 pupils in the Los Angeles school district speak little or no English and that at least 75% of those are Spanish speaking."<sup>527</sup> The "bilingual question" was hardly a state matter based solely on the Bilingual Education Act of 1972, as known as the Chacon Act.<sup>528</sup> Civil rights legislation, such as the Bilingual Education Act of 1968, also known as Title VII of the Elementary and Secondary Education Act (ESEA), and the U.S. Supreme Court decision *Lau v. Nichols*, in which the court equated bilingual education to non-discriminatory equal educational opportunity for non-English speaking (NES) and limited English speaking (LES) students, also called for bilingual education. Consequently, the federal government funded local bilingual education programs and the logistics of these programs had to meet federal guidelines.

#### *United States Commission on Civil Rights Criticizes LACBE's Integration Efforts*

LACBE had authorized several independent advisory commissions to develop recommendations about school integration, only to reject or ignore their proposals and claims. However, in May 1977, an independent, visible, and powerful federal commission analyzed LACBE's integration efforts and found them inadequate. The United States Commission on

Civil Rights (USCCR) produced a scathing criticism of LACBE's desegregation efforts for failing to meet constitutional standards.<sup>529</sup> The commission asserted, "A shifting majority of the members have violated their oaths of office by refusing for more than 13 years to take any affirmative steps to alleviate the segregation and racial isolation of students in the Los Angeles Unified School District."<sup>530</sup> It also reported that LACBE's recent desegregation plan was not a plan for "total and immediate school desegregation" and was therefore "constitutionally deficient," neither eliminating nor beginning "to eliminate segregated schools or the harm which has resulted from the segregated school system."<sup>531</sup> The commission accused LACBE and Superintendent Johnston of engaging in a "dilatory strategy" that "raised serious doubts about (their) commitment to enforce desegregation law."<sup>532</sup>

In contrast, the USCCR expressed approval of the CACSI plan, which it described as "well considered and sophisticated" and as appearing "to meet minimal constitutional standards."<sup>533</sup> The commission also noted that the CACSI plan would meet the desegregation standards of the Department of Health, Education and Welfare (HEW) and deserved Egly's consideration. Whereas the LACBE plan relied on "phasing in" part-time mandatory desegregation at SLCs, the CACSI plan would desegregate all elementary students on a full-time basis.<sup>534</sup>

The commission also accused the federal government, specifically HEW, for failing to enforce civil rights laws. The USCCR explained, "Los Angeles is one of the few school districts studied by this Commission in which HEW not only found ESAA noncompliance [*sic*], but also found noncompliance with Title VI [of the Civil Rights Act] nondiscrimination requirements and threatened initiation of Title VI fund cutoff procedures."<sup>535</sup> The USCCR conclusively recommended that HEW should halt federal funding to the Los Angeles school district because it failed to comply with federal laws. It explained, "In school districts such as Los Angeles, where there is a long history of minimal compliance or noncompliance with constitutional and other legal desegregation requirements, HEW should apply firm pressure in support of school desegregation through its control of Federal funds."<sup>536</sup>

In response to the USCCR's contention that LACBE and the superintendent failed to desegregate the LAUSD, a defiant LACBE President Nava called the civil rights commission's report a "disservice" and "not worthy of a college senior term paper," claims with which LACBE member Phillip Bardos largely concurred.<sup>537</sup> Nava said the report lacked thoroughness, included

“selective use of data,” omitted “vital and available data,” and contained an “argumentative tone.”<sup>538</sup> The USCCR included its response to Nava’s accusations in its report. It affirmed:

The comments of school board president Dr. Julian Nava and school board member Phillip G. Bardos indicated their objection to the absence in this report of any recognition, however limited, of positive attempts by the board to desegregate the district’s schools. No such attempts, other than policy statements included in the report, have been brought to the attention of the Commission staff during the investigation or hearing, and no examples of such attempts are cited by either Dr. Nava or Mr. Bardos.<sup>539</sup>

At a court hearing, LACBE attorney Shea questioned the report’s timing and contents, implying the report “prejudiced the desegregation proceedings.”<sup>540</sup> “[I]f this were a jury trial I’d be asking for a mistrial right now because of the report—its timing and contents,” he asserted.<sup>541</sup> Judge Egly acknowledged Shea’s concerns, and admitted, “It seems to me the release of this report at this time is somewhat unfortunate. It seems to interfere with the orderly processes of this court.”<sup>542</sup> Egly told petitioners’ and board attorneys that he would not make up his mind “on the basis of that (report),” and promised not to read it unless he had permission from both sides.<sup>543</sup> Although the USCCR’s report did not influence *Crawford* hearings or their outcome, it was important because it represented yet another example of LACBE dismissing or ignoring an independent commission’s criticisms and recommendations calling on LACBE to accelerate and improve its integration efforts. However, LACBE could not claim innocence about the timing of releasing potentially prejudicial reports to the public, as LACBE would soon present a controversial public survey on integration to Judge Egly.

### *LACBE’s Survey on School Integration*

In the midst of the lawsuit and board runoff elections, LACBE conducted a survey to find out the public’s views on school desegregation.<sup>544</sup> Civil rights attorneys opposed the survey because “it might inflame public opinion” against mandatory integration and busing.<sup>545</sup> The ACLU’s Medvene asked Judge Egly to halt the survey because “it will give people in the community the thought that they can influence the decision of this court and that they have the right to influence whether or not there’s going to be integration or segregation in the schools district.”<sup>546</sup> Foreseeing findings of opposition to mandatory desegregation plans in the survey, Okrand expressed, “One of the things we’ve learned (in past civil rights cases) is that the Bill of Rights isn’t up for a popular vote. It will lose every time.”<sup>547</sup> In contrast, LACBE attorneys

argued that the survey's purpose was "to determine what kinds of 'magnet schools' or other voluntary programs pupils and parents" in the district might choose if given the opportunity.<sup>548</sup> District officials and researchers conducting the survey also maintained the findings would offer insights into issues of white flight and whether the plan was "reasonable and feasible."<sup>549</sup>

In May, Judge Egly rejected a LACBE request to submit public survey results on integration, however in late June LACBE ignored Egly's instructions and resubmitted the survey results. Egly expressed his interest in the merits of the plan and not on public opinion that influenced the board of education members, and he promptly rejected the resubmitted survey results because they violated the "rules of evidence."<sup>550</sup> "The vast majority of the information ... has to do with inadmissible questions. That is, whether or not desegregation should be accepted, whether or not desegregation is a live issue, whether or not there should be mandatory assignment," Judge Egly explained.<sup>551</sup> Although Judge Egly rejected the survey, the survey was important because it partly accounted for the political reasons of why LACBE and the district fought against integration and busing efforts in *Crawford*.

The survey lost whatever evidentiary value it had when the district released the findings to the public and when LACBE attorney Halverson made a statement to the press pointing out that "the people" did not want "what the Supreme Court has indicated."<sup>552</sup> Judge Egly reprimanded Halverson indirectly, stating, "To release that in my very presence while I am here listening to the argument and seeing that it is being released and being used by the press, to me is reprehensible if done by an attorney."<sup>553</sup> An upset Egly condemned Halverson, explaining, "If done by the board that is their business, but if it is done in this courtroom and by an officer of the court, then I am gravely concerned."<sup>554</sup>

Despite Halverson's behavior, the survey provided important insights into "the public's" views on desegregation and related matters, and into the complex and fragmented views of Angelenos. The *Los Angeles Times* published the results of LACBE's public opinion survey in early June 1977. The survey demonstrated patterns of support or opposition to integration and busing based on the respondent's racial background. The main question of the survey was: "In general, how do you feel about desegregation in the public schools."<sup>555</sup> The *Los Angeles Times* reported, "Of the non-Latin[o] white parents interviewed, 43% said they favored desegregation and 6% said they favored it strongly but 22% said they were opposed and 23% were strongly opposed, while 6% were not sure."<sup>556</sup> In other words, almost half of white parents opposed

school desegregation, with 45% opposing school desegregation and 49% claiming to support it. The survey also illustrated “only slightly more enthusiasm” for the voluntary plan than the mandatory plan, and suggested that “white flight” could follow a mandatory desegregation plan.<sup>557</sup>

In stark contrast to white respondents’ opinions, Black and Mexican American respondents showed “much higher” rates of support for school desegregation, the *Los Angeles Times* reported.<sup>558</sup> An overwhelming 73% of Blacks interviewed either favored or strongly favored desegregation, while only 22% opposed or strongly opposed it.<sup>559</sup> Among Mexican Americans, 53% of those interviewed favored or strongly favored desegregation, with 38.7% opposed or strongly opposed, with 11% responding they were unsure.<sup>560</sup> Forty five percent of Blacks, 38% of whites, and 28% of Mexican Americans expected “compulsory busing to achieve integration within two years.”<sup>561</sup> However, 19% of Blacks, 29% of whites, and 30% of Mexican Americans “doubted such a [mandatory] busing plan ever would be implemented” in the first place.<sup>562</sup>

On the questions relating to a court requiring a citywide desegregation plan for a full school year, 80% of whites said they “would not go along with it, even if the bus ride was only 45 minutes and the school was located in a mostly white neighborhood.”<sup>563</sup> In addition, 34% of the 80% of whites said they “definitely would move or transfer their children to private schools and another 16% said they would probably do so.”<sup>564</sup> In a related question about mandatory reassignments lasting only nine to ten weeks a year for three consecutive years, as LACBE proposed in its plan, 65% of whites said they would “not cooperate.”<sup>565</sup> In short, white respondents opposed both LACBE’s limited part-time desegregation plan almost as much as a more comprehensive full-time mandatory plan.<sup>566</sup>

Respondents also answered questions about SLCs, a key desegregation strategy in the LACBE plan. Fifty eight percent of whites, 39% of Blacks, and 24% of Mexican Americans stated they had heard of the SLCs.<sup>567</sup> After given a description of the SLCs, 67% of Blacks, 62% of Mexican Americans, and 55% of whites said “they favored the centers if they were voluntary and were located within 30 minutes of their children’s home schools.”<sup>568</sup> However, support for such a voluntary program did not translate into parents’ willingness to have their own children participate in the SLCs. If the SLCs were mandatory, as they were in the LACBE plan if the voluntary-first approach failed to desegregate schools, 78% of blacks and 61% of Mexican

Americans favored them within a thirty-minute travel limit, while 16% of Blacks and 31% of Mexican American opposed them, according to the survey.<sup>569</sup> Blacks were more likely to support a *mandatory* SLC program than a *voluntary* SLC program, with 78% backing the former and 62% the latter.<sup>570</sup> Mexican Americans views remained relatively constant, with 62% backing a voluntary SLCs program to 61% backing a mandatory SLC program. However, 55% of whites backed a voluntary program, but only 36% of whites backed a mandatory SLC program.<sup>571</sup>

The survey results illustrated the deep racial divide between and within minority groups (Blacks and Mexican Americans) with varying degrees, and also between minority groups and whites about school desegregation in general, and desegregation strategies specifically. The survey, in a roundabout way, also demonstrated that LACBE and the district largely ignored African Americans and Mexican Americans who favored desegregation in high proportions (73% and 53% respectively), and backed integration whether LACBE instituted mandatory or voluntary methods. Alternatively, the board and district appeared to favor the wishes of the 80% of white respondents who opposed to full-time, district-wide mandatory desegregation methods, and the 43% of the white respondents who opposed the very idea of desegregation.

#### *LACBE Requests a Mistrial Twice*

After LACBE finished presenting its case during eleven weeks of hearings, Judge Egly met further challenges, as LACBE attorneys filed two separate mistrial motions. On June 8, LACBE attorneys accused Judge Egly of “bias and prejudice” and said they would seek a mistrial.<sup>572</sup> LACBE attorney Shea said the “principal reason” for filing a mistrial motion was alleged conversations between Judge Egly and UC Riverside sociology professor and desegregation expert Dr. Jane Mercer, in which she expressed that her views on desegregation differed from those of two board expert witnesses.<sup>573</sup> Shea stated that a judge was not supposed to seek expert advice on his own that would challenge the expert testimony of others in court.<sup>574</sup> A disappointed Judge Egly remarked, “I have never been accused of misconduct before and I am surprised that it comes in this case.”<sup>575</sup> Clearly aware of the severity of the accusation, Judge Egly confronted Shea and asked him why he did not ask him about the conversations with Dr. Mercer. “All you have to do is ask me,” a patient Judge Egly told Shea.<sup>576</sup> Shea responded, “That is not the ordinary procedure, your honor.”<sup>577</sup> “Well, the ordinary procedure is not to make accusations without asking,” replied Judge Egly.<sup>578</sup> “Even a judge has a right to be asked before he is accused as to something as serious as this; even I have that right,” Judge Egly asserted.<sup>579</sup>

Shea, “evidently satisfied that no such conversations took place,” withdrew his motion for a mistrial,” but ten minutes after a brief recess, “announced his intention to file a new mistrial motion, apparently based on the additional accusations in the original motion.”<sup>580</sup>

In the second mistrial motion, LACBE attorneys planned to argue: that the Superior Court “displayed its prejudgment of the case” when Egly suggested early in the hearings that the part-time nature of the LACBE plan might not comply with the equal protection requirements of the 14<sup>th</sup> Amendment to the Constitution; that “the court’s attitude toward board counsel became most biased” after Dr. Mercer was served with a subpoena; that Judge Egly had harassed LACBE attorney Winchester Cooley; that Egly had refused to allow Board President Nava to testify about public desegregation hearings; and that Egly refused to admit the district’s desegregation public opinion survey as evidence.<sup>581</sup> Judge Egly stated he would rule on the mistrial motion if and when LACBE attorneys filed it.<sup>582</sup> Judge Egly added, “This has never happened before on such flimsy evidence. It has never happened to me.”<sup>583</sup>

The ACLU’s Medvene called the second mistrial motion against Judge Egly “scurrilous” and that it amounted to “a publicity campaign against the court.”<sup>584</sup> “Instead of coming up with a desegregation plan, they are attacking the judge,” he asserted.<sup>585</sup> “This is further evidence of a recalcitrant board. Only a recalcitrant board would stoop to this.” Medvene concluded.<sup>586</sup> Shea stated the mistrial motion was “no plan to smear the judge” and offered to discuss the motion in closed chambers.<sup>587</sup> Judge Egly, however, wanted the mistrial request out in public “so the whole courtroom could hear it.”<sup>588</sup> “I frankly think the motion is an attempt to upset whatever equilibrium I have and to cause me to have bias and prejudice,” Egly asserted.<sup>589</sup> On June 13, Judge Egly denied LACBE’s mistrial request, a decision the board could not appeal.<sup>590</sup> Had Egly granted the board’s request, he would have been replaced and a new judge would have had to hear the case all over again. Egly remained on the desegregation case.

#### *L.A.’s Mayoral Election and LACBE Runoff Elections of 1977*

The desegregation debate occurring in the legal arena increasingly permeated the political arena. In the mayoral race, Mayor Tom Bradley was up for reelection and his main rival was state Senator Alan Robbins (D – Van Nuys), a fervent opponent of mandatory busing.<sup>591</sup> LACBE’s Howard Miller endorsed Bradley for reelection.<sup>592</sup> After winning the mayoral election, Bradley’s official position on desegregation changed from a moderate view during his campaign, to a clearly supportive stance for mandatory busing and pro-busing LACBE candidates after

winning the mayoral election. The *Los Angeles Times* reported that during his reelection campaign Bradley took “a middle position on busing, saying he was against ‘massive crosstown busing’ but not ruling out the possibility that some mandatory busing would be required to achieve court-ordered desegregation.”<sup>593</sup> After his reelection, Mayor Bradley unambiguously showed support for mandatory busing candidates in the LACBE elections. The recently reelected Bradley backed Docter, Miller, and Walters in the May 31 runoffs, and said he would vote for Docter rather than Fiedler “because of Docter’s ‘knowledge in education matters, wisdom and courage.’”<sup>594</sup>

Competing for three LACBE seats in runoff elections, “pro-busers” generally faced “antibusers.” Robert Docter faced BUSTOP’s Fiedler. In a heated taped television debate Docter and Fiedler, Docter proclaimed that Fiedler “could not be trusted to carry out a court-ordered desegregation plan requiring mandatory busing.”<sup>595</sup> Fiedler explained that “she would appeal such an order as far as possible but ultimately would ‘stay within the law’ and carry out the final decision in the city school desegregation case.”<sup>596</sup> In another race, Miller, a proponent of limited mandatory busing and backer of LACBE’s recent integration plan, faced Daniel Danko, a veteran police officer willing to “go to jail” instead of allowing his children to be bused.<sup>597</sup> Miller criticized Danko’s stance, stating, “As a lawyer, teacher, a parent and a school board member, I find that position morally, ethically and legally intolerable. It flies in the face of every principle of American democracy.”<sup>598</sup> In the third race, LACBE incumbent and anti-buser Ferraro faced Rita Walters, a proponent of mandatory busing, a resident of Hancock Park, a part-time education teacher, and backer of a “more ambitious” desegregation plan.<sup>599</sup>

Two powerful unions that usually endorsed the same LACBE candidates showed clear signs of political fragmentation. The United Teachers of Los Angeles (UTLA), and the Los Angeles County Federation of Labor, AFL-CIO, usually voted as a bloc, but in this election the powerful unions split in the race between pro-buser Robert Docter and anti-buser Bobbi Fiedler.<sup>600</sup> The UTLA decided to remain “neutral” in the Docter- Fiedler race, while the L.A. County Federation of Labor, AFL-CIO endorsed Docter.<sup>601</sup> UTLA representatives at local schools had polled UTLA members, and 52% of the UTLA school units recommended “no endorsement,” 33% supported Docter, and 14% backed Fiedler.<sup>602</sup> The UTLA ultimately did not endorse Docter because he had backed teacher integration through the lottery.

On May 31, in the LACBE runoff elections, anti-busers won two out of three runoff elections. BUSTOP's Fiedler and conservative incumbent Ferraro defeated pro-busers Docter and Walters respectively. Commenting on the election results, representing a proxy for the city's stance on mandatory busing, the *Los Angeles Times* reported that "two arch foes of mandatory busing as a means of desegregating the Los Angeles city schools" defeated two candidates who "campaign[ed] hard to win community support for busing to achieve court-ordered desegregation."<sup>603</sup> However, incumbent Miller, "who championed the board-adopted desegregation plan submitted to Superior [Court] Judge Paul Egly," defeated staunch anti-buser Danko in a landslide.<sup>604</sup>

The runoff elections failed to transform LACBE into a solid anti-busing school board, but the runoffs had replaced "pro-buser" Docter with staunch "antibuser" Fiedler. The progress LACBE made in integration planning, the trajectory of the case, and the integration plan itself could change as a result of the new LACBE makeup. Fiedler was "just very, very thrilled" and attributed her victory to "people power."<sup>605</sup> She would join LACBE on July 1 and hoped that the election would influence Judge Egly. "I hope he [Egly] is very cognizant of what the meaning of this election is," she stated,<sup>606</sup> having defeated Docter 56% to 44%.<sup>607</sup> Notably, Fiedler received only 30% of the vote from parts of the predominantly African American South-Central L.A. area,<sup>608</sup> suggesting that African Americans from South-Central L.A. overwhelmingly opposed Fiedler's anti-busing stance and supported "pro-buser" Robert Docter.<sup>609</sup> Most of Fiedler's votes came from the San Fernando Valley and other parts of Los Angeles.

#### *Egly Orders LACBE to Implement Voluntary-First Phase*

On April 26, *Crawford* reached a mild milestone, as Judge Egly formally advised LACBE to implement the voluntary-first initial phase of its desegregation plan.<sup>610</sup> Explaining the rationale for his instructions, Egly acknowledged, "At least for September we ought to have something going."<sup>611</sup> He remained weary about the plan's limitations but asked the board to intensify its efforts. Contending that Phase 1 was "minimal," he elaborated, "I am suggesting somewhat strongly that they [the Board and the school district] take a look at the number of schools [involved in Phase 1]."<sup>612</sup> Phase 1 included potentially doubling the number of students in the Permits With Transportation (PWT) program, mandatorily reassigning 2,500 *minority* students from overcrowded schools to predominantly white schools, and initiating a little-known Integrated Curriculum Program, which was a series of 10 "interracial field trips" for first,

second, and third graders.<sup>613</sup> Outside the courtroom, LACBE counsel Halverson viewed Judge Egly's maneuver positively, saying that Judge Egly's directive suggested that he did not believe enough students were presently involved in desegregation, and that, in turn, Phase 1 might "persuade more schools to take part in the voluntary" phase in order to avoid the mandatory phase of the plan.<sup>614</sup>

ACLU attorney Medvene objected implementing Phase 1 because it could "lure enough minority youngsters to predominantly Anglo schools to make those schools integrated by the board's definition."<sup>615</sup> In turn, this condition would reduce the pool of white schools in an expanded future desegregation plan, and give white students little incentive to volunteer.<sup>616</sup> In other words, if enough minority students volunteered to be bused to predominantly white schools, then white students at those schools did not have an incentive to volunteer. Minority student volunteers could potentially integrate white schools according to LACBE's definition, thus exempting its students. Aware of these possibilities, Judge Egly stated, "I can't make an order now. I'm way down the line before I can make an order."<sup>617</sup> For now, Judge Egly wanted the board to be proactive and develop strategies to desegregate.<sup>618</sup> In mid June, the ACLU, the NAACP, and the Los Angeles Center for Law and Justice asked Judge Egly not only to find LACBE's plan unconstitutional but to "write his own plan with the help of desegregation experts" instead of returning the plan to LACBE for revisions or rewriting the plan.<sup>619</sup> The ACLU's Okrand wrote that if "Egley decides to return the plan to the board for improvement he should still appoint experts to work with the board and also should issue specific guidelines."<sup>620</sup>

On June 16, Judge Egly appealed to LACBE to "cooperate with him in devising a school desegregation plan that will meet state constitutional requirements."<sup>621</sup> "I don't want to get into a confrontation with board unless it's absolutely necessary," he asserted.<sup>622</sup> In a situation like that, he expressed, "all objectivity is lost" and everyone suffers.<sup>623</sup> Judge Egly told all involved that he was aware of the "political process" in desegregation cases, in which "in almost every case that I'm aware of, the board comes up with a minimal plan."<sup>624</sup> He indicated that the courts had rejected these plans in many, if not most, cases because they did not "meet the constitutional goal of eliminating segregated schools."<sup>625</sup>

The important question then became whether LACBE would revise its plan to correct the constitutional flaws or delay desegregation efforts, forcing Judge Egly to write a plan.<sup>626</sup> Attorney Raymond Fisher, representing LACBE's Watson, hoped Egly would deem the present

plan unconstitutional because, if not, “the board may come back with another unconstitutional plan.”<sup>627</sup> TIP’s Goldberg concurred with civil rights attorneys and wanted Egly to “forget about the board and write his own plan.”<sup>628</sup>

By July 1, LACBE, “in the spirit of cooperation,” had “offered to reconsider its limited, part-time school desegregation plan but asked Judge Egly *not to rule on the plan’s constitutionality*” (emphasis mine).<sup>629</sup> Judge Egly, however, indicated he would return the plan to LACBE for revision as well as decide whether or not the first version met the California Supreme Court’s mandate.<sup>630</sup> Egly quipped, “I have some function in this life—it may be very little—but that is part of my function, to at least give in legal and lawyer-like terms what I feel is the defect of this plan.”<sup>631</sup>

Before and after *Crawford* hearings began, Angelenos and the legal camps in the case sought to secure a claim of what they deemed were equitable and feasible integration strategies. Civil rights attorneys challenged the validity of LACBE’s limited, part-time desegregation plan, part-time, and LACBE re-asserted its claim that the plan was reasonable and feasible. African American and Mexican American attorneys joined the ACLU as co-counsels. Although integration was the ultimate goal of the lawsuit, their presence ensured that compensatory education and bilingual/bicultural programs would become part of the debate over how to integrate the Los Angeles school district. California courts settled the intervenor issue, allowing several parties to join *Crawford* further complicating an already intricate case. Seven years after Superior Court Judge Alfred Gitelson ordered the district to integrate, Judge Egly ordered LACBE to begin Phase 1 of its integration plan, thus ensuring that the district would initiate some desegregation efforts.

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<sup>1</sup> LACBE, Minutes, 623, 3 March 1977, fol. Race Question Genl. 3-3-77 to 3-3-77, Box 977, Race Question Collection, Los Angeles Unified School District, Los Angeles, California (from now on RQC-LAUSD).

<sup>2</sup> LACBE, *Initial Response to Preliminary Report of Citizens’ Advisory Committee on Student Integration*, 17 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD, 8. See also *Los Angeles Times*, 18 January 1977; *Los Angeles Sentinel*, 10 February 1977; and *Spotlight*, 28 January 1977. Using LACBE guidelines and the latest racial and ethnic district student census, John Caughey found 279 minority, segregated schools (twenty-six of them 100% minority) and 294 majority, segregated schools, for a total of 573 segregated schools. See John Caughey, *Inventory of the Segregated and Nonsegregated School of Los Angeles*, 7 June 1977, fol. 4, Box 1, John and LaRee Caughey Papers on the ACLU and School Integration, 1962-1980, Urban Archives Center, Oviatt Library, California State University, Northridge (from now on JLC-UAC/CSUN).

<sup>3</sup> *Los Angeles Times*, 18 January 1977. See also *Los Angeles Sentinel*, 10 February 1977.

<sup>4</sup> *Los Angeles Sentinel*, 10 February 1977.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

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- <sup>7</sup> LACBE, *Initial Response to Preliminary Report of Citizens' Advisory Committee on Student Integration*, 17 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD, 1.
- <sup>8</sup> *Ibid.*, 2.
- <sup>9</sup> LACBE, Minutes, 517, 27 January 1977, fol. Race Question Genl. 1-31-77 to 2-3-77, Box 975, RQC-LAUSD.
- <sup>10</sup> LACBE, *Initial Response to Preliminary Report of Citizens' Advisory Committee on Student Integration*, 17 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD, 2.
- <sup>11</sup> *Ibid.*, 3.
- <sup>12</sup> *Ibid.*, 3, 8.
- <sup>13</sup> *Ibid.*, 3. The new LACBE list of integration techniques called for: 1) SLCs; 2) paired schools, 3) magnet schools; 4) open enrollment; 5) attendance boundary changes; 6) reorganization of feeder patterns; 7) expansion of school facilities; 8) school closings; 9) satellite zoning; and 10) grade reorganization. The Los Angeles Unified School District's newsletter *Spotlight* reported a noticeably different list of integration strategies, including: 1) SLCs; 2) Expanding the PWT; 3) PIE; 4) CISs (Currently Integrated Schools); 5) Community Network; 6) Staff Development; 7) Student Inservice; 8) Communications; 9) Geographic Techniques; and 10) Schools of Choice. See *Spotlight*, 28 January 1977. *Spotlight* included useful information about grouping strategies for integration. School pairing, or pairing, involved two schools in which students in the same grades from two school attendance areas were assigned "to one of the schools." In clusters, the enrollments of three or more schools were "pooled into one attendance area to provide greater variety of racial/ethnic mix." In satellite attendance areas, a part of an enrollment area was assigned permanently, for specific grade levels, to a school that "was not adjacent" but was "within a reasonable distance from the existing neighborhood school."
- <sup>14</sup> *Ibid.*, 5. By amending "if" to the recommendation suggested LACBE remained reticent about any busing and remained wedded to alternate integration strategies.
- <sup>15</sup> *Ibid.*, 8.
- <sup>16</sup> *Ibid.*
- <sup>17</sup> Permits with Transportation Office, LACUSD, Permits with Transportation (PWT) Statistical Information, Number of Students Enrolled, 1976-1977, December 1976, American Civil Liberties Union of Southern California Records, ca. 1935- (Collection 900). Department of Special Collections, Charles E. Young Research Library, University of California (from now on ACLU/SC-DSC/UCLA).
- <sup>18</sup> LACBE, *Initial Response to Preliminary Report of Citizens' Advisory Committee on Student Integration*, 17 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD, 8.
- <sup>19</sup> *Ibid.*
- <sup>20</sup> LACBE, Minutes, 488, 17 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD.
- <sup>21</sup> Mitch Jackson, BEC Tri-Chairperson, Statement Before LACBE, 17 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD. The BEC informed LACBE that it would "monitor everything" the board did that affected black children "in any manner" and asked LACBE to establish a "process or procedure" with the BEC to exchange information relative to the integration plan.
- <sup>22</sup> Robert Farrell, L.A. City Councilman, Eighth District, letter to LACBE, 20 January 1977, fol. Race Question Genl. 1-20-77 to 1-27-77, Box 974, RQC-LAUSD.
- <sup>23</sup> *Ibid.*
- <sup>24</sup> *Ibid.* A hopeful Farrell declared, "There is still time to work in earnest for a suitable, comprehensive, realistic and morally proper desegregation plan for the unified school district." However, retiring Los Angeles Councilman Louis R. Mowell of the First District vehemently opposed mandatory busing and placed an anti-mandatory busing motion before the Los Angeles City Council. See Louis R. Mowell, L.A. City Councilman, First District, letter to LACBE, 14 January 1977, fol. Race Question Genl. 1-31-77 to 2-3-77, Box 975, RQC-LAUSD.
- <sup>25</sup> Marnesba Tackett, Statement before LACBE, 3 February 1977, fol. Race Question Genl. 2-3-77 to 2-16-77, Box 976, RQC-LAUSD.
- <sup>26</sup> *Ibid.*
- <sup>27</sup> Jessie Mae Beavers, HRC President, letter to LACBE, 17 January 1977, fol. Race Question Genl. 1-20-77 to 1-27-77, Box 974, RQC-LAUSD.
- <sup>28</sup> CRCSC, letter to LACBE, 13 January 1977, fol. Race Question Genl. 1-31-77 to 2-3-77, Box 975, RQC-LAUSD. The CRCSC agreed with the CACSI plan because: 1) the plan dealt with the most segregated elementary schools first; 2) the CRCSC found the 70/30 acceptable to white parents because any "racial group is not too

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disproportionately small”; 3) the plan included all elementary schools; and 4) the CRCSC concurred with the phase-in timetable, without delay.

<sup>29</sup> H. Rogosin, CRCSC Representative, Statement before LACBE, 17 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD. Rogosin claimed that since the plan did not “realistically address itself to the needs of the plaintiffs, it will likely result in more appeals which will further delay the elimination of harms to minority children for which the Court holds” LACBE responsible.

<sup>30</sup> Dorothy Doyle, The Integration Project Representative, Statement before LACBE, 17 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD. TIP submitted an integration plan to LACBE in January 1977. See TIP, “An Integration Plan for L.A.U.S.D.,” 3 January 1977. Same location.

<sup>31</sup> Ibid.

<sup>32</sup> Ms. Willie Ventres, Representative, The Integration Project, Statement before LACBE, 20 January 1977, fol. Race Question Genl. 1-20-77 to 1-27-77, Box 974, RQC-LAUSD.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid. Ventres argued that LACBE’s Specialized Learning Centers ignored “the reality that the inequities in this District’s educational system can and will remain undisturbed and uncorrected unless students of all racial, ethnic, and socio-economic groups go to school together.”

<sup>36</sup> Ibid. Ventres also informed LACBE that TIP would submit its own integration plan to the court for consideration.

<sup>37</sup> Donel G. McClellan, VIC President, letter to LACBE, 13 January 1977, fol. Race Question Genl. 1-31-77 to 2-3-77, Box 975, RQC-LAUSD. The VIC board of directors expressly backed “the concept that a significant number of student be reassigned during stage II beginning in September 1977” and reaffirmed its support of quality education and the safety of all. Another San Fernando Valley religious group, the Social Concerns Committee of the Woodland Hills Community Church (SCC), mailed a petition with twenty-nine signatures in full support of integration plans to fulfill the requirements of the court order and asking the “superintendent ... and members of the board [to] take a more active, responsible role of leadership and speak out positively and more frequently in support of school integration.” See John L. Benson, Social Concerns Committee of the Woodland Hills Community Church, Letter, 7 March 7, 1977, fol. Race Question Genl. 3-3-77 to 3-31-77, Box 978, RQC-LAUSD.

<sup>38</sup> Board of Rabbis of Southern California, Statement, 5 January 1977, fol. Race Question Genl. 1-20-77 to 1-27-77, Box 974, RQC-LAUSD. More instances of organizations opposing the partial or complete dismissal of the CACSI report were scarce but did exist. The John Burroughs Junior High School Community Advisory Council went on record as “opposed to the preemptory dismissal of the CACSI report.” See Lillian Zerner, Chairperson, John Burroughs Junior High School, School Community Advisory Council, letter to LACBE, 16 February 1977, fol. Race Question Genl. 3-3-77 to 3-3-77, Box 977, RQC-LAUSD.

<sup>39</sup> Ibid.

<sup>40</sup> The American Jewish Committee, Resolution, 9 February 1977, fol. Race Question Genl. 2-17-77 to 2-28-77, Box 976, RQC-LAUSD. The AJCLA was located at 6505 Wilshire Blvd. Ste. 315, Los Angeles, CA.

<sup>41</sup> Ibid.

<sup>42</sup> Sylvia G. Berger, Temple Isaiah member, letter to LACBE, 30 January 1977, fol. Race Question Genl. 2-3-77 to 2-16-77, Box 975, RQC-LAUSD.

<sup>43</sup> Ibid.

<sup>44</sup> Isaiah-Holman Association, Petition to LACBE and Superintendent Johnston, 30 January 1977, fol. Race Question Genl. 2-3-77 to 2-16-77, Box 975, RQC-LAUSD.

<sup>45</sup> Sylvia G. Berger, Temple Isaiah member, letter to LACBE, 30 January 1977, fol. Race Question Genl. 2-3-77 to 2-16-77, Box 975, RQC-LAUSD.

<sup>46</sup> Bobbi Fiedler, Statement before LACBE, 17 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Parents from Pomelo Elementary School in Canoga Park in the Valley sent forty-nine letters petitioning LACBE to implement voluntary integration methods and jettison mandatory busing from its plan. According the Pomelo parents, an overwhelming 94% opposed busing and “indicated that they would withdraw their children from public

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schools.” See LACBE, Reports of Correspondence, 502 and 521, 24 and 27 January 1977, fol. Race Question Genl. 1-20-77 to 1-27-77, Box 974, RQC-LAUSD.

<sup>51</sup> LACBE, Reports of Correspondence, 528 and 542, 31 January and 3 February 1977, fol. Race Question Genl. 1-31-77 to 2-3-77, Box 975, RQC-LAUSD. In these reports of correspondence, LACBE recorded over 600 letters overwhelmingly from the Valley and in opposition to integration or aspects of the CACSI plan. The collective goal of this batch of correspondence centered on undermining comprehensive integration efforts. Correspondence from Angelenos reacting to CACSI and LACBE’s response generally fitted into five general categories with much overlap. Two groups constituted: 1) individuals and groups that backed the LACBE plan completely and 2) individuals and groups that opposed it wholeheartedly. The bulk of correspondence in opposition came from Valley residents who increasingly voiced their opposition in terms of their “Valleyite” identity. The third group constituted individuals and groups who backed narrow aspects of the plan and sought improvements in other aspects before or during implementation. A fourth group opposed narrow aspects of the plan, such as the mandatory reassignment and busing stipulation. Valleyites represented the bulk of this group. A fifth group chose to focus on the voluntary dimensions of the plan, including the voluntary nine-week SLC program, and the exemption from the integration plan for currently integrated schools (CISs). The fifth group opposed mandatory education but focused narrowly on the integration exemption in order to avoid mandatory integration. The community advisory council of Franklin Avenue Elementary School in Los Angeles, located at 1910 N. Commonwealth, fits into the fifth group, as it asked LACBE to adopt the CACSI policy that stipulated that “presently integrated schools should not be altered during the school year starting September 1977.” See LACBE, Report of Correspondence, 521, 27 January 1977, fol. Race Question Genl. 1-20-77 to 1-27-77, Box 974, RQC-LAUSD.

<sup>52</sup> Kenneth L. Adler, letter to LACBE, 13 January 1977, fol. Race Question Genl. 1-20-77 to 1-27-77, Box 974, RQC-LAUSD.

<sup>53</sup> Ibid.

<sup>54</sup> Irving Ornstein, letter to LACBE, 13 January 1977, fol. Race Question Genl. 1-20-77 to 1-27-77, Box 974, RQC-LAUSD.

<sup>55</sup> Ibid. Another Woodland Hills resident Mrs. Elmer Koglin stated, “It is ridiculous because the negroes can help themselves [*sic*] if they want to succeed – many have – let them work and study hard like the poor whites” who were more “down-trodden and underprivileged [*sic*]” than minorities. Koglin added, “The minority are just waiting to be given all privileges [*sic*] on a platter but do not use them.” See Mrs. Elmer Koglin, letter to LACBE, n.d., Box 976, Race Question Genl. 2-3-77 to 2-16-77, RQC-LAUSD. Mrs. Eleanor R. Sampson claimed that “the majority people (Black, Brown, White) are not in favor or ‘bussing.’” She speculated, “It makes me wonder if our judges didn’t have an outside influence from the oil companies and possibly bus manufacturers.” Although she claimed she would consider “volunteering” her children for busing to Valley schools in “Encino or Canoga Park, or even Reseda,” she realized the white racial makeup of the schools would result in no integration. She offered another suggestion: “Our school is short some 200 students and I would love to see 200 oriental, mexican [*sic*] and black students come into our school.” Yet she conceded, “I realize this is not a fair plan for other local [minority] students in overcrowded schools.” Mrs. Eleanor R. Sampson, letter to LACBE, 18 January 1977, same location.

<sup>56</sup> Irving Ornstein, letter to LACBE, 13 January 1977, fol. Race Question Genl. 1-20-77 to 1-27-77, Box 974, RQC-LAUSD. Ornstein erred on this point as Valleyites expressed their ideas through their votes and in a minority CACSI report to LACBE.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid. Ornstein claimed that many Valleyites found themselves “involved in \$80,000 to \$120,000 priced home lotteries facing burdensome economic pressures to avoid the busing issue.”

<sup>59</sup> Ibid. Ornstein explained that the “waiting list for parochial and private schools are already miles long, and not every can, nor do they want to move.” He warned that “emotions are at a fever pitch” and that “under these circumstances you better believe violence will not be avoided.”

<sup>60</sup> Ibid.

<sup>61</sup> Frank Benest, Human Services Director, City of Gardena, Statement before LACBE, 17 January 1977, fol. Race Question Genl. 1-3-77 to 1-17-77, Box 974, RQC-LAUSD.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid. Benest did not elaborate on what he meant by well integrated or offer percentages of the racial makeup of area schools.

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<sup>65</sup> Ibid.

<sup>66</sup> Ibid. “Stabilization” required strict policing of school attendance boundaries. In its extreme form, “stabilization” would also include controlling who purchased a home in the community.

<sup>67</sup> City of South Gate, Resolution No. 3472, 14 February 1977, fol. Race Question Genl. 2-17-77 to 2-28-77, Box 976, RQC-LAUSD.

<sup>68</sup> Ibid.

<sup>69</sup> Linda Hunt, Sharon Stricker, and Jackie Goldberg, Pamphlet, “School Integration March, Lincoln’s Birthday,” 3 February 1977, and John and LaRee Caughey, Memo, “Protest March,” n.d., fol. 5, Box 2, JLC-UAC/CSUN. According to the pamphlets, as many as twenty-five organizations sponsored the protest, including: the ACLU, TIP, SCLC, CRCSC, the Urban League, the Westside Fair Housing Council, the NAACP, Operation PUSH/West, Harbor Human Relations Council, and the School Integration Task Force of the VIC.

<sup>70</sup> *Los Angeles Times*, 13 February 1977.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> LACBE, Minutes, 577, 17 February 1977, fol. Race Question Genl. 2-17-77 to 2-28-77, Box 976, RQC-LAUSD. See also Anonymous, Valley Pamphlet, n.d., Box 977, Race Question Genl. 3-3-77 to 3-3-77, RQC-LAUSD.

<sup>76</sup> Anonymous, Valley Boycott Pamphlet, fol. Race Question Genl. 3-3-77 to 3-3-77, n.d., Box 977, RQC-LAUSD. See also LACBE, Report of Correspondence, 627, 3 March 1977. Same location. Unlike the African American and Mexican students who walked out of their schools and spoke before the board openly and proudly on numerous occasions, the Valley boycott was veiled in secrecy. Their actions were passive in contrast to the vocal student walkouts of 1968. The anonymous pamphlet asked the boycotters to make their voices heard and to send a note to the school of their children. Although the number of letters LACBE received from this request remains unknown, at least five individuals wrote and identified themselves to LACBE as either a student following through with the boycott or a parent who kept their child or children home.

<sup>77</sup> Ibid.

<sup>78</sup> LACBE, Minutes, 549, 7 February 1977, fol. Race Question Genl. 2-3-77 to 2-16-77, Box 976, RQC-LAUSD.

<sup>79</sup> Ibid.

<sup>80</sup> LACBE, Minutes, 577, 17 February 1977, fol. Race Question Genl. 2-17-77 to 2-28-77, Box 976, RQC-LAUSD.

<sup>81</sup> Doris Meyer, Statement before LACBE, 17 February 1977, fol. Race Question Genl. 2-17-77 to 2-28-77, Box 976, RQC-LAUSD.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> The best estimate of boycott participation came from Mulholland Junior High School Principal, Robert E. Mills. See Robert E. Mills, Mulholland Junior High School Principal, letter to LACBE, 18 February 1977, fol. Race Question Genl. 3-3-77 to 3-31-77, Box 978, RQC-LAUSD.

<sup>86</sup> Dorothy Doyle, The Integration Project Representative, Statement before LACBE, 28 February 1977, fol. Race Question Genl. 2-28-77 to 2-28-77, Box 976, RQC-LAUSD.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> LACBE, Minutes, 589, 17 February 1977, fol. Race Question Genl. 2-17-77 to 2-28-77, Box 976, RQC-LAUSD.

<sup>91</sup> Ibid.

<sup>92</sup> *Los Angeles Times*, 5 March 1977.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

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<sup>99</sup> Ibid. Brookins quipped that Brown Rice “wept a few tears” at the meeting “but we are ministers—tears don’t do much for us and they certainly aren’t a substitute for responsible action.”

<sup>100</sup> LACBE, Minutes, 537, 3 February 1977, fol. Race Question Genl. 2-3-77 to 2-16-77, Box 976, RQC-LAUDS.

<sup>101</sup> Ibid.

<sup>102</sup> LACBE, Minutes, 596, 22 February 1977, fol. Race Question Genl. 2-17-77 to 2-28-77, Box 976, RQC-LAUDS. See also *Los Angeles Times*, 23 February 1977. Superior Court Presiding Judge William P. Hogoboom signed the order to appoint Egly “to which all attorneys on all sides of the case agreed.” Egly, 55, was a very experienced jurist. He was handling the San Bernardino school desegregation case, and supervised the 171-member Pomona Branch of the Superior Court. For a short story about Superior Court Judge Paul Egly, his expertise, his precision, his sense of humor, and his demeanor as a jurist in which he is described as “modest and down to earth” and “easy going” who got along “with groups and people,” see *Los Angeles Times*, 23 March 1977.

<sup>103</sup> Ibid. See also *Los Angeles Times*, 23 February 1977.

<sup>104</sup> *Los Angeles Times*, 23 February 1977.

<sup>105</sup> Ibid. There are several important back stories here. As of January 1977, the San Bernardino School District had implemented a part-time (two-week) integration experience. In the summer of 1973, Egly had called the part-time effort “very nice” and decided to allow it to continue for another year but asserted that by September 1974 “meaningful” desegregation had to begin. The Fourth Circuit Court of Appeals overruled Egly. The NAACP then appealed to the California Supreme Court and the Los Angeles and San Bernardino desegregation cases came together. The ruling of the California Supreme Court on June 28, 1976 to take “reasonable steps” to eliminate “racial isolation” applied to both. This background information suggests that Egly could lean toward a comprehensive integration plan that may have included “full-time” integration and mandatory busing, strategies with which LACBE and the district disagreed. Nonetheless, LACBE attorneys agreed to waive the right to disqualify Egly from the case. In court, the San Bernardino School District had argued that it had taken several steps to eliminate segregation including: redrawing high school attendance boundaries; closing schools in minority areas, encouraging minority students to transfer to predominantly white schools a voluntary basis; and establishing the integrated planning units in the elementary schools. For additional information, see *Los Angeles Times*, 31 January 1977. Additionally, Docter proposed a motion calling for the board members to meet “as an Ad Hoc Committee on School Integration to conduct [more] public hearings” and to have the Clerk of the Board post the hearing schedule. The board passed the motion 5-0. See LACBE, Minutes, 604, 22 February 1977, fol. Race Question Genl. 2-17-77 to 2-28-77, Box 976, RQC-LAUDS. By the end of February, board member Watson shared her intentions to become an intervenor in the lawsuit. As intervenor, she planned to submit the CACSI plan. In response to Watson’s intentions, LACBE voted 4-2 *not* to condone her efforts by refusing “to instruct its attorneys not to oppose her attempt to intervene in the city school desegregation case.” She hoped to introduce the CACSI plan because it was “the only desegregation proposal that has been shaped by the community representatives.” See *Los Angeles Times*, 1 March 1977.

<sup>106</sup> LACBE, Minutes, 598, 22 February 1977, fol. Race Question Genl. 2-17-77 to 2-28-77, Box 976, RQC-LAUDS. Before presenting the district staff response, Superintendent Johnston summarized the complexity and immensity of the Los Angeles Unified School District. The district was the nation’s second largest with an enrollment of 595,000 students, covering 710 square miles, an area from San Pedro on the south to Chatsworth on the north, a distance of approximately fifty-six miles and from Pacific Palisades on the west to Atlantic Boulevard in East Los Angeles, a distance of thirty miles. To complicate matters, the Santa Monica Mountains divided the district: on the north “the San Fernando Valley, where our students are predominantly White, while to the South of the mountains is Los Angeles proper with a combined minority enrollment of approximately 70%.” Johnston concluded that these were the “geographic and demographic data” the district had to consider “leading to the adoption of a final student integration plan.” For the complete report, see LAUSD Staff, *Preliminary Response of Staff to Guidelines and Directions Issued by the Board of Education on January 17, 1977 for the Development of A Proposed Plan for Integration of Students in the Los Angeles Unified School District* 22 February 1977, fol. Race Question Genl 3-377, Box 977, RQC-LAUDS.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid. Items one through eight resembled the CACSI recommendations. The *other* recommendations included: 1) staff would “be devoted to the development of an ‘integration’ program, and not just merely a ‘desegregation’ plan”; 2) a plan that had as its goal “the improvement of the education program for all students”; 3) variety of alternative methods in developing a student integration plan including the specialized learning centers, pairing, magnet schools,

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open enrollment, boundary changes, adjust feeder patterns, expanding school facilities, school closures, and grade reorganization; 4) consideration of a phase-in program; 5) reasonable travel time and the student welfare paramount; 6) major expansion of PWT; and 7) “limited participation of pupils in grades 1-3 in order to preserve the integrity of such programs as the bilingual/bicultural education, early childhood education, and compensatory education.”

<sup>109</sup> Ibid. The ten components included: 1) staff development; 2) student in-service; 3) specialized learning centers; 4) communications; 5) community organization network; 6) PWT; 7) programs for intergroup education; 8) geographic techniques; 9) currently integrated schools (CIS); and 10) schools of choice. The staff combined the ten components into five objectives. The objectives included: 1) to provide for community, staff, and student’s understanding of the immediate and long-range benefits of a pluralistic society, the development and maintenance of a continuous human relations program and the necessary and vital support of all section of the greater L.A. area; 2) provide a set of reasonably feasible mandatory programs which are practical, which minimize the extent or degree of negative benefits now and in the future (i.e. geographic techniques, intergroup education, and specialized learning centers); 3) provide for the operation of voluntary programs (i.e. PWT and schools of choice); 4) establish and strengthen the educational program in currently integrated schools (CIS); and 5) to continue the District’s efforts to maintain and strengthen special programs addressing the needs of selected learners, such as Early Childhood Education, Bilingual/Bicultural Education, Compensatory Education, and Special Education.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

<sup>112</sup> *Los Angeles Times*, 2 March 1977.

<sup>113</sup> Ibid. See also Frank del Olmo, Notes on Ben Aranda Interview, n.d., fol. 14, Box 27, FDOC-UAC/CSUN.

<sup>114</sup> Ibid.

<sup>115</sup> *Los Angeles Times*, 26 February 1977.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup> Ibid. See also Frank del Olmo, Notes on Ben Aranda Interview, n.d., fol. 14, Box 27, Frank Del Olmo Collection, Urban Archives Center, Oviatt Library, California State, Northridge, Northridge, California, (from now on FDOC-UAC/CSUN).

<sup>120</sup> *Los Angeles Times*, 3 and 26 February 1977. Henry Dotson, President of the Los Angeles NAACP Chapter, declined to comment in detail but confirmed “black attorneys would enter the case.” See also Frank del Olmo, Notes on Henry Dotson Interview, n.d., fol. 14, Box 27, FDOC-UAC/CSUN.

<sup>121</sup> Frank del Olmo, Notes on Ben Aranda Interview, n.d., fol. 14, Box 27, FDOC-UAC/CSUN.

<sup>122</sup> Ibid. The ACLU’s Ramona Ripston’s account of how Mexican American and African American attorneys joined *Crawford* in 1977 differed noticeably. Ripston told Olmo that the ACLU that the decision to include other groups as co-counsel rested solely with the ACLU. The ACLU had invited African American and Mexican American organizations to join them as co-counsel in *Crawford*, and was “delighted they have accepted.” Ripston acknowledged that the ACLU did not have a “latin” attorney within the organization’s ranks. See Frank del Olmo, Notes on Ramona Ripston Interview, n.d., fol. 14, Box 27, FDOC-UAC/CSUN.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

<sup>128</sup> Asian American Education Commission, Position Paper: Student Integration, March 1977, Monroe Edwin Price. Papers about School Integration (Collection 1391). Department of Special Collections, Charles E. Young Research Library, University of California, Los Angeles, Los Angeles, California (from now on MEP-DSC/UCLA).

<sup>129</sup> Ibid.

<sup>130</sup> Ibid.

<sup>131</sup> *Los Angeles Times*, 2 March 1977. The *Los Angeles Times* reported, “Little opposition was voiced to the CACSI proposals at the Monday meeting because most committee members who strongly oppose mandatory busing ceased to attend the committee sessions some time ago.” There were two abstentions.

<sup>132</sup> Ibid. For additional details comparing and contrasting the LACBE and CACSI plans, see Robert L. Crain, *Los Angeles Times*, 13 March 1977. Robert Crain, a senior social scientist at the RAND Corporation and later professor

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emeritus of sociology of education at Teachers College, Columbia University, co-authored, “Discrimination, Personality, and Achievement.” He challenged a binary depicting the LACBE plan “as appeasing segregationists” and the CACSI plan “as advocating massive busing.” He also analyzed implicit and important arguments within *Crawford*, including: 1) minority schools are inferior; 2) segregation is psychologically harmful; 3) the very existence of segregation is immoral; and 4) desegregation breaks down separate social networks. See same article.

<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid. Although several grades were excluded from the plan, CACSI suggested that “if all the Central City seventh and eighth graders attended schools in the (San Fernando) Valley, they and the Valley students could return to the Central City for two of the remaining four years.” On how to initiate talks about a metropolitan plan, CACSI recommended LACBE to begin discussions with adjacent districts about interdistrict transfers. Some of the districts for consideration for interdistrict transfers included: Torrance, Palos Verdes, South Pasadena, Burbank and Glendale.

<sup>144</sup> Ibid.

<sup>145</sup> Ibid.

<sup>146</sup> Ibid.

<sup>147</sup> Ibid.

<sup>148</sup> LACBE, Minutes, 623, 3 March 1977, fol. Race Question Genl. 3-3-77 to 3-3-77, Box 977, RQC-LAUSD. As LACBE members voted on the components of the integration plan, they also acknowledged an overwhelming amount of correspondence in opposition to mandatory busing. The Nevada Avenue School Advisory Council, from Canoga Park, submitted an anti-mandatory busing petition with an astounding 1,866 signatures. See Nevada Avenue School Advisory Council, Petition to LACBE, 20 January 1977. Same location. LACBE also acknowledged another 115 letters opposing both “mandatory busing of students and the retaliatory student boycott of February 18, 1977.” Many of these parents, though opposed to mandatory busing, chose to send their children to school on the day of the San Fernando Valley boycott. Some believed that the boycott amounted to using children as pawns while others believed that they had to abide by the rule of law, which required sending their children to school. LACBE received yet another some seventy plus pieces of correspondence opposing mandatory busing for various other reasons. See LACBE, Report of Correspondence, 627, 3 March 1977. Same location.

<sup>149</sup> LACBE members would discuss the staff’s plan, partly based on some CACSI recommendations, but would not take into consideration CACSI’s final plan.

<sup>150</sup> LACBE, Minutes, 623, 3 March 1977, fol. Race Question Genl. 3-3-77 to 3-3-77, Box 977, RQC-LAUSD.

<sup>151</sup> Ibid.

<sup>152</sup> Ibid.

<sup>153</sup> Ibid.

<sup>154</sup> Ibid. CACSI member Mrs. Isabelle Hinkley presented a minority point of view from within CACSI.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid. See also *Jackson v. Pasadena City School District*, 382 P.2d 878 (Cal. 1963).

<sup>157</sup> Ibid.

<sup>158</sup> Ibid. See also *Los Angeles Times*, 4 March 1977.

<sup>159</sup> *Los Angeles Times*, 4 March 1977. Brown Rice’s declaration and LACBE’s desegregation plan largely ignored the board’s role in creating racial segregation in the district. Superior Court Judge Alfred Gitelson had ruled LACBE was responsible for creating and perpetuating school segregation through board policy, such as open enrollment. After berating federal and state agencies, and the courts for “oftentimes asking us to solve problems of a society which they have not been able to solve in their own way,” and for threatening to cut funding for educational projects because the board did not meet guidelines, Brown Rice said she wanted to “bring a sense of reality to the

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dream that I think each one of us has.” What the dream was, however, remained nebulous. It was either quality education or integration that “ought not to be a punishment” or a “penance.” See LACBE, Minutes, 623, 3 March 1977, fol. Race Question Genl. 3-3-77 to 3-3-77, Box 977, RQC-LAUSD.

<sup>160</sup> LACBE, Minutes, 623, 3 March 1977, fol. Race Question Genl. 3-3-77 to 3-3-77, Box 977, RQC-LAUSD.

<sup>161</sup> Ibid.

<sup>162</sup> Ibid. See also *Los Angeles Times*, 4 March 1977.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid. In the Austin case, the Court ruled that “school districts are not responsible for rearranging housing patterns, and no judge or court can order that.” In the Indiana case, the Court ruled that “no judge or court can order massive cross town busing for racial integration unless that district had segregated its students.”

<sup>167</sup> *Los Angeles Times*, 4 March 1977.

<sup>168</sup> LACBE, Minutes, 623, 3 March 1977, fol. Race Question Genl. 3-3-77 to 3-3-77, Box 977, RQC-LAUSD.

<sup>169</sup> Ibid.

<sup>170</sup> Ibid. The plan’s first four items (Components I – IV) passed without debate. They included: 1) staff development training program for district personnel; 2) student-to-student in-service; 3) communication; and 4) community organization network, which amounted to a volunteer program set up for rumor control.

<sup>171</sup> Component X: Currently Integrated Schools (CIS). After further clarification, a school would be deemed integrated with *either* a majority-white population *or* minority population of 75% or plus or minus 5%.

<sup>172</sup> Component XI: Schools of Choice. These were magnet schools.

<sup>173</sup> Component VI: Expansion of the PWT. Component VII: PIE. See LACBE, Minutes, 623, 3 March 1977, fol. Race Question Genl. 3-3-77 to 3-3-77, Box 977, RQC-LAUSD.

<sup>174</sup> Although LACBE did not define a “small school,” the euphemism stood for a racially isolated school in a white neighborhood operating below capacity and therefore running inefficiently at a much higher cost per student to tax payers. There were no “small” schools in racially isolated minority neighborhoods. On the contrary, overcrowding was a growing problem.

<sup>175</sup> LACBE, Minutes, 623, 3 March 1977, fol. Race Question Genl. 3-3-77 to 3-3-77, Box 977, RQC-LAUSD. The board proceeded to vote on a plethora of guidelines on integration in schools as well as classrooms, travel time, class size reduction, multi-ethnic/multicultural programs, constant education time for students, whether they participate in mandatory or voluntary programs, goals for student participation in an integrated setting, and guidelines for exempt CIS schools, the timetable for the implementation of the integration program, starting in fall 1977, and defining mandatory integration programs (satellite zones and boundary changes), voluntary programs (PWT, alternate schools, optional schools, “Schools of Choice,” and individual options selected by parents and approved by LACBE, PIE-type programs) and promoting integration. The board also added integration plan “support components” intended to facilitate implementation.

<sup>176</sup> Office of Communications, Public Information Unit, Press Release, 4 March 1977, fol. Race Question Genl. 3-3-77 to 3-3-77, Box 977, RQC-LAUSD.

<sup>177</sup> *Los Angeles Times*, 4 March 1977.

<sup>178</sup> Ibid.

<sup>179</sup> *Spotlight*, 7 March 1977.

<sup>180</sup> Ibid. All elementary school students would participate in a full year in an integrated educational setting by the time they completed the 6<sup>th</sup> grade. All students from the 7<sup>th</sup> through the 12<sup>th</sup> grade had to participate in an integrated educational program for the equivalent of one school year by the time they graduated from high school. If students in kindergarten through third grade were not involved in any “other appropriate integration educational programs,” the district reported, they “will be required to participate at least 10 days during the school year in the P.I.E. activities.”

<sup>181</sup> *Los Angeles Times*, 4 March 1977.

<sup>182</sup> *Los Angeles Times*, 5 March 1977.

<sup>183</sup> *Los Angeles Times*, 4 and 5 March 1977.

<sup>184</sup> *Los Angeles Times*, 5 March 1977.

<sup>185</sup> Ibid. The planning unit concept would not apply to senior high schools. Instead, the district would open one magnet school in September 1978 with attendance on a voluntary basis, and five more magnets planned to open by

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September 1979. See *Los Angeles Times*, 10 March 1977. Schools in each cluster would represent different racial and ethnic groups. In one example, two or more schools could be paired. In this approach, all fourth graders could be bused to one school, all fifth graders to another, and sixth graders to a third school. Another pairing arrangement could include K through sixth grade, an instance in which students from three grades could attend one school and the other three grades could attend a different school. (As of early March, LACBE and the district lacked an estimate of the number of students the desegregation of the 50 schools would affect.) If the cluster schools reached an agreement on an integration plan, it had to submit its plan to the district for approval. The cluster schools faced tougher integration standards to “assure that their programs had good racial balance.” According to the board’s plan, they would have to show that their programs had no more than approximately 60% Anglo or minority enrollment, a stricter standard than the district’s definition of a segregated school. (Nava commented that this reflected the board’s “feeling that schools should have to pay ‘a slightly higher price’ if they use voluntary methods to avoid mandatory busing.”) Cluster schools could start their desegregation plan in September 1977 but could not delay it beyond February 1978 or they would become subject to mandatory busing.

<sup>186</sup> Ibid.

<sup>187</sup> Ibid. The board *built in* an incentive for parents who volunteered their children. “Parents, by volunteering their children individually, could avoid mandatory programs even if their schools failed to come up with satisfactory voluntary programs,” the *Los Angeles Times* reported. The newspaper added, “The school board said it would offer such parents the chance to send their children to ‘schools of choice’ on a voluntary basis, and thus be exempted from mandatory programs.” The “schools of choice” included “fundamental schools yet to be opened,” and the district’s four alternate schools, scheduled for expansion. LACBE approved some boundary changes affecting predominantly minority elementary schools that necessitated *mandatory busing*. The *Los Angeles Times* relayed, “About 2,600 pupils in fourth through sixth grades at 11 predominantly minority schools would be bused to 17 other elementary schools starting in September.” LACBE would accomplish the boundary change this way: “Sections of the attendance areas of the 11 schools would be transferred to the 17 schools under a satellite zoning concept. The intention is to promote integration and reduce double sessions at the 11 schools.” Additionally, LACBE paired and would urge six other schools located near each other to integrate their third through sixth graders. If they did not, the district would impose desegregation in satellite attendance boundaries or satellite zoning or another manner during the spring of 1978. For a list of paired schools and the school affected by boundary changes, see *Los Angeles Times*, 5 March 1977. The satellite zoning, pairing, and boundary changes, as outlined by the board, would disproportionately affect minority student attendance. See same article for additional pairing, cluster, and “midway sites” strategies. Midway sites included other schools with empty classrooms or facilities such as colleges and public buildings.

<sup>188</sup> *Los Angeles Times*, 4 March 1977. Under the total voluntary approach the district would by June 1977 identify groups of two to four schools, each with different racial and ethnic enrollments, and encourage these groups to “work out voluntary programs for children from all schools within the group.” One method was pairing, in which “two schools, with all first through third grade children attending one school and fourth through sixth grade children attending the other.” In the specialized learning center strategy, fourth and fifth graders from all schools in the group would be bused to the center for one-quarter of the schools year, and sixth graders for half a year.” The other options included transfers to alternative schools, the PWT, and new satellite zones, “a method of changed school attendance boundaries to promote integration but also to relieve overcrowding in inner city schools.” The *Los Angeles Times* named several schools the district listed for pairing but noted that if the schools did not choose to pair then “they would be subject to other desegregation techniques by the board.”

<sup>189</sup> Office of Communications, Public Information Unit, Press Release, 4 March 1977, fol. Race Question Genl. 3-3-77 to 3-3-77, Box 977, RQC-LAUSD.

<sup>190</sup> *Los Angeles Times*, 4 March 1977.

<sup>191</sup> Ibid.

<sup>192</sup> Ibid.

<sup>193</sup> Ibid.

<sup>194</sup> Ibid. Superintendent Johnston had recommended a thirty-minute bus ride during the meeting, even though he had recommended up to fifty minutes the previous week. While many across the political spectrum considered Doctor a “pro-buser,” he joined the majority to *delay* mandatory busing programs until February 1978. See also *Los Angeles Times*, 5 March 1977.

<sup>195</sup> *Los Angeles Times*, 5 March 1977.

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- <sup>196</sup> Ibid.
- <sup>197</sup> Ibid.
- <sup>198</sup> Office of Communications, Public Information Unit, Press Release, 4 March 1977, fol. Race Question Genl. 3-3-77 to 3-3-77, Box 977, RQC-LAUSD.
- <sup>199</sup> Ibid.
- <sup>200</sup> Ibid.
- <sup>201</sup> Ibid.
- <sup>202</sup> *Los Angeles Times*, 4 March 1977.
- <sup>203</sup> Ibid.
- <sup>204</sup> *Los Angeles Times*, 5 March 1977. The *Los Angeles Times*, like Watson, also attributed the board's mostly voluntary program to political "protests, demands, and suggestions from all sides," and in interviews the day after the passage of the plan, school board members readily admitted that "the public hearings, held in every part of the city, were a crucial factor in shaping their integration plan."
- <sup>205</sup> Ibid.
- <sup>206</sup> Ibid.
- <sup>207</sup> Ibid.
- <sup>208</sup> Ibid.
- <sup>209</sup> Ibid.
- <sup>210</sup> Ibid.
- <sup>211</sup> Ibid.
- <sup>212</sup> Ibid.
- <sup>213</sup> Ibid. From the newspaper reporting, it is unclear what Fiedler meant by "our children" and what Weintraub mean by "we" in reference to applying political pressure on the board members to influence the planning of the board's desegregation plan. Considering Fiedler and Weintraub's affiliations, they likely meant white parents, particularly but not exclusively from the Valley. The *Los Angeles Times* reported, "Supporters of the plan say they hope they have won the support of what they consider a sort of silent majority in the huge district, those who might support an integration plan if it is not too extreme."
- <sup>214</sup> Ibid.
- <sup>215</sup> Ibid. One of the most contentious points of dispute was the travel time for the bus ride. Brown Rice opposed some of the district staff's proposal that included bus rides of forty-five minutes or more. The board reached the necessary four votes when the majority voted for a one-way twenty-minute travel time limit compromise for the mostly limited mandatory programs that would be implemented if voluntary desegregation failed. Bardos had contemplated a thirty-minute bus ride limit but then sided with the majority.
- <sup>216</sup> Ibid.
- <sup>217</sup> Ibid.
- <sup>218</sup> *Los Angeles Times*, 8 March 1977.
- <sup>219</sup> Ibid.
- <sup>220</sup> *Los Angeles Times*, 10 March 1977.
- <sup>221</sup> Ibid. Saunders' calculations meant that the board could achieve its goal of beginning desegregation of fourth through sixth graders at fifty elementary schools by February, 1978, but he acknowledged that "unless the board considerably relaxed the limit, the remaining 209 of the district's 259 segregated elementary schools would be largely unaffected by the plan."
- <sup>222</sup> Ibid.
- <sup>223</sup> LACBE, Minutes, 653, 10 March 1977, fol. Race Question Genl. 3-3-77 to 3-31-77, Box 978, RQC-LAUSD.
- <sup>224</sup> Ibid.
- <sup>225</sup> Ibid.
- <sup>226</sup> LACBE, Minutes, 664, 14 March 1977, fol. Race Question Genl. 3-3-77 to 3-31-77, Box 978, RQC-LAUSD. The *Los Angeles Times* reported that board members engaged in a "long, angry exchange during" a closed-door executive session that lasted more than three hours and took place before the public meeting. See also *Los Angeles Times*, 15 March 1977.
- <sup>227</sup> *Los Angeles Times*, 15 March 1977.
- <sup>228</sup> Ibid.
- <sup>229</sup> Ibid.

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<sup>230</sup> Ibid.

<sup>231</sup> LACBE, Minutes, 654, 14 March 1977, Box 978, Race Question Genl. 3-3-77 to 3-31-77, RQC-LAUDS.

<sup>232</sup> *Los Angeles Times*, 15 March 1977.

<sup>233</sup> *Los Angeles Times*, 18 March 1977. Only Ferraro voted against extending travel time limits.

<sup>234</sup> *Los Angeles Times*, 19 March 1977.

<sup>235</sup> *Los Angeles Times*, 5 March 1977.

<sup>236</sup> Ibid.

<sup>237</sup> Ibid.

<sup>238</sup> Ibid.

<sup>239</sup> Ibid.

<sup>240</sup> Ibid.

<sup>241</sup> Ibid.

<sup>242</sup> Ibid.

<sup>243</sup> *Los Angeles Times*, 12 March 1977. The *Los Angeles Times* reported that the “distant possibility of a metropolitan integration plan, scrapped by the U.S. Supreme Court in Detroit and other cities, was surprisingly injected into the Los Angeles city schools case Friday by Judge Paul Egly.” Over two months later, Judge Egly again inquired into the metropolitan plan as a desegregative tool. However, LACBE and petitioners’ counsel (the ACLU, the NAACP, and the Los Angeles Center for Law and Justice) did not support the metropolitan strategy because it “would be opposed by almost all of the school districts surrounding Los Angeles and the ensuing litigation would last for years.” See *Los Angeles Times*, 31 May 1977.

<sup>244</sup> Ibid. Judge Egly identified his rationale for the metropolitan strategy in a footnote within the California Supreme Court decision upholding integration and ordering Los Angeles to integrate. He asked both petitioners’ and LACBE’s counsel to prepare comments on that footnote. The footnote read: “In neither this case nor the companion San Bernardino case (decided by Egly in 1973 and still under his control) has any party suggested a metropolitan plan remedy that would involve the assignment of pupils outside of the particular school district in which they reside.” “Accordingly, we have not considered that issue and address only the question of an individual school board’s duty with respect to the students within its own district,” the California Supreme Court explained in a footnote. Dr. Robert Loveland, former CACSI chairman, stated that the committee had studied the “possibility of a metropolitan plan” but did not “make it a major recommendation ... because members doubted courts had power to compel other districts to participate” in a metropolitan plan.

<sup>245</sup> Ibid.

<sup>246</sup> Ibid. *Crawford* belonged to a broader litigation effort to improve minority student education. *Serrano v. Priest* served as a legal rationale for including the state of California in *Crawford*. In *Serrano*, petitioners claimed that unequal public education funding in *individual* districts caused unequal education. The California Supreme Court agreed and ruled district-by-district financing of education unconstitutional because it depended on *unequal* property taxes. The California Supreme Court assigned responsibility for educating the children to the state, instead of local district boards. The *Los Angeles Times* summed up Judge Egly’s reasoning behind introducing the metropolitan idea: “If integration is a part of education—and the state Supreme Court has declared it is—that burden might also fall to the state.” Potentially, the state of California could replace LACBE in *Crawford* to carry out school integration not only in Los Angeles, but the rest of the state.

<sup>247</sup> Ibid. The *Los Angeles Times* added, “The state could also elect, if it assumes responsibility the *Serrano* case may have given it, to redraw school district boundaries for Los Angeles and nearby cities to achieve integration.”

<sup>248</sup> Ibid.

<sup>249</sup> Ibid.

<sup>250</sup> *Los Angeles Times*, 13 March 1977.

<sup>251</sup> Ibid.

<sup>252</sup> Ibid.

<sup>253</sup> Ibid.

<sup>254</sup> The ACLU and NAACP were hesitant about the metropolitan plan, even though the neighboring districts’ demographics provided an opportunity to integrate the majority minority Los Angeles Unified School District with neighboring majority white district. This suggested that civil rights organizations understood the complexity within the Los Angeles case and worried bringing in other districts. In March 1977, they preferred concentrating on the Los Angeles Unified School District. The racial breakdown for neighboring school district as of March 1977 was as

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follows. Of the Burbank School District 's 13,395 students, there were: 80.7% white; 16.4% Hispanic; and 1.9% Asian American. Fifty-one Native Americans and twenty African Americans attended Burbank schools. Of the Glendale School District's 23,054 students, there were: 78.3% white; 16.2% Hispanic; and 5% Asian American. Seventy-eight Native Americans and twenty-nine African Americans attended Glendale schools. Beverly Hills was among the most segregated neighboring districts: 91.4% white; 3.7% African American; 2.8% Asian American; and 1.4% Hispanic. Of Santa Monica School District's 13,832 students, there were: 71.4% white; 16.6% Hispanic; 7.5% African American; and 4.1% Asian American students. Beverly Hills Superintendent Kenneth Peters opposed the metropolitan idea and boasted that the BHSD accepted about 200 African American students from Los Angeles on a voluntary basis. Generally, interdistrict transfers were rare and were intended for "hardship cases," not for integration. See *Los Angeles Times*, 13 March 1977.

<sup>255</sup> *Los Angeles Times*, 13 March 1977.

<sup>256</sup> Ibid.

<sup>257</sup> Ibid.

<sup>258</sup> Ibid. Watson posited that Compton and Inglewood, which were predominantly African American districts, "could be integrated easily through interdistrict transfers" with the surrounding adjacent white school districts.

<sup>259</sup> Robert E. Mills, Mulholland Junior High School Principal, letter to LACBE, 18 February 1977, fol. Race Question Genl. 3-3-77 to 3-31-77, Box 978, RQC-LAUSD. There are numerous grammatical and spelling errors in these student letters. I opted not to use "[sic]" to ensure that students give their viewpoints in their own words and on their own terms. The students authored all the letters on the same date (18 February 1977). I found all the letters in the same location (fol. Race Question Genl. 3-3-77 to 3-31-77). I decided to cite the date and location only once to avoid redundancy. As the students are minors, I did not include their names, but kept track of them by including descriptors and/or assigning letters of the alphabet to each of them. I am fairly confident I ascertained their gender and race correctly by relying on their names and the content of the letters. In instances of an "English surname" student, I relied on the contents of the letter to figure out whether the student was African American or white.

<sup>260</sup> White, female, junior high student (A), letter to LACBE, 18 February 1977, Box 978, fol. Race Question Genl. 3-3-77 to 3-31-77, RQC-LAUSD.

<sup>261</sup> Ibid.

<sup>262</sup> Ibid.

<sup>263</sup> White, male student (A).

<sup>264</sup> Ibid. He was also critical of the board for returning complaint letters from his African American friends and warned, "If you do that to us: I will tell everyone never to trust the Board of Education."

<sup>265</sup> Ibid. He also wrote, "What I also want to say about Mulholland Jr. High is some of our teachers are prejudice." He claimed teacher prejudice resulted in a teacher's expulsion. He asked the board, "Please do not put any more [prejudiced] teachers like that in our school."

<sup>266</sup> Ibid.

<sup>267</sup> White, female student (D).

<sup>268</sup> Ibid.

<sup>269</sup> White, female student (F).

<sup>270</sup> English surname, female student (AA). I used the descriptor "English surname" instead of race, as the student's race is difficult to discern.

<sup>271</sup> Ibid.

<sup>272</sup> Ibid.

<sup>273</sup> English surname, female minority student (AB). This student was possibly African American.

<sup>274</sup> Ibid.

<sup>275</sup> Ibid.

<sup>276</sup> White, male student (B).

<sup>277</sup> White, female student (B).

<sup>278</sup> Ibid.

<sup>279</sup> Ibid.

<sup>280</sup> White female student (C).

<sup>281</sup> Ibid.

<sup>282</sup> Twelve-year-old, African American, female student of Spanish and English surname (LL).

<sup>283</sup> Ibid.

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- 284 Ibid.
- 285 Ibid.
- 286 Ibid. Her “P.S.” encapsulated her hopes. She wrote, “P.S. I am 12 years old and just want the world to be equal and everyone to get along.”
- 287 Female, Spanish-surname student (AAA).
- 288 White, female student (G).
- 289 Ibid.
- 290 White, female student (H).
- 291 White, female, student (I).
- 292 White, female student (J). She articulated she was “ just so mad because this is causing a great uproar around my neighborhood and the other neighborhoods.”
- 293 White, male student (J).
- 294 Ibid.
- 295 White, female student (K).
- 296 Ibid.
- 297 Ibid.
- 298 Ibid.
- 299 White, female student (L).
- 300 Ibid.
- 301 White, male student (D).
- 302 Ibid.
- 303 White, female student (CC).
- 304 White, female student (N).
- 305 Ibid.
- 306 Ibid.
- 307 African American, male student (A).
- 308 Ibid.
- 309 African American, male student (B).
- 310 White, female student (Y).
- 311 White, female student (Z).
- 312 White, male student (I).
- 313 White, female student (X).
- 314 White, female student (Q).
- 315 White, female student (R).
- 316 White, female student (P). Another white, female student expressed her ideas about the misunderstandings between blacks and whites this way: “I think that the blacks dont know enough about whites and think they are merely snobbish ‘rich kids’ and whites think that the blacks are just a bunch of stupid, ignorant, bunch of finger-popping, gun carrying and knife carrying hoedlums.” See white, female student (O).
- 317 White, female student (DC).
- 318 Ibid.
- 319 White female student (U).
- 320 White, female student (BB).
- 321 White, female student (S).
- 322 White, male student (K).
- 323 White, female student (Y).
- 324 Ibid.
- 325 White male student (G).
- 326 Ibid.
- 327 Ibid.
- 328 Ibid.
- 329 White, female student (FF).
- 330 Ibid.

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<sup>331</sup> Ibid.

<sup>332</sup> Ibid.

<sup>333</sup> Youth Subcommittee, Human Relations Commission of Los Angeles, Open Forum, “The Youthful View on School Integration,” 19 February 1977, fol. Race Question Genl. 3-3-77 to 3-31-77, Box 978, RQC-LAUSD.

<sup>334</sup> Ibid.

<sup>335</sup> Ibid.

<sup>336</sup> Ibid.

<sup>337</sup> Ibid.

<sup>338</sup> Ibid.

<sup>339</sup> Ibid.

<sup>340</sup> Ibid.

<sup>341</sup> Ibid.

<sup>342</sup> Ibid.

<sup>343</sup> Ibid.

<sup>344</sup> Ibid.

<sup>345</sup> Ms. Maria-Elena Saucedo, The Integration Project, Statement before LACBE, 17 March 1977, fol. Race Question Genl. 3-3-77 to 3-31-77, Box 978, RQC-LAUSD.

<sup>346</sup> Ibid.

<sup>347</sup> Ibid.

<sup>348</sup> Ibid.

<sup>349</sup> Ibid.

<sup>350</sup> Ibid.

<sup>351</sup> *Los Angeles Sentinel*, 10 February 1977.

<sup>352</sup> *Los Angeles Times*, 23 March 1977.

<sup>353</sup> Ibid.

<sup>354</sup> Ibid.

<sup>355</sup> *Los Angeles Times*, 19 January 1977.

<sup>356</sup> Ibid.

<sup>357</sup> Ibid.

<sup>358</sup> Ibid.

<sup>359</sup> Ibid.

<sup>360</sup> *Los Angeles Sentinel*, 10 February 1977.

<sup>361</sup> Ibid.

<sup>362</sup> Ibid.

<sup>363</sup> Ibid.

<sup>364</sup> *Los Angeles Times*, 23 March 1977. Other issues could potentially derail Docter’s reelection. In addition to his pro-busing stance, Docter defended the school system, in other words the *status quo* of how LACBE and the Superintendent administered the district, how the district allocated funding and decision-making powers to parent advisory councils at local schools, his support and vote for funding last year’s bicentennial pageant, and the use of chauffeur-driven cars by the board. “Both Chambers the conservative and Docter the liberal were and are staunch supporters of the school system,” reported the *Los Angeles Times*. However, Docter disputed the impact of the school system’s effect on the election, instead pointing to the impact of desegregation efforts. See *Los Angeles Times*, 12, 18, and 21 May 1976.

<sup>365</sup> Ibid.

<sup>366</sup> Ibid.

<sup>367</sup> Ibid.

<sup>368</sup> Ibid. NCPAC had donated \$2,500 to Arnold Steinberg to “act as campaign consultant to Mrs. Fiedler.” Steinberg had served as campaign manager in conservative Robert K. Dorman’s successful reelection to Congress the previous year.

<sup>369</sup> Ibid.

<sup>370</sup> Ibid.

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<sup>371</sup> Ibid. Her political history included leading a campaign for medical malpractice reform. He husband was a proctologist.

<sup>372</sup> Ibid.

<sup>373</sup> Ibid. The other challengers to Docter included: Mrs. Mary Hufford, 44, a mother of two, a former elementary teacher (who stopped teaching to challenge her reassignment to a predominantly African American school in court), and an opponent of mandatory student and teacher transfers; Byron Y. Newman, 47, an optometrist from Van Nuys; and Jorge O. Ramos, 42, a CPA and also a resident of Van Nuys. Newman and Ramos also opposed mandatory student and teacher transfers and backed voluntary integration.

<sup>374</sup> Ibid.

<sup>375</sup> Ibid. The UTLA pursued monetary compensation for participating in student integration efforts. For an analysis of the UTLA's role in the student and teaching staff integration debates, see Sharon Ann Swetnick Thomas, "The Organizational Behavior of a Teachers' Union Attempting to Influence School District Policy: The Response of the United Teachers of Los Angeles to School Desegregation" (Ph.D., University of California, Los Angeles, 1982), 152-156. Swetnick Thomas developed four major conclusions of the UTLA's role in student integration efforts: 1) "In spite of its internal constraints and organizational interests, the UTLA acted irresponsibly, from a professional position. The union could have assumed an educative ro[l]e without jeopardizing its position as exclusive bargaining agent. It could have maintained its neutral busing position and still helped its members adjust to student desegregation"; 2) "UTLA leaders' only major concern was UTLA membership. In spite of its policies supporting the goals of integrated education, the UTLA acted only in the interests of its members. Actions were never initiated on behalf of minority students or to improve minority education"; 3) "The interests of UTLA members often conflicted with those of minority students"; and 4) "In spite of the UTLA's neutral busing position, the UTLA opposed mandatory student desegregation."

<sup>376</sup> Ibid. Docter had backed a teacher lottery reassignment plan because "UTLA at the time was opposed to any mandatory transfers," and time was running short on developing a seniority-based plan.

<sup>377</sup> Ibid. Instead of desegregation, Motter believed that a "decline in the quality of education in the city schools," as a result of increased class size and a "reduction in academic requirements for high school students" was the main political issue in the campaign.

<sup>378</sup> *Los Angeles Times*, 6 April 1977.

<sup>379</sup> In the April election, seven candidates ran for each of the three available board seats.

<sup>380</sup> *Los Angeles Times*, 6 April 1977.

<sup>381</sup> Ibid.

<sup>382</sup> Ibid.

<sup>383</sup> *Los Angeles Times*, 31 March 1977.

<sup>384</sup> Ibid. The LA City Council also voted to request LACBE to attempt to formulate an integration plan that did not require mandatory busing, and to urge LA residents to "obey the law" on the integration issue and to "express their dissatisfaction or disapproval through the proper legal channels."

<sup>385</sup> Ibid.

<sup>386</sup> Ibid.

<sup>387</sup> Ibid.

<sup>388</sup> Ibid.

<sup>389</sup> Ibid.

<sup>390</sup> Ibid.

<sup>391</sup> Ibid.

<sup>392</sup> Ibid. The city council votes against mandatory busing for integration also included: Ermani Bernardi, Marvin Braude, Donald Lorenzen, Robert M. Wilkinson, Peggy Stevenson, Arthur K. Snyder and President John S. Gibson, Jr. Those opposed to the anti-busing report included: Pat Russell and Zev Yaroslavsky. Joel Wachs, Robert C. Farrell, and John Ferraro were absent.

<sup>393</sup> The *Los Angeles Times* defined what it meant to intervene in a California lawsuit: "California state law permits individuals or groups to intervene in an existing lawsuit if it affects them and if they are not already represented by one side or the other. Intervention would give these groups standing in court and the opportunity to support or oppose an integration plan" by LACBE. Intervenor status would also grant them the privileges of discovery, cross-examination and presentation of witnesses and evidence. Intervenor status would also grant to groups and

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individuals the right to appeal orders and any part of a desegregation plan with which the group or individual disagreed. See *Los Angeles Times*, 2 March 1977.

<sup>394</sup> *Los Angeles Times*, 2 March 1977.

<sup>395</sup> *Ibid.*

<sup>396</sup> *Ibid.*

<sup>397</sup> *Ibid.*

<sup>398</sup> *Ibid.*

<sup>399</sup> *Ibid.*

<sup>400</sup> *Ibid.*

<sup>401</sup> *Ibid.*

<sup>402</sup> *Ibid.* Watson, for example, wanted to become an intervenor and submit the CACSI plan for serious consideration instead of simply submitting it as an *amicus* brief.

<sup>403</sup> *Los Angeles Times*, 15 March 1977.

<sup>404</sup> *Ibid.*

<sup>405</sup> *Ibid.*

<sup>406</sup> *Ibid.* Egly further clarified his intervenor ruling: “It cannot be denied that where the constitutional duty of a public body is in issue, all persons subject to the jurisdiction of that public body have an interest in the performance, non-performance, and manner of performance of that body... .” He concluded, “But in this proceeding, which tests whether or not the political body acted, or if it has, whether the manner of its performance meets the constitutional mandate, the democratic processes of the formulation of that plan should, within constitutional limits, be left to that body.”

<sup>407</sup> *Ibid.*

<sup>408</sup> *Los Angeles Times*, 24 March 1977.

<sup>409</sup> *Ibid.*

<sup>410</sup> *Ibid.*

<sup>411</sup> *Ibid.*

<sup>412</sup> *Ibid.*

<sup>413</sup> *Ibid.*

<sup>414</sup> *Ibid.*

<sup>415</sup> *Ibid.*

<sup>416</sup> *Ibid.*

<sup>417</sup> *Ibid.*

<sup>418</sup> *Ibid.*

<sup>419</sup> *Ibid.* As part of the board’s plan, the voluntary program would double to 20,000 students. As of March, 85% of the students in the plan were Black; 10% were “Spanish surname,” and 5% were Asian American, with a small number of white students participating.

<sup>420</sup> *Ibid.*

<sup>421</sup> *Ibid.*

<sup>422</sup> *Los Angeles Times*, 25 March 1977.

<sup>423</sup> *Ibid.* For a list of the nine segregated white schools and the thirteen minority schools at the junior high level designated for mandatory integration under the 35-minute travel time, see article.

<sup>424</sup> *Ibid.* On March 25, Judge Egly indicated that he might consider the board’s motives in proposing a limited desegregation plan to how he ruled in the case. Specifically, he could consider the board “recalcitrant,” meaning that it was trying to implement and “get away with as little (desegregation) as possible.” If that were the case, he could order a more ambitious plan, or as the California Supreme Court framed the issue in its June ruling, “exercise broad equitable powers in formulating and supervising a plan.” If he did not deem the board recalcitrant, he could give it leeway in implementing its plan, or a variation thereof, even if it excluded large numbers of minority students in segregated schools. The question of recalcitrance entered the case when Medvene asked Acting Superintendent Handler if the board and staff had received any board instructions about limiting the plan and Handler did not answer and instead asked to confer with school board attorneys. See *Los Angeles Times*, 26 March 1977.

<sup>425</sup> *Los Angeles Times*, 29 March 1977.

<sup>426</sup> *Ibid.*

<sup>427</sup> *Ibid.*

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<sup>428</sup> Ibid.

<sup>429</sup> Ibid.

<sup>430</sup> Ibid.

<sup>431</sup> Ibid.

<sup>432</sup> Ibid.

<sup>433</sup> Ibid.

<sup>434</sup> Ibid.

<sup>435</sup> Ibid.

<sup>436</sup> Ibid. Price did not consider LACBE recalcitrant. Instead, he put forth the idea that *Crawford* required “a kind of reexamination of staff attitudes, an analysis of how the district makes decisions, allocates resources, works towards eliminating the harms of segregation.” See Monroe Price Notes, n.d., MEP-DSC/UCLA.

<sup>437</sup> Ibid.

<sup>438</sup> Ibid.

<sup>439</sup> *Los Angeles Times*, 31 March 1977.

<sup>440</sup> Ibid.

<sup>441</sup> Ibid.

<sup>442</sup> Ibid.

<sup>443</sup> Ibid. Competing legal camps responded differently to Judge Egly’s assertion calling *Crawford* not a busing lawsuit. The petitioners’ legal team welcomed Egly’s comments as “an indication that the judge eventually would order a much stiffer desegregation plan than the school board has proposed.” The board’s representatives downplayed the significance of Egly’s remarks. Board counsel Halverson stated, “The only inference I’m hearing is that we have got to have a mandatory [busing] program, that we’ve got to have some way to get them there.”

<sup>444</sup> Ibid.

<sup>445</sup> Ibid. At another hearing soon after, in an exchange between Harry B. Saunders, director of school building planning, and Judge Egly, Saunders surmised that LACBE’s limited integration plan would reach more students if the board changed the definition of a “segregated school.” Otherwise, Saunders remarked, “I can’t get them there within the [30-minute limit] time constraints.” The board defined a segregated school as a having a population of 75% or more white or combined minority plus or minus 5%. The ACLU’s Medvene had argued since the hearings began that such a definition “protected” white neighborhood schools from participating in mandatory desegregation. He and other attorneys representing the petitioners argued that the plan could integrate more schools if the percentages were decreased. Halverson, on behalf of LACBE, deemed the definition “valid” due to the declining white student population. See *Los Angeles Times*, 1 April 1977.

<sup>446</sup> Ibid.

<sup>447</sup> *Los Angeles Times*, 11 April 1977.

<sup>448</sup> Ibid. Additionally, Judge Egly noted that the U.S. Supreme Court had refused to review lower courts’ rejection of part-time integration programs. Specifically, Egly cited six federal cases, including the cases in Austin and Denver. For additional details, see *Los Angeles Times*, 12 April 1977. Federal circuit courts also rejected part-time desegregation plans in Boston, Waco, Texas, Jefferson County, Kentucky, and Oklahoma City. See *Los Angeles Times*, 14 April 1977.

<sup>449</sup> Ibid.

<sup>450</sup> *Los Angeles Times*, 12 April 1977.

<sup>451</sup> *Los Angeles Sentinel*, 14 April 1977.

<sup>452</sup> Ibid. By now, the Mexican American Legal Defense Fund (MALDEF) had joined the ACLU, the NAACP, and the Los Angeles Center for Law and Justice. Numerous attorneys representing various civil rights organizations joined *Crawford* in addition to the main three groups, the ACLU, the NAACP and the Los Angeles Center for Law and Justice. For a detailed list and biographies of some of the individual attorneys from these organizations as well as the attorneys representing LACBE, see *Los Angeles Times*, 12 June 1977.

<sup>453</sup> Ibid.

<sup>454</sup> *Los Angeles Times*, 11 April 1977.

<sup>455</sup> *Los Angeles Sentinel*, 14 April 1977.

<sup>456</sup> *Los Angeles Times*, 11 April 1977.

<sup>457</sup> *Los Angeles Times*, 12 April 1977.

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<sup>458</sup> Ibid. Other board members' responses varied. Docter, who predicted the Superior Court would reject the LACBE plan, simply said it would be speculative to guess what Judge Egly's final order would be. Ferraro, involved in a runoff against Walters, expressed that Egly was "indicating he is considering extensive modification of the plan," modification that Ferraro opposed. Early in the case, Judge Egly delineated the process by which he would work with LACBE to come to a constitutional "reasonable and feasible" plan. Therefore, LACBE could not appeal Egly's rejection of its plan, and a LACBE appeal could not be possible unless Judge Egly rendered a final order. In the meantime, he and the LACBE could work toward a plan.

<sup>459</sup> *Los Angeles Times*, 14 April 1977.

<sup>460</sup> Ibid.

<sup>461</sup> *Los Angeles Times*, 15 April 1977.

<sup>462</sup> *Los Angeles Times*, 19 April 1977.

<sup>463</sup> *Los Angeles Times*, 28 April 1977. Judge Egly asserted that LACBE could buy buses and choose sites for SLCs, "things which are coincidental with both mandatory and voluntary" desegregation.

<sup>464</sup> Ibid.

<sup>465</sup> Ibid.

<sup>466</sup> *Los Angeles Times*, 12 April 1977.

<sup>467</sup> Ibid.

<sup>468</sup> Ibid.

<sup>469</sup> Ibid.

<sup>470</sup> Ibid.

<sup>471</sup> Ibid.

<sup>472</sup> Ibid.

<sup>473</sup> Ibid.

<sup>474</sup> Ibid. However, Compton also expressed that BUSTOP's proper channels in the case included *amicus* briefs and "at the polls."

<sup>475</sup> *Los Angeles Times*, 14 April 1977.

<sup>476</sup> Ibid.

<sup>477</sup> *Los Angeles Times*, 20 April 1977. Judge Egly had yet to rule on the status of LACBE member Watson and a group of nineteen West Side and Valley students seeking intervenor status. However, by April 20, the group of nineteen students withdrew due to a lack of funds. See *Los Angeles Times*, 21 April 1977.

<sup>478</sup> Ibid. On behalf of BEST, attorney Harvey I. Saferstein explained that BEST began as an organization of white parents on the Westside but had become a "citywide organization of 300 to 350 members from several racial and ethnic groups." BEST claimed the CACSI plan would cause a "major disruption to the school district," but espoused immediate implementation of the part-time "integrated learning centers" by September 1977 that included first through third grades, grades excluded in the LACBE plan.

<sup>479</sup> *Los Angeles Times*, 22 April 1977.

<sup>480</sup> Ibid.

<sup>481</sup> Ibid.

<sup>482</sup> Ibid. In the case involving Santa Barbara schools, the California Supreme Court ruled, "We hold, as indeed we must, that section [of the Wakefield Amendment to the California Constitution] as applied to school children manifesting either de jure or de fact segregation is unconstitutional." The Wakefield Amendment, which California voters approved overwhelmingly in November 1972 and written into California's Education Code read: "No public school student shall because of his race, creed or color, be assigned to or be required to attend a particular school."

<sup>483</sup> Ibid. BUSTOP's Paul countered Reynolds and argued the Santa Barbara decision was "distinguishable" from their position. Paul contended, "We don't say that [the Wakefield Amendment is an absolute prohibition against any busing]. We merely contend that mandatory busing would be totally inappropriate and ineffective in this case" and therefore not lead to a "reasonable and feasible" plan. Okrand and Reynolds rebuffed the argument, stating that the California Supreme Court's reference to "reasonable and feasible" plan did not mean "that the community must approve a desegregation plan." Okrand added, "The mere fact that Bustop or the school board doesn't like mandatory reassignment doesn't make it unconstitutional."

<sup>484</sup> *Los Angeles Times*, 23 April 1977.

<sup>485</sup> Ibid.

<sup>486</sup> Ibid.

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<sup>487</sup> Ibid.

<sup>488</sup> Ibid.

<sup>489</sup> Ibid.

<sup>490</sup> *Los Angeles Times*, 3 May 1977. The board's racial-ethnic survey classification methods were based on criteria developed by state and federal governments.

<sup>491</sup> Ibid. This question divided the Caugheys and the ACLU. The *Los Angeles Times* reported, "They [The Caugheys] believe that about one-third of the Spanish children, those who attend predominantly Anglo schools, should be classified as majority, not minority, children because they have been assimilated." "These views have caused a rift between the Caugheys and the ACLU, which is taking the position ... that Spanish surname children in predominantly Anglo schools also suffer from discrimination," the newspaper concluded. See *Los Angeles Times*, 18 April 1977.

<sup>492</sup> Ibid.

<sup>493</sup> Ibid. "I was born and raised within sight of City Hall and it is hard for me to accept that a Spanish surname is a minority by reason of the fact of that Spanish surname," said Egly.

<sup>494</sup> Ibid.

<sup>495</sup> Ibid.

<sup>496</sup> *Los Angeles Times*, 22 May 1977. See also Frank Del Olmo, Notes on Mexican American Education Commission Press Conference, 4 May 1977, and Notes on Vahac Mardirosian Interview, n.d., fol. 18, Box 27, FDOC-UAC/CSUN.

<sup>497</sup> Ibid.

<sup>498</sup> William Trombley, letter to Frank Del Olmo, 4 May 1977, fol. 17, Box 27, FDOC-UAC/CSUN.

<sup>499</sup> Ibid.

<sup>500</sup> *Los Angeles Times*, 26 May 1977.

<sup>501</sup> Ibid.

<sup>502</sup> Ibid.

<sup>503</sup> Ibid. For his part, Judge Egly estimated that 25% of the 190,00 Hispanic students in the district had assimilated. He added that Professor Mercer's research could serve in "identifying the most [racially] isolated [Hispanic] schools."

<sup>504</sup> *Los Angeles Times*, 5 May 1977. According to the *Los Angeles Times*, 10,000 students, mostly minority, were participating in the PWT at the time, which brought "6,000 minority-area youngsters into Valley schools daily."

<sup>505</sup> Ibid. South-Central L.A. schools were conspicuously missing. The Baldwin Hills area was (and remains) a middle-class African American community. However, the *Los Angeles Times* reported that officials considered racial/ethnic balances, travel time, and available spaces in their selection of feeder and receiving schools.

<sup>506</sup> Ibid.

<sup>507</sup> Ibid.

<sup>508</sup> Ibid.

<sup>509</sup> *Los Angeles Times*, 7 May 1977. Judge Egly restated that desegregation and integration were not identical but constituted a two-step process. In step one, or the desegregation phase, "racially isolated schools would be identified and the isolation eliminated to the maximum extent possible." In step two, or integration phase, "sound educational programs" were essential within these desegregated schools."

<sup>510</sup> Ibid.

<sup>511</sup> Ibid.

<sup>512</sup> Ibid.

<sup>513</sup> Ibid.

<sup>514</sup> Ibid.

<sup>515</sup> Ibid.

<sup>516</sup> Ibid.

<sup>517</sup> Ibid.

<sup>518</sup> Ibid.

<sup>519</sup> Ibid.

<sup>520</sup> *Los Angeles Times*, 10 May 1977. As of May 10, there were 637 parent volunteers.

<sup>521</sup> *Los Angeles Times*, 12 June 1977.

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<sup>522</sup> Ibid.

<sup>523</sup> Ibid. During the same hearing, Judge Egly heard testimony from Marvin Borden, a district official who helped implement the district's voluntary busing programs, who discussed "tipping." Tipping is the idea that a school irreversibly becomes "majority minority" as minorities move into the school attendance area and produce accelerated white flight.

<sup>524</sup> *Los Angeles Times*, 17 June 1977.

<sup>525</sup> *Los Angeles Times*, 19 May 1977. See also Trial Testimony of Bob Rangel, 18 April 1977, ACLU/SC-DSC/UCLA .

<sup>526</sup> Ibid.

<sup>527</sup> Ibid.

<sup>528</sup> As of September 1977, in an attempt to meet the mandates of Chacon, the Los Angeles City School District continued "Chacon Bilingual" programs in 122 classrooms in 91 elementary and secondary schools throughout the district utilizing \$498,633 in state funding. The board set aside another \$684,000 in the district's budget for the following year to fund bilingual education programs for six additional schools and a total of 202 classrooms. See Public Information Unit, Office of Communications, Los Angeles City Schools, Memo, "Chacon Bilingual Programs Continued in 97 City Schools," 7 September 1977, MEP-DSC/UCLA.

<sup>529</sup> United States Commission on Civil Rights, *A Generation Deprived: Los Angeles School Desegregation, a Report of the United States Commission on Civil Rights* (Washington, DC, 1977), 56. The USCCR discovered that LACBE commissioned an eleven-member "district planning team for integration" comprised of teachers, administrators, and staff in 1967 after LACBE received funds under Title I of the Elementary and Secondary Education Act (ESEA). LACBE instructed the planning team to "asses existing programs and explore new approaches dealing with de facto segregation" and, more "to study the efforts being made by the Los Angeles City School District to combat segregation and to explore other approaches to this problems." The planning team made numerous recommendations, including: 1) that LACBE adopt a "positive policy of racial and ethnic integration"; 2) the creation of a "District Integration Team"; 3) coordinating integration plans with government, community, and business leaders, and others; 4) ensuring local community involvement; 5) a policy of administrative and faculty assignments that ensured integrated staffs; 5) pairing or clustering schools in the perimeter of "ghetto areas" and policing racial balance; and strategically placed magnet schools that attract both minority and majority students. The USCCR reported, "The board, however, took no action." See 60-61.

<sup>530</sup> Ibid. See also *Los Angeles Times*, 27 May 1977.

<sup>531</sup> *Los Angeles Times*, 27 May 1977.

<sup>532</sup> Ibid.

<sup>533</sup> Ibid.

<sup>534</sup> Ibid.

<sup>535</sup> USCCR, *A Generation Deprived*, 189. See also *Los Angeles Times*, 27 May 1977.

<sup>536</sup> Ibid., 189-190.

<sup>537</sup> LACBE President Julian Nava, letter to Mr. Louis Nunez, Acting Staff Director, USCCR in *A Generation Deprived*, 232. See also *Los Angeles Times*, 27 May 1977.

<sup>538</sup> *Los Angeles Times*, 27 May 1977.

<sup>539</sup> USCCR, *A Generation Deprived*, 244.

<sup>540</sup> *Los Angeles Times*, 27 May 1977.

<sup>541</sup> Ibid.

<sup>542</sup> Ibid.

<sup>543</sup> Ibid.

<sup>544</sup> *Los Angeles Times*, 2 May 1977.

<sup>545</sup> Ibid.

<sup>546</sup> Ibid.

<sup>547</sup> Ibid.

<sup>548</sup> Ibid.

<sup>549</sup> Ibid.

<sup>550</sup> *Los Angeles Times*, 8 June 1977. In late May, Judge Egly did not permit LACBE President Nava to discuss the public's opposition to mandatory desegregation plans based on a recent LACBE survey and public hearings. Judge Egly told Nava, "I am not going to go into a popular vote or referendum on your plan." Judge Egly added, "There is

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a clear demarcation between the function of the board and the function of the court.” The hearings, he noted, “were part of the political process” which were wholly separate from the legal process. See *Los Angeles Times*, 28 May 1977.

<sup>551</sup> Ibid.

<sup>552</sup> Ibid.

<sup>553</sup> Ibid.

<sup>554</sup> Ibid. Winchester Cooley, another LACBE attorney, came to Halverson’s defense, and claimed that the survey was filed with the court and therefore a matter of public record. Judge Egly resoundingly rebuffed Cooley’s claim, stating that the survey was not a matter of public record because it was “lodged with the court” but not accepted.

<sup>555</sup> Ibid.

<sup>556</sup> Ibid.

<sup>557</sup> *Los Angeles Times*, 7 June 1977.

<sup>558</sup> *Los Angeles Times*, 8 June 1977.

<sup>559</sup> *Los Angeles Times*, 7 June 1977.

<sup>560</sup> Ibid.

<sup>561</sup> Ibid.

<sup>562</sup> Ibid.

<sup>563</sup> Ibid.

<sup>564</sup> Ibid.

<sup>565</sup> Ibid.

<sup>566</sup> Ibid.

<sup>567</sup> Ibid.

<sup>568</sup> Ibid.

<sup>569</sup> Ibid.

<sup>570</sup> Ibid.

<sup>571</sup> Ibid.

<sup>572</sup> *Los Angeles Times*, 9 June 1977.

<sup>573</sup> Ibid.

<sup>574</sup> Ibid.

<sup>575</sup> Ibid. Egly noted that in a telephone call with Dr. Mercer *on other matters*, he said she “said that she had different views than Gerard and Miller [two LACBE experts] and immediately I tried to close it off because I didn’t listen and she didn’t say it and that is the extent of it.”

<sup>576</sup> Ibid.

<sup>577</sup> Ibid.

<sup>578</sup> Ibid.

<sup>579</sup> Ibid.

<sup>580</sup> Ibid.

<sup>581</sup> Ibid. Shea and Halverson reportedly did not consult with the board members before filing the mistrial motion.

<sup>582</sup> Ibid.

<sup>583</sup> Ibid.

<sup>584</sup> Ibid.

<sup>585</sup> Ibid.

<sup>586</sup> Ibid.

<sup>587</sup> Ibid.

<sup>588</sup> Ibid.

<sup>589</sup> Ibid.

<sup>590</sup> *Los Angeles Times*, 14 June 1977.

<sup>591</sup> *Los Angeles Times*, 8 February 1977.

<sup>592</sup> Ibid.

<sup>593</sup> *Los Angeles Times*, 27 May 1977.

<sup>594</sup> Ibid.

<sup>595</sup> *Los Angeles Times*, 30 April 1977.

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<sup>596</sup> Ibid.

<sup>597</sup> *Los Angeles Times*, 1 June 1977. Docter accused Fiedler of aligning herself politically and receiving campaign donations from groups determined on “slowing down movements which pertain to civil rights and the education of minority” students. Docter stated, “The kind of John Birch-type money that Richardson represents is disastrous to see in a school board race.” Fiedler said she was “not ashamed” of “such donations,” and accused Docter to trying to “paint her as part of a ‘radical right-wing takeover of the Board’” and as a “Watergate trickster.” See *Los Angeles Times*, 30 April 1977.

<sup>598</sup> *Los Angeles Times*, 6 May 1977.

<sup>599</sup> *Los Angeles Times*, 1 June 1977.

<sup>600</sup> *Los Angeles Times*, 22 April 1977.

<sup>601</sup> Ibid. Endorsement by these unions translated into financial support, as well as support in mailing drives and precinct workers. The UTLA endorsed Walters, a backer of a “more ambitious” desegregation plan, for Office 6 against the incumbent Richard Ferraro. The UTLA’s House of Representatives, the union’s legislative body, “took no position in the race between Docter, the liberal incumbent who supports mandatory busing, and Mrs. Fiedler, his anti-busing opponent for Office 4.” According to the *Los Angeles Times*, a coalition of minority and liberal community leaders and organizations supported Walters. See *Los Angeles Times*, 1 April 1977.

<sup>602</sup> Ibid.

<sup>603</sup> *Los Angeles Times*, 1 June 1977.

<sup>604</sup> Ibid.

<sup>605</sup> Ibid.

<sup>606</sup> Ibid. The voter turnout was only 28%, and it is difficult to ascertain the reasons for this poor showing for the hotly contested LACBE elections. The low turnout favored anti-busers, yet suggested Angelenos may have been content with permitting Judge Egly to direct LACBE to come to a workable, constitutional integration plan that may have included busing. The *Los Angeles Times* reported that attendance at “campaign events was scarce and a relatively small turnout was forecast for the election, leading to speculation that busing may have peaked early in the campaign as an issue.” Years later, Fiedler explained that her election win against Docter rested on the political philosophy that “you have to make sure everybody knows he’s [your political opponent] a bad guy, and that’s part of the negative element in any campaign.” She also noted that an incumbent’s record could be used against them. Whereas the *Los Angeles Times* reported that Docter would spend \$15,000 to \$20,000 on his campaign and Fiedler would spend between \$20,000 and \$25,000, she would later report that she spent “at least \$50,000.” See Bobbi Fiedler, interview by Richard McMillan, tape recording, 17 November 1988, California State University, Northridge, Department of History and University Library’s Urban Archives Center, Northridge, California.

<sup>607</sup> Bobbi Fiedler, interview by Richard McMillan, tape recording, 17 November 1988, California State University, Northridge, Department of History and University Library’s Urban Archives Center, Northridge, California.

<sup>608</sup> Ibid. Fiedler also would later state that she only won about 30 percent of the vote in districts 8, 9, and 10, which were and are overwhelmingly African American and Hispanic, and include parts of central, west, and South-Central L.A. She also claimed to receive “a majority of the vote in the UCLA area which was heavily Hispanic.”

<sup>609</sup> Ibid.

<sup>610</sup> *Los Angeles Times*, 27 April 1977.

<sup>611</sup> Ibid.

<sup>612</sup> Ibid.

<sup>613</sup> Ibid.

<sup>614</sup> Ibid.

<sup>615</sup> Ibid.

<sup>616</sup> Ibid.

<sup>617</sup> Ibid.

<sup>618</sup> Ibid. In April 1977, 50,500 students were bused at district expense for various reasons including the voluntary busing program, special education students, and “hazard and distance” reasons.

<sup>619</sup> *Los Angeles Times*, 15 June 1977.

<sup>620</sup> Ibid. In the brief, Okrand named possible experts including: Michael Stolee, dean of the education school at the University of Wisconsin; Gordon Foster, professor of education and director of the desegregation consulting center at the University of Miami; and Gary Orfield, associate professor of political science at the University of Illinois.

<sup>621</sup> *Los Angeles Times*, 17 June 1977.

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<sup>622</sup> Ibid.

<sup>623</sup> Ibid.

<sup>624</sup> Ibid. Judge Egly explained that experts in desegregation cases said there were always three plans: the board's plan, the petitioners' plan, and "*the plan.*"

<sup>625</sup> Ibid.

<sup>626</sup> Ibid.

<sup>627</sup> Ibid.

<sup>628</sup> Ibid.

<sup>629</sup> *Los Angeles Times*, 2 July 1977. The *Los Angeles Times* reported that the board voted 4-3 in executive closed session to offer to consider alternatives to its part-time plan. Bardos, Miller, Nava, and Brown Rice voted in favor, and conservative Ferraro and pro-busers Docter and Watson voted against the motion.

<sup>630</sup> Ibid.

<sup>631</sup> Ibid.

## Chapter 6: A Limited Integration Plan in the Midst of Hypersegregation and Severe Overcrowding in Minority Schools

On July 5, 1977, Superior Court Judge Paul Egly emphatically rejected LACBE's March 18 integration plan, declaring, "The plan fails because it does not desegregate any school in the district and *even were it to be found* by this Court that it would desegregate schools, it would reach so few of the 231 segregated minority schools as *to be wholly ineffective in desegregating this district*" (emphasis mine).<sup>1</sup> In his order, Judge Egly explained the long legal process leading up to his order: "The mandate previously issued in 1970 by this Court to desegregate the ... District was affirmed by the California Supreme Court June 28, 1976. The response ... was a plan for integration filed by the ... (LAUSD) Board ... on March 18, 1977."<sup>2</sup> He declared that after twelve weeks "a motion was made by petitioners, and joined in part by intervenors Integration [Project], Watson and B.E.S.T., requesting the plan be rejected as insufficient compliance with the mandate. This Court now grants petitioners' motion."<sup>3</sup>

In this chapter, I argue that after fourteen years of litigation, Los Angeles implemented a desegregation that ignored hyper-segregated and increasingly overcrowded minority schools, including Jordan Starr High School, the school in the original filing of *Crawford* in 1963. The second LACBE desegregation plan developed out of Judge Egly's rejection of LACBE's initial part-time, integration plan. LACBE's new full-time LACBE plan called for a *voluntary-first* desegregation strategy with a mandatory backup desegregation strategy for grades four through eight. Judge Egly believed this second plan was hardly ideal, but he nonetheless ordered its implementation in order to begin the desegregation process, with the hope that the LACBE would continue working out the details. While segregation and overcrowding continued to affect racially isolated minority schools, at the same time, the integrationists in *Crawford* continued to argue for expansion of the plan, while anti-busers largely called for increased voluntary desegregation strategies.

At the same time, the Permit With Transportation (PWT), an important but controversial voluntary busing program within the LACBE plan, undermined the cause for mandatory busing,

as it transformed the status of previously segregated majority white schools to currently integrated schools, thus exempting them from mandatory busing. With less white students available due to this exemption and white flight, the integration plan left Racially Isolated Minority Schools (RIMS) hyper-segregated. While African Americans debated the value of the PWT, Mexican American communities debated the impact of integration on bilingual and bicultural programs. While researchers favoring affirmative integration discussed the possibility of a metropolitan plan and a multiracial plan, and debated over which racial and ethnic group belonged to the minority or majority, other experts assessing the current plan continually opposed mandatory busing by emphasizing white flight. Including intervenors in *Crawford* exacerbated the adversarial nature of the integration debate between everyone involved but also exposed the political fragmentation of the proponents of integration. These issues exposed the difficulties of implementing a plan in a sizable and racially diverse district.

#### *Judge Egly Explains His Decision to Reject LACBE's Plan*

Judge Egly meticulously dissected the evidentiary basis of his conclusion, noting the racial diversity of the district and detailing the high number and degree of segregated, minority schools in the district. Egly quoted the October 1976 LAUSD racial census, which recorded that of the 592,931 total students, 24.1% were Black; 32.1% were Hispanic; 37% were White; and 6.8% were Other Non-White Minority.<sup>4</sup> Although the district as a whole was racially and ethnically diverse, school segregation and the degree of segregation were readily ascertainable at individual schools classified by educational level. At the elementary school level, 113 out of 183 segregated minority schools had a minority student population of 98% to 100%; twenty segregated minority schools had 95% to 97% minority students; and forty-six segregated minority schools had 80% to 94% minority students. At the junior high school level, seventeen out of twenty-six segregated schools had 98% to 100% minority students; five schools had 95% to 97%; and four schools had 80% to 94%. At the high school level, out of a total twenty-two segregated schools, fourteen schools had 98% to 100% minority students; four schools had 95% to 97% minority students; and four schools had 80% to 94% minority students (see Chart 6.1, 6.2, and 6.3).<sup>5</sup>

Percentages	No. of Elementary Schools	Minority Students
98%-100%	113	101,162 minority students
95%-98%	24	17,797 minority students
80%-94%	46	34,745 students
Total	183	163,704 minority students

Chart 6.1. Minority Student Enrollment in Segregated Elementary Schools, LAUSD, 1976. Superior Court Paul Egly found segregated minority schools at all educational levels, leading him to reject LACBE’s largely part-time and voluntary integration plan. There is a very slight discrepancy between the figures in Judge Egly’s order and the charts he authored in a journal article years later. I used the charts to show the approximate number of minority students attending segregated schools in 1976. Source: Paul Egly, “Unfulfilled,” *University of La Verne Law Review* 31, no. 2 (2010): 287.

Percentages	No. of Junior High Schools	Minority Students
98%-100%	17	31,577 minority students
95%-98%	5	7595 minority students
80%-94%	4	6593 minority students
Total	26	45,765 minority students

Chart 6.2. Minority Student Enrollment in Segregated Junior High Schools, LAUSD, 1976. Source: Paul Egly, “Unfulfilled,” *University of La Verne Law Review* 31, no. 2 (2010): 287.

Percentages	No. of Senior High Schools	Minority Students
98%-100%	14	25,385 minority students
95%-98%	4	8395 minority students
80%-94%	4	10,675 minority students
Total	22	44,455 minority students

Chart 6.3. Minority Student Enrollment in Segregated Senior High Schools, LAUSD, 1976. Source: Paul Egly, “Unfulfilled,” *University of La Verne Law Review* 31, no. 2 (2010): 288.

Egly explained how LACBE clearly excluded many hyper-segregated minority schools from its desegregation plan and detailed how the mandatory portion of LACBE’s plan designated only “38 elementary segregated white and 55 elementary segregated minority schools as definitely being included in the desegregation process.”<sup>6</sup> Egly highlighted: “Unaffected by any desegregation plan are 128 minority segregated elementary [schools], of which 99 are in a 98% to 100% segregated minority classification; 12 in the 95% to 97% segregated minority classification; and 17 in the 80% to 94% segregated minority classification.”<sup>7</sup>

Judge Egly found that under the LACBE plan a clear numerical majority of minority elementary students would attend segregated schools, noting that a “A total of 111,761 of the

153,704 students in minority elementary segregated school remain racially isolated.”<sup>8</sup> He suggested that LACBE’s plan “vaguely envisions that there shall be at least one year of integrated learning experience for students in their high school term.”<sup>9</sup> “Other than these vague voluntary programs,” Egly wrote, “no requirement for desegregation is indicated.”<sup>10</sup> Asserting that LACBE’s plan left most of the segregated minority junior and senior high schools in “a segregated condition,” Judge Egly concluded, “They [the minority students attending these schools] will not have been relieved in any manner of their racial isolation during their entire school experience.”<sup>11</sup>

Egly deemed that the plan had “built-in constraints which prevent any effective expansion for increased impact on the segregated minority schools,” criticized LACBE’s arbitrary 80/20 definition of a segregated school, and linked this definition to the Educational Planning Unit (EPU), a key concept in the board’s plan.<sup>12</sup> While “[t]he limitation of mandatory transportation distance determines the geographical limits of the EPU,” Egly noted, “The definition of segregated schools and integrated schools determines which schools within those geographical limits may be included in an EPU.”<sup>13</sup> Showing the broad base of schools exempt from EPUs, Egly explained, “This last definition [of a segregated or integrated school according to an 80/20 ratio] excludes all pupils in schools defined as integrated, which are within the geographical boundary of the EPU but regardless of the exact ratio of the majority to minority pupils, whether 79-21 or 50-50.”<sup>14</sup> Excluding these schools from desegregation efforts meant longer bus rides, yet LACBE included short and strict travel time limits in its plan. This scenario represented a major built-in constraint in the plan. Judge Egly ruled that there was no rational explanation for LACBE’s 80-20 ratio, and declared, “Thus, by arbitrary standards, large numbers of students may be included or excluded with any change of ratio defining segregated schools.”<sup>15</sup>

LACBE included only a single “sanction” for “failure to opt for a voluntary plan,” which concerned Egly.<sup>16</sup> He noted, “[F]or if the EPU fails to elect a voluntary means of desegregation by February 1978, the Board will require that a minimum of 50 elementary schools within the EPUs enter into the mandatory method of integration known as Specialized Learning Centers (SLC).”<sup>17</sup> Under the SLC plan, a student would attend his/her “regular school” for two-thirds of the school year, but for one third of the year the student would “report, presumably one hour early, to his regularly assigned segregated school and remain there for one hour,” Egly detailed.<sup>18</sup> The student would then receive instructions in reading, mathematics and writing.<sup>19</sup> The SLC

plans would “stop at the end of the sixth grade,” at which point, Egly surmised, the student “becomes eligible ... to participate for one year in a cultural exchange or integrated program before graduation from the senior high school.”<sup>20</sup> Egly ruled, “*This high school program is vaguely outlined in the plan without specific guidelines*” (emphasis mine).<sup>21</sup>

Referencing LACBE’s Permit With Transportation (PWT) program, which allowed “certain students to voluntarily bus out of their segregated school to other schools upon space-and-transportation available basis,” Egly highlighted that the PWT placed the responsibility of desegregation on minority students.<sup>22</sup> While many white parents lauded the PWT because it was voluntary, Egly pointed out that the PWT was “used almost entirely by minority students, busing themselves out of minority segregated schools to segregated white schools.”<sup>23</sup> Moreover, testimony indicated “little expectation” for “any measurable increase in use of the PWT program by white students.”<sup>24</sup> He asserted that the PWT offered “little hope to relieve desegregation because of the limited numbers envisioned in the plan; because it does not desegregate the sending schools; and, because of the high cost of maintaining the program.”<sup>25</sup> He declared, “*It is constitutionally suspect as a major desegregation device because it places the burden of relieving the racial isolation of the minority student upon the minority student*” (emphasis mine).<sup>26</sup> After dismantling LACBE’s plan and pointing out its major shortcomings, Egly ruled:

The Board’s position is that these techniques are designed to alleviate the consequences of segregation and thereby desegregate schools. The view is not shared by this Court, not by any other court in any reported cases where similar provisions for desegregation were advanced.<sup>27</sup>

He explained, “This Court has repeatedly urged that desegregation must precede or accompany integration.”<sup>28</sup> Egly noted the plan’s two basic defects: 1) the minimal scope in reaching the 231 segregated district schools and 2) “the failure to desegregate any school that is within its limited scope.”<sup>29</sup>

Judge Egly gave LACBE ninety days to develop a plan or plans to “realistically commence the desegregation of this district no later than February 1978, and ... promise within their terms to complete such desegregation process within a reasonable period thereafter.”<sup>30</sup> On July 11, only six days after Judge Egly’s order, LACBE member Ferraro introduced a motion to appeal Egly’s order, but a few days later LACBE formally declined to appeal.<sup>31</sup> Newly elected Board President Howard Miller stated that the board members “decided to comply with Egly’s

order ... and will make every effort to examine all available alternative plans before returning to court in 90 days.”<sup>32</sup>

In mid July 1977, LACBE *informally* adopted a provisional, desegregation plan based on the previous plan,<sup>33</sup> and Judge Egly granted LACBE permission to begin implementing the plan’s voluntary-first phase with a mandatory backup strategy in the fall of 1977. LACBE voted to allot \$26.5 million to initiate the program, and cut out or placed another \$7 million in a reserve fund towards a court-approved plan.<sup>34</sup>

LACBE’s allotment of these funds benefitted some students and teachers but was conspicuously detrimental to minority students. LACBE placed \$15 million for the PWT program to almost double student participation from 10,000 to 18,000<sup>35</sup>; \$3.6 million to bus volunteers in integration plans developed under the educational planning units (EPUs) model; \$2 million to improve educational programs of schools already considered integrated by the district; \$1.4 million to train teachers and administrators at schools involved in the program; and \$1 million to finance the start of an elementary school and the pairing of Westside schools Canfield Ave. and Crescent Heights Boulevard.<sup>36</sup> However, LACBE *cut* \$4 million geared toward reducing teacher-pupil ratios and other educational improvements at *predominantly minority schools* untouched by the board’s plan. Additionally, though a recent LACBE desegregation survey demonstrated that a majority of African Americans and Mexican Americans backed mandatory desegregation methods, LACBE chose to *cut* \$1.8 million specifically geared toward mandatorily reassigning minority children to majority white schools with seats available, which would have also helped ease escalating overcrowding at minority schools.<sup>37</sup>

#### *Court Referee Monroe Edwin Price*

On July 8, Judge Egly appointed UCLA law professor Monroe E. Price court referee of the Los Angeles school desegregation case.<sup>38</sup> As the “eyes and ears” of the court, Price studied numerous issues on behalf of Judge Egly, as well as minute details of LACBE’s maneuvering during the planning phase. For example, in one early report studying LACBE’s allocation of funds, Price discovered that LACBE essentially created and funded at least two racially, segregated predominantly *white* magnet schools under its integration program using resources meant for desegregation.<sup>39</sup> Price found that LACBE had determined that “the alternative schools in the District should be treated as magnet schools in 1977-1978 and certain transportation to and

from the schools should be paid for by the District out of its pupil integration budget.”<sup>40</sup>

Therefore, the district used funding slated for desegregation to pay for non-desegregatory programs in alternative schools under the guise of new magnet schools.<sup>41</sup> He noted, “Two of the alternative schools had October 1976 enrollments exceeding 80% other white students.”<sup>42</sup> Price also analyzed other issues on behalf of the court, including: the meaning of segregation and integration; “majority-minority” schools; currently integrated schools (CISs); the Educational Planning Unit (EPU) concept; the metropolitan plan; and bilingual education.

In late August, Price discussed bilingual education, a central issue in the 1968 East L.A. student demonstrations. Bilingual education extended beyond hiring bilingual teachers and aides who spoke Spanish, although the overwhelming majority of NES and LES students were Spanish speakers. State and federal agencies by now had passed educational legislation that funded many bilingual and bicultural programs (Chacon and ESEA for example). In *Lau vs. Nichols* the U.S Supreme Court mandated bilingual education. On the relationship between desegregation and bilingual programs, Price wrote, “It may be that the bilingual programs would serve as a constraint on the reassignment plan rather than being shaped by it.”<sup>43</sup> However, by mid September, Price highlighted that “the desegregation plan itself might be appropriately used as an opportunity to demonstrate more meaningful dedication to compliance with federal and state [bilingual] requirements.”<sup>44</sup>

LACBE often countered calls for school desegregation by claiming that desegregation could interfere with their commitment to ongoing compensatory education programs, including bilingual education. However, the Office of Civil Rights, Department of Health, Education and Welfare (HEW), Region IX, concluded that the LAUSD *failed* to comply with Title VI of the 1964 Civil Rights Act and the “federal regulations enforcing it with regard to bilingual education.”<sup>45</sup> Price argued that in turn failing to comply with federal bilingual education mandates negatively affected the district’s chances at obtaining HEW funds “particularly desegregation assistance money allocated under the Emergency School Assistance Act.”<sup>46</sup> Price estimated that these substantial funds comprised “between ten and twenty percent of an annual desegregation budget.”<sup>47</sup>

On July 20, the HEW asked the LAUSD to “initiate immediately the development of a comprehensive [bilingual] educational plan,”<sup>48</sup> but as of September 12, the district had not begun to develop a plan.<sup>49</sup> Price granted that the OCR’s demands closely resembled those required by

California state law, specifically the California Bilingual – Bicultural Education Act of 1976.<sup>50</sup> Therefore, the district did not have to carry out much additional work. Price articulated, “If the District were to indicate what steps it expects to take to comply with the state law, the resulting plan would approximate the demands of the OCR letter.”<sup>51</sup> However, Price noted that California state law requirements were more “stringent than those imposed by federal law,” particularly with respect to the time frame for implementation.”<sup>52</sup>

Although he had wavered on the issue, Price ultimately dismissed the district’s claims that compliance with *Crawford* posed an obstacle to the implementation of a comprehensive bilingual and bicultural education plan. Asserting that it was “hard to understand why compliance with Crawford is an insurmountable barrier to the preparation of a comprehensive plan for bilingual and bicultural education in the District,”<sup>53</sup> Price pointed out that the board’s plan intended to exclude from “reassignment provisions” the early elementary years, which were the grades where the “largest need for bilingual education is conceded to be.”<sup>54</sup> Price found that the “true barrier” to bilingual and bicultural education was the shortage of teachers with bilingual and bicultural skills, so Price proposed an “incentive salary augmentation” for teachers who obtained or possessed a bilingual and bicultural education “certificate of competency.”<sup>55</sup> Price also dismissed allegations that faculty desegregation was “an intractable constraint on the development of a meaningful bilingual program.”<sup>56</sup>

Price attempted to balance integration efforts, compensatory education, and bilingual/bicultural education by focusing on funding as a means to create a balance toward parity and equity.<sup>57</sup> On ensuring district compliance with *Crawford*, Price recommended employing an independent, administrative agency as the case proceeded from “the remedy phase to the compliance phase.”<sup>58</sup> He did not believe the court, the State Board of Education, and the State Superintendent had the authority to monitor the district’s compliance with *Crawford*.<sup>59</sup>

Price noted that some groups submitted briefs to Judge Egly suggesting keeping the courts out of the remedy phase of *Crawford*, and demanding assistance from the state of California, which could presumably “not pose the same jurisdictional hurdles as a court – mandated inter-district remedy.”<sup>60</sup> Price found some merit in the argument and relied on *Serrano II*, in which the “State [of California] officials could not escape responsibility for an educational financing system which resulted in disparities in educational opportunity.”<sup>61</sup> Price reasoned that “state officials would seem to share the obligation of local school officials to ‘attempt to alleviate

segregated education and its harmful consequences,' even if such segregation results from the application of a neutral state policy."<sup>62</sup> While maintaining jurisdiction, Price contended, the court "could give the state a reasonable time in which to remedy the existing situation."<sup>63</sup>

### *LACBE's Lack of Progress Elicits Criticism*

In the meantime, civil rights organizations and even school board member Bardos criticized LACBE's sluggishness toward desegregation. In September 1977, NAACP attorney Virgil Roberts requested to intervene in the case, and protested that LACBE was moving too slowly and was "not considering the 'maximum' desegregation" possible.<sup>64</sup> Judge Egly refused Roberts' request to intervene; yet Egly said he too did not think LACBE was going to come up with a "maximum [desegregation] plan."<sup>65</sup> The SCLC/West told the board to "get to work night and day if necessary."<sup>66</sup> On behalf of The Coalition for Bi-Lingual Integrated Quality Education (CBIQE), an umbrella organization made up of civil rights groups advocating that school integration and bilingual education were not incompatible objectives, TIP's Sharon Stricker told LACBE that it should "spend every day from now until Oct. 3 formulating an equitable and meaningful desegregation plan."<sup>67</sup> Criticism from within LACBE for its lack of expediency had remained scarce, but that changed in mid-September when board member Bardos stated that "his colleagues are working too slowly on school integration" and that he feared the board would be in a "rush to finish and make mistakes."<sup>68</sup>

In a desperate attempt for an immediate resolution, LACBE President Miller offered petitioners' attorneys an opportunity to discuss an out-of-court settlement behind closed doors, an offer "sharply rebuffed by attorneys for the petitioners."<sup>69</sup> ACLU, NAACP, and Los Angeles Center for Law and Justice (LACLJ) lawyers also admonished Miller for contacting them "without the advance knowledge of other board members."<sup>70</sup> Miller confirmed he offered talks for a settlement with LACBE counsel Halverson present and "defended his effort as legitimate and proper and expressed shock at the hostile reaction of the plaintiff's attorneys."<sup>71</sup> While calling the lawyers' rejection in "bad faith and disservice to the whole community," Miller claimed, "This is the first time in 14 years one of the parties has taken a step toward arriving at a conciliatory settlement. The rebuff is a tragedy."<sup>72</sup> Miller remarked that other board members were aware of the meetings and had not reacted negatively, but when interviewed, board members expressed mixed feelings.<sup>73</sup> NAACP attorney Roberts said that LACBE attorneys

“should have initiated the talks” if board members thought that an effective desegregation plan could have been negotiated outside of court.<sup>74</sup> LACBE attorney Halverson described Miller’s efforts as conciliatory.<sup>75</sup>

### *LACBE Votes on a Second Integration Plan*

On September 26, LACBE held a long-awaited vote on a revamped desegregation plan and would consider formally adopting a second integration plan to submit to Egly for approval.<sup>76</sup> Although LACBE had discussed numerous plans developed by the district’s staff, plans labeled A through K, during this special board meetings LACBE members received a copy of the summary of *Concept L – Draft B: Integrated Educational Excellence Through Choice*, which would be up for discussion during the meeting.<sup>77</sup>

In actuality, *Concept L – Draft B* represented LACBE’s newest integration plan awaiting formal LACBE approval.<sup>78</sup> This plan promoted a *voluntary-first approach*, but included a mandatory, full-time desegregation backup provision limited to fourth through eighth graders attending segregated schools (now defined as 70% or more white or combined minority enrollment). The plan excluded kindergarten through third grade, high schools, and currently integrated schools.<sup>79</sup> Part of the board’s rationale for excluding early grades, reported the *Los Angeles Times*, was to secure federal and state funding for early childhood education compensatory programs designed to improve the academic skills of minorities and English language programs geared toward Hispanic and Asian children.<sup>80</sup> (Court referee Price disagreed with this explanation for excluding early grades.) The plan would begin in September 1978. The *Los Angeles Times* reported that “sources [within the district] said that Anglo youngsters who would most likely be affected generally live in the northern and western reaches of the San Fernando Valley, parts of Westchester ... Westwood, Brentwood, and Pacific Palisades.”<sup>81</sup> “Black youngsters,” the newspaper continued, “most likely to be affected live in a belt reaching south of the Santa Monica Freeway possibly as far as S. Jefferson Blvd.”<sup>82</sup> “Hispanic youngsters most likely to be affected live in parts of East Los Angeles and in a corridor running along Olympic and Pico Blvds,” the *Los Angeles Times* elaborated.<sup>83</sup>

The full-time integration plan in the works incorporated a voluntary-first approach with a mandatory backup. Like the previous plan, LACBE would offer parents of children in segregated schools a series of voluntary desegregation opportunities, such as magnets.<sup>84</sup>

However, in the key proposition, if parents declined voluntary opportunities, their children would be “subject to mandatory desegregation.”<sup>85</sup> Board President Miller declared Concept L, the district’s new integration plan proposal, up for consideration.<sup>86</sup> Board member Bardos, representing the San Fernando Valley - the epicenter of opposition to mandatory integration strategies - moved to adopt the plan and to file it with the Superior Court.<sup>87</sup> Bardos backed Concept L<sup>88</sup> because the “key part of the plan” he expressed, “is that it gives people a choice.”<sup>89</sup> Speaking to critics of LACBE, he remarked, “Just because it [the second plan] didn’t give you all you wanted, please don’t destroy the school system.”<sup>90</sup> Board member Brown Rice seconded the motion.

Watson expressed concern about the plan excluding early elementary grades and high schools. She introduced a motion calling for the inclusion of kindergarten through twelfth grade, but the motion failed.<sup>91</sup> An unrelenting Watson submitted another motion asking to remove the PWT from Concept L, and instead use the \$17 million on other components of the integration proposal.<sup>92</sup> This motion also failed, however LACBE decided that the PWT program would have a maximum participation of 20,000 students, and offered “assurance that it would not become a primary integration program.”<sup>93</sup>

Board member Fiedler argued that LACBE had not created a segregated school district, essentially attempting to retry *Crawford*. She ignored that the ACLU demonstrated to Judge Gitelson that LACBE had engaged in *de jure* segregation by creating and perpetuating school segregation, although Gitelson largely based his ruling on *de facto* segregation. Discounting that *Crawford* was a state case and not a federal case, Fiedler contended that the “current trend in United States Supreme Court decisions is to require specific remedies to address specific problems.”<sup>94</sup> However, integrationists and intervenors argued that the abuse never stopped and asked Judge Egly therefore to declare LACBE “recalcitrant.” After Fiedler spoke, an unusually blunt Nava remarked, “Mrs. Fiedler carries no weight with me because she is against mandatory integration.”<sup>95</sup> Fiedler, unrelenting in her opposition to any mandatory component in the new plan, proposed: “THAT all those components of Concept L – Draft B that are mandatory be deleted.”<sup>96</sup> After the board members discussed Fiedler’s amendment, she modified her amendment to read: “That all those provisions for voluntary integrated experiences described in Concept L – Draft B be approved; and THAT all provisions for mandatory integrated experiences be withdrawn from Concept L – Draft B.”<sup>97</sup> Fiedler political maneuvering

continued, as she asked to consider the development of “translation centers for the assistance” for Non-English Speaking (NES) and Limited English Speaking (LES) students and parents, to which Bardos and Rice also agreed, directly pitting the goals of integration against bilingual education.<sup>98</sup>

LACBE voted on the amended Fiedler motion, which the board split into two separate parts. President Miller amended the first part of Mrs. Fiedler’s amendment, which, after the board agreed to amend with Miller’s own amendment by a 6 to 1 vote, then read: “THAT all provisions for voluntary integrated experiences described in Concept L – Draft B, including the funding of class size reduction, magnet schools and complexes, staff development, and their budgetary support, be approved.”<sup>99</sup> This first part of Fiedler’s amendment passed by a unanimous vote of 7 ayes. The second part, which called for withdrawing all provisions for mandatory integrated experiences lost by a 5 to 2 vote, with Fiedler and Ferraro casting the lone two votes in support. After several board members reiterated their support or opposition to the plan, the motion to adopt and submit Concept L to Judge Egly for approval passed.<sup>100</sup> The ayes included Bardos, Nava, Rice, Watson and Miller. The noes included Ferraro and Fiedler.<sup>101</sup> On October 3, 1977, LACBE formally submitted *Integrated Educational Excellence Through Choice, Plan B* to Judge Egly.

### *Concept L Elicits Contrasting Reactions*

Civil rights leaders and attorneys disagreed with the limitations within the desegregation plan, particularly the lack of integration envisioned in predominantly segregated, minority schools, and the fact that the plan left “great portions of the black and Mexican-American communities untouched,” the *Los Angeles Times* reported.<sup>102</sup> At a CBIQE rally, Marnesba Tackett called the plan “a half plan, a partial plan ... a plan that only desegregates the middle grades and then desegregates only about 10% of the pupils in Los Angeles.”<sup>103</sup> The ACLU’s Ramona Ripston objected to the limited number of students, and its exclusion of some of the “poorest schools” and students from the “poorest parts of South-Central Los Angeles.”<sup>104</sup> However, she was glad that there were “four more board members who recognize we have to have mandatory desegregation.”<sup>105</sup> The NAACP’s Virgil Roberts said LACBE’s plan appeared to leave “a vast number of minority segregated schools that will be 100% segregated,” and that LACBE had “misread” the California Supreme Court’s decision ordering it to desegregate.<sup>106</sup>

Both Ripston and Roberts objected to the exemption of first through third grades and high school students.<sup>107</sup> Ripston asserted, “We all know the earlier you begin the better off you are.”<sup>108</sup> Lynn Pineda of the Los Angeles Center for Law and Justice (LACLJ) said the group would oppose the plan.<sup>109</sup> Another LACLJ attorney Tomas Sanchez stated, “Chicanos want education without isolation.”<sup>110</sup>

Other integrationists criticized the plan but responded in patently distinct ways, including praising some components within the plan. Tackett criticized the plan “in terms milder than previous statements from civil rights leaders pushing desegregation.”<sup>111</sup> For example, whereas some civil rights groups and board member Watson called for the elimination of the PWT, Marnesba Tackett advocated keeping it at the present level of roughly 20,000 participants.<sup>112</sup> However, Tackett also called for the inclusion of kindergarten through third and ninth through twelfth grades. The *Los Angeles Times* reported that “important support” also came from CACSI, which had disbanded by this time. Speaking on behalf of CACSI, Mary Keipp told the board that its present plan was “a good concept as part of a desegregation plan.”<sup>113</sup>

However, the ACLU, the NAACP, and the LACLJ all planned to ask Judge Egly to declare the second board plan unconstitutional “on its face and without the necessity of a protracted hearing,” and then to seek “the drafting of a real plan by court-appointed experts.”<sup>114</sup> They stated that the plan “openly flaunts the court’s mandate and leaves the school system racially and ethnically divided.”<sup>115</sup> The plan would cover slightly more than 112,000 students, leaving about 333,000<sup>116</sup> other students in segregated schools in the 595,000-student school system.<sup>117</sup> The groups’ main criticism was the board’s decision not to desegregate the schools in the poorest sections of the “ghetto and the barrio.”<sup>118</sup> They also criticized the plan for involving only fourth through eighth grades and called this latest plan a “sugar-coated version” of the earlier plan.<sup>119</sup>

Civil rights lawyers also worried about the board’s recent definition of a segregated school because majority white schools could admit *just enough* minority students and bring their minority enrollment to 30%, “thereby again erecting virtual preserves for overwhelmingly white school populations within an overall district population that approximates 63% to 37% minority to majority.”<sup>120</sup> The civil rights groups reiterated that Judge Egly called voluntary busing programs “constitutionally suspect.”<sup>121</sup> Of the board’s choice to exclude high schools in its plan, the groups declared that the “rationale for this program included the racist precept that

heterogeneous groups of students could not combine together in high school in an educationally meaningful experience.”<sup>122</sup> TIP lawyer Art Goldberg called the board’s plan “a cruel racist hoax,” and also objected to the grade exemptions and to LACBE overlooking allotting funds for bilingual education.<sup>123</sup> Civil rights organizations had an unlikely ally in their disagreement with the plan. A “very displeased” Mary Jo Havert of BUSTOP opposed the plan, stating, “We are of course very displeased.”<sup>124</sup> Havert liked the voluntary portions of the plan but “saw no reason for the mandatory part of the program.”<sup>125</sup>

Court-appointed referee Monroe Price, in his opinion of the latest LACBE desegregation plan, indicated that he doubted “that Superior Judge Paul Egly will be able to determine the constitutionality” of the plan because it was “vague.”<sup>126</sup> Referencing the California Supreme Court mandate requiring LACBE “to take meaningful steps toward desegregation,” Price claimed that it was not clear whether the board plan would “evolve into something more than desegregation limited to 112,000 students in the fourth through eighth grades.”<sup>127</sup>

In addition, Price indicated “the exclusion of so many minority students (an estimated 168,489 in 153 schools) in segregated schools may make the district vulnerable when it comes to complying with the Crawford decision.”<sup>128</sup> Most of the segregated minority schools excluded from the plan were located “in the black ghetto of South-Central Los Angeles and the Mexican-American barrios of the East Side,” and these exclusions concerned Price because *Crawford* required the school district “to address the kinds of racial isolation which occurs when a school becomes known, in a concrete way, as a minority school.”<sup>129</sup> By leaving African American students in South-Central L.A. and Spanish-surname students in the Eastside in racial isolation, the board’s plan “may be inconsistent with the Crawford mandate,” Price asserted.<sup>130</sup> Price again recommended that after Judge Egly approved a desegregation plan, he should also commission a committee to monitor the implementation of the plan.<sup>131</sup>

### *The PWT and Concept L*

As the varied responses to the recent LACBE plan pointed to some fragmentation within the integrationists’ ranks, the PWT specifically continued to divide integrationists, community leaders and minority parents. Board member Watson had asked LACBE to end the program, but LACBE responded with *plans* to double the number of students in the PWT. Many minority parents supported the PWT program as an avenue to quality education, irrespective of its

desegregative effects. In early October, TIP heeded LACBE member Watson's pleas and called on Egly to halt the PWT because it was "discriminatory toward non-white children," "it unconstitutionally place[d] the desegregation burden almost entirely on minority youngsters," and therefore constituted a denial of equal protection.<sup>132</sup> According to TIP, only eighty students out of a total of 18,696 PWT students were white, or 0.43%, with 99.57% minority, mostly African American, participants.<sup>133</sup> TIP's Goldberg declared, "We want to smash this concept because they are using non-white students as guinea pigs. All we are getting is one-way busing of inner-city students ... to the Valley and to the West Side schools, but there are not white students being bused to the minority schools."<sup>134</sup>

In response, President Miller restated that LACBE limited the PWT enrollment to 20,000 instead of the previously envisioned 30,000 in the first plan, and added that under the new plan only 30% of the students would partake in the PWT while the rest would participate in voluntary desegregation programs in fourth through eighth grades.<sup>135</sup> In yet another example of fragmentation among civil rights groups' ranks, the ACLU, NAACP and LACLJ opted not to join The Integration Project in its request to halt the PWT program.<sup>136</sup> The ACLU's Okrand noted that the civil rights group opposed the PWT but did not elaborate on why it did not join TIP.<sup>137</sup> The LACLJ's Lynn Pineda expressed that the motion against the PWT came too late, and added, "The damage has been done [for the academic year]. It would be disruptive to stop the program now but this should be the last year. The Court should serve notice that this is the last year for PWT."<sup>138</sup>

### *Civil Rights Groups and Community Leaders Respond to LACBE's Plan*

By October 18, the civil rights coalition of the ACLU, the NAACP, the LACLJ, and The Integration Project filed a brief with Judge Egly in response to LACBE's plan and declaring the plan purposely left "large numbers of minority students unaffected and in racial isolation" and noting their disapproval of the PWT for being too expensive, for placing too much burden of desegregation on minority children, and for "robbing" minority schools of "their most academically aggressive, capable and upwardly mobile students."<sup>139</sup> TIP's Goldberg remarked, "I hope the people are being prepared the plan does not have a chance in the world."<sup>140</sup> Civil rights attorneys charged that Jordan High School, where the *Crawford* began in 1963, was "not desegregated by the plan, is left out and permanently classified as a segregated school."<sup>141</sup> "The

plan, formulated in political bad faith and haste, is vague and fails to specify and describe complete desegregation as ordered” by Superior Court Judge Gitelson and the California Supreme Court, civil rights attorneys asserted in the brief.<sup>142</sup> The NAACP’s Joseph Duff stated that the civil rights coalition now supported TIP’s separate motion requesting a halt to the PWT program, a message seeking to mend divisions within the coalition.

The growing rally against the board’s recent plan also included several prominent African American politicians, some described as having stayed “in the background of the desegregation fight.”<sup>143</sup> Board President Miller had claimed publicly that he had lined up support for the plan from African American leaders, but John W. Mack of the Los Angeles Urban League told reporters, “We are here to explode any such myth perpetrated by President Miller or anyone else.”<sup>144</sup> Los Angeles City Councilman Dave Cunningham stated, “We have no support for his [Miller’s] jive plan.”<sup>145</sup> After these comments, a disappointed Miller told the *Los Angeles Times*, “I think the statements that have been made are a tragic disservice to the district and the city.”<sup>146</sup> The *Los Angeles Times*, however, reported that district officials had attempted to drum up support from notable education activist and civil rights leader Marnesba Tackett and Tom Bradley’s administration *a day before* LACBE voted on the plan. The *Los Angeles Times* recounted that on September 25 “Miller, Supt. ... Johnston, Dept. Supt. James Taylor, [Bill] Elkins [director of Mayor Bradley’s Human Resources Department and special assistant to the mayor,] and board member Diane Watson met in the apartment of Marnesba Tackett.”<sup>147</sup> School officials, reported the *Los Angeles Times*, “wanted from the meeting ... the promise of a supporting vote from Miss Watson, the board’s only black member and the strongest advocate of desegregation.”<sup>148</sup> Watson found herself in an unenviable position that the venerable Tackett described as “between the devil and the deep blue sea.”<sup>149</sup> If Watson voted against the desegregation plan, she would have found herself allied with Fiedler and Ferraro, foes of mandatory busing.<sup>150</sup> By voting “yes,” Watson supported a plan that she did not fully endorse.<sup>151</sup>

### *Judge Egly Orders Integration Planning*

“The pressure is on me,” Judge Egly declared on Wednesday October 19, explaining, “I want something started.”<sup>152</sup> His declaration signified that LACBE could begin planning strategies to implement portions of its desegregation plan, including conducting parent surveys asking what special educational programs were of interest to them.<sup>153</sup> Civil rights attorneys

objected, but Judge Egly went ahead and scheduled hearings starting on November 1 to investigate those sections that were “feasible and practical” for implementation.<sup>154</sup> Judge Egly half-joked, “This may go on until the end of my career.”<sup>155</sup> The ACLU’s Fred Okrand questioned the constitutionality of the plan and protested limiting mandatory desegregation to grades fourth through eighth and indicated that these limitations “violated the constitutional mandate” of the California Supreme Court.<sup>156</sup> However, BEST’s Harvey Saferstein disagreed and filed a motion asking Judge Egly to “give conditional approval to the board’s plan and order immediate implementation” with oversight from “outside monitors and one or multiple court referees.”<sup>157</sup> “The sooner the board will be able to move the better we will be. We are down to the short strokes now,” Egly explained.<sup>158</sup> After the hearing, district officials stated they had to begin telling parents and students about the plan, to begin taking surveys to find out how many students participate, and to find out how many students would be subject to mandatory busing.<sup>159</sup> Under the board plan, the voluntary-first phase strategy would begin in September 1978, and the mandatory part would take effect after the voluntary-first phase.

The hearings served other purposes. Judge Egly wanted to find out if LACBE had been “resolute” in writing a plan, a requirement by the California Supreme Court to indicate a “good faith effort.”<sup>160</sup> Aware of the political implications of the legal proceedings in his courtroom, *The Los Angeles Times* reported, “Egly appeared to be balancing the legal requirements of the case against what he perceived as the political aspects—acceptance by a reluctant community and implementation by election members of a school board.”<sup>161</sup> *The Los Angeles Times* explained the political game taking place in *Crawford*: If Judge Egly determined that the recent LACBE plan did not meet the California Supreme Court mandate and the board offered to make no additional concessions, the judge could declare the plan unconstitutional. However, if LACBE expressed a willingness to work out further compliance and involve more students in the future, Judge Egly could permit the board to proceed with implementing the plan as it stood and incorporate modifications later.<sup>162</sup> Hearings on how much of the plan could be implemented were scheduled for November 8.

A disagreement between LACBE and the Judge Egly developed when the board refused to commit expanding mandatory desegregation beyond fourth through eighth grades. Was LACBE’s recent plan all it intended to do or did it intend to expand the plan later to include more students? The board responded this way: “The board takes the position that this plan is the

beginning of a dynamic process, one which is open to continued evaluation and adjustment in good faith. As this plan is implemented, it will be closely monitored and evaluated and its success or failure judged.”<sup>163</sup> As a rationale for its stance, LACBE released statistics depicting a sharp decrease in white enrollment in comparison to previous years.<sup>164</sup> Judge Egly faced a difficult decision: Would he accept a limited plan or order expanding the plan to more grades?<sup>165</sup>

### *The Office of Civil Rights Again Critical of LACBE*

In late October, the Office of Civil Rights of the Department of Health, Education, and Welfare found the Los Angeles Unified School District in violation of federal antidiscrimination laws, specifically Title VI of the 1964 Civil Rights Act, and consequently federal authorities denied \$24 million in funds to the district to help pay for desegregation startup costs and other multicultural activities.<sup>166</sup> Again, the crux of the board’s violation was its failure to provide bilingual instruction to limited-English speaking (LES) and non-English speaking (NES) students.<sup>167</sup> The civil rights office’s findings demonstrated that, almost ten years after the East L.A. student demonstrations, LACBE and the district had failed to fulfill its promise of providing bilingual/bicultural education programs.

### *Some Parents Take a Proactive Role in Integration*

With the potential implementation of mandatory integration strategies if LACBE’s voluntary-first desegregation phase failed to garner enough volunteers, some parents from segregated African American, Latino, and white schools began proposing their own desegregation plans that they hoped LACBE would accept. For example, on October 24 during a LACBE meeting the *Los Angeles Times* described the atmosphere: “Seven little children—blacks, Anglos, and Mexican-Americans among them—faced the Los Angeles Board of Education.”<sup>168</sup> “In the middle of the children was a mother, Fern Isenberg, behind them was a board meeting room packed with parents and children, many carrying signs. Every time Mrs. Isenberg delivered a punch line ... the parents and children applauded,” the *Los Angeles Times* elaborated.<sup>169</sup> The diverse group from five San Fernando Valley schools introduced a desegregation plan of their making.<sup>170</sup> The mostly white parents leading these efforts, the newspaper noted, wanted their children to attend middle-class minority neighborhood schools with short bus rides.<sup>171</sup>

The diverse group at the electric October 26 school board meeting cheered in unity, yet the journey to such cross-racial collaboration had been filled with uncertainty. “Organizers have also learned that it is hard to get parents of different races together,” reported the *Los Angeles Times*.<sup>172</sup> “It was very difficult in the beginning,” expressed Mrs. Carol Allbright, a white mother who helped organize the Valley student exchange effort.<sup>173</sup> When African American, Mexican American, and white parents attended the first group meeting, Allbright commented, “Nobody really looked at each other.”<sup>174</sup> However, as time passed, the environment changed. The planners expressed that as the parents from the five schools “got to know each other” they “began to function as a team.”<sup>175</sup> Allbright also noted the presence of parents who opposed the plan, and their changing attitude at the meeting. She referred to them simply as “anti.”<sup>176</sup> “It was a long, long meeting and as we talked I could see people who were ‘anti’ saying, ‘Hey, this is not bad,’” she explained.<sup>177</sup>

#### *The PWT Divides the African American Community*

While the impending integration plan compelled some parents from different racial and ethnic backgrounds to collaborate on how to participate in integration efforts, the PWT exacerbated a growing rift between African American community leaders and civil rights groups, on the one hand, and African American parents who volunteered their children for busing to schools in the predominantly white neighborhoods of the San Fernando Valley and the Westside, on the other.<sup>178</sup> Judge Egly permitted the controversial PWT to continue and expand even though he questioned its constitutionality. In early November these circumstances unfolded during a meeting arranged by more than 300 African American parents from the middle-class, African American neighborhood in the Crenshaw District who feared the loss of the PWT program and wanted to “generate political pressure for the program” before Judge Egly held a hearing about the future of the PWT.<sup>179</sup> Board member Watson who opposed the PWT attended the meeting.

During the hour-long debate, Watson and the parents discussed their contrasting views about the PWT. Watson heard from parents who “showed a deep resentment ... toward inner-city schools they feel are neglected and inadequate.”<sup>180</sup> Parents stated that the quality of education at their minority, neighborhood schools was not of equal quality as schools in the San Fernando Valley and the Westside.<sup>181</sup> Explaining why she removed her child from a segregated inner-city school to predominantly white Brentwood Elementary School, Ruth Mayo, declared,

“This is the first year I bused an elementary school child of mine. I bused him because every day (last year) he came home and said he had a different sub.”<sup>182</sup> Mayo later explained, “I’m not for busing. I’m for my child getting the same education as this color (pointing to the white reporter) child has.”<sup>183</sup> Another woman at the meeting remarked, “At Pacific Palisades, they use different books than at Crenshaw High School,” suggesting that Palisades utilized better and updated educational materials.<sup>184</sup>

Other parents highlighted the institutionalized racism embedded in the educational structure and the Los Angeles community. A mother who taught at Crenshaw High School asked Watson, “[H]ow can we upgrade our neighborhood schools when we have institutional racism-racist administrators?”<sup>185</sup> Another teacher charged that the “institutional structure of the school system, operated by a predominantly white administration, consistently short-changed black inner-city schools in many ways, including the assignment of teachers who cannot do the job.”<sup>186</sup> “Our teachers,” the same woman remarked, “are unionized and tenured and you can’t get rid of them anywhere in our city.”<sup>187</sup>

Watson explained why her opinion differed from the parents who endorsed the PWT. She said that the PWT was unfair because it placed the “burden on integration on minority youngsters” only.<sup>188</sup> Additionally, Watson explained that “black flight” had an unintended negative consequence on inner-city schools: it drained the best students, the top scholars, leaders and the top athletes.<sup>189</sup> She reminded the middle-class minority parents in attendance that although they were “middle class and wealthier now, many had come up from the poorest parts of the ghetto,” suggesting that “flight” to a middle-class white area was not the solution.<sup>190</sup> Watson asked that instead of busing their children they should enroll them in their neighborhood schools and “fight for improvement.”<sup>191</sup> This remark “provoked a lot of grumbling in the audience,” according to the *Los Angeles Times*.<sup>192</sup> The meeting displayed the existing political fragmentation on the PWT among civil rights leaders, Watson, and the African American community.

#### *Crawford Proceedings Continue*

On November 8, Judge Egly began presiding over hearings on how LACBE intended to implement parts of the desegregation plan. During the day’s hearing, Judge Egly expressed, “I don’t intend to give approval [to any part of the plan] that requires mandatory integration

[without hearings].”<sup>193</sup> Moreover, he would not rule on the constitutionality of the current plan until “after several weeks testimony.”<sup>194</sup> On the advice of referee Price, Judge Egly revealed that he had asked Mayor Tom Bradley and a yet undisclosed member of the Los Angeles Board of Supervisors for help to set up “a committee to monitor the Board of Education’s progress in desegregating Los Angeles schools.”<sup>195</sup> At the hearing, LACBE attorney Shea “fought hard” for a ruling on the voluntary aspects of the plan because “the board badly needs clearance for the voluntary part of the plan” consisting of a public information campaign and surveys to determine parent school choices.<sup>196</sup> The NAACP’s Virgil Roberts countered that “approval for the voluntary portions would mean Egly would have to approve the mandatory portions later.”<sup>197</sup> The *Los Angeles Times* reported that Roberts argued that both voluntary and mandatory strategies had to be approved because “both voluntary magnet schools and the mandatory portions of the proposal are based on the same structure—a series of ‘leagues’ linking together schools located in various areas of the district.”<sup>198</sup> Moreover, LACBE had based both voluntary and mandatory aspects of the plan on the 70/30 ratio to define a segregated school.<sup>199</sup>

The following day, the desegregation lawsuit reached a milestone. Judge Egly formally instructed LACBE to “go ahead with planning the voluntary portions,” and rejected TIP’s motion, backed by the petitioners’ attorneys, to halt to the PWT.<sup>200</sup> Judge Egly instructed LACBE that it “must do nothing that would prevent later expansion” of the plan, nor “do anything that would increase segregation.”<sup>201</sup> Egly rejected halting the controversial PWT because he did not want to terminate the desegregation it accomplished, commenting it was “the only desegregation we have now.”<sup>202</sup>

The following week, Judge Egly found himself in more difficult circumstances. After he permitted LACBE to begin planning the implementation of the *voluntary* aspects of the plan, he rejected a request by BUSTOP, the *anti-mandatory* busing organization, to declare a mistrial.<sup>203</sup> BUSTOP’s new attorney Thomas Bartman demanded a mistrial “on grounds of judicial misconduct and prejudice.”<sup>204</sup> Bartman complained about the meetings between Judge Egly, Mayor Tom Bradley, and Los Angeles County Supervisor Pete Schaum in which they discussed setting up a school desegregation monitoring committee.<sup>205</sup>

At the same hearing, Judge Egly repeatedly expressed his desire for specifics about the plan, explaining that he did not believe the plan contained “enough details.”<sup>206</sup> Judge Egly thought the plan did not explain: 1) how many students it would affect; 2) how it could be

expanded beyond grades fourth through eighth; and 3) how the planning areas called “leagues” worked. In a moment of self-deprecation, Judge Egly expressed, “I’m either very ignorant or the proposal is purposely vague. I do not know which one it is, but I am going to plead ignorance and ask further questions.”<sup>207</sup> Judge Egly remained optimistic and noted he was pleased with his order directing LACBE to begin planning for the voluntary phase of its plan.<sup>208</sup> “For the first time in the history of this district,” he declared, “something started ... it’s a cause for celebration, I think.”<sup>209</sup> However, if there was cause for celebration, by the end of November, there was also cause for concern.

### *Voluntary Busing Decreases the Pool of Students for Mandatory Busing*

Civil rights groups increasingly expressed concern about the effects of voluntary desegregation programs, especially the PWT, on overall desegregation efforts, in the sense that the PWT undermined increased participation from a broader pool of students in the district. New statistics indicated that the district would be unable to implement the plan and obtain the desegregation it promised.<sup>210</sup> The root cause of these new conditions stemmed from “one of the board’s own programs—the voluntary busing of minority youngsters to Anglo schools,” the PWT program.<sup>211</sup> Majority white schools were receiving enough minority students through voluntary busing that allowed these schools to “slip below the 70% mark,” which defined a racially segregated school, and become reclassified as Currently Integrated Schools (CIS). As a result, these integrated schools and its students became exempt from mandatory desegregation programs.<sup>212</sup> The number of minority, segregated schools had increased since LACBE unveiled its latest desegregation plan in July, and the number of students available to participate in the plan had “sharply decreased.”<sup>213</sup> Court referee Price summarized the effects: “The result of all this is that the board’s plan is more limited in scope than suggested when it was submitted to Egly in October. Fewer students will be affected; fewer students will be transported; fewer dollars will be expended.”<sup>214</sup> These findings confirmed the civil rights groups’ worries about how voluntary programs, in general, and the PWT, specifically, represented “built-in” constraints in the desegregation plan.

Court referee Monroe Price elaborated on how the voluntary strategies constrained desegregation.<sup>215</sup> He stated that by almost doubling the size of the PWT to 17,750, the district “reduced the number of predominantly Anglo schools” available for desegregation.<sup>216</sup> He also

asserted that “when Anglo schools are eliminated from the program, minority schools also must be dropped to avoid an imbalance in the number of minority and Anglo children subject to pairing.”<sup>217</sup> Price explained that in just one year, the number of predominantly white elementary schools decreased by twenty-seven, from 128 to 101, and simultaneously the number of predominantly minority elementary schools increased by twenty, from 192 to 212.<sup>218</sup> He also blamed these shifts on a decline of white enrollment 25,000 students.<sup>219</sup>

With these findings in mind, Price expressed concern that “the board’s plan, if not properly implemented, may increase rather than decrease the racial isolation of these schools.”<sup>220</sup> Although voicing concerns about the plan, Price held the LACBE, the district, and civil rights groups all accountable for not making “sufficient efforts ... to work together to determine—outside the courtroom—what the appropriate course for the district should be” on determining a viable desegregation program.<sup>221</sup> “The district and the petitioners have not attempted in any organized way to communicate to each other their wholesale concerns, their efforts at good faith, their goals and objectives,” declared Price in an unusually stern tone for the good-humored law professor, who had arrived in a sports referee outfit on the day the board adopted the recent desegregation plan.<sup>222</sup>

### *LACBE Proposes Cuts in Mandatory Integration Phase and Further Limits Its Plan*

In late November 1977, LACBE proposed a drastic estimated fifty percent cutback in the mandatory desegregation phase of its plan by reducing the number of potential participants, both minority and white.<sup>223</sup> The board’s proposal meant that mandatory desegregation would affect only about one-seventh of all minority students.<sup>224</sup> As a consequence, the *Los Angeles Times* reported, only 36,182 minority students attending segregated schools would be integrated, leaving 218,893 minority students in segregated minority schools.<sup>225</sup> By comparison, 29,228 white students attending segregated white schools would be integrated, leaving 42,937 white students in segregated schools.<sup>226</sup>

LACBE cited the 25,000 white student enrollment decrease for the cutback in mandatory desegregation efforts.<sup>227</sup> The cutback also meant that a lesser number of schools would participate, from 235 to 141 elementary schools and from forty to twenty-four junior high schools.<sup>228</sup> LACBE claimed that even though only fourth through eighth graders would be bused, the remaining 63,552 students in these schools “would be receiving integrated

educations” because “they will be on *integrated campuses*,” but not integrated classrooms (emphasis mine).<sup>229</sup> Moreover, Hispanic enrollment had increased by 10,000 and African American enrollment decreased by about 1,000.<sup>230</sup> Now the board claimed there were too few white students to “contemplate expansion at this time.”<sup>231</sup>

The effects of the limitations LACBE placed on grade levels for inclusion in its plan became evident. “Even though 42,937 Anglo youngsters would remain in Anglo segregated schools, they were exempt from the plan—most because they are in kindergarten through the third grade or the ninth through 12th grade,” the *Los Angeles Times* reported.<sup>232</sup> Although LACBE claimed the PWT successfully transformed previously segregated white schools to CISs, court referee Price believed the PWT was the primary reason for a decrease in the availability of white students and white schools for mandatory desegregation efforts. The PWT desegregated twenty-three elementary schools and ten junior high schools according to the board, thus becoming Currently Integrated Schools (CISs) and therefore exempt from mandatory desegregation.<sup>233</sup> Combined LACBE’s grade-level exclusions and the PWT created a severe shortage of white students available for integration.

By presenting severe limitations on mandatory busing, LACBE hoped to attract white families back into the district, but if this did not happen, it disclosed that “the involvement of *other school districts* will be essential to the further desegregation of the district” (emphasis mine).<sup>234</sup> In an unusual maneuver, the board seemed to offer its openness to a *voluntary metropolitan* desegregation plan that would involve adjacent districts and possibly two-way busing.<sup>235</sup> LACBE counsel Jerry Halverson expressed that the district would attempt “to promote voluntary integration with surrounding districts, trying to work out contracts to share the cost.”<sup>236</sup> The board even proposed the idea that a voluntary metropolitan plan could extend as far as Orange County because the distance students could travel to other districts was comparable to travel distance within the district in the current plan. The *Los Angeles Times* explained, “Though Orange County seems remote from Southeast Los Angeles ... it is about the same distance from Southeastern Los Angeles to Anaheim as it is to Van Nuys.”<sup>237</sup> This represented one of LACBE’s earliest public declarations in support of a metropolitan plan as a viable desegregation strategy.<sup>238</sup>

### *LACBE Unveils Tentative Mandatory Groupings*

On November 28, LACBE unveiled tentative elementary and junior high school pairing clusters, or “leagues,” for the plan’s mandatory desegregation phase.<sup>239</sup> “Within each cluster, predominantly Anglo and predominantly minority schools will exchange students in the fourth through eighth grades,” reported the *Los Angeles Times* (see Map 6.1).<sup>240</sup> LACBE proposed thirteen clusters of elementary schools and eleven clusters of junior high schools, which ranged from two to fifteen schools each.<sup>241</sup> The clusters contained a total of 141 elementary schools and twenty-four junior high schools deemed segregated by the district.<sup>242</sup> In addition to the list of clusters and the schools within them, LACBE also submitted a map to Egly, which Halverson called “fairly accurate but not final,” as the map makers “did not use precise methods ... but merely attempted to prepare a map that would give a general picture of the clusters.”<sup>243</sup> The district would create a second map when the district had “final figures” from the racial-ethnic census, and prepare a *third* map in spring after “parents and children have had a chance to join voluntary desegregation programs.”<sup>244</sup>

While the tentative desegregation clusters covered parts of the San Fernando Valley, areas in and around downtown Los Angeles, parts of the Harbor area, and the Westside,<sup>245</sup> LACBE noticeably excluded most parts of South-Central L.A., predominantly African American, and East L.A., predominantly Mexican American (see Map 6.2).<sup>246</sup> In mid December, despite these exclusions, LACBE attorneys reasserted that the plan met the California Supreme Court’s mandate of “reasonable and feasible.”<sup>247</sup> Civil rights attorneys argued the plan was not much of an improvement from the first.<sup>248</sup>

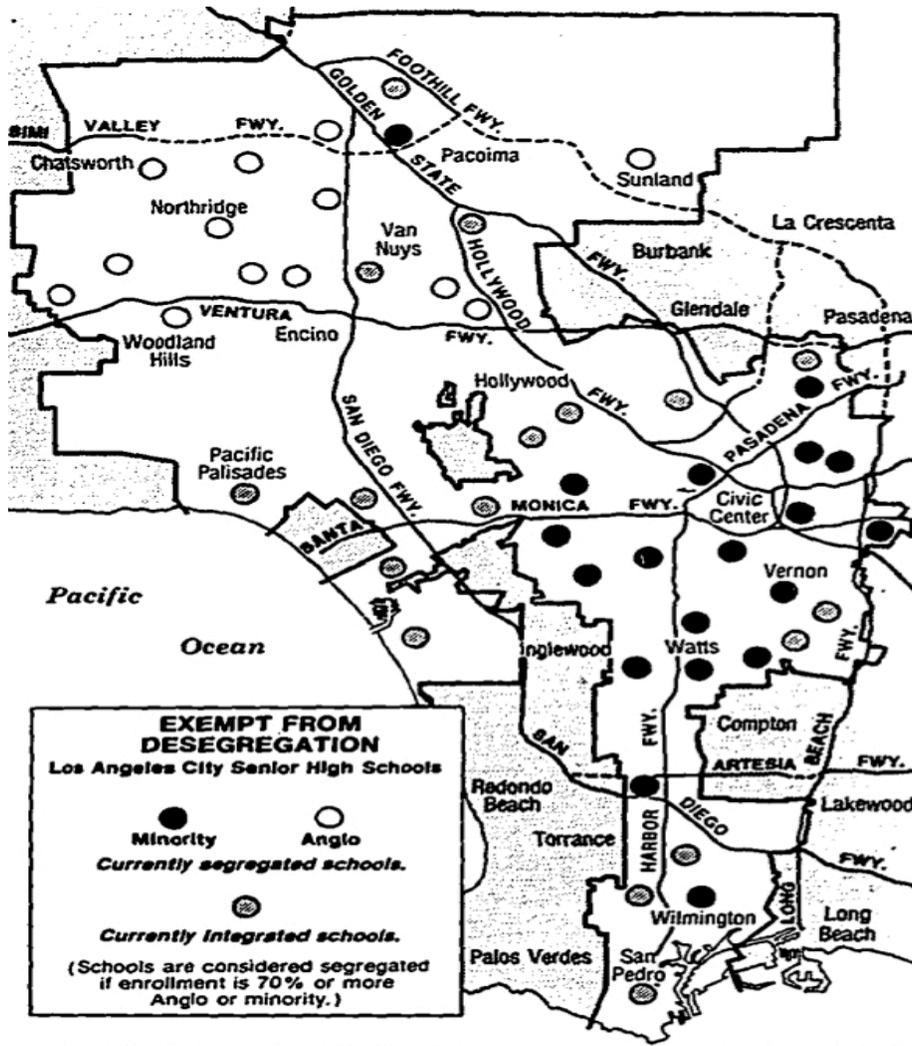
### *Debating the Meaning of Segregation in a City in Constant Demographic Flux*

The definition of what constituted a segregated school remained central to the debate in the courtroom because the definition directly determined the number of white and minority students for desegregation. In 1977, white students represented only one third of the total student population, whereas in 1969 when Judge Gitelson heard the case, the district was 54% white and 46% minority.<sup>249</sup> To counteract the shortage of white students, civil rights



Map 6.1. LACBE's Tentative Desegregation Pairings, December 1977. LACBE developed tentative school pairings as part of its integration plan. Source: *Los Angeles Times*, 1 December 1977.

organizations urged LACBE to redefine a “segregated school” to a percentage less than 70%, which could increase white student participation in integration.<sup>250</sup> ACLU member and retired UCLA history professor John Caughey developed a definition in consideration of the city’s demographic changes that civil rights groups hoped Judge Egly would accept. Caughey defined a segregated school as “a school with a majority or a plurality of any minority. The goal of any desegregation plan is to reconstitute schools so that none has a majority or plurality of any minority.”<sup>251</sup> In other words, Caughey suggested desegregating schools through a diversity model, creating “triethnic or multiethnic populations” in all schools, not by solely “matching



Map 6.2. Schools Exempt from Desegregation Plan, December 1977. LACBE exempted several schools from desegregation. Several schools had attained “currently integrated” status, and were exempt. Source: *Los Angeles Times*, 12 December 1977.

predominantly white schools with largely black or Hispanic schools.”<sup>252</sup> Although this definition “would not result in the desegregation of all the segregated minority schools,” Caughey proposed implementing a metropolitan plan to integrate the remaining segregated minority schools.<sup>253</sup>

LACBE settled on the 70/30 ratio in which a student body comprised of 70% or more white or combined minority student enrollment defined a segregated school, and added that “a school in which minority enrollment is at least 30% is [defined as] integrated.”<sup>254</sup> The NAACP’s Joe Duff decried the working definition because “not only are large numbers of predominantly white schools exempted ... but they are the schools closest to the heavily impacted (minority)

schools of South-Central and East Los Angeles.”<sup>255</sup> “When these white schools on the west side of the city and in the Hollywood area are exempted from the plan it means you must bus longer distances into the San Fernando Valley in order to match up white and minority schools,” he elaborated.<sup>256</sup>

The hostile atmosphere in Judge Egly’s courtroom, in spite of his best efforts, patience, and occasional self-deprecating humor, forced the judge to attempt to reach a compromise outside of the courtroom. However, on December 13, with attorneys from both sides in *Crawford* unable to reach a compromise on any number of issues, Judge Egly postponed the hearings until January 4.<sup>257</sup> Board attorneys objected to the postponement, but civil rights attorneys were content for they needed the additional time to prepare a response to the new LACBE plan.<sup>258</sup> Judge Egly again met with rival attorney groups in close-door meetings hoping settle some key issues. However, a week of talks quickly broke down by December 20.<sup>259</sup> “In a flurry of off-the-record statements and non-attributable remarks, each side blamed the other for the breakdown in the talks,” the *Los Angeles Times* reported.<sup>260</sup> The disputed definition of a “segregated school” was the main point of contention, with LACBE attorneys pressing for the 70/30 ratio, while civil rights attorneys pressed for Professor Caughey’s multiracial definition.<sup>261</sup>

#### *More Community Groups Back Integration Efforts*

While the hearings were postponed, several African American elected officials and community leaders, under the umbrella group The Black Leadership Coalition (BLC), proposed their own desegregation plan because “the board plan has been tailored to win the political approval of the predominantly Anglo West Side and San Fernando Valley while ‘the constitutional rights of minority children and minority communities have been completely ignored.’”<sup>262</sup> The Urban League’s John Mack, representing the BLC, outlined the BLC’s desegregation plan at a news conference. The plan included: 1) including all grades, from kindergarten through twelfth; 2) expanding of the integration plan to more students by changing the board’s definition of an integrated school to a school with a white or minority enrollment less than 51% instead of 70%; 3) eliminating busing time limits; and 4) establishing high quality magnet schools in *every* high school.<sup>263</sup> Mayor Bradley’s aide Bill Elkins stood next to Mack and said he believed the BLC’s proposals were “reasonable,” and should be considered by Judge Egly.<sup>264</sup>

Another community organization, the Council for Peace and Equality in Education (CPEE) led by former LACBE member Arthur Gardner, was trying to build community support for peaceful “compliance of the state Supreme Court order” to desegregate.<sup>265</sup> The organization’s co-founding leadership consisted of individuals representing diverse interests. They included: School Superintendent William Johnston, Police Chief Edward M. Davis, and leaders of the Chamber of Commerce, the Merchants and Manufacturers Association, and the Los Angeles County Bar Association.<sup>266</sup> Founded in 1976, by 1977 the group had a membership that included political liberals and conservatives.<sup>267</sup> CPEE members did not all agree on a single integration strategy, but Gardner worried most about the concerns of parents. “We are all sensitive to the anxieties of the parents of children who will be affected by the court order and we understandably want to avoid being seen as in favor of something they or any of them deplore,” he stated.<sup>268</sup>

#### *Judge Egly Orders LACBE to Proceed Implementing the Desegregation Plan*

On January 3, a day before the scheduled restart of the hearings, Judge Egly made a momentous decision by ordering LACBE to begin implementing its limited school desegregation plan in September 1978.<sup>269</sup> “It is the court’s opinion that any further delay in the physical desegregation of the Los Angeles Unified School District is intolerable,” Judge Egly declared in carefully worded pretrial order.<sup>270</sup> He noted that he was “likely to find that the school board’s plan, calling for integration of a limited number of pupils” an acceptable *initial step*.<sup>271</sup> At the same time, he decided to delay for one year “a decision on whether the plan meets the standards set by the state Supreme Court when it ordered the district to desegregate.”<sup>272</sup> The *Los Angeles Times* reported that Judge Egly’s decision paved “the way for mandatory integration to begin in September,” but this was not the case,<sup>273</sup> because LACBE’s plan required a *voluntary-first* desegregation phase, and if enough parents volunteered their children, there was a slight possibility that Judge Egly could deem the LACBE plan constitutional. Egly did not settle the question of what constituted a segregated school.<sup>274</sup>

The definition of a segregated school would be the first issue on Judge Egly’s agenda, and the hearings would deal with this issue as well as many other related aspects of the case.<sup>275</sup> Judge Egly noted that before continuing the hearings, he would appoint a panel of experts to report to him on four major issues including: 1) expanding the plan to all grades; 2) expanding the

program to include racially isolated minority schools (RIMS) “so distant from Anglo areas that they cannot be reached by bus trips envisioned in the board plan”; 3) continuing the PWT; and 4) whether desegregation would lead to new segregation due to white flight.<sup>276</sup> These issues were so complex, noted Judge Egly, that they would not be settled by September.<sup>277</sup> In a decision that would likely further delay a final ruling, Judge Egly said he intended to hear all objections against the board plan before a final approval of the plan.<sup>278</sup> Judge Egly also asked court referee Price to “oversee implementation of the plan in the fall, and to report to him.”<sup>279</sup>

Board President Miller condemned Judge Egly’s order because it was not a final order, and requested a final order instead.<sup>280</sup> Miller responded to Judge Egly’s suggestion that major changes could be made to the plan between February and May before its implementation in September as “totally unrealistic.”<sup>281</sup> Board counsel Halverson stated that “he thought the judge had given the board approval to proceed with its plan as presently written,”<sup>282</sup> and confidently asserted, “The board will proceed on the assumption the plan will be approved.”<sup>283</sup>

The ACLU’s Ramona Ripston expressed, “The order is a little confusing.”<sup>284</sup> The order granted some of the petitioners’ requests, such as a hearing on the definition of a segregated school and the appointment of experts to examine key issues in the case, but Judge Egly implied that he would approve the “board’s present plan as a meaningful step toward final desegregation and permit the district to implement this plan.”<sup>285</sup> Concerned with Egly’s strategy, Ripston remarked, “We don’t think it’s even a good step. If he permits that first step to be implemented, it will be much more difficult to do more later.”<sup>286</sup> “Thus,” wrote the *Los Angeles Times*’ William Trombley, “Egly’s order seems to have annoyed and confused both sides.”<sup>287</sup>

Judge Egly pursued a “middle ground” but his decision effectively precluded or limited other options. He could have declared the board “recalcitrant” and rejected the plan outright, compelling LACBE to develop a new plan. He could have authored his own plan, or asked experts to compile a plan for him.<sup>288</sup> Yet, the California Supreme Court held local school boards responsible for solving their segregation problems, and instructed that a local trial court “should stay its hand in such cases even if it believes that alternative desegregation techniques may produce more rapid desegregation in the school district.” These California Supreme Court instructions likely guided Judge Egly’s decision.<sup>289</sup> By ordering the implementation of the plan as a “first step,” he ensured that *Crawford* hearings would continue indefinitely, at the same time that planning and implementation of the plan went into effect.

### *The Voluntary-First Approach Faces Opposition*

In an unprecedented effort, the design of the voluntary-first phase of the plan tested if enough students and parents would *volunteer* to participate in desegregation efforts, and help figure out whether the voluntary-first approach would accomplish enough desegregation to avoid or decrease the amount of mandatory desegregation.<sup>290</sup> LACBE began implementing the voluntary-first phase on January 9 by inviting students from fourth through eighth grade and their parents from designated areas to participate in voluntary education programs. The start of the voluntary-first phase entailed conducting a public information campaign and survey in which children from all grades took brochures entitled “Choices for Your Child’s Future” that informed parents about voluntary desegregation magnet schools.<sup>291</sup> The district asked students and parents to rank the top three magnet school programs, which would help the district ascertain the most popular magnet schools.<sup>292</sup>

White Angelenos from middle- and upper-class neighborhoods, particularly from the Valley, had asserted for years that integration should be voluntary. The recent LACBE plan offered a *voluntary-first* approach with a mandatory backup. If enough students volunteered, mandatory integration strategies could be vastly reduced or halted. However, the *voluntary-first* approach faced immediate opposition from Valleyites, the most hostile opponents of mandatory integration strategies.<sup>293</sup> Unlike the voluntary-only approach, where Valleyites and others had the option *not* to volunteer, the voluntary-first approach subjected students to mandatory desegregation if voluntary approaches failed.

Many parents who supported voluntary desegregation and opposed mandatory desegregation probably did not intend to volunteer their children, and this was a likely reason why these same parents were also hostile to the voluntary-first approach. On January 12, 1978, a group of 500 children and parents filled the Canoga Park High School auditorium located in the San Fernando Valley during a visit by board member Brown Rice to discuss the brochure, “Choices for Your Child’s Future.”<sup>294</sup> This meeting was one of several meetings between LACBE’s Community Affairs Committee (LACBE/CAC) and residents from various neighborhoods throughout the district.<sup>295</sup> Brown Rice declared before the crowd that integration was “the law of this land,” which elicited moans of disapproval and only a spatter of applause.<sup>296</sup>

A couple of spats between Brown Rice and audience members summed up the crowd’s overall intense opposition to the *voluntary-first* phase of the desegregation plan. The *Los*

*Angeles Times* reported that “an angry young man” told Brown Rice, “Mrs. Rice, look me in the face and tell me how putting me on a bus 90 minutes will improve my education.”<sup>297</sup> Mrs. Rice replied, “I suppose it depends on what’s at the end of the ride.”<sup>298</sup> A young woman who would be unaffected by the board’s plan because she was graduating rose holding the brochure and ripped it up, eliciting cheers from the crowd.<sup>299</sup> “I don’t see how you can take the American ideal of freedom of choice and bastardize it for all of us,” the young woman remarked.<sup>300</sup>

The *Los Angeles Times* surmised, “And when the meeting was over, the Los Angeles school district had a strong indication that it may face unexpected trouble with the first, and most simple [voluntary] phase of its desegregation program.”<sup>301</sup> The event at Canoga Park High school demonstrated that an overwhelming majority of the Valleyites attending the meeting opposed integration, despite the *voluntary-first* strategy in the works.<sup>302</sup> This showed that Valleyites interpreted the voluntary-first approach as part of an overall mandatory approach because they were unwilling to participate in the voluntary-first phase.

#### *BUSTOP Survives Disbandment and Files Motion to Disqualify Judge Egly*

In late October, BUSTOP made a surprising announcement. “Bustop, which once claimed a membership of between 65,000 and 70,000 members opposed to mandatory busing to integrate schools,” reported the *Los Angeles Times*, “has run out of money and its leaders have voted to disband.”<sup>303</sup> The group’s demise was not a certainty, yet the *Sunland-Tujunga Record Ledger* reported the organization owed \$50,000 to attorney Lee Paul, who represented BUSTOP in *Crawford*. The group subsequently had a successful fundraising effort, decided not to disband, and pressed on in the desegregation case.<sup>304</sup>

In early January 1978, BUSTOP filed a motion requesting Judge Egly’s disqualification from *Crawford* for “bias and prejudice” because he held closed-door meetings with attorneys from civil rights groups representing the petitioners and LACBE in late December.<sup>305</sup> BUSTOP attorney Thomas Bartman had attended some meetings while Judge Egly excluded him from others.<sup>306</sup> Bartman alleged that Egly made “certain statements” during the December talks that indicated that Judge Egly could not “conduct a fair and impartial trial by reason of bias and prejudice.”<sup>307</sup> Fifteen attorneys in the lawsuit at first failed to agree on a judge to preside over Egly’s disqualification proceedings, but by January 5 the attorneys chose Superior Court Judge Lester E. Olson.<sup>308</sup> Judge Egly vigorously defended himself against BUSTOP’s accusations and

hired a lawyer to defend him. In a statement through his lawyer Charles S. Vogel, Egly declared that he had not demonstrated “bias and prejudice” and therefore should continue presiding over the case.<sup>309</sup> Judge Olson agreed with Judge Egly and summarily dismissed BUSTOP’s motion on January 17.<sup>310</sup>

### *Multiracial Coalitions For and Against an Anti-Busing Ballot Amendment to the California Constitution*

Anti-busers looked to the California State Legislature to enact anti-busing legislation. In January 1978, State Senator Alan Robbins (D-North Hollywood) introduced a ballot amendment to the California Constitution to prohibit most court-ordered busing for school integration purposes unless there was “a finding of intentional segregation.”<sup>311</sup> In other words, not only would petitioners seeking to address school segregation have to demonstrate *de jure* segregation, but also prove intent behind such segregation. The Assembly Judiciary Committee of the California State Legislature’s pending vote on the amendment prompted numerous individuals and organizations, including some that had participated in the desegregation debate for years, to travel to Sacramento to offer their views in the hopes of applying political pressure to influence the vote in their favor. One individual who made the trek to Sacramento was pro-buser Reverend Donald McClelland, pastor of the Woodland Hills Church of Christ and member of the San Fernando Valley Interfaith Council (VIC). McClelland told the judiciary committee, “I think everyone knows that voluntary integration would be as successful as voluntary taxation.”<sup>312</sup> The CRCSC’s David Ochoa, an opponent of the amendment, remarked, “We want to broaden—not limit—the possibility of a good education for all children.”<sup>313</sup> Reverend C. Garnett Henning, an African American minister and representative of the group Concerned Clergy and Interdenominational Alliance (CCIA), offered a scathing criticism of the anti-busing amendment, stating, “On the face of it, it is racist. If approved, it would be a racism symbol.”<sup>314</sup>

The amendment had backers, including African American and Mexican American community leaders and parents. W.C. Jackson, an African American pastor from the Beth-Ezel Baptist Church in Southwest Los Angeles, supported Robbins’ anti-busing amendment. He told the judiciary committee, “How brutal can we be to impose this action (compulsory busing) on little children?”<sup>315</sup> Echoing the sentiments of the 1968 African American student demonstrators from Jefferson High School and other South-Central LA schools, Jackson declared that African

Americans had community pride and wanted educational improvements in their community's neighborhood schools.<sup>316</sup> "We'd rather have \$100 million spent on books and teaching aids than \$100 million spent on busing," he remarked.<sup>317</sup> Eleanor Fitzhugh, an African American parent from Los Angeles, worried that busing would transform the city into a "ghost town" and would cause "humiliation and psychological damage" to children.<sup>318</sup> Elizabeth Oyarzo, a member of the Mexican-American Education Commission and backer of the anti-busing bill, told the committee, "We don't ask very much from you here. All we want to ask is the right to let us vote. We are the people."<sup>319</sup> California State Senator Alan Robbins had similar ideas and wanted the issue of mandatory busing to go to the voters of California.

The ballot amendment failed in the Assembly Judiciary Committee of the California State Legislature by a five to four vote,<sup>320</sup> but immediately afterwards, Robbins vowed to introduce an initiative drive to place an anti-busing amendment on the November California general election ballot. Robbins said he was "100% confident" that he would obtain the necessary 499,846 signatures from registered voters to qualify the initiative.<sup>321</sup> The Secretary of State's office approved the amendment for petition circulation on January 20. The anti-busing amendment's sponsors included Robbins and the aforementioned Reverend W.C. Jackson, but also John Serrano of Los Angeles, the same individual who successfully sued the state of California to end unequal and therefore discriminatory district-by-district funding of public education in *Serrano v. Priest*.<sup>322</sup> Robbins had a formidable team to gain the signatures and worked with Encino's Roberta Weintraub, executive director of Californians Helping to Obtain Individual Choices in Education (CHOICE), a group heading the petition effort.<sup>323</sup> He claimed he had 3,000 to 5,000 volunteers and \$15,000 in contributions.<sup>324</sup> Robbins also planned to ask Judge Egly to delay the implementation of the LACBE desegregation plan "until the people vote on the initiative."<sup>325</sup> The amendment would enjoin California courts "not to order compulsory busing unless there was a finding of intentional segregation according to guidelines established by the U.S. Supreme Court."<sup>326</sup> Robbins explained that the amendment permitted voluntary busing in Los Angeles.<sup>327</sup>

#### *Egly Asks LACBE for Commitment to Add More Children to Plan*

On January 25, in response to the ACLU's Mark Rosenbaum's request to declare the LACBE integration plan "constitutionally invalid on its face,"<sup>328</sup> Judge Egly declared that he wanted "a commitment" from LACBE to expand the program to more children, more grades, and

to “do something” about racially segregated minority schools currently left out of the plan.”<sup>329</sup> LACBE counsel Halverson offered a partial commitment to expansion. Halverson stated, “The board said (its plan) was an initial step. The board made a commitment that *as the plan is successful and demonstrates its viability*, the board will be in a position to expand it” (emphasis mine).<sup>330</sup> Halverson expressed that it would not be necessary to expand mandatory busing because of “broad-based, voluntary integration aspects of the program” that the board expected to integrate the district.<sup>331</sup> Judge Egly remarked that Rosenbaum’s strongest argument centered on LACBE’s lack of commitment to expand desegregation to more grades, yet Egly still contemplated approving the plan. Rosenbaum, in his closing argument that day, declared, “No institution of the government can approve this plan and remain innocent.”<sup>332</sup>

In early February, LACBE attorneys displeased Judge Egly because they did present an ambiguous commitment to including more grades in the plan.<sup>333</sup> The board submitted a statement, which partly read that “if physically desegregating those grades (1-3 and 9-12) will have too great an educational or financial cost, or if it will result in resegregation, it need not be done.”<sup>334</sup> Judge Egly interpreted that statement to mean that the board “never would consider expansion of the plan.”<sup>335</sup> When Egly asked LACBE for a clarification, LACBE lawyer David T. Peterson told Egly, “Our posture is clear that we are not saying we are not going to expand at this point.”<sup>336</sup> However, outside the courtroom, Robert G. Damus, another LACBE attorney, gave a different explanation, stating, “At this point in time, we don’t think it is reasonable and feasible to integrate mandatorily 1-3 and 9-12.”<sup>337</sup> According to the *Los Angeles Times*, Damus awkwardly added, “Our mind is open to what is open to the future.”<sup>338</sup>

#### Egly Orders Implementation of Plan

On February 8, 1978, Judge Egly ordered LACBE to implement its limited desegregation plan in September 1978 as an “initial first step,” but declared he would appoint a panel of experts whose advice could expand the existing plan later.<sup>339</sup> Although critical of the plan, Judge Egly stopped short of deeming it unconstitutional, instead determining that it “patently” failed to meet the California Supreme Court’s mandate “because of the omissions of the specifics on how it is to be done and when it is to be finished.”<sup>340</sup> Egly declared that the plan’s major flaw was its inability to reach 204 minority segregated schools with 261,000 students.<sup>341</sup> Judge Egly reiterated he wanted a panel of experts to make recommendations on how the plan could include these minority, segregated schools and examine them during more court hearings.<sup>342</sup> Judge

Egly's careful calculation entailed ordering the implementation of the LACBE plan with the hope of expanding and strengthening later.<sup>343</sup> "But if Egly had rejected the second plan as well," reported the *Los Angeles Times*, "he might have faced a school board appeal and with it further delay in a lawsuit that already has dragged on for 14 years."<sup>344</sup> Instead, Judge Egly took a calculated risk by not submitting a *final order*, strategically precluding a LACBE appeal. School board sources agreed.<sup>345</sup>

LACBE, civil rights attorneys, and intervenors responded swiftly to Egly's order to begin implementation of the plan. LACBE President Miller praised Egly's ruling, said it was "essentially what we asked the court to do," and expected "widespread community support" for the plan.<sup>346</sup> An "excited" Superintendent Johnston was "pleased" with the ruling and declared that Judge Egly removed "the era of uncertainty."<sup>347</sup> In contrast, civil rights attorneys representing the petitioners were "completely disappointed" by the ruling and considered an appeal.<sup>348</sup> The president of the Southern California ACLU Joyce Fiske stated that any remedy in the form of a desegregation plan was "much too little" and "very late," and predicted that implementing the plan in September would lead to "a lack of stability" in the community.<sup>349</sup> Contemplating appeal strategies, the NAACP's Joe Duff stated, "The board's arrogant approach has been allowed to lead the day."<sup>350</sup> TIP's Art Goldberg predicted an appeal and offered scathing criticisms against LACBE and Judge Egly. "We'll do whatever is necessary. If appeal is necessary, we'll appeal," Goldberg declared.<sup>351</sup> He quipped about the board and the court, "I think they've acted in a good faith way *to carry out segregation*" (emphasis mine).<sup>352</sup> The Chicano Leadership Council's David Ochoa stated the order failed to "address two of the most important factors—bilingual education and affirmative action."<sup>353</sup>

Representatives from BEST and the disbanded CACSI took a middle-ground approach. BEST's Harvey Saferstein praised Egly for taking a "courageous" step, expressed the organization's support for Egly's order, and hoped that LACBE "will prove capable of accepting the challenge, meeting the expectations of all concerned."<sup>354</sup> Former CACSI chairman Dr. Robert Loveland stated, "I'm certain that the members of the committee would want me to indicate that they will support the implementation of this order as constructively as possible."<sup>355</sup> Representatives from BUSTOP, however, disclosed their intention to seek injunctions against the mandatory aspects of the plan.<sup>356</sup> Mayor Tom Bradley also took a middle-ground approach, called for "peaceful adherence to Egly's order," and asked LACBE to educate the public about

the desegregation plan so that implementation could take effect with “the least inconvenience possible.”<sup>357</sup> He stated that Judge Egly’s order “does not represent a victory for either side in the court case. It is a first step to establish a structure for total community support” for the desegregation plan.<sup>358</sup>

### *Civil Rights Attorneys Target Egly*

Interpreting Egly’s order as a defeat for the petitioners, two young civil rights lawyers and TIP’s Goldberg challenged Egly the following day in open court. They expressed strong disapproval of Egly’s order and engaged him in heated verbal scimmages until the judge called for an indefinite recess to the hearings.<sup>359</sup> The *Los Angeles Times* described the exchanges. NAACP attorney Joe Duff questioned Judge Egly about the order’s details, with a “tense” Egly telling Duff to submit his request for clarification in writing.<sup>360</sup> “I am not going to be in the position of arguing the validity or nonvalidity of my order,” Judge Egly told Duff.<sup>361</sup> When Duff pressed Egly for details, Egly explained, “What I have told the board was they got something that leaves a lot out but there is no need at this point ... to do nothing ... What I told the board was, ‘Start with what we have, then let’s finish it up.’”<sup>362</sup>

The ACLU’s Mark Rosenbaum continued the verbal offensive against Judge Egly. Declaring that Egly had made “losers” of his clients, Rosenbaum leveled one of the harshest criticisms against Egly to date, telling him, “You have abdicated your responsibility.”<sup>363</sup> Judge Egly, “fighting to control his anger,” responded, “You have neither lost nor won but you are losing stature in my eyes. I considered your argument (that the plan was unconstitutional) one of the best I have ever heard in all my years on the bench. But you are lowering yourself.”<sup>364</sup> Rosenbaum responded, “Our clients have lost in this matter and have lost very severely.”<sup>365</sup> TIP’s Arthur Goldberg stated, “At this point in history, we will achieve another generation of segregation, another generation of violence.”<sup>366</sup> Before Goldberg could complete his remarks, Judge Egly quietly declared the court in recess and “walked off the bench instructing the bailiff ... to usher Goldberg into his chambers.”<sup>367</sup> Judge Egly proceeded to have a closed-door discussion with Goldberg and Rosenbaum. Afterwards, he instructed his staff to tell everyone that the court was in recess until further notice.<sup>368</sup>

### *Crawford and the 1968 Student Protests at a Crossroads*

In 1978, the struggle for desegregation and the goals of the 1968 student unrest intersected again. Tensions between supporters of integration and supporters of compensatory education existed throughout *Crawford*, as each camp worried that a focus on one issue would detract attention and money from the other. LACBE's claim to favor compensatory education instead of comprehensive integration seriously concerned Marnesba Tackett, John and LaRee Caughey, the ACLU, and the NAACP.

In early 1978, the integrationists' long-term political pressure on the board to desegregate the district brought about an unintended consequence: LACBE and the district began in earnest to fulfill the promises they made to the student demonstrators in 1968, including smaller class sizes, more counselors, compensatory education programs, and bilingual and bicultural programs. Almost a decade after the student demonstrations, LACBE and the district had failed to keep their promises to the student demonstrators. However, as the district planned to implement the first phase of its desegregation plan, it also embarked on a massive five-year, ten-million-dollar maintenance program for Racially Isolated Minority Schools (RIMS), an effort that was a component in the desegregation plan.<sup>369</sup> Some of the compensatory education programs included a decrease in class size in grades four through eight from a student-teacher ratio of 34.5:1 to 27:1.<sup>370</sup> Newly desegregated schools would also benefit from this lower student-teacher ratio. A decrease in class size would cost the district \$6.2 million and result in the hiring of 400 to 500 more teachers. The board also planned to assign more counselors, and add more instructional materials and support services to RIMS.<sup>371</sup>

Harry Handler, deputy superintendent for instruction for the district, acknowledged the integrationists' role in providing the long-term legal and political pressure to bring about genuine compensatory education programs central to the 1968 student demonstrations. He expressed that desegregation offered the board and the district "an excellent opportunity to improve educational quality."<sup>372</sup> "It [desegregation] provides you with an opportunity to make some changes that might take much longer without desegregation," he expressed.<sup>373</sup> "You might ask, as educators, why weren't we doing these things anyway? That's a good question, but the reality is that these things do occur more quickly under the pressure of something like desegregation," he noted.<sup>374</sup> Therefore, *Crawford* had the effect of ensuring that LACBE fulfilled several key demands from the 1968 East L.A. and South-Central L.A. student demonstrators.

### *Committee of Experts Deliberates Integration Ideas*

By February 23, Judge Egly had chosen a distinguished eight-member panel of experts from a pool of twenty-eight to help him develop answers to several key questions in the lawsuit.<sup>375</sup> Judge Egly asked the experts to study the following: 1) involving RIMS in the desegregation plan; 2) extending the plan to include other grades and formulate a timetable to extend the plan accordingly; 3) the gravity of “white flight” and intervening in “white flight”; 4) defining what constituted “segregated schools”; and 5) the effect of the desegregation plan on the district’s commitment to bilingual education for NES and LES students.<sup>376</sup> The *Los Angeles Times* also reported the experts were likely to study the idea of a metropolitan plan. After their recommendations, the experts would testify and were subject to cross-examination before Judge Egly.<sup>377</sup> Judge Egly hoped to conclude expert testimony and have a revised LACBE desegregation plan by December 31.<sup>378</sup>

LACBE never fully explained how it came to the conclusion of beginning desegregation at the fourth grade even though education research generally suggested that involving earlier grades in desegregation translated to better chances of success. In late March, court-appointed experts were “ready to recommend that ninth grade be added to the Board of Education’s desegregation plan when it is implemented next fall,” according to William Trombley of the *Los Angeles Times*.<sup>379</sup> LACBE President Miller feared adding the ninth grade because it might “become a symbolic issue which could destroy the five-vote majority which approved the plan last fall.”<sup>380</sup> The ACLU’s Mark Rosenbaum asserted that a LACBE vote to add the ninth grade “would show the judge where the board is at. He [Judge Egly] keeps saying the board is still resolute (in its determination to desegregate) but if they object to such a small point it would appear they are not.”<sup>381</sup> Anti-buser Fiedler stated she would oppose adding the ninth grade because it would mean more mandatory busing and “might disrupt the planning process.”<sup>382</sup> Fiedler did not know if a majority of four would vote to add the ninth grade, stating, “Several members are concerned about getting reelected and I don’t think they would want to vote for expansion of the plan.”<sup>383</sup>

### *Securing Bardos’s Support for the Integration Plan*

LACBE member Bardos, who voted with the LACBE majority in support of the current desegregation plan, was now “against the expected use of mandatory busing to get the plan under

way at that time,” according to the *Los Angeles Times*’ Jack McCurdy.<sup>384</sup> Bardos had “balked at what apparently are district plans to desegregate in September all of the 65,000 students grades fourth through eighth that the board promised Egly would be desegregated over a two year period (1978-79 and 1979-80).”<sup>385</sup> Bardos contended that LACBE had committed only 32,500 students in September, and that projections indicated “enrollments in voluntary integration programs will account for that number.”<sup>386</sup> Bardos planned to seek a test vote on the current plan. McCurdy noted that four votes were necessary to keep the plan intact in its present form, but that one of the four votes, Brown Rice, was “unsure that all of the targeted 65,000 students should be desegregated this fall.”<sup>387</sup> Bardos objected to the 65,000 student figure because, according to his interpretation of the plan, “mandatory busing would be used next fall only if the number of student volunteers for the district’s ‘magnet schools and ‘schools of choice’ did not reach 32,500.”<sup>388</sup> He asserted that with more voluntary programs, in lieu of mandatory strategies, “the district should be able to desegregate 32,500 this fall without much difficulty” and only then “mandatory busing can be used starting in September 1979, if necessary, to desegregate the remainder of the 65,000.”<sup>389</sup> He quipped, “I don’t understand the mad rush to do it all in 1978.”<sup>390</sup>

Board President Miller and LACBE counsel Halverson disagreed with Bardos and contended that LACBE had “made a definite commitment to Egly that there would be a mandatory busing ‘backup’ for next September.”<sup>391</sup> In his February 7 order, Judge Egly declared that desegregation plan beginning in September 1978 would offer voluntary programs but there would be an “alternate mandatory assignment, failing the exercise of the voluntary options” by parents.<sup>392</sup> Miller insisted that “without the mandatory backup, there would be many fewer volunteers because parents might think that to do nothing would enable them to escape any involvement in desegregation.”<sup>393</sup> He asserted, “Dozens of communities have come to us (the board) with voluntary pairings and magnet schools on the assumption that what they were doing was an alternative to mandatory reassignment this year (next September).”<sup>394</sup> Miller stated that all 65,000 students must be desegregated because to do otherwise “would be unfair to those who volunteered and would let others off until 1979.”<sup>395</sup> Bardos disagreed, and maintained that “there would be ample volunteers this year without the threat of mandatory busing.”<sup>396</sup> He claimed, “I like to think that people want to integrate our society and therefore there would have been a major effort because they really cared.”<sup>397</sup> He concluded, “I can’t believe mandatory (busing) was that significant a factor.”<sup>398</sup> President Miller countered by explaining that “the plan as it now

stands places no limits on the number of volunteers who can be accommodated.”<sup>399</sup> Miller maintained that LACBE was “emphasizing voluntary programs and mandatory busing will be employed only if necessary.”<sup>400</sup>

On April 3, 1978, President Miller secured the 5-2 majority in a test vote in favor of the current plan, the same vote margin that approved the tentative plan in October 1977. LACBE adopted a set of general desegregation guidelines in order to stave off a defection by Bardos, but avoided the question of the number of students participating in the desegregation plan.<sup>401</sup> The board agreed to extend the deadline for parents to enroll their children in voluntary desegregation programs to June 2. Although Bardos committed himself to the new guidelines, he remained skeptical. The guidelines nonetheless made clear “the importance of several spring dates in determining which students and schools” would be involved in desegregation programs next fall.<sup>402</sup> Importantly, LACBE designated a future meeting between June 2 and June 23 as the occasion when LACBE would finally decide “how many, if any, students will be subjected to ‘forced busing’ next year.”<sup>403</sup> Around that time, LACBE would also have to tackle the other formidable question of how many of the targeted 65,000 fourth through eighth graders were going to be involved in desegregation programs in the fall of 1978 and 1979.<sup>404</sup>

#### *Court Referee Price Updates Judge Egly*

Court referee Price often offered constructive criticisms to LACBE rather than criticizing its desegregation strategies. However, in his fifteenth report to the court, he pointed to several cases in which the board plan failed to provide for “equitable participation” and include those schools “most suitable for desegregation.”<sup>405</sup> Price charged that LACBE’s decision to postpone establishing educational “leagues” until April 14 and institute open-ended voluntary participation “may have made current desegregation efforts less equitable for pupils in schools not already voluntarily paired.”<sup>406</sup> Price noted that voluntary pairings had “travel times shorter than the average targeted by the district.”<sup>407</sup> “The consequence of this pattern,” Price indicated, “is that the average travel time for the plans mandated by the district may be higher than if equity in travel had been a factor by the district in approving voluntary plans.”<sup>408</sup> As a consequence of voluntary pairings, travel time in *mandatory* efforts would likely increase, thus making mandatory desegregation even more unpopular. Price also noted that the voluntary pairings would make it more difficult to desegregate the most racially isolated minority schools.<sup>409</sup>

Although not blaming the board and the district for the notable oversights, he essentially faulted LACBE and district leaders for their lack of experience, foresight, and knowledge about desegregating the district.<sup>410</sup>

Price also worried that LACBE accepted general theories about desegregation that it never verified or tested against research. For example, Price reported that LACBE never tested the theory “that including grades one, two and three in a desegregation program will not work.”<sup>411</sup> LACBE also never tested the theory that “high schools can best be integrated solely through voluntary efforts.”<sup>412</sup> Price proposed that the district set up “controlled tests” to examine theories on how best to desegregate the district.

Price had little alternative but to criticize LACBE and the district for other issues related to desegregation. He condemned the district for “failing to develop ways of assessing desegregation efforts other than movement of pupils and ways of strengthening naturally integrated zones (such as the Fairfax High School area.)”<sup>413</sup> Price also faulted the district for failing to encourage voluntary *metropolitan* desegregation approaches.<sup>414</sup>

#### *Egly States the Legal Basis for a Metropolitan Idea*

Whereas in March 1977, Judge Egly hinted considering a metropolitan plan, in March 1978, in a meeting with several court-appointed integration experts held at UCLA, Egly expressly stated that California law supported a “metropolitan solution to the Los Angeles School segregation problem.”<sup>415</sup> Judge Egly, the *Los Angeles Times* reported, told the experts that the California Supreme Court’s decision in *Serrano v. Priest* made it possible “to call upon neighboring school districts to help Los Angeles relieve school segregation.”<sup>416</sup> Judge Egly reasoned that *Serrano* placed “squarely on the state the responsibility to provide equal education for all the students in the state.”<sup>417</sup> “Consequently,” he added, “if it appears that there can be no solution without the use of other districts, the law, in my opinion, sanctions it.”<sup>418</sup>

Judge Egly’s argument about the valid legal grounds for a metropolitan plan received a negative response from the “Centinela-South Bay’s heavily Anglo school districts,” where white enrollment was as high as 95%.<sup>419</sup> These districts were “firmly opposed to the suggestion of a court-ordered plan that could team their schools with predominantly minority Los Angeles city schools.”<sup>420</sup> Palos Verdes Peninsula Unified School District (PVPUSD), with the highest proportion of white students at 95.1%, reacted “strongest to the suggestion of inter-district

pairing,” the *Los Angeles Times* reported.<sup>421</sup> Superintendent Claude Cross confirmed that Palos Verdes parents’ reactions to a possible metropolitan plan were “extremely negative.”<sup>422</sup> He added, “We do not believe it will happen or that it would ever work and the administration shares that view.”<sup>423</sup> PVPUSD bordered the Los Angeles School District’s Area A, in which minorities accounted for nearly 64% enrollment and contained twenty racially isolated minority schools and three white segregated schools.<sup>424</sup>

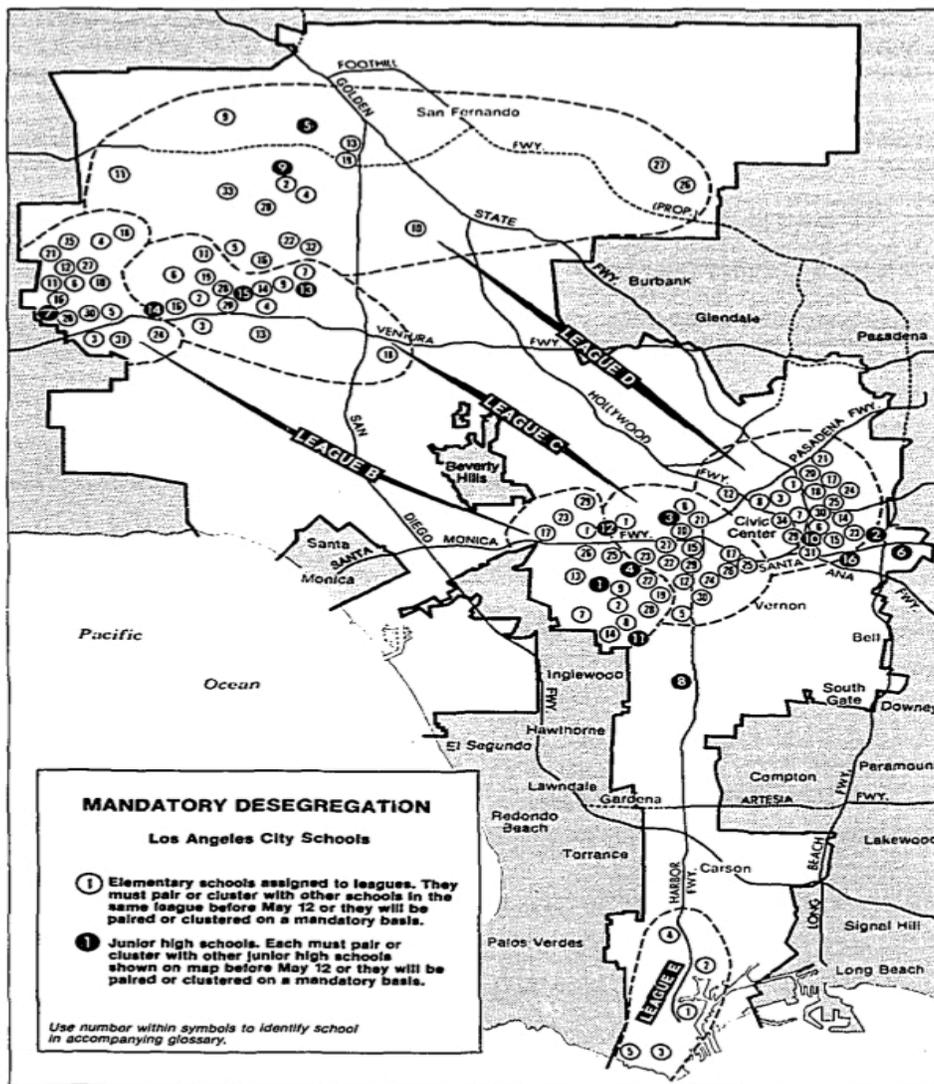
Judge Egly reminded the panel of experts about the legitimacy of a metropolitan plan. He told the experts that LACBE’s present desegregation plan, which combined voluntary and mandatory strategies and would take effect in September, would solve only “a small part of the segregation problem.”<sup>425</sup> Egly also indicated that expanding the plan by “including more youngsters in more grades probably would not help much either” to desegregate the district completely because there were not enough white youngsters left.<sup>426</sup> The most recent racial and ethnic census found only 34% white student enrollment districtwide. In kindergarten through sixth grade, white enrollment totaled only 29%, while Hispanic enrollment was at 40%. Judge Egly confessed, “I literally changed my aspect of looking at the whole case” because the board’s plan included every predominantly white majority (70% or more white enrollment) elementary and junior high school and still would achieve only minimal integration.<sup>427</sup> A metropolitan plan would provide more white students and shorter bus routes.<sup>428</sup>

### *The Voluntary-First Strategy’s Progress*

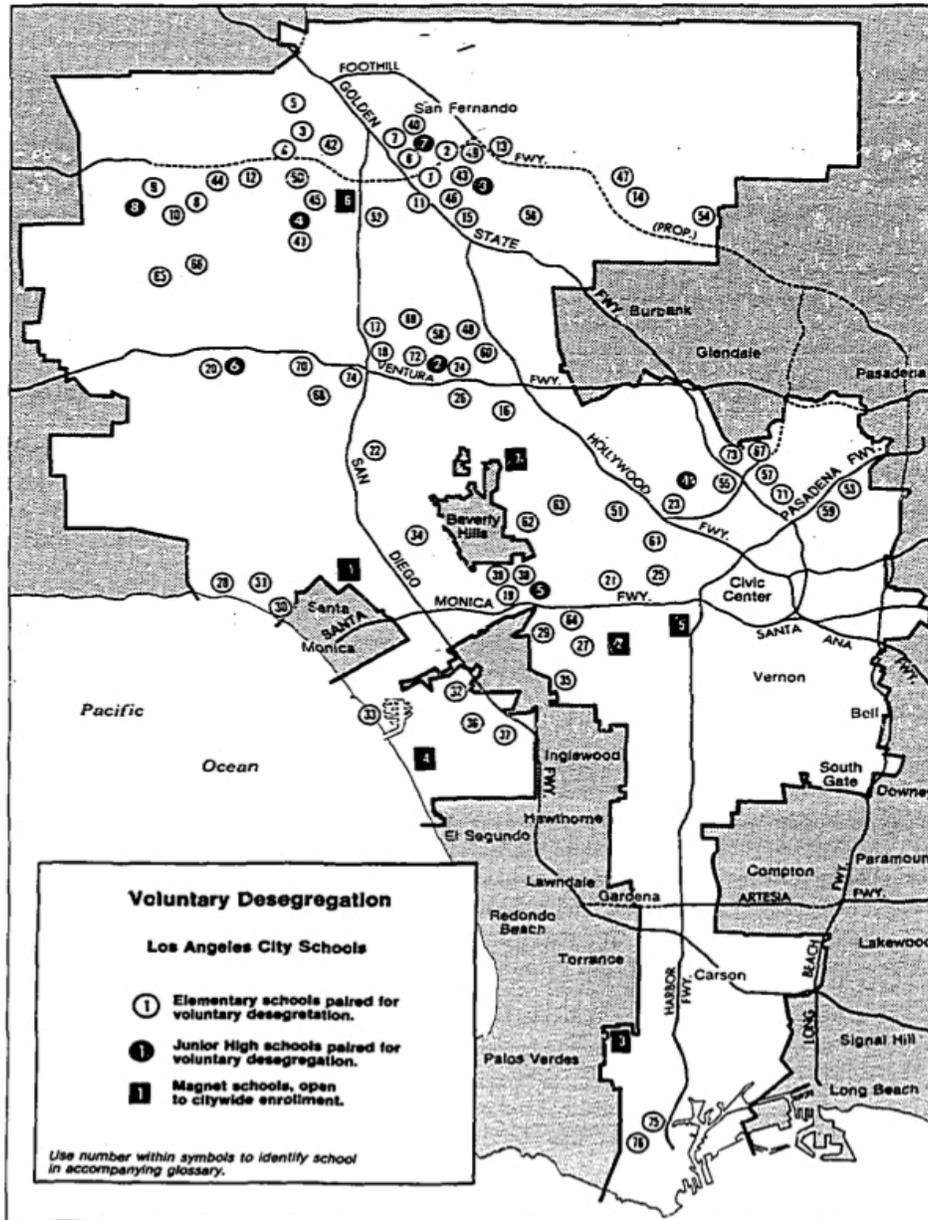
The desegregation plan’s voluntary-first strategy with a mandatory backup had proven worthwhile, as a “last-minute surge of interest in voluntary desegregation” in the last ten days before the initial April 14 deadline resulted in forty-five additional schools pledging to enroll about 16,700 students voluntarily, bringing the total number of schools to eighty-five.<sup>429</sup> Previously, forty schools enrolling about 12,000 students had agreed to pair voluntarily.<sup>430</sup> The total number of students declaring to pair voluntarily reached 28,700. A pleased LACBE President Miller called the late surge in voluntary participation “a major breakthrough in voluntary compliance,” but insisted that “we [LACBE members] don’t have any illusion that people would be doing this if there weren’t a court-ordered plan” with a mandatory backup.<sup>431</sup>

On the day of the April 14 deadline to volunteer, district officials announced the formation of “educational leagues,” or groupings of predominantly white schools and racially

isolated majority-minority schools<sup>432</sup> that would serve as “the basic structure for mandatory reassignment of pupils in fourth through eighth grades who are not enrolled in voluntary programs” (see Map 6.3).<sup>433</sup> LACBE also announced the schools participating in voluntary integration strategies, including pairs and magnets (see Map 6.4). Commenting on RIMS untouched by the plan, Miller declared that they would benefit from smaller class size in grades four through eight and “special educational programs,” referring to compensatory education programs.



Map 6.3. Mandatory Desegregation, Pairs and Clusters, April 1978. Source: *Los Angeles Times*, 15 April 1978.



Map 6.4. Voluntary Desegregation, Pairs and Magnets, April 1978. Source: *Los Angeles Times*, 15 April 1978.

In light of the progress of the voluntary-first strategy, on April 20 BUSTOP filed a motion requesting Judge Egly to “clarify” his ruling permitting LACBE to put the plan into effect in September.”<sup>434</sup> BUSTOP’s hearing request was part of a two-prong offensive against integration through busing, particularly mandatory busing. The other strategy entailed adding an anti-busing amendment to the California Constitution by passing an anti-busing proposition in the November elections. BUSTOP’s request for clarification prompted a little-known Chicano

pro-integration group made up of educators, the Chicano Integration Coalition (CIC), to protest BUSTOP's request.<sup>435</sup> In a news statement, the CIC declared, "The present effort by Bus Stop -- an organization opposed to integrated schooling in Los Angeles -- to halt what is fundamentally constitutional, is wrong and just plain deceitful."<sup>436</sup> Anti-busing efforts however were not only local, but also statewide.

As of May 4, a statewide petition drive launched in January by CHOICE to place the anti-busing Robbins amendment, named after State Senator Alan Robbins (D – Van Nuys), had failed to garner the necessary 499,846 signatures needed to qualify for the ballot.<sup>437</sup> Although CHOICE did not meet the deadline, it could extend the deadline to May 30 if it garnered 550,000 signatures, roughly 10% more valid signatures.<sup>438</sup> Moreover, a random sample of 5% valid signatures from the 550,000 signatures by the County Registrar of Voters would qualify the petition for the ballot.<sup>439</sup>

However, while CHOICE sought to obtain the necessary signatures, most "of the predominantly Anglo schools" in LACBE's mandatory desegregation leagues had decided "to pair voluntarily with minority schools or were considering such a move," according to the *Los Angeles Times*.<sup>440</sup> In early May, LACBE President Miller told top district administrators, "We're heading toward near-total voluntary compliance with the May 12 date."<sup>441</sup> May 12 was the new deadline for one hundred elementary schools and sixteen junior high schools grouped in five "educational leagues" to pair up as part of the voluntary integration phase. Although the "magnet" program component of the plan did not garner a higher number of applications the school board hoped to receive (the district had received 15,000 applications but had designated roughly 13,000 slots), the *Los Angeles Times* reported that a "total of 76 schools, with a potential enrollment of 30,000, agreed to pair or cluster," exceeding the expectations of district officials.<sup>442</sup>

Progress in voluntary pairing continued to exceed expectations in May 1978. LACBE approved nine voluntary integration pairings or clusters on May 8, including pairing Maclay Junior High School in Pacoima (64% African American and 21% Hispanic) and Holmes Junior High in Northridge (72% white). The NAACP in the San Fernando Valley had complained to LACBE about Maclay becoming a racially isolated minority school in the Valley as a result of the board's open transfer policy, but now it was paired with a school in the northwest corner of the San Fernando Valley, one of the most racially isolated white areas in the district. Pairings, the *Los Angeles Times* reported, tended to include one white school along with *either* an African

American or Hispanic school. However, in a few cases, a white school paired or clustered with a school with Hispanic and Asian student body or, in the case of the Maclay-Holmes pairing, a school with an African American and Hispanic student body.<sup>443</sup> The voluntary desegregation plan, therefore, provided opportunities to develop multiracial and multiethnic student bodies at different schools.

In mid May, the Los Angeles School District found that almost “all predominantly Anglo elementary and junior high schools” had “‘voluntarily’ paired with heavily minority schools or have indicated their intentions to do so.”<sup>444</sup> Moreover, 130 schools “both Anglo and minority, with an enrollment of 49,000 pupils in the fourth through eighth grades” had volunteered for the board’s voluntary-first strategy of the LACBE plan, but twenty-two predominantly white schools had not volunteered.<sup>445</sup> An astounding 88% of the schools slated for the voluntary-first phase of the plan had volunteered, prompting Board President Miller to declare “near-total voluntary compliance with the court order.”<sup>446</sup> Miller pointed to the broader importance of such compliance, elaborating, “What has happened in Los Angeles may represent the most significant series of events in school integration since Brown vs. Board of Education in 1954.”<sup>447</sup> By May 18, two high schools located in the San Fernando Valley, El Camino Real High School, which was 90% white and located in Woodland Hills, and San Fernando High School, with a 88% minority student body, took the unprecedented step of becoming the first two high schools to pair voluntarily.<sup>448</sup> However, many of the schools that had rejected voluntarily pairing or clustering remained in the West San Fernando Valley, where a new group called the United Parents Against Forced Busing (UPAFB) had joined BUSTOP to oppose the district’s integration plan.<sup>449</sup>

UPAFB’s strategy to disrupt discussions about integration became evident in May. More than 600 people attended an integration meeting at Hale Junior High School, which opted not to participate in the desegregation plan.<sup>450</sup> UPAFB sought to undermine discussions about the *voluntary* phase of LACBE’s desegregation plan. The *Los Angeles Times* reported that Bernice Medinnis, a district desegregation worker “said her attempts to answer questions or present information were drowned out by boos and catcalls from members of UPAFB and other antibusing groups scattered throughout the audience.”<sup>451</sup> Medinnis explained, “They [UPAFB] have these questions and when you attempt to answer the questions they shout you down. They are pretty aggressive at this point.”<sup>452</sup> Medinnis stated that when a student stood up to defend the proposed pairing between Hale (88.5% white) and Belvedere Junior High (97% Hispanic)

members of the audience shouted, “Just like Hitler—using children against their parents.”<sup>453</sup> But when a student who had just moved into the Hale neighborhood from New York City said that Belvedere “sounded to her like the gang-ridden schools she had known, the audience applauded.”<sup>454</sup>

The same disruptive strategy was clearly at play at another meeting. At Haynes Street Elementary, located in West Hills, a meeting on the integration plan lasted more than three hours and “was marked by much shouting and screaming between those who favored the search for an acceptable minority school partner and those who did not.”<sup>455</sup> At this meeting, the *Los Angeles Times* reported that Sidney Trapp Jr., who identified himself as a deputy district attorney, made some inflammatory remarks in which he “warned parents that their children might be raped or assaulted if they were bused to a predominantly minority school.”<sup>456</sup> Trapp was not new to the integration debate. Although Trapp claimed he did not oppose desegregation, he had written a letter to his boss District Attorney John Van de Kamp and urged a criminal investigation of LACBE’s mandatory desegregation plan. Specifically, Trapp alleged that “the members of the schools board are chargeable with felony conspiracy to commit child endangering.”<sup>457</sup> In response, Van de Kamp described the letter as “silly and ridiculous” and stated, “It is patently absurd for a lawyer to put forth this sort of theory.”<sup>458</sup> A delegation of the SCLC/West, including its president Reverend Garnett Henning, paid a visit to Van de Kamp’s office and “demanded termination of this Trapp,” with Van de Kamp promising to review the case.<sup>459</sup> Chief Deputy District Attorney Stephen Trott, much less forgiving about Trapp’s comments, declared, “Trapp has just tied with the president of the Flat Earth Society for the dumbest remarks of the year.”<sup>460</sup>

#### *Judge Egly Creates Some Parameters around Crawford Proceedings*

On March 3, 1978, Egly formally appointed ten experts to the Los Angeles School Monitoring Committee (LASMC) “to assist the Court and the Referee in evaluating and monitoring the implementation of the School District’s integration plan.”<sup>461</sup> By May 24, Judge Egly outlined the monitoring committee’s duties and rejected BUSTOP’s attempts to disqualify two other committee members “on the grounds of prejudice.”<sup>462</sup> The committee’s duties included seeking assistance implementing the integration plan from volunteers, and setting up a system to receive complaints about transportation, pairings of schools, or other aspects of the mandatory plan.<sup>463</sup>

On May 12, 1978, the parties in *Crawford* met at Judge Egly's Pomona courtroom (instead of his downtown L.A. courtroom) to discuss: 1) The Los Angeles Center for Law and Justice's (a co-counsel in the case with the ACLU and NAACP) request for an integration monitoring commission; 2) TIP's request for attorney fees and an Asian American representative in the panel of experts; and 3) BUSTOP's request for clarification of the February 7 minute order and the disqualification of Dr. Robert Crain, Dr. Gary Orfield, and Dr. Thomas Pettigrew from the panel of experts.<sup>464</sup> Judge Egly promptly denied BUSTOP's request for clarification of his February 7 order and the removal of Crain, Pettigrew, and Orfield.<sup>465</sup> He also denied TIP's request to amend the metropolitan plan to the list of the experts' research.<sup>466</sup> Judge Egly told the anti-busing organization BUSTOP to "get into this lawsuit" and stop "trying to try the judge" and asked it to play a more constructive role.<sup>467</sup>

### *Does Diversity Constitute Desegregation?*

From the very beginning of *Crawford*, presiding judges had to contend with working out a definition of what constituted a "segregated" school.<sup>468</sup> The development of a working definition had been difficult enough, but by June 1978, implementing the latest desegregation plan following LACBE's 70/30 ratio to meet Judge Egly's order elicited more complications. With the changing district demographics due to immigration and white flight, one of the key issues that developed was whether schools with a diverse student population, including those schools with multiple minority groups but little if any white students, met the requirements of a desegregated school. Implementing the desegregation plan with the working definition also called attention to the question of which racial and ethnic groups constituted the "minority" or "majority" classification, thereby highlighting a limitation of the 70/30 ratio. LACBE, district desegregation planners, and the courts had primarily focused on African American, Hispanic, and white students to determine whether a school was classified segregated or desegregated. One detail that had gained limited attention but had important consequences in the implementation of the plan was the district's classification of Asian students as minorities.

Under the current desegregation plan guidelines, schools with a combined minority student population *or* a white student population of 70% or more were classified as segregated. The guidelines did not take into consideration the diversity within a given school. In time, the diversity concept made its way into the discussion about integration. In one such example, King

Junior High School, located at 4201 Fountain Avenue in the Silver Lake area of Los Angeles, had a total student population of 2,800 and boasted a diverse student body that was 46% Hispanic, 28% “Asian-Pacific Islander,” 21% white, and roughly 4.4% African American, according to the latest racial ethnic survey. In June 1978, the King Junior High School case provided some fascinating answers on whether a diverse school translated to a desegregated school.

Despite such diversity, under the desegregation plan’s guidelines King Junior High was a segregated school, in part because “Asian –Pacific Islanders” were classified as a minority group and combined with other minority groups, the school exceed the 70% minority student population threshold. King Junior High School parents were upset about their school’s segregated classification, and its pairing with Millikan Junior High (71% white) located in Sherman Oaks. Floyd Oliver, president of King’s parent advisory council, declared before LACBE:

The Hispanic, Asian, black, and Anglo members of the King community stand together in brotherhood in their resolve to preserve this beautifully integrated neighborhood, rather than being offered up as a sacrificial lamb on the altar of busing while other racially isolated schools ... remain untouched.<sup>469</sup>

Marie Moneymaker, a parent from King Junior High commented, “You won’t find a more diverse set of kids in the district. We couldn’t have integrated King better if we tried to.”<sup>470</sup> Referencing King Junior High, *Los Angeles Times* staff writer George Ramos asked, “How can the most naturally integrated school in Los Angeles be paired with a predominantly white school in the San Fernando Valley as part of the city schools’ desegregation effort this September?”<sup>471</sup>

The desegregation guidelines provided the answers. According to Phil Linscomb, director of district student integration activities, the district deemed King a segregated school because “its combined minority enrollment exceeds 70% of the student body,” thus meeting the criteria of a segregated school in spite of its “diverse composition.”<sup>472</sup> The district classified Asian students as minorities, contributing to a combined minority total of 78.4% of the student body. King Junior High did not have an overwhelming percentage of one minority group either, compared to schools in East L.A. and South-Central L.A. In fact, the representation of African Americans, Hispanics, whites, and Asians at King Junior High was not unique. Linscomb noted

that some schools, “particularly in the Gardena-Carson area,” had “equal mixtures” of minority groups.<sup>473</sup>

Its diversity notwithstanding, King Junior High remained classified as segregated. Parents from King vehemently disagreed, but the school’s classification did not surprise Principal Elroy McGlothen. He stated, “I wasn’t surprised because King’s combined minority enrollment is 79%.”<sup>474</sup> “The Anglo enrollment (21%) wasn’t close to 30% and that is what I go by,” he added.<sup>475</sup> Cora Yasumi, president of King Junior High’s PTA, was not surprised either. “When they [LAUSD] took the [racial and ethnic] survey, I knew we were going to be paired.”<sup>476</sup> “But the bulk of King parents,” reported the *Los Angeles Times*, “seemed to be unaware of King’s future in desegregation” and believed that “the pressure to desegregate ... rested with the schools in the predominantly San Fernando Valley.”<sup>477</sup> King Junior High’s predicament indicated that within the parameters of the district’s integration plan, a diverse student body did not translate into a desegregated school.<sup>478</sup>

While integrationists, LACBE, and intervenors continued to debate school integration strategies in court and in the court of public opinion, the district faced obstacles executing its integration plan.<sup>479</sup> Judge Egly faced constant scrutiny and appeals, and LACBE continued to make revisions to key aspects of the plan. During a June 19 hearing, BUSTOP attorney Bartman asked Judge Egly to halt the implementation of LACBE’s integration plan, a request Judge Egly later rejected.<sup>480</sup> All the parties in *Crawford* continued to disagree over the bus travel time limit, which Judge Egly largely left to LACBE’s discretion. The integration plan included some bus rides that were ninety minutes long, which Judge Egly called “almost punitive.”<sup>481</sup> LACBE revised its integration plan to include “midsites” or “midway sites” in order to cut down long, one-way bus rides to about forty-five minutes maximum.<sup>482</sup> In response, however, *both* the ACLU and BUSTOP vowed to challenge the new busing time limits.<sup>483</sup> The racially and ethnically diverse King Junior High School in the Silver Lake area, whose parents opposed participating in the integration plan because they believed the school was naturally integrated, became one of the beneficiaries of the new “midway site” strategy, as LACBE voted to exclude King Junior High School from its plan.<sup>484</sup> Predictably, adversaries in *Crawford* continued to challenge other important details in the desegregation plan.

### *Predicting White Flight and White Flight Strategies*

One important issue central to the case remained elusive and unpredictable: white flight. Anti-busers on LACBE claimed to oppose the current integration plan because they worried that including mandatory integration strategies would increase white flight from the district. In June 1978, concerns and uncertainty about how resident “flew” the district continued, but what “white flight” meant gradually became more tangible. In order to “flee” from school desegregation, residents from Chatsworth in the San Fernando Valley were in the process of constructing “Neighborhood School No. 1,” which would house about 300 fourth through eighth graders with the express intent to circumvent LAUSD desegregation efforts.<sup>485</sup> According to the *Los Angeles Times*, the new “neighborhood” schools joined existing private and religious schools as “white flight” havens.<sup>486</sup>

Yet, how much white flight from the district would occur by the fall of 1978 in response to the integration plan remained unknown. LACBE President Miller expressed, “My own judgment is that the enrollment decline [of white students] will not be that great.”<sup>487</sup> An optimistic Miller explained, “We understand that people are expressing intentions to leave, but intentions may not be the same as action.”<sup>488</sup> “By focusing on the educational benefits in the plan—the reduced class size and the other educational improvements,” Miller asserted, “we hope to persuade fair-minded people to give the plan a chance.”<sup>489</sup> BUSTOP President Paul Clarke disagreed, claiming, “I would say the minimum (white) loss this coming year is going to be 35,000, and it could go as high as 45,000.”<sup>490</sup> Predicting “white flight” remained elusive.<sup>491</sup>

### *California Courts at Odds Over Mandatory Integration*

Compounding the difficulties of implementing LACBE’s integration plan, on August 31, 1978, the Second District Court of Appeals issued a stay for all mandatory student integration activities provided under the student integration plan, Concept L, while permitting voluntary integration aspects of the plan to continue.<sup>492</sup> The judges ruled in favor of the stay, declaring, “It appears to us, at this early stage, that the harm which may result from implementing a constitutionally defective plan is greater and more irreparable than the damage that might result from the delay in implementing a plan ultimately found to be legal and sound.”<sup>493</sup> The ACLU’s Fred Okrand immediately filed an appeal with the California Supreme Court asking it to reinstate

mandatory busing by September 12, the first day of classes in the Los Angeles Unified School District.<sup>494</sup>

Soon after, on September 5, LACBE demonstrated that it did not have a neutral stance on the court's stay and could not continue to feign support for its own integration plan. LACBE voted five to two "*not to support its own plan* after nearly five hours in a closed door session" (emphasis mine).<sup>495</sup> LACBE later approved a motion by a six to one vote to urge the California State Supreme Court to grant a hearing and to take full jurisdiction of the case.<sup>496</sup> Fiedler posed the lone vote in opposition.<sup>497</sup>

Although LACBE wanted the Supreme Court to oversee implementation of its integration plan, this did not translate to support for overturning the stay by the Court of Appeals. In a third emergency motion, LACBE urged "the State Supreme Court to *maintain* the stay issued by the Court of Appeal, or institute *its own stay*, pending resolution of all issues" (emphasis mine).<sup>498</sup> LACBE passed the motion, with Watson and Miller voting against it. In yet another motion, the board reaffirmed implementing the voluntary components of the plan in a fourth motion, which it passed with Watson as the lone vote in opposition.<sup>499</sup> These four emergency motions presented indisputable evidence that LACBE tried to take advantage of an opportunity to pursue a purely voluntary plan, an opportunity given by the Second Court of Appeals. LACBE, now firmly against a key component of its *own* desegregation plan, also sought to exclude Judge Egly from future proceedings.

However, on September 6, the California Supreme Court overruled the Court of Appeals' stay of the mandatory components of LACBE's integration plan. "Five of the seven justices, acting in closed session shortly before the close of the business day in San Francisco, also sent the appeal back to the Los Angeles appellate Division 2 rather than handling the case itself," reported the *Los Angeles Times*.<sup>500</sup> Of the seven justices, only the two Reagan appointees did not sign the four-sentence decision.<sup>501</sup> A jubilant Mark Rosenbaum of the ACLU declared, "We won! There is no question but that they vacated the stay and desegregation will take place in Los Angeles. That's the first and the main thing."<sup>502</sup> A dejected Tom Bartman representing BUSTOP vowed to ask United States Supreme Court Justice William Rehnquist to halt the plan, and stated, "I am not happy with the (state Supreme Court) order. We have just a few days to make an appeal."<sup>503</sup> LACBE attorney Shea, who had joined BUSTOP in asking the California Supreme Court to reaffirm the stay, remarked, "Now, at least, the Supreme Court has said inferentially

‘Go ahead with your plan.’”<sup>504</sup> Superintendent Johnston concurred, stating of the plan, “It’s a go.”<sup>505</sup> In an about face, LACBE voted five to two to proceed with its plan, even though it had voted to scrap the mandatory components by the same vote only a day earlier.<sup>506</sup> In essence, the California Supreme Court’s ruling compelled LACBE to backtrack and support its own plan again.

BUSTOP’s appeal for a stay quickly made its way to United States Supreme Court Justice Rehnquist, who promptly denied halting the full, court-ordered busing plan.<sup>507</sup> Rehnquist declared, “I conclude that the complaints of the parents and the children in question are complaints about California state law, and it is in the forums of that state that these questions must be resolved.”<sup>508</sup> Moreover, he asserted that state courts were “free to interpret the Constitution of the state to impose more stringent requirement on the operation of a local school board” than required by the U.S. Constitution.<sup>509</sup> Rehnquist emphatically rejected BUSTOP’s argument that court-ordered busing violated the U.S. Constitution, but he did not believe that the U.S. Constitution legally required busing.<sup>510</sup> Justice Rehnquist’s decision did not surprise LACBE attorney Shea and Superintendent Johnston. Johnston stated, “I think the justice did the right thing. It gives assurance to all of our citizens and parents that the Los Angeles desegregation plan does comply with state and federal legal requirements.”<sup>511</sup> In light of Rehnquist’s decision, Board President Miller appealed to parents and students to comply with the desegregation order.<sup>512</sup> The ACLU’s Fred Okrand remained cautiously optimistic. Calling Rehnquist’s decision “encouraging news,” he remarked, “It means that the minority youngsters in Los Angeles who for so long have had to attend segregated schools, may at last be given an opportunity for equal education.”<sup>513</sup>

### *“Spanish-Surname” Community Divide on School Desegregation*

In the new school year beginning in September 1978, the Los Angeles Unified School District implemented integration *and* bilingual and bicultural programs simultaneously, marking a watershed moment in the city’s racial politics and public education. In February 1978, deputy superintendent Harry Handler credited the integrationists’ efforts with providing the long-term pressure to compel LACBE and the district to bring about meaningful compensatory education programs, which were central to the demands of the 1968 student demonstrators in South-Central L.A. and East L.A. The school year was full of both promise and uncertainty. The Spanish-

surname community, itself increasingly diverse, remained divided over busing. While some backed busing, others wanted their children to attend their neighborhood schools to reap the benefits of the new bilingual, multicultural, and compensatory education programs.

The *Los Angeles Times*' George Ramos reported on the impact of the integration plan on Spanish-surname students.<sup>514</sup> Ramos discussed school safety, better-qualified teachers, and improved school facilities, but he believed the most important issue was the relationship between the school desegregation plan and bilingual education.<sup>515</sup> Assignments from "predominantly Mexican-American schools in the district's inner core and East Side to predominantly Anglo areas" were "an integral part" of the desegregation plan.<sup>516</sup> For schools with a predominantly Hispanic student body untouched by busing, the district would provide compensatory education, including multicultural programs, a reduction in class size, and "an expanded \$29 million bilingual program servicing more than 100,000 students in the district who have no or little knowledge of English," of which an estimated 90% who were Spanish speakers.<sup>517</sup> Ramos asserted that "Mexican-American educators and parents generally agree that the new school year ... will be a pivotal one for Hispanic youngsters in Los Angeles city schools."<sup>518</sup>

Additionally, Ramos reported on the very tangible divisions within the Spanish-speaking community over the issue of busing.<sup>519</sup> He commented that "widespread mistrust" of the desegregation plan permeated among the Spanish-speaking parents on the East Side and in Los Angeles' inner core.<sup>520</sup> However, unlike their white counterparts, a "somewhat muted opposition" to the desegregation program existed, and that distrust stemmed "from the busing of Latino students away from neighborhood schools in the barrio."<sup>521</sup> One Latino father stated, "Busing—I just want my kids to be able to read and spell."<sup>522</sup> Other Spanish-surname parents simply chose to follow the program.<sup>523</sup> Barbara Gonzales, a mother of two attending Hollenbeck Junior High in Boyle Heights, remarked, "If I had my choice, I would have kept my children here. But seeing as they're going to be bused, I'm willing to go along with it."<sup>524</sup> In contrast, Lucia Mendez, a Boyle Heights mother, expressed her unhappiness with busing. She asked school administrators, "What time will they (the children) have to get up in the morning? Where will the bus pick them up? What happens if there's trouble at the school? What about an emergency?"<sup>525</sup> After hearing some answers from school administrators, an unsatisfied Mendez stated, "I wish they could stay and go to school here."<sup>526</sup>

Regarding parent participation in educational issues and opinions about busing, Ramos categorized Spanish-surname parents into two groups: 1) Mexican Americans in the Eastside and Mexican American educators generally and 2) Hispanics in the district's "inner core."<sup>527</sup> He reported, "On the whole, parent participation in predominantly Mexican American schools in Lincoln Heights, Boyle Heights and El Sereno can be counted upon [to participate in busing]."<sup>528</sup> Ortega and Ruby Aguilar, "East Side parents long involved in educational affairs," believed that the Spanish-speaking community backed the desegregation plan, according to Ramos.<sup>529</sup> Although a supporter of integration, Ortega Aguilar, a member of the CIC, asserted, "The feelings of Mexican-Americans have been ignored in this present ... plan."<sup>530</sup> Aguilar's partner Ruby Aguilar, a member of the court-appointed Los Angeles School Monitoring Committee, promoted busing as a way of providing Mexican American students with a better education than neighborhood schools.<sup>531</sup> She declared, "Chicanos will send their children on a bus if it'll mean the best education for them."<sup>532</sup>

Differentiating Mexican Americans on the Eastside from other Spanish-surname residents, Ramos conveyed, "Involvement of Hispanics in the district's inner core is another story."<sup>533</sup> "That area is undergoing a radical change in ethnic composition. Large numbers of Hispanics, many of them recent arrivals in the United States, are moving into neighborhoods that have been predominantly Anglo in the past," he explained.<sup>534</sup> Recent immigrants, afraid to express publicly their opinions about school affairs, instead expressed their ideas in "quiet tones."<sup>535</sup> Therefore, established Mexican Americans supported integration and busing, while recent immigrants worried more about establishing roots in a new country and feared sending their children to remote areas of the city.

### *Implementation Begins with General Compliance*

In spite of the numerous efforts to halt the integration plan, the plan went into effect on Tuesday, September 12, 1978, with about 85,000 children scheduled to participate in both voluntary and mandatory aspects of the plan, transported in 1,200 yellow school buses.<sup>536</sup> On Monday the day before the plan began, Mayor Tom Bradley called for "peaceful, nonviolent compliance with the court order."<sup>537</sup> Other notable Angelenos echoed Bradley's plea for compliance, including Police Chief Daryl F. Gates and Sheriff Peter Pitchess.<sup>538</sup> In contrast, on the same day, an anti-busing rally took place at Pierce College in Woodland Hills. After the

rally, police “confiscated rifles and cans of mace from cars reportedly belonging to members of the Ku Klux Klan.”<sup>539</sup> The *Los Angeles Times* also reported bomb threats.<sup>540</sup> Also on September 11, two federal judges denied three last-minute requests for preliminary injunctions against busing.<sup>541</sup>

On September 12, 1978, Los Angeles became the largest city in the nation to undertake school desegregation. The *Los Angeles Times*’ William Trombley and Don Speich reported that school desegregation plan began “peacefully ... although many children stayed away and others encountered bus transportation problems.”<sup>542</sup> “Picketts appeared at a few schools but there were no large demonstrations and noone [sic] was arrested,” they added.<sup>543</sup> Moreover, the Los Angeles School Monitoring Committee (LASMC) did not report incidents of violence at the sixty-five schools where it placed monitors, though there were some minor problems.<sup>544</sup> Mayor Bradley expressed, “I suppose it’s going better than most of us anticipated.”<sup>545</sup> A confident Bradley added, “I anticipated the first day was the major challenge. I think the rest will be fairly easy.”<sup>546</sup> A delighted LACBE President Miller declared, “In Los Angeles in September, 1978, the school did open uneventfully, peacefully, decently, and well.”<sup>547</sup> He believed that the Los Angeles community had “rallied support” for the plan and demonstrated it was “possible to have quality integrated education in an urban area.”<sup>548</sup> Anti-buser Fiedler expressed pride for her community, but added she was “saddened” because mandatory busing had driven out many children out of the public school system.<sup>549</sup> The first day of desegregation in Los Angeles exceeded the expectations of its proponents inside and outside the district, but the first reports of the program showed mixed results.

#### *Early Patterns: Minority Student Participation and White Flight*

An important pattern developed in the first day of integration: minority students assigned to busing generally filled the buses heading to the San Fernando Valley and the Westside, while white students from the Valley assigned to minority schools did not show up for their busing assignments.<sup>550</sup> Furthermore, attendance at the district’s forty-five magnet schools was higher than at mandatory pairs, clusters, and midsites, but magnet program schools located in heavily minority neighborhoods did not attract many white students.<sup>551</sup> For instance, only two white students attended the Individually Guided Education Center at 111<sup>th</sup> Street Elementary School located in South-Central L.A., even though the district had assigned seventeen white students,

twelve Hispanic students, and nine Asian students.<sup>552</sup> The school's principal Dr. Lovilia P. Flournoy explained the situation this way: "Everything seems to have been very smooth. We just didn't have the children."<sup>553</sup> At Bancroft Junior High School, a midsize in LACBE's plan, one bus carried only one white pupil from the Valley, ten-year-old Jerome Graves.<sup>554</sup> In more examples, at Millikan Junior High School in Sherman Oaks only 135 of 400 students reassigned from Frost Junior High in Granada Hills showed up for their new assignment, while a higher proportion of minority students, 123 of 225, from Foshay Junior High School in South-Central L.A. arrived at Millikan.<sup>555</sup>

San Pedro was a hotbed of anti-busing and anti-desegregation fervor fomented by BUSTOP. Although there were no major demonstrations there, the *Los Angeles Times* reported, only two of forty-two students reassigned from South Shores Elementary, "in an affluent white section of San Pedro," attended Barton Hill, "a minority school only a few minutes away."<sup>556</sup> Conversely, forty-two out of 112 students from "less affluent" Leland Street Elementary were on the buses to Barton Hill.<sup>557</sup> By comparison, all fifty-five Barton Hill students reassigned to South Shores showed up, and ninety-three out of ninety-five students reassigned from Barton to Leland participated.<sup>558</sup>

Where did white students from the Valley, San Pedro, and other parts of Los Angeles go? Some district officials conceded that some absenteeism was due to "white flight" and boycotting organized by anti-busing groups, but there were other "white flight" strategies at play. The *Los Angeles Times* reported, "Many San Fernando Valley parents have placed their children in private schools and private tutoring programs to keep them off the buses."<sup>559</sup> By early October, twenty-one half-empty elementary schools in the western part of the San Fernando Valley illustrated the high degree of white flight and resistance to school desegregation.<sup>560</sup> Highlander Road Elementary provided a stark example. Located in the predominantly white, middle-class neighborhood of Canoga Park, Highlander previously accommodated more than 600 students.<sup>561</sup> The previous year it housed 341 students and at the start of the 1978 school year only 111 students.<sup>562</sup> "The situation at Highlander," William Trombley quipped, was "only slightly worse than at 20 other schools" surveyed by the *Los Angeles Times*.<sup>563</sup> Overall, at twenty-one San Fernando Valley schools, enrollment had dropped by 50% from 10,393 in June to 5,199.<sup>564</sup> Trombley conceded that the district did not lose all of the students, as some fifth and sixth

graders from the twenty-one schools from West San Fernando moved to ten new integrated “midsites” located in central San Fernando Valley and the Westside.<sup>565</sup>

University of Michigan professor of demography Reynolds Farley offered an explanation for the decrease in white student enrollment, an explanation that did not satisfy either side in the school desegregation debate.<sup>566</sup> In a court filing, Farley reported that “white flight” from the Los Angeles school desegregation plan accounted for one-third to one-half of the total loss of white students, and that the rest of the white flight would have happened anyway.<sup>567</sup> The *Los Angeles Times*’ Trombley noted that Farley’s work “clearly showed that the desegregation plan, including the mandatory busing of about 17,300 students, did cause some ‘white flight’” but also demonstrated that “the plan cannot be blamed for the total loss of white students in the district.”<sup>568</sup>

Farley’s report countered both the integrationists’ claims that the desegregation plan caused minimal “white flight,” and the anti-busers’ claim that the plan would cause widespread “white flight.”<sup>569</sup> Neither group could claim Farley’s report as hard evidence to support their respective position.<sup>570</sup> Professor Farley also inferred that white enrollment would drop another 10% the following year if there were no changes to the present desegregation plan, but could increase to 18% if the district expanded to include more grades and more schools.

#### *The Plan’s Shortcomings for RIMS: Segregation and Overcrowding Continue to Increase*

Professor Farley’s findings about Racially Isolated Minority Schools (RIMS) were less encouraging, illustrating that RIMS remained segregated despite the implementation of the integration plan. Farley found that the proportion of minority students in RIMS (those with 30% or less white enrollment) changed only from 73% in 1977 to 71% in the 1978-1979 year. In both years, about 276,00 students attended RIMS.<sup>571</sup> Therefore, the *Los Angeles Times*’ William Trombley surmised that the present desegregation plan had “succeeded in desegregating most of the predominantly white schools but has done little to help the heavily minority schools, which were supposed to be the main beneficiaries of the plan.”<sup>572</sup> These disparate conditions in RIMS and predominantly white schools occurred from high minority student participation in “one-way” voluntary busing, and extremely limited white student participation.

While RIMS remained segregated, the plan did little to ameliorate RIMS becoming exceedingly overcrowded, in stark contrast to many white schools that were operating below

capacity. The *Los Angeles Times*' Trombley reported that school district officials were "scrambling to accommodate youngsters in these [minority] areas," while many schools stood half-vacant in the West San Fernando Valley, "emptied by a combination of a declining white birth rate, 'white flight' from the ... desegregation plan and the vagaries of the plan."<sup>573</sup> The plan failed to relieve overcrowding at Miles Avenue Elementary School, a "majority-minority" school in Huntington Park. Originally built to house 400 students, Miles Elementary was egregiously overcrowded with 2,300 students.<sup>574</sup> Miles' first, second, and third graders endured double sessions.<sup>575</sup> Miles' principal Ray Schmidt expressed the bleakness of the circumstances: "My philosophy is just to get through each day and hope that things will get better."<sup>576</sup> Miles was one of twenty schools suffering from overcrowding in an administrative area that included the Bell, Cudahy, Huntington Park, and South Gate.<sup>577</sup> The *Los Angeles Times* attributed overcrowding in the Huntington Park-South Gate area schools to a "heavy influx" of Hispanic students.<sup>578</sup> In the Olympic-Wilshire area, the paper attributed overcrowding to Hispanic and Asian (primarily Korean) influx.<sup>579</sup>

The desegregation plan and the demographics of the school district created challenges for which the district was ill equipped, with segregation and hyper-overcrowding affecting RIMS disproportionately, while San Fernando Valley schools faced unusual circumstances: half-empty classrooms and a very high teacher-to-student ratio. If the district decided to alleviate overcrowding at RIMS by building new schools with almost 100% minority enrollment, it could face charges of discrimination again. The NAACP's Joseph Duff commented that such schools would "be a clear violation of the court mandate and I have no doubt we would seek an injunction."<sup>580</sup> LACBE and the district had promised to relieve overcrowding to the student demonstrators of 1968, but a decade later the district's desegregation plan failed to alleviate overcrowded RIMS.

### *The Valley's Busing Boycott*

Leaders in an organized boycott that left many Valley schools half full "proclaimed a victory and said they had seen dozens of buses leave the Valley empty."<sup>581</sup> "There was no violence and there will be no violence," Link Wyler, a reported boycott leader from Woodland Hills stated.<sup>582</sup> He also estimated that as many as 10,000 boycotted the integration plan.<sup>583</sup> LACBE President Miller questioned the numbers, and asserted that the boycott had largely

failed.<sup>584</sup> Many white parents resisted busing for integration and other reasons by boycotting the plan, with some engaging in some odd behavior to make their point. In a “most dramatic incident,” a woman from Woodland Hills put in danger her life and the life of African American children from 42<sup>nd</sup> Street Elementary School reassigned to Calvert Street Elementary in Woodland Hills. “The woman weaved back and forth in front of the bus while it was traveling along the Ventura Freeway,” the *Los Angeles Times* reported.<sup>585</sup> In an incident at Granada Hills Elementary School in Granada Hills, a man “protesting the busing of his daughter reportedly forced his way aboard a bus and began taking pictures.”<sup>586</sup> In another incident, Mrs. Jean Baratta of Woodland Hills chained herself to a “no parking” sign in front of Oso Avenue Elementary School to protest mandatory busing of her two daughters to the 42<sup>nd</sup> School in the Crenshaw area.<sup>587</sup>

### *The Overall Picture*

Busing in Los Angeles began largely without incidents of violence and only sporadic disturbances. A resolute Max Barney, district director of transportation, stated that only six percent of 2,200 bus routes had encountered problems, and 1,288 of these routes covered integration.<sup>588</sup> Barney remarked, “The problems were about the same as on any first day. We just had more people watching.”<sup>589</sup> He added that most of the problems did not involve district-owned buses but buses from private firms.<sup>590</sup> By Thursday, the evidence backed President Miller’s assertion that attendance would increase, with transportation problems decreasing as well.<sup>591</sup> In response to the plan’s largely peaceful start, the Los Angeles Police Department started to scale down its “busing forces.”<sup>592</sup> An optimistic LABCE President Miller declared, “The real story now is what’s going on in these classrooms, with these low student-teacher ratios, with kids learning in an integrated environment, with racial isolation broken down ... and it’s a story that all who took part can be proud of.”<sup>593</sup> Desegregation expert and professor at the University of Illinois, Urbana-Champaign Gary Orfield declared in the *Los Angeles Times*: “Whatever one thinks about some of the policies incorporated in the plan, the people of Los Angeles have been well served by many of the administrators and parent leaders at the school level and in the desegregation staff.”<sup>594</sup>

By the end of the second week into the desegregation plan, student participation figures became a point of contention between anti-busers who claimed that the plan had forced white

parents to flee from the district, and LACBE President Miller who remained optimistic about student participation. However, after a couple revisions, the district's figures on student participation remained unclear, which compelled the *Los Angeles Times* to report, "Although school integration seemed to be moving into the world of the routine, the fierce argument over attendance figures and their significance continued unabated."<sup>595</sup> The paper described the circumstances as a "propaganda war" waged between supporters and opponents of the plan.<sup>596</sup> "There's nothing in the numbers that's going to hold the plan back," stated Phil B. Jordan, assistant superintendent of schools for integration.<sup>597</sup>

According to school district officials, the district mandatorily bused 16,810 students, bused 9,815 students to the voluntary magnets, and bused 17,500 students participating in the PWT on Monday, September 18.<sup>598</sup> The 16,810 mandatorily bused students represented more than 70% of the 23,211 students officials expected on the buses. However, the district earlier had estimated but never corrected the projection of a total of roughly 32,000 participants in the mandatory busing program.<sup>599</sup> Taking into account that estimate, then only slightly more than half of the mandatorily reassigned pupils participated in the program.<sup>600</sup>

Racial minority students not only comprised the overwhelming numerical majority in the voluntary PWT, but they also constituted the numerical majority of students participating in *mandatory busing*.<sup>601</sup> Although a racial breakdown of students participating in mandatory busing was unavailable, the *Los Angeles Times* estimated that about two-thirds of the 16,810 mandatorily bused students were minority, while only a third, roughly 5,000 students, were white.<sup>602</sup> Anti-busers claimed that the relatively small number of white participants in mandatory busing demonstrated that "forced busing" did not work and should be eliminated.<sup>603</sup> Board member Fiedler argued that if the low white student participation figures were correct, she would ask LACBE to eliminate the mandatory components and request increasing magnet schools and voluntary programs.<sup>604</sup>

Backers of the full plan argued that white participation would increase gradually and that white participation currently was low because kindergarten through third grades as well as ninth through twelfth grades were excluded.<sup>605</sup> Additionally, many white students were exempt from mandatory busing because they attended Currently Integrated Schools (CISs). Associate Superintendent Halverson commented that he saw "no chance whatsoever" that "white flight" or the school boycott would lead to the elimination of the plan.<sup>606</sup> He noted that courts "almost

never permitted the scrapping of a desegregation plan, once started, even in a school district where the percentage of minority pupils is *much higher* that it is in Los Angeles” (emphasis mine).<sup>607</sup>

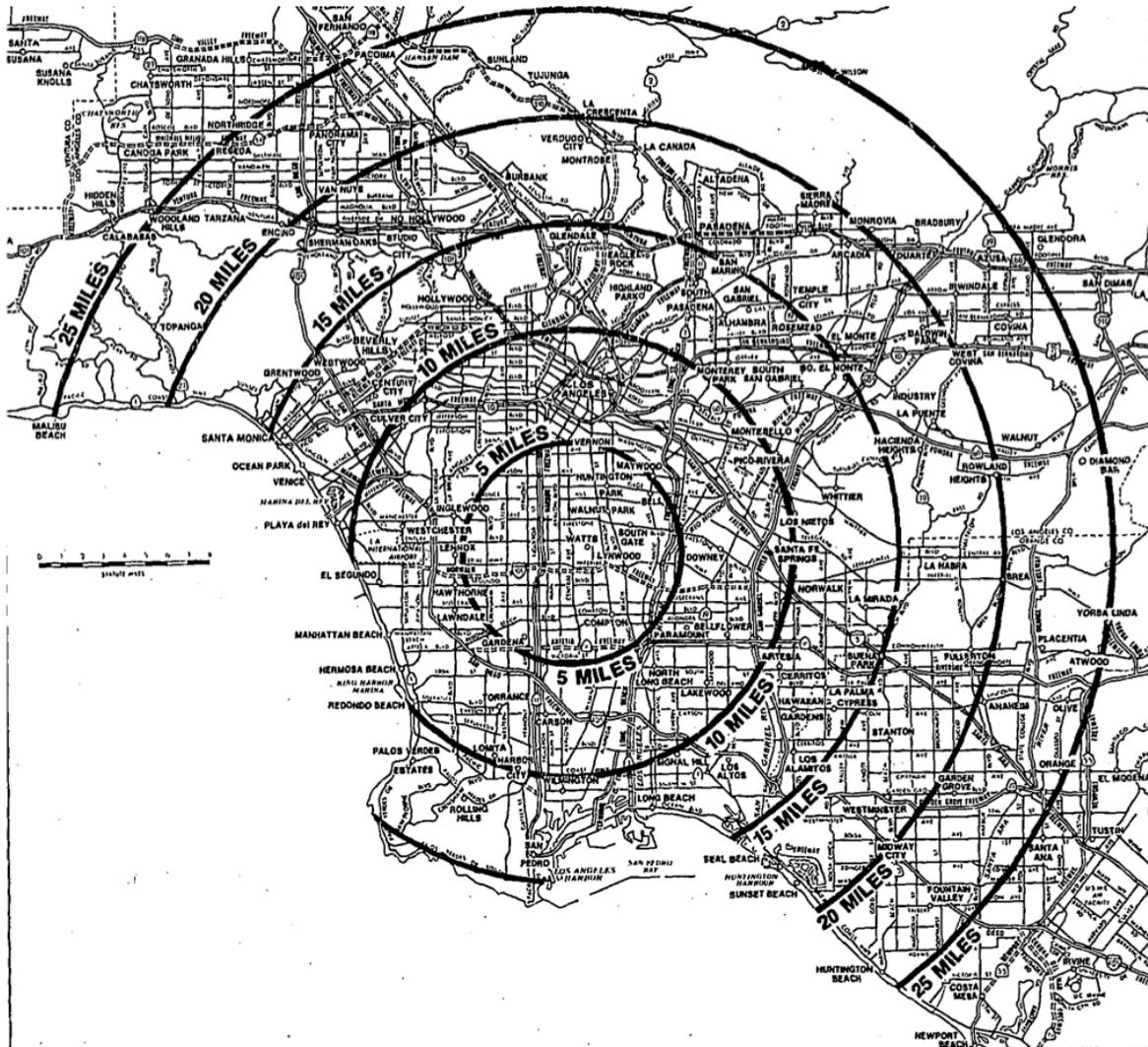
### *Court Referee Price’s Update: LACBE Fails to Desegregate RIMS*

In early October, court referee Monroe Price reported that LACBE’s desegregation plan failed “to address the problem of 265,000 students at ‘racially isolated’ schools” and failed to desegregate the 209 racially isolated schools through its mandatory desegregation strategy.<sup>608</sup> The lack of white student participation in the desegregation plan partly accounted for the plan’s shortcomings.<sup>609</sup> He delved into a shortcoming of the pairing strategy. “As might be expected,” he wrote, “pairs located entirely within the [San Fernando] Valley, or entirely outside the Valley, generally appear to have higher levels of participation than the pairs or clusters that cross the [Santa Monica] mountain[s].”<sup>610</sup> For example, at 36<sup>th</sup> Street Elementary School in South-Central L.A., only nineteen out of sixty-six children from the sending school of Lorne Street Elementary School in Northridge enrolled, resulting in a white population at 36<sup>th</sup> Street of only 11%, the lowest proportion of white students at any school affected by the plan.<sup>611</sup> Under the current definition, 36<sup>th</sup> Street remained segregated. Price commented, “The hoped-for potential of the plan for reducing racial isolation approaches realization fully in some (schools) but may be far from realized in others.”<sup>612</sup> Price urged LACBE to dedicate more attention and research to RIMS, including considering the PWT to alleviate racial isolation.

Price also discovered built-in constraints within the program. The *Los Angeles Times* reported, “Price also found that many of the white students who were scheduled to ride the bus, but did not, may have stayed in the public schools—but transferred to one of the district’s ‘magnet school’ or schools with enriched programs.”<sup>613</sup> Although LACBE celebrated the magnet school strategy, Price noted that the PWT “may have ‘weakened’ the busing pairs by giving white students an alternative.”<sup>614</sup> In other words, a voluntary aspect of the plan offered white students and parents a way to circumvent mandatory reassignment, which undermined the mandatory strategy of the plan and placed the responsibility of desegregation mainly on minority students.

*Panel of Experts Recommends a Metropolitan Plan*

In mid November, the eight-member, court-appointed expert panel recommended a metropolitan desegregation plan that would combine minority segregated schools in the Los Angeles Unified School District with predominantly white schools in nearby and adjacent districts (see Map 6.5).<sup>615</sup> A metropolitan plan required adding the state of California, specifically the state Department of Education and state superintendent of public instruction Wilson Riles, as a party in the lawsuit.<sup>616</sup> According to the *Los Angeles Times*, the experts based

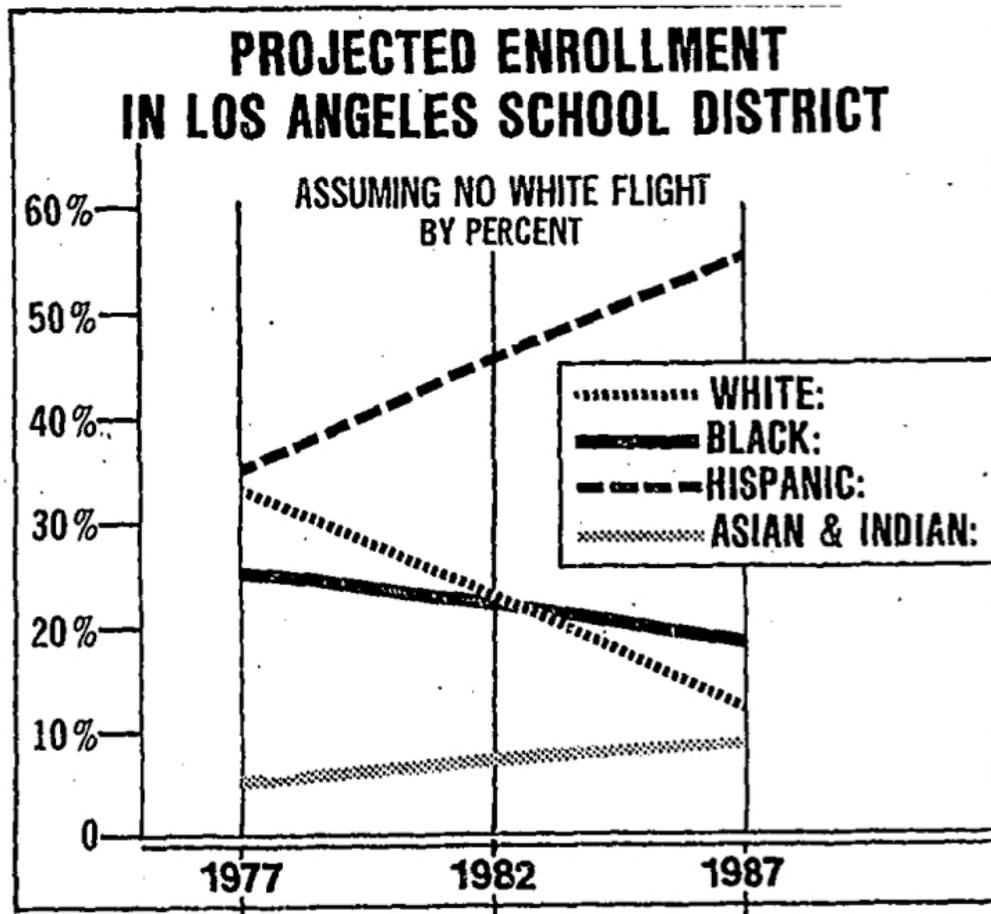


Map 6.5. Metropolitan Plan Logistics, LAUSD, November 1978. Court experts submitted an integration plan for Judge Egly's consideration. Source: *Los Angeles Times*, 14 November 1978.

their recommendation of the metropolitan strategy on the research of University of Michigan demographer Reynolds Farley. Farley predicted that by 1987 white enrollment in the Los Angeles public schools would be only 14%, thereby making desegregation solely within the district more difficult (see Chart 6.4).<sup>617</sup> Another expert, Harvard Professor Thomas Pettigrew, expressed, “Over the past generation in America, at least as much resistance to public school desegregation has been generated by uncertainty and fear as it has been beliefs that could fairly be labeled racist.”<sup>618</sup> Pettigrew believed a metropolitan plan would “allay such uncertainty and fear.”<sup>619</sup> Gary Orfield explained that due to declining white enrollment, “lasting, substantial desegregation of minority children will not be possible without a metropolitan plan.”<sup>620</sup> Though crediting LACBE with offering a more “positive and calm approach to the program” than other urban school boards, Orfield found “serious costs to the existing approach” and a lack of consensus in LACBE “either about the wisdom of the existing plan or about major future steps.”<sup>621</sup>

The experts told Judge Egly that a “reasonable and feasible” metropolitan plan would include eighty-two school districts in Los Angeles County, most of the twenty-nine districts in Orange County, the southern portion of Ventura County, and possibly the western sections of Riverside and San Bernardino counties.<sup>622</sup> Expecting lawsuits to delay a metropolitan plan, the experts suggested changes to the existing plan in the meantime. One change was to add the first, second, and third grades in the fall of 1979 because research supported the notion that “the most positive attitudes toward interracial classes and close interracial friendships are found among children who begin their interracial education in the earliest grades.”<sup>623</sup> Pettigrew recommended also adding the ninth grade and high school.<sup>624</sup> Crain called LACBE’s plan limiting desegregation “only to students in grades 4 through 8” the “most unusual feature” of the plan.<sup>625</sup> The experts also recommended implementing high school desegregation in the fall of 1980.<sup>626</sup> A metropolitan plan, the experts contended, would reduce travel times and per-pupil costs, combat white flight, bring “long term desegregation to the entire area,” and offered “the only hope of providing equal educational opportunity for the large numbers of minority youngsters who now attend segregated Los Angeles schools.”<sup>627</sup> “Refusal by the state [of California] and the Los Angeles area to embark on metropolitan solutions to the problem,” wrote Pettigrew, “is tantamount to approving widespread, entrenched racial segregation of the area’s public schools for the foreseeable future.”<sup>628</sup>

The experts expressed concerns about white student flight, particularly to private schools. As a result of Proposition 13, the experts noted, “families that might not have been able to afford



**FORECAST-** Report to judge projects a sharp Anglo enrollment drop, even without white flight from busing. Black enrollment will drop slightly; Asian and Indian enrollment is to rise slightly; the Hispanic will escalate because of birth rates, other factors.

Chart 6.4. Projected Enrollment in the Los Angeles Unified School District by Race and Ethnicity, November 1978. A report to Judge Egly projected a sharp rise in Hispanic enrollment. Source: *Los Angeles Times*, 14 November 1978.

private school before suddenly were able to do so” because lower property taxes meant money that families could use to pay for private schools.<sup>629</sup> Judge Egly had contemplated a metropolitan plan before, and now, the court-appointed committee of experts had decidedly recommended it to achieve widespread school desegregation inside and outside the boundaries of the Los Angeles School District.<sup>630</sup>

The experts also made specific recommendations about LACBE's plan that aimed to desegregate within the district. To add more white students to the present plan, the experts recommended modifying the definition of a segregated school, adding exempted Currently Integrated Schools, exempting "racially stable" schools from mandatory busing, keeping students in need of bilingual education in their home schools, establishing bilingual magnets, and phasing out the PWT.<sup>631</sup>

Although a consensus on the definition of a segregated school did not exist, all the experts agreed that the definition should be "multi-ethnic" instead of the current bi-racial definition based on "minority" and "white" classifications.<sup>632</sup> Professor Pettigrew proposed, "The ideal desegregated school ... would be multi-ethnic, with Anglo students constituting a plurality of the student body but not significantly more numerous (plus 25%) than the next larger group."<sup>633</sup> In a school in which only two groups were represented, Pettigrew recommended that whites should "be in the majority but should not represent more than 65% of the enrollment."<sup>634</sup> Although he agreed with the "tri-ethnic" concept, Gary Orfield considered a school desegregated if its enrollment constituted half minority and half "mainstream."<sup>635</sup> His category of "mainstream" included white, Asian, Native American, and "Hispanics who wish to be so identified."<sup>636</sup> Crain proposed classifying Asians and Native Americans in the "mainstream" category but considered Hispanics a minority group.<sup>637</sup> Pettigrew disagreed, believing that Asians, Native Americans, and even "assimilated" Hispanics should be counted as minorities for the purpose of desegregation.<sup>638</sup> The diverse and changing demographics of Los Angeles made it virtually impossible for the experts to agree on the definition of a segregated or desegregated school and what populations to consider "minorities" and "mainstream."<sup>639</sup>

Experts also found that voluntary programs, including the PWT and magnet schools, had the net effect of shielding white students from participating in mandatory programs, and therefore placed the responsibility of desegregation on minority students. Although the PWT program provided minority students an opportunity to avoid RIMS, the experts argued that this "virtue" was not enough to overcome the inequities of the PWT as a one-way busing program.<sup>640</sup> According to the experts, minority students in the PWT "artificially desegregated" a "significant number of predominantly white schools on the West Side and in the San Fernando Valley that otherwise would have been included in the desegregation plan."<sup>641</sup> Although commenting positively on the concept of magnet schools, Crain criticized the locations of the magnet schools

and recommended “phasing out those [magnets] in Anglo neighborhoods and creating more in minority residential areas.”<sup>642</sup>

### *A Court Expert Examines Possible Desegregation Effects on Bilingual Education*

Among the experts, Beatriz Arias, Assistant Professor of Education at UCLA introduced a note of caution about expanding the present plan to all grades because she worried that integration might interfere with bilingual programs. In her analysis, she linked the issues of school desegregation, bilingual education for NES and LES students, and the mandates in the Supreme Court decision *Lau v. Nichols* and California’s Bilingual Education Act, AB 1329 (also known as Chacon-Moscone Act).<sup>643</sup> She also took into consideration the increasing Hispanic student population and decreasing white student enrollment.<sup>644</sup> She noted logistical obstacles between fulfilling the mandate of *Lau* and the goal of integration.<sup>645</sup> Arias reported, “For example, the district’s *Lau* plan offers guidelines as to classroom composition; no more than 2/3 of the class may be LES/NES, or exceed the ratio of LES/NES students in school population by 10%.”<sup>646</sup> She asked, “The issue raised is, how can this be accomplished in an integrated setting, or is a segregated setting necessary?”<sup>647</sup> The *Los Angeles Times* reported that, after taking into consideration all the inherent logistical challenges of implementing desegregation and providing adequate bilingual programs, Arias concluded that “isolated Hispanics should be desegregated but that bilingual training must be the first priority, with attendance in an Anglo school secondary.”<sup>648</sup>

In actuality, Arias developed three recommendations to bridge the mandates of bilingual education and desegregation. She devised proposals catered to specific circumstances affecting LES and NES students. Arias recommended, “In schools with few LES/NES in the sending school and no LES/NES in the receiving school, all the LES/NES students should be assigned to that school site which will offer some form of bilingual educational service.”<sup>649</sup> In instances in which both sending and receiving schools had few LES/NES students who spoke the same native language, Arias advised that “all these students should be grouped together for reassignment to one of the schools which has bilingual services.”<sup>650</sup> Lastly, she asserted that it was “appropriate to retain even large numbers of LES/NES students at the home school if there are bilingual services at the sending school” but no “certificated bilingual teachers at the receiving school.”<sup>651</sup> Arias endorsed the goal of school desegregation as long as it did not interfere with bilingual

education programs for LES and NES students, and sought strategies to ensure the efficiency of bilingual programs within a broader desegregation plan.

### *The Present Plan's Shortcomings*

Various individuals and groups reported mixed results from the desegregation plan. School principals and administrators in the Harbor area, a hub of anti-busing sentiment and a strong BUSTOP outpost, said that the plan had “worked better than anyone anticipated,” violence had not broken out, and demonstrations did not occur.<sup>652</sup> Students attending newly integrated schools there got along well. However, the *Los Angeles Times*' Leo Wolinsky reported that white flight had “damaged the plan and kept it from achieving the goals set out in Judge Egly's court.”<sup>653</sup> White students fled Harbor area schools, resulting in four out of ten Harbor area schools remaining segregated.<sup>654</sup>

One of the more noticeable cases of white flight and its effects happened at South Shores Elementary, which was clustered with Barton Hill and Leland Street Schools.<sup>655</sup> The previous term, South Shores' enrollment was just under 200 students, and its racial makeup was 86.5% white, or about 173 white students.<sup>656</sup> When school began in mid September, total enrollment dropped by half, to about eighty-six students, and only three of forty-two children reassigned from South Shores showed up to Barton Hill, a predominantly Hispanic school. Minority students who transferred from Barton Hill to South Shores had “near perfect attendance.”<sup>657</sup> “The remainder of the South Shores youngsters were placed in private schools,” Wolinsky reported.<sup>658</sup> Consequently, South Shores' racial makeup changed from a segregated white school to a segregated minority school with an enrollment of seventy-seven percent minority.<sup>659</sup>

“One-way” busing of minority students to South Shores and a lack of white student participation in busing to Barton Hill had a negative effect on desegregation efforts at Barton Hill, in which the minority enrollment lowered only slightly from eighty-nine percent to eighty-five percent, thus remaining segregated under LACBE guidelines.<sup>660</sup> Yet, Leland Elementary, “because of the near perfect participation by minorities,” had become integrated with a white-to-minority ratio of sixty-five to thirty-five.<sup>661</sup> White flight led to school segregation, including cases in which schools previously had been racially segregated white schools.

*Proposition M and LACBE Elections*

In late 1978, Los Angeles voters radically transformed the LACBE election system by passing Proposition M, which called for electing board members according to defined geographical districts in lieu of at-large districtwide elections.<sup>662</sup> It temporarily undermined BUSTOP's plan to gather San Fernando Valley support to elect another anti-buser to the board. After Proposition M, Bardos now represented the new Harbor district. Bardos was now the incumbent, and anti-busers opposed his re-election. A lottery conducted by the Los Angeles City Council determined that the San Fernando Valley would have to wait until 1981 to elect a board member. Other sections of Los Angeles, including East L.A., Hollywood-Wilshire, South Central L.A., and the Harbor Districts would hold elections in the spring of 1979.<sup>663</sup>

BUSTOP officials began to target the new Harbor area district to elect an anti-busing candidate.<sup>664</sup> *Los Angeles Times*' staff writer Wolinsky reported that the Harbor was "considered second only to the [San Fernando] Valley in vocal anti-busing sentiment, an image that is all the more significant in light of the fact only three harbor area schools are involved in the mandatory aspects of desegregation."<sup>665</sup> However, other anti-busing groups began to sprout around the Los Angeles metropolitan region (see Figure 6.1). As BUSTOP was a non-profit, tax-exempt organization, it could not endorse or campaign for candidates. However, BUSTOP president Paul Clarke disclosed plans to create the BUSTOP Political Action Committee (BUSTOP/PAC)

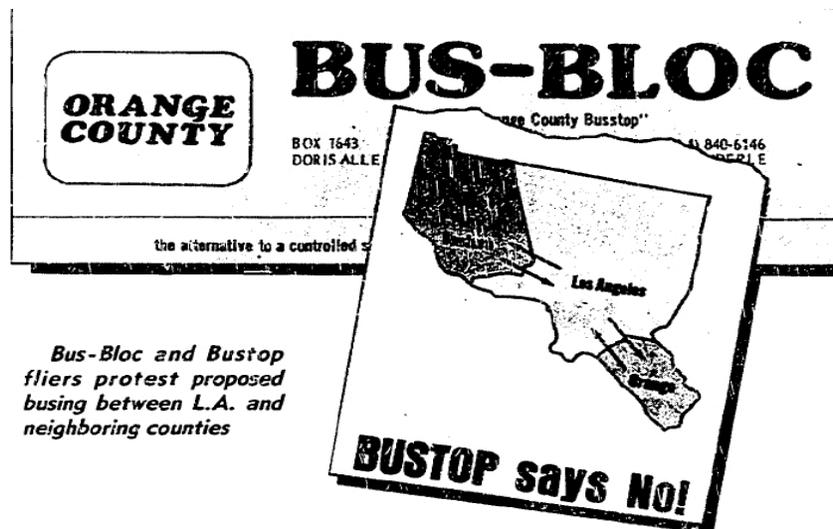


Figure 6.1. Anti-Busing Group Bus-Bloc, 1979. Bus-Bloc and other anti-busing groups, following BUSTOP's lead, sprouted throughout Los Angeles County and surrounding counties. Source: *Los Angeles Times*, 16 January 1979.

to raise money and campaign on behalf of an anti-busing candidate in the Harbor area as well as future anti-busing candidates.<sup>666</sup> In a recent board election, the Harbor area voted strongly for Fiedler against then incumbent Docter.<sup>667</sup>

*John Caughey Documents an Increase in RIMS*

In early December, John Caughey submitted an amicus brief to Judge Egly that documented 50,000 more students attending RIMS and an increase in the number of RIMS from 267 the previous year to 289 in 1978.<sup>668</sup> Caughey suggested that the increase resulted from “a substantial increase in Hispanic enrollment, denser concentration of minority students in minority schools and the unintentional creation of newly segregated schools by the school board [desegregation] plan.”<sup>669</sup> Caughey also reported that ninety schools went from segregated white schools (70% or more white) to desegregated as a result of “one-way” busing of minority students via the PWT to Valley and Westside schools.<sup>670</sup> These ninety majority, white schools became exempt from future desegregation efforts.<sup>671</sup> However, only five segregated, minority schools went from segregated to desegregated.<sup>672</sup>

Caughey blamed LACBE’s desegregation plan for creating twenty new segregated schools or programs, including some of the new magnet schools located in minority neighborhood schools that failed to attract white students.<sup>673</sup> School district officials, however, disputed Caughey’s claim that the district’s plan only desegregated five minority schools.<sup>674</sup> Caughey noted the drastic reduction in the number of segregated predominantly white schools from 123 to thirty-three, and acknowledged the 181 desegregated schools with a white student enrollment between 50% and 70%. However, he objected to classifying predominantly white schools with less than 70% white student enrollment as desegregated because it undermined the plan’s expansion. The classification “made sure that the district would quickly ‘run out of white pupils,’” Caughey charged.<sup>675</sup> “This artificial shortfall makes it impossible to expand the program to include grades 1-3 and the 9<sup>th</sup> grade because only a few schools above 70% [white] are left to draw on,” he explained.<sup>676</sup> Caughey advised Judge Egly to redefine what constituted “segregated.”<sup>677</sup>

### *Some Busing Problems Emerge*

Gradually, more problems in the desegregation plan emerged, including issues surrounding extended travel times and the number of students riding each bus. The Los Angeles School Monitoring Committee (LASMC) found that seventy-five percent of the bus rides to midsite schools exceeded LACBE's target of forty-five minutes each way.<sup>678</sup> Additionally, forty-three percent of one-way busing to mandatorily paired or clustered schools were longer than forty-five minutes, sometimes up to two hours.<sup>679</sup> A higher proportion of rides in the PWT approached two hours.<sup>680</sup> In light of the busing travel time problems, the LASMC recommended hiring a management efficiency expert to reorganize the district's Transportation Branch and a transportation expert to head it.<sup>681</sup> The committee also found that many buses carried less than ten students.<sup>682</sup> The average number of students per bus within each busing strategy painted mixed results. In pairing and cluster routes, the average number of students per bus was thirty-nine; on midsite and PWT buses, the average was thirty-five; and for magnets, the average was twenty.<sup>683</sup> These averages pointed to a lack of efficiency on the part of the planners combined with students not showing up for their assignments. The LASMC recommended consolidating pick-up locations and routes to make the busing system run more efficient and avoid route overlap.<sup>684</sup> The committee also suggested decreasing the number of participants in the PWT.

John Caughey found more significant logistical problems that undermined LACBE integration efforts, but also could reinforce and exacerbate opposition to all forms of busing. He reported what he termed "excessive busing assignments."<sup>685</sup> He explained, "For some reason ... none of this pairing or clustering is done on the basis of minimal reassignment of white pupils in one direction and minority pupils in the other."<sup>686</sup> "Instead," he elaborated, "at every involved school the number bused at any one time is half the total of the grades involved."<sup>687</sup> Therefore, Caughey argued that this led to a "vast amount of unnecessary busing."<sup>688</sup> Like the LASMC, Caughey discovered a logistical problem that caused inefficiencies in busing, and in turn these inefficiencies reified racial segregation in the school district. He referred to this condition as "wrong-way busing."<sup>689</sup> He wrote, "In practically every pairing and clustering some pupils are bused in the wrong direction, minority pupils to preponderately minority schools, and white pupils to preponderately white schools."<sup>690</sup> Busing problems were almost inevitable in a vast school district attempting to institute a complex integration plan, but the LASMC's and

Caughey's findings clearly pointed to planning mistakes. Only time would tell if the district would fix the problems or attempt to implement a wholly separate busing strategy.

### *Seeking More Court Intervention*

In early December, TIP filed a motion to find LACBE "recalcitrant" for failing to develop and implement "meaningful desegregation" and for joining BUSTOP's request for an injunction against the implementation of the plan before the California Supreme Court in September.<sup>691</sup> The LAUSD's Office of Communication also reported that Judge Egly was "awaiting an amended brief from ... Bustop, which says that the Superior Court has no present jurisdiction in the case while a formal appeal is still before the State Court of Appeal."<sup>692</sup> When TIP's Art Goldberg argued that the board plan had done "nothing to alleviate segregation," Judge Egly replied, "But there has been an exposure of minorities to schools that were predominantly white. Hasn't that been a positive effect for students? ... Is it recalcitrance merely because the plan has had problems?"<sup>693</sup> Brenda McKinsey, another TIP attorney, charged that the school board had "worked to obstruct its own plan and make it unreasonable and infeasible."<sup>694</sup> She added that LACBE's "failure to indicate where the plan was going has encouraged an 'out-migration' of white students and that the plan 's inefficient transportation system showed that the board is 'sabotaging' its own desegregation efforts."<sup>695</sup>

Egly then asked if the community would accept a desegregation plan "less" if it were developed and supervised by the court. TIP backed this idea, but LACBE attorney Shea disagreed and asserted that the court referee and the LASMC provided "adequate supervision of the plan."<sup>696</sup> The ACLU's Mark Rosenbaum sought to "require the board to state within 10 days a firm commitment to make 'necessary and significant changes'" in the existing plan.<sup>697</sup> But, Judge Egly asked why LACBE should have to state its plans for changes immediately before the required date of December 31, as set out in the February 7, 1978 minute order. Rosenbaum claimed a commitment was necessary because in the past LACBE enticed the court to trust it with developing and implementing an integration plan only to "trifle" with the court's trust, as Rosenbaum put it.<sup>698</sup> Ever patient, Egly stated that "he might be 'jumping the gun' if we don't allow ample opportunity to examine what the experts have said."<sup>699</sup> He deferred TIP's recalcitrance motion, and opted to allow LACBE to continue presiding over desegregation planning.<sup>700</sup>

Later on, Judge Egly granted LACBE's request for an extension until February 28, 1979 to revise and expand its desegregation plan, a change from the original deadline of December 31, 1978, after LACBE attorney Shea convinced Egly that board members needed more time to examine the experts' reports from November 14.<sup>701</sup> The NAACP's Duff and TIP's Goldberg criticized the extension as yet another delay to desegregate.<sup>702</sup> In an unusual alliance, the NAACP's Duff, TIP's Goldberg, and BUSTOP's Fridkis asked Egly to "play a stronger role in day-to-day operations" of the desegregation program, but the reasons for the alliance differed markedly. Duff and Goldberg wanted Judge Egly to pressure LACBE to increase desegregation, while Fridkis complained about busing times.<sup>703</sup> Judge Egly responded, "You want me to interfere concerning particular portions of the plan (bus rides). I don't have that conception of my function."<sup>704</sup> He explained, "I have the conception of either approving or disapproving the plan. The operation of that plan is a board function, not the function of the court."<sup>705</sup> Egly reiterated that the California Supreme Court did not grant him control over desegregation planning, however it did grant him the responsibility to oversee the development and implementation of a desegregation plan.<sup>706</sup>

### *The LACBE's Neglect of RIMS*

In early January 1979, court referee Price reported that the Los Angeles school district had made little progress improving the conditions for students in Racially Isolated Minority Schools (RIMS).<sup>707</sup> "The most serious shortcoming of the district's planning process is the lack of resources ... to reduce the harms of racial isolation for the hundreds of thousands of minority students who have remained in racially isolated schools," Price explained.<sup>708</sup> Although the district had undertaken a multi-million dollar program to improve RIMS, Price reported that "extraordinarily little further planning and virtually no implementation of these points has occurred."<sup>709</sup> The district had directed most of its efforts and money into the mandatory portions of the plan and the development of magnet programs.<sup>710</sup>

This unequal attention and funding to RIMS on the one hand, and mandatory integration and magnet programs on the other, led to several problems for RIMS. Price reported that many RIMS were overcrowded, relied too much on substitute teachers, and received less district financial support than integrated schools.<sup>711</sup> Price stated that the district had failed to combine desegregation efforts with efforts to relieve overcrowding.<sup>712</sup> Price suggested that educational

inequality, in the form of unequal funding and overcrowding, was developing not between predominantly white and predominantly minority schools, but between desegregated and segregated schools. Although LACBE had often promoted the idea of compensatory education over integration, Price reported that LACBE failed to implement viable compensatory education programs in RIMS.

District officials rejected Price's criticisms and strongly defended their treatment of RIMS.<sup>713</sup> Superintendent Johnston remarked, "Within the resources available to us, our commitment to the racially isolated schools, which are increasing in number is the best we can do."<sup>714</sup> Phil B. Jordan, assistant superintendent for integration, stated, "If you compare the district's efforts with districts across the country, we've done a lot. We haven't been lazy, insensitive or indifferent to the needs of minority kids, as that report would have you believe"<sup>715</sup> Yet Jordan conceded that the district had directed much of its planning toward the mandatory desegregation strategies and the magnet program.<sup>716</sup> He called attention to the ten-million-dollar plan to improve the physical improvement of RIMS, although the district up to that point had only agreed to improvement contracts of \$500,00.<sup>717</sup> Another \$500,00 was slated for contract bids. To ease overcrowding in RIMS in the South Gate-Huntington Park and the Wilshire-Olympic areas, the district planned to acquire land and build new schools.<sup>718</sup> In response to charges of unequal educational funding, Jordan conceded that Price might be correct in reporting that the district spent less on RIMS than others, but claimed that federal and state funds for compensatory made up the difference.<sup>719</sup>

LACBE's new plan resulted in a new form of inequality between predominantly white, desegregated schools, and RIMS. While often promoting compensatory education for RIMS, efforts to improve education in minority, segregated schools were only in the planning stages, and did little to relieve segregation and increasing overcrowding. Meanwhile, integrationists continued calling for expansion of the desegregation plan, while anti-busers pressed for expanding voluntary desegregation strategies but ending mandatory strategies. Court experts also could not agree on a definition of a segregated school, the ratio of mainstream-to-minority students that constituted a desegregated school, and which groups to classify as minority or mainstream. The racial and ethnic diversity within the school district complicated matters, with some integrationists and court experts calling for school desegregation based on a tri-racial or multiracial model, while others called for desegregation based on a minority-to-majority model.

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<sup>1</sup> *Mary Ellen Crawford, etc., et al, Petitioners vs. Board of Education of the City of Los Angeles, Respondent*, No. 822-854, Minute Order, 5 July 1977, *Crawford Case Files Part Two 4/30/70-1/18/1979, Crawford Case Files*, Board Secretariat, Los Angeles Unified School District, Los Angeles, California (from now CCF-BdS/LAUSD). Judge Egly noted what the LAUSD identified as a segregated school, “those schools having a minority (non-white) to white or white to minority ratio of not less than 80% to 20%.” All others schools, by definition, were integrated. See also *Los Angeles Times*, 6 July 1977.

<sup>2</sup> *Ibid.* See also *Los Angeles Times*, 6 July 1977. The *Los Angeles Times*’ Myrna Oliver reported that Mary Crawford wanted “neither credit nor notoriety” in relation to the case that bared her name. See also *Los Angeles Times*, 9 July 1977.

<sup>3</sup> *Ibid.* See also *Los Angeles Times*, 6 July 1977.

<sup>4</sup> *Ibid.* LAUSD students attended a total of 559 schools. There were 435 elementary schools, 75 junior high schools, and 49 senior high schools.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.* “Most inhibiting of these constraints,” Egly elaborated, “are geographical and definitional.” The EPU integration plan exempted kindergarteners within the schools comprising the EPU from integration efforts; called for students grades in 1 through 3 to participate in a cultural exchange experience with children of the same grade from other schools comprising that EPU for a minimum of ten days each scholastic year; and require that in the 4<sup>th</sup> through 6<sup>th</sup> grades, each child in the 50 EPU schools to participate in an SLC.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.* Egly explained that LACBE itself acknowledged “that the ratio by which a school is defined to be either integrated or segregated has no articulated rationality.”

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.* Egly detailed a student’s planned daily activities in a SLC. The students would be bused to a facility housing the SLC, then, accompanied by his home school teacher or aides, the student would be met “ by two master teachers permanently assigned there, teaching aides, and youngsters from the same grade from the other segregated schools comprising his EPU.” The student’s curriculum “while there will be limited to the social sciences, with emphasis on non-competitive, cooperative and individual learning techniques.” After lunch, the student would be bused to “his regularly assigned segregated school.”

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.* Judge Egly specifically found that the plan was “hastily conceived as a reaction to the implications of the CACSI plan and that effective in-depth study was not made of the effect of the plan upon segregated schools ... nor any cost/benefit analysis made of the plan, nor any alternative plans seriously considered.”

<sup>30</sup> Judge Egly’s additional ten requirements of LACBE included: 1) LACBE consideration of “all reasonable alternative plans to the plan or plans which it shall finally submit to this Court”; 2) the Board would not be “precluded from reexamining Exhibit ‘A’ of the CACSI plan”; 3) Egly asked LACBE to present a “cost and feasibility study of desegregating all of the minority elementary schools within the” aforementioned 98 to 100%, 90

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to 100%, and 80 to 100% minority segregated schools as well as the junior and senior high schools; 4) a tentative schedule for its study to be submitted within fourteen days; 5) a court-appointed “Referee under Code of Civil Procedure section 639; 6) grant access to the Board and its staff to “designated representatives of the petitioners and intervenors all reasonable access to the Board and its staff’s planning process and data; 7) the Court “retains jurisdiction to make such further orders as may seem proper and just in the circumstances and to conduct such hearings as may seem necessary to better inform; 8) pending further hearing, nothing in this order shall be construed to inhibit the Board from instituting any efforts to voluntarily desegregate its schools; 9) upon the filing of the plan or plans, each of the other parties herein may file its written objections or support of that plan within fourteen ... days thereafter, which time the Court shall then set a date for a hearing thereon”; and 10) Judge Egly set July 7, 1977 as the date “to consider what the respondent’s claim to be an unruled upon motion” and to “further consider the designation of the Referee.” See also *Los Angeles Times*, 6 July 1977.

<sup>31</sup> *Los Angeles Times*, 15 July 1977. The vote was 5-2 against an appeal. Miller, Bardos, Nava, Brown Rice voted not to appeal the decision. Ferraro and Fiedler voted against not appealing.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.* The plan included a timetable in which district administrators would review all desegregation plans and develop others through September 19 and then the board would review and adopt its own plan by September 26. The board would present its desegregation plan and the district’s work to Judge Egly on October 3.

<sup>34</sup> *Los Angeles Times*, 19 July 1977.

<sup>35</sup> *Ibid.* Board member Watson voted against the PWT because of its overwhelmingly “one-way” method placed “the burden of integration on minority youngsters who are the only ones bused.”

<sup>36</sup> *Ibid.* In addition to Watson’s criticism of PWT, Judge Egly called it “constitutionally suspect,” prompting some board members to question its legality but simultaneously emphasize its popularity with minority students and parents.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Los Angeles Times*, 9 July 1977. Price graduated from Yale University Law School and was a classmate of California Governor Jerry Brown. He served as law clerk for U.S. Supreme Court Justice Potter Stewart in 1964-65 and as assistant to Secretary of Labor Willard Wirtz in 1965-66. He joined the UCLA Law School in 1966. Judge Egly spelled out Price’s responsibilities meticulously: 1) to keep the court informed about the board’s work; 2) to make sure the board examined alternative desegregation approaches; 3) to make sure the board completed the studies the court requested; and 4) to ensure the board meets deadlines. Price would not participate in the process of developing a plan and had “no right to police or take evidence or give orders.” However, if Price found that LACBE did not comply with Judge Egly’s order, he would inform Judge Egly, who in turn would “take steps to bring about compliance” from the board. The referee should be given full access to “all information and proceedings and its staff” concerning compliance with the court’s order. Except for legal matters, Judge Egly asked LACBE to allow Price to attend closed-door executive sessions. See *Los Angeles Times*, 8 July 1977.

<sup>39</sup> Monroe E. Price, Referee, *Third Report of Monroe E. Price*, 1 August 1977, Monroe Edwin Price Papers about School Integration (Collection 1391). Department of Special Collections, Charles E. Young Research Library, University of California, Los Angeles (from now on MEP-DSC/UCLA). On August 15, the district committed \$402,818 from the 1977-78 Pupil Integration Budget for a Push for Excellence Program, a compensatory education program. Keenly aware of the shortage of funds for desegregation, Price took exception to the funds transfer. “This money came from funds that were previously allocated to reducing double sessions and transporting students from minority-segregated schools to schools that were over 70% ‘other white,’” he wrote. While praising the PUSH program for its “unique approach to improving student performance,” Price questioned the source of its funding. “These may be commendable efforts but the question is whether they should derive from the District’s desegregation budget,” he speculated. Price found “no evidence within the Push for Excellence proposal that it was prepared as part of an integration or desegregation plan.” Although Price indirectly accused LACBE of siphoning integration funds, stating that PUSH “could have been funded from another area of the budget, but ... is being funded as an integration program because it is a locus of uncommitted funds.” The crux of his criticism of LACBE revolved over long-standing competing arguments over how to improve public education: integration vs. compensatory quality education. He argued, “[C]osts incurred in improving [educational] quality should only be attributed to an integration budget if the program is made necessary, in some way, by a desegregation plan.” Price essentially accused LACBE of funding compensatory education programs and disguising them as desegregation programs. See Monroe E. Price, Referee, *Sixth Report*, Superior Court of the State of California for the County of

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Los Angeles, Case No. 822 854, 22 August 1977, *Crawford* Case Files Part Two 4/30/70-1/18/1979, CCF-BdS/LAUSD, 15–16.

<sup>40</sup> Ibid. He added that the board continued to focus on the magnet school concept but that the district had “not obtained the kind of strong business commitment to developing and launching certain magnet schools that has characterized integration efforts in other cities.”

<sup>41</sup> Ibid.

<sup>42</sup> Ibid. In his fourth report, Price authored a scathing report calling into question the District’s commitment to desegregation. See Monroe E. Price, Referee, *Fourth Report of Monroe E. Price*, 9 August 1977, MEP-DSC/UCLA, 2, 5.

<sup>43</sup> Monroe E. Price, Referee, *Sixth Report*, Superior Court of the State of California for the County of Los Angeles, Case No. 822 854, 22 August 1977, *Crawford* Case Files Part Two 4/30/70-1/18/1979, CCF-BdS/LAUSD, 10. Price also spoke in detail about petitioners’ and intervenors’ concerns about the “mechanisms developed by the District for the evaluation of integration plans.” See same report, 12.

<sup>44</sup> Monroe E. Price, Referee, *Eighth Report*, Superior Court of the State of California for the County of Los Angeles, Case No. 822 854, 12 September 1977, *Crawford* Case Files Part Two 4/30/70-1/18/1979, CCF-BdS/LAUSD, 10. The East L.A. student protesters demanded smaller class size, and Price suggested this to the district as part of its integration efforts.

<sup>45</sup> Ibid. See also HEW, letter to Superintendent William J. Johnston, 20 July 1977, fol. 21, Box 27, Frank Del Olmo Collection, Urban Archives Center, Oviatt Library, California State, Northridge, Northridge, California (from now on FDOC-UAC/CSUN).

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> HEW, letter to Superintendent William J. Johnston, 20 July 1977, fol. 21, Box 27, FDOC-UAC/CSUN.

<sup>49</sup> Monroe E. Price, Referee, *Eighth Report*, Superior Court of the State of California for the County of Los Angeles, Case No. 822 854, 12 September 1977, *Crawford* Case Files Part Two 4/30/70-1/18/1979, CCF-BdS/LAUSD, 12.

<sup>50</sup> Ibid., 10.

<sup>51</sup> Ibid., 11. The OCR demands included: 1) preparing a plan that provided for accurate identification of students in need of bilingual education services; 2) diagnosing the needs of such children; 3) and providing educational programs for them.

<sup>52</sup> Ibid., 11.

<sup>53</sup> Ibid., 13.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid., 12.

<sup>57</sup> Ibid., 13-14.

<sup>58</sup> Ibid., 15. The Board commissioned the Los Angeles School Monitoring Committee to comply with this recommendation.

<sup>59</sup> The Superintendent’s Staff Unit on Student Integration (SUSI) provided Price with full access to the staff evaluations to plans submitted by Professor John Caughey, The Integration Project, CACSI, BEST, and BUSTOP to Judge Egly. Price found no absolute clear-cut superior plan, as each one had its weaknesses, and each could potentially affect the behavior of racial and ethnic populations in myriad ways. According to SUSI, The Integration Project’s integration plan would lead to “black flight” because it would irritate African Americans due to the plan’s emphasis on “Spanish language and bilingualism,” but the plan’s emphasis on bilingualism and “Spanish language acquisition” would attract more Hispanics, especially from Mexico. John Caughey’s plan would lead to “Hispanic American” flight. The CACSI plan would produce “relatively greater black flight than Hispanic flight,” but about equally on Asian American and white flight. The BEST plan, which called for the “phased-in creation of a large number of magnet schools,” scored “interestingly” on *avoiding flight* across racial and ethnic groups. See Monroe E. Price, Referee, *Eighth Report*, Superior Court of the State of California for the County of Los Angeles, Case No. 822 854, 12 September 1977, *Crawford* Case Files Part Two 4/30/70-1/18/1979, CCF-BdS/LAUSD, 18-19.

<sup>60</sup> Monroe E. Price, Referee, *Ninth Report*, Superior Court of the State of California for the County of Los Angeles, Case No. 822 854, 21 September 1977, *Crawford* Case Files Part Two 4/30/70-1/18/1979, CCF-BdS/LAUSD, 8.

<sup>61</sup> Ibid., 8-9. See also *Serrano II*, 18 C. 3d at 770.

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<sup>62</sup> *Ibid.*, 9. Price again referenced *Serrano*, in which the State of California “was held responsible for the drawing of school boundary lines that resulted in unacceptable variations in local district wealth (given the emphasis on property tax financing)” for not rejecting a California-state sponsored solution to desegregation instead of court-ordered plan. See *Serrano v. Priest*, 5 C.3d 584, 601 (1971), also known as *Serrano I*.

<sup>63</sup> *Ibid.*, 10.

<sup>64</sup> *Los Angeles Times*, 17 September 1977.

<sup>65</sup> *Ibid.*

<sup>66</sup> *Los Angeles Times*, 16 September 1977.

<sup>67</sup> *Ibid.* The group called for a teach-in and rally on September 24 at board headquarters.

<sup>68</sup> *Ibid.*

<sup>69</sup> *Los Angeles Times*, 23 September 1977. Civil rights attorneys expressed they would have welcomed Miller if the board had granted him the capacity to represent LACBE in out-of-court discussions.

<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*

<sup>73</sup> *Ibid.*

<sup>74</sup> *Ibid.*

<sup>75</sup> *Ibid.*

<sup>76</sup> LACBE, Minutes, 222, 26 September 1977, *Crawford Case Files Part Two 4/30/70-1/18/1979*, CCF-BdS/LAUSD.

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*

<sup>79</sup> *Los Angeles Times*, 24 September 1977. On September 23, LACBE members discussed this plan in interviews with the *Los Angeles Times*. In interviews for the *Los Angeles Times*, President Howard Miller, Bardos, Watson, Nava, and Brown Rice expressed support for the plan while Fiedler and Ferraro expressed opposition.

<sup>80</sup> *Los Angeles Times*, 24 September 1977.

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.* In pairing, LACBE would reassign a certain number of children from a white school to a segregated minority school, and students from a minority school would be reassigned to a segregated white school. The plan’s design made it virtually impossible to determine the number of students eligible for mandatory busing because the district could not know how many parents would volunteer their children. In addition, 151,501 students attended 142 CISs, leaving roughly 440,000 students in 418 segregated schools.

<sup>86</sup> *Los Angeles Times*, 27 September 1977. The *Los Angeles Times* estimated the plan would require the mandatory busing of 112,000 students.

<sup>87</sup> LACBE, Minutes, 222, 26 September 1977, *Crawford Case Files Part Two 4/30/70-1/18/1979*, CCF-BdS/LAUSD. See also *Los Angeles Times*, 27 September 1977.

<sup>88</sup> For a detailed examined of how President Miller gained the support of conservative Valleyite Bardos and created a 5-2 majority in LACBE in favor of the plan, see Bill Boyarsy’s “Politics Determines Shape of Plan,” *Los Angeles Times*, 3 October 1977.

<sup>89</sup> *Los Angeles Times*, 27 September 1977.

<sup>90</sup> *Ibid.*

<sup>91</sup> LACBE, Minutes, 222, 26 September 1977, *Crawford Case Files Part Two 4/30/70-1/18/1979*, CCF-BdS/LAUSD. See also *Los Angeles Times*, 27 September 1977. Brown Rice seconded the motion. Ferraro reframed Watson’s motion and asked the board to consider the two grade levels excluded from the plan separately for the purpose of voting. On the vote to include grades kindergarten through third grade, Watson represented the lone vote in favor in LACBE’s six to one vote. Before the vote on whether to include ninth through twelfth grades, Nava asserted that if the second part of Watson’s amendment failed, “many secondary students would miss an opportunity for an integrated experience.” The amendment failed with Watson and Nava voting for it, while Bardos, Ferraro, Fiedler, Rice, and Miller voting against it.

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<sup>92</sup> Ibid. Watson questioned the PWT's desegregative effectiveness and contended that the PWT amounted to one-way busing, as "predominantly minority pupils are transported to other white schools." Nava challenged Watson because he believed the PWT had provided an opportunity for minority students to broaden their educational experiences by attending predominantly white schools. Nava vigorously defended the PWT, and asserted that the district was committed to the pupils already partaking in the program. Nava also proposed reducing the one-way busing aspect of the PWT. See also *Los Angeles Times*, 27 September 1977.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> *Los Angeles Times*, 27 September 1977.

<sup>96</sup> LACBE, Minutes, 222, 26 September 1977, *Crawford Case Files Part Two 4/30/70-1/18/1979*, CCF-BdS/LAUSD.

<sup>97</sup> LACBE, Minutes, 222, 26 September 1977, *Crawford Case Files Part Two 4/30/70-1/18/1979*, CCF-BdS/LAUSD. Ferraro then proposed a motion meant to work in concert with Fiedler's motion, in which LACBE would *promise* to remove any mandatory busing requirements in the district in the event that provisions in the California State Constitution calling for racial balancing were amended or removed. The board defeated Ferraro's motion 5 to 2, with Fiedler and Ferraro the lone aye votes.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid. See also *Los Angeles Times*, 27 September 1977. The plan contained numerous inconsistencies and raised complicated logistical questions. Referee Price concluded, "The plan, therefore, is not well thought out as far as schools of choice are concerned. This could have a serious impact on the degree of voluntary participation." See Price Monroe, Schools of Choice Notes, n.d., MEP-DSC/UCLA. Price also noted several problems with particular aspects of the plan which he believed necessitated more clarification, including: the parent survey; exemption of CIS; annual re-identification of CISs; assignment criteria for schools of choice in leagues and districtwide schools of choice; transfer to magnet schools; students in RIMS transferring to schools of choice and magnet schools; budgetary constraints and establishing pairings in leagues; limiting PWT participation and phasing out the PWT due to its one-way nature; teacher reassignment to schools of choice and its effect on the faculty desegregation plan; schools of choice and funding specialized programs; granting RIMS the same educational program support components including lower student-teacher ratio; RIMS students and a voluntary metropolitan plan; following state and federal laws; pairing at the high school level; coordinating schools of choice with magnet schools; a districtwide commission to manage the magnet school program; expanding the criteria of an integrated curriculum in K-3 throughout the district; and Mandatory Back Up Provisions and questions of discrimination. See Monroe Price Notes (untitled), same location.

<sup>102</sup> *Los Angeles Times*, 25 September 1977.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid. Roberts did not believe the plan would fulfill the California Supreme Court mandate.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> *Los Angeles Times*, 28 September 1977.

<sup>111</sup> *Los Angeles Times*, 27 September 1977.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> *Los Angeles Times*, 28 September 1977.

<sup>115</sup> Ibid.

<sup>116</sup> According to early drafts and estimates of the most recent plan, the district staff excluded Currently Integrated Schools (CISs) with a student population of 204,485, and 131 Racially Isolated Minority Schools (RIMS) in African American and Latino areas considered too far away and beyond the forty-five minute bus ride time limit. According to the *Los Angeles Times*, a total of 136,866 students, 94.1% of them minority, attended these RIMS. The most

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accurate number of students who would remain in racially segregated school under the new LACBE plan was 341,351, most of them in CISs. See *Los Angeles Times*, 9 September 1977.

<sup>117</sup> *Los Angeles Times*, 28 September 1977.

<sup>118</sup> *Ibid.*

<sup>119</sup> *Ibid.*

<sup>120</sup> *Ibid.* In a memo submitted to petitioners' counsel, John and LaRee Caughey summarized the competing definitions of segregated and non-segregated schools as of September 1977. They included: 1) LACBE: a school is segregated if more than 80% of its pupils are minority or white; 2) CACSI: a school is segregated if more than 70% of its pupils are minority; 3) The Integration Project: a school is segregated if fewer than 20% or more than 49% of its pupils are black or Hispanic or white; and 4) Caughey: a segregated school is one with a majority or a plurality of one minority. The Caugheys also examined several other topics including: 1) areas of agreement among the parties; 2) significant differences among the parties; 3) "What Schools Victimize?"; 4) combined minorities vs. proportioned minorities; 5) desegregating secondary schools; 6) desegregation contrasted to general educational improvement; and 7) cost/benefit for each plan. See John and LaRee Caughey, *Comparative Evaluation of CACSI, Integration Project*, n.d., MEP-DSC/UCLA. For a detailed explanation of how Caughey developed his definition of a segregated school, see also John Caughey, Memorandum, "Brief Amicus Curiae of John Caughey," 30 September 1977, fol. 5, Box 1, and Memorandum, "Amicus Curiae Answering Respondent," 15 November 1977, fol. 5 and 7, Box 1, John and LaRee Caughey Papers on the ACLU and School Integration, 1962-1980, Urban Archives Center, Oviatt Library, California State University, Northridge (from now on JLC-UAC/CSUN).

<sup>121</sup> *Ibid.*

<sup>122</sup> *Ibid.*

<sup>123</sup> *Ibid.*

<sup>124</sup> *Ibid.*

<sup>125</sup> *Ibid.*

<sup>126</sup> *Los Angeles Times*, 14 October 1977. These findings were in Price's eleventh report to Judge Egly. Elaborating on the vagueness of the plan, Egly quipped that "it would be difficult to characterize the (plan) as containing detailed and comprehensive findings and conclusions." He asserted that the data in the plan did not "consistently and thoroughly justify the position the board ultimately took" on how to desegregate the district. Because the plan lacked detailed information on the plan's implementation, "ultimate judicial determination of the constitutionality of the plan" by Judge Egly might not have been possible.

<sup>127</sup> *Ibid.* In undated notes in preparation of another report to Judge Egly, Price expressed, "The [district] staff seems to be timorous about developing [desegregation] plans that may be different from the plan they think the Board will approve." He added, "Since it is not clear what plan the Board will approve, the combination of uncertainty and timorousness leads to a dampening of creativity." Price noted, "In one example, this timorousness is the use of outside experts ... When consultants are hired, it is likely that they will be pre-screened to ensure that their views are not too dissimilar from those that the staff perceives to be the approach of the Board majority." Price's inferences suggest district staff personnel felt political pressure from board members to develop integrated plans acceptable to the board. Price also criticized the district staff's expertise, suggesting, "Even at the technical level, the staff does not seem to be making sufficient headway in defining the issues and providing analyses." See Monroe Price, Notes, n.d., MEP-DSC/UCLA.

<sup>128</sup> *Ibid.*

<sup>129</sup> *Ibid.*

<sup>130</sup> *Ibid.*

<sup>131</sup> *Ibid.* Price's recommendation partly served as the basis for the creation of the Los Angeles School Monitoring Committee (LASMC), a committee with an independent staff and operating at least as long as it took the board to implement fully its court-approved desegregation plan.

<sup>132</sup> *Los Angeles Times*, 8 October 1977. The Integration Project's called the \$18 million budget too costly and asked that the funds be spent on two-way desegregation strategies.

<sup>133</sup> *Ibid.* School officials confirmed The Integration Project's figures.

<sup>134</sup> *Ibid.*

<sup>135</sup> *Ibid.*

<sup>136</sup> *Ibid.*

<sup>137</sup> *Ibid.*

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<sup>138</sup> Ibid.

<sup>139</sup> *Los Angeles Times*, 18 October 1977. The brief included many additional criticisms of the plan: 1) proposed magnet schools would desegregate only a limited number of students and did not desegregate a single existing elementary or secondary school; 2) the definition of a segregated school was “invalid” because schools with 70% white enrollment was intended “to shield white students in these schools from meaningful desegregated and pluralistic school environments”; 3) the plan encouraged segregation by maintaining “many current segregated schools”; 4) the plan continued board practices that encouraged segregation, including building new schools and drawing attendance boundaries without trying to encourage integration; and 5) the plan’s exclusion of kindergarten through third graders and ninth through twelfth graders. The PWT had humble beginnings. It can be traced back to 1968 with the district’s Voluntary Transportation Program (VTP) that involved 550 students attending schools other than their neighborhood schools. The district merged the VTP with the Earthquake Displacement Program four years later in 1972. The new program emerged as the PWT with an enrollment of 3,000 pupils. For additional details, see Sandi Bobrowicz and Art Insana, *Los Angeles Times*, “BUSS OR BUST?” 29 October 1977.

<sup>140</sup> Ibid.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid. The influential group of influential politicians included: City Councilman Dave Cunningham; State Senator Nate Holden and Assemblyman Julian Dixon; community college trustee Gwen Moore; and LACBE member Diane Watson. Mayor Tom Bradley was out of town. He remained largely quiet about the ongoing desegregation debate but said he supported “peaceful compliance with any court integration order.”

<sup>144</sup> *Los Angeles Times*, 19 October 1977.

<sup>145</sup> Ibid.

<sup>146</sup> Ibid.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

<sup>150</sup> Ibid.

<sup>151</sup> Ibid. At the meeting Watson stated she would vote for the plan and seek amendments to expand it to other grades, which she did, even though the board rejected her amendments. After the meeting, the two sides believed they had reached a “meeting of the minds” but this had not occurred. School officials “were under the impression they had Miss Watson’s vote, plus solid civil rights support.” Tackett, however, left the meeting with the “impression ... that they [LACBE] would eventually work to integrate” RIMS at all grade levels.

<sup>152</sup> *Los Angeles Times*, 20 October 1977.

<sup>153</sup> Ibid.

<sup>154</sup> Ibid.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid. In a related story, the *Los Angeles Times*’ Bill Boyarsky authored an informative story about the very difficult task of figuring out from the district’s information materials whether one’s child would be bused under the board’s mandatory integration plan. See *Los Angeles Times*, “So You Want to Know If Your Child Will Be Bused,” 30 October 1977.

<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

<sup>162</sup> *Los Angeles Times*, 27 October 1977. On October 26, Judge Egly permitted attorney Daniel H. Willick to file an amicus brief in support of the PWT program. This was unprecedented and unusual because Willick was white, resided in Sherman Oaks in the San Fernando Valley, and had two children who attended schools in East Los Angeles.

<sup>163</sup> *Los Angeles Times*, 3 November 1977. A source within the district told the *Los Angeles Times* that a majority of the board opposed making a specific commitment to expanding the plan and that “it watered down a first draft” of its response. LACBE attorneys, the source stated, suggested telling the court that the present desegregation plan represented a “first step” toward desegregation but a board majority insisted changing the phrase “first step” to the

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more nebulous “beginning of a dynamic process” to avoid even the semblance of future steps in the form of expansion. Watson opposed the wording change because she wanted to board to take an “aggressive position” on desegregation. LACBE attorney and deputy superintendent Halverson remarked, “If the court requires, this plan can be expanded,” but insisted that expansion would be “unwise at this time.”

<sup>164</sup> Ibid. The board released a racial census showing an 11.6% drop in white attendance compared to the previous year. Last year, 219,359 white students attended LA schools, while in 1977, 193,867 attended. Six year earlier, white enrollment was 300,079. However, LACBE did not elaborate on the cause of the white flight. It could have a combination of “natural” white flight and flight in direct response to the desegregation fight. White enrollment in the district had declined steadily for the past ten years but the 11.6% was the steepest for one year since the board conducted the first racial census in 1966. Until 1974, the rate of white attendance decline was about 5% each year since 1966; it rose to 7% in 1974, dropped to 4% in 1975, and increased to 9% in 1976. The racial breakdown for the 1977 census included: 200,941 Hispanic students (34.9%); 141,931 African American students (24.7%); 27,824 Asian students (4.8%); 7,233 Filipino students (1.3%); and 3,897 American Indian students (0.6%).

<sup>165</sup> Ibid.

<sup>166</sup> *Los Angeles Times*, 24 October 1977. This was the second time in recent years an office of civil rights found the district in violation of Title 6 of the Civil Rights Act. Superintended Johnston agreed to submit a plan to bring the district into compliance with the educational requirements for LES and NES students. School officials commented they were preparing a plan to meet the requirements of the state’s Bilingual-Bicultural Education Act of 1976, which, they hoped, would satisfy the Office of Civil Rights.

<sup>167</sup> The district estimated that 120,000 students needed language assistance and that about 65,000 of these students were receiving some form of special language instruction. However, only about 50,000 were in programs deemed satisfactory by state and federal requirements. The district promised “full compliance” by 1981-82. Halverson, associate superintendent and legal adviser, apparently had a long and ongoing dispute with the Office of Civil Rights said, “It is clear they don’t want us to have the money.”

<sup>168</sup> *Los Angeles Times*, 31 October 1977.

<sup>169</sup> Ibid.

<sup>170</sup> Ibid. The five schools and three neighborhoods involved in this plan included: El Oro Way, Rinaldi, and Van Gogh Street schools in Granada Hills and Telfair Ave in Pacoima and Vaughn Street in San Fernando. They also proposed some classes with a 21:1 student/teacher ratio. As of October 1977, the board had approved five voluntary integration plans with three in operation. Of the three, two were magnet schools. For details about the three very different voluntary integration plans in effect, see article.

<sup>171</sup> Ibid. The *Los Angeles Times* reported that parent groups in many parts of Los Angeles were meeting to develop their own voluntary integration plans, as deadlines loomed.

<sup>172</sup> Ibid.

<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> Ibid.

<sup>176</sup> Ibid.

<sup>177</sup> Ibid. In the Venice area, different desegregation planning strategies were at play. The community as a whole was racially diverse but segregated along race and class, with a population “ranging from fairly affluent to poor.” The desegregation committee of the Venice Town Council also wanted to develop a voluntary desegregation program for the Venice community alone rather than “searching for schools in other neighborhoods” and splitting up the community. In many ways, Venice represented a microcosm of the broader Los Angeles desegregation story, a story in which a racially diverse population as a whole remained racially segregated along race and class.

<sup>178</sup> *Los Angeles Times*, 6 November 1977.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid.

<sup>181</sup> Ibid.

<sup>182</sup> Ibid.

<sup>183</sup> Ibid. Some East L.A. parents made similar remarks as Mayo after the 1968 student protests, arguing that they bused their children not for integration but so their children could have access to better education.

<sup>184</sup> Ibid.

<sup>185</sup> Ibid.

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<sup>186</sup> Ibid.

<sup>187</sup> Ibid.

<sup>188</sup> Ibid.

<sup>189</sup> Ibid.

<sup>190</sup> Ibid.

<sup>191</sup> Ibid.

<sup>192</sup> Ibid.

<sup>193</sup> *Los Angeles Times*, 9 November 1977.

<sup>194</sup> Ibid.

<sup>195</sup> Ibid. In October, Judge Egly met with Mayor Bradley because he “wanted his support for setting up a broad based blue ribbon committee to make certain there was an understanding of what desegregation was, its implications and to work cooperatively with the school board to insure that the decision is implemented.” Elkins acknowledged that Bradley agreed to cooperate and “offered to give whatever help to the school board and/or the court to generate that kind of committee.” Mayor Bradley’s position on school desegregation remained that he hoped a “peaceful implementation of whatever plan finally is approved.” Later it was revealed that Los Angeles County Supervisor Pete Schaum participated in these discussions.

<sup>196</sup> Ibid.

<sup>197</sup> Ibid.

<sup>198</sup> Ibid.

<sup>199</sup> Ibid.

<sup>200</sup> *Los Angeles Times*, 10 November 1977.

<sup>201</sup> Ibid.

<sup>202</sup> Ibid.

<sup>203</sup> *Los Angeles Times*, 16 November 1977.

<sup>204</sup> Ibid.

<sup>205</sup> Ibid. The previous week, Judge Egly had informed all attorneys about these meetings and asked if anyone objected. None of the attorneys, including Bartman, objected.

<sup>206</sup> Ibid. In his quest for clarification of the board’s plan Judge Egly submitted twenty-two questions to the board to gain more details about the plan, including asking the board what it mean by the phrase “the beginning of a dynamic process” and whether latter phases of this “process” including desegregating additional grades. See *Los Angeles Times*, 22 November 1977.

<sup>207</sup> Ibid. Judge Egly also pointed out he agreed with the NAACP’s Virgil Roberts who suggested that if Judge Egly accepted the plan in its current design with its vagueness, it would be like “buying a pig in a poke,” suggesting that he could be accepting a plan blindly without knowing its true desegregative value.

<sup>208</sup> Ibid.

<sup>209</sup> Ibid.

<sup>210</sup> *Los Angeles Times*, 29 November 1977.

<sup>211</sup> Ibid.

<sup>212</sup> Ibid.

<sup>213</sup> Ibid.

<sup>214</sup> Ibid.

<sup>215</sup> Ibid. Price asked the parties to develop agreement on the following issues: 1) the voluntary busing program; 2) racially isolated schools; 3) the grades presently exempt from the plan; 4) the creation of a monitoring committee to oversee implementation of the plan; and 5) a metropolitan plan.

<sup>216</sup> Ibid.

<sup>217</sup> Ibid.

<sup>218</sup> Ibid.

<sup>219</sup> Ibid.

<sup>220</sup> Ibid.

<sup>221</sup> Ibid.

<sup>222</sup> Ibid. Price asked the parties to develop agreement on the following issues: 1) the voluntary busing program; 2) racially isolated schools; 3) the grades presently exempt from the plan; 4) the creation of a monitoring committee to oversee implementation of the plan; and 5) a metropolitan plan.

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<sup>223</sup> *Los Angeles Times*, 30 November 1977. LACBE had proposed the participation of roughly 112,000 students in the mandatory desegregation phase of its plan but now it proposed only 65,006 students in the fourth through eighth grades.

<sup>224</sup> *Ibid.*

<sup>225</sup> *Ibid.*

<sup>226</sup> *Ibid.*

<sup>227</sup> *Ibid.* In addition to the drop in white enrollment, the board offered three additional reasons for decreasing the number of participants in the desegregation plan: 1) an apparent increase in neighborhood integration, in particular in the San Fernando Valley, “with some predominantly white schools gaining minority students from newly arrived families”; 2) some predominantly Anglo schools voluntarily pairing with predominantly minority schools, “thus removing the Anglo students from the ranks of those available for mandatory busing”; and 3) the district’s PWT program.

<sup>228</sup> *Ibid.*

<sup>229</sup> *Ibid.*

<sup>230</sup> *Ibid.* These disclosures comprised the board’s responses to the judge’s twenty-two questions, including whether the district planned to expand the current program.

<sup>231</sup> *Ibid.*

<sup>232</sup> *Ibid.*

<sup>233</sup> *Ibid.*

<sup>234</sup> *Ibid.*

<sup>235</sup> *Ibid.* LACBE named districts that included: Torrance, Palos Verdes, Beverly Hills, Downey, Burbank, Bellflower, Arcadia, Long Beach, El Segundo, San Marino, and South Bay Union.

<sup>236</sup> *Ibid.*

<sup>237</sup> *Ibid.*

<sup>238</sup> *Ibid.* This suggestion of a metropolitan plan did not mean that either the board or adjacent districts would participate in such a plan. However, in a joint effort, the LAUSD had transferred about 200 minority students to the Beverly Hills School District.

<sup>239</sup> *Los Angeles Times*, 1 December 1977.

<sup>240</sup> *Ibid.*

<sup>241</sup> *Ibid.*

<sup>242</sup> *Ibid.*

<sup>243</sup> *Ibid.*

<sup>244</sup> *Ibid.*

<sup>245</sup> *Ibid.*

<sup>246</sup> *Ibid.*

<sup>247</sup> *Los Angeles Times*, 12 December 1977.

<sup>248</sup> *Ibid.* The civil rights attorneys again charged: 1) the plan did not include enough segregated minority schools; 2) it excluded several grade levels; 3) it allowed voluntary one-way busing, mostly by minority students, so it was constitutionally suspect; and 4) the plan’s provisions for bilingual education were inadequate.

<sup>249</sup> *Ibid.* In Fall 1977, Hispanic students composed 34.9%, whites 33.7%, blacks 24.7% Asian 4.8%, Filipino 1.3%, and Native Americans 0.6% of the LAUSD total enrollment.

<sup>250</sup> *Los Angeles Times*, 30 November 1977. LACBE, however, replied that “changing the definition of an integrated schools [*sic*] so that only schools with less than 60% of whites are considered integrated” would only result in the integration of only 18 more segregated minority elementary schools and seven additional segregated minority junior high schools. See also *Los Angeles Times*, 12 December 1977.

<sup>251</sup> *Los Angeles Times*, 12 December 1977.

<sup>252</sup> *Ibid.*

<sup>253</sup> *Ibid.* Halverson conceded that Caughey’s plan was good but impractical. “When you’ve got to account for three or four racial groups in the same school it doubles your busing costs and it creates serious scheduling problems,” he said. However, the *Los Angeles Times* corrected the record and noted that the district had never calculated the costs for a “triethnic” a plan.

<sup>254</sup> *Ibid.* For its part, in an effort to help districts develop a definition of a segregated school, the California Supreme Court urged local school boards to consider “not only the racial and ethnic makeup of the student body but also the

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racial and ethnic makeup of the teaching staff, community and administrative attitudes toward the school and ‘other factors.’”

<sup>255</sup> Ibid.

<sup>256</sup> Ibid.

<sup>257</sup> *Los Angeles Times*, 14 December 1977.

<sup>258</sup> Ibid.

<sup>259</sup> *Los Angeles Times*, 21 December 1977.

<sup>260</sup> Ibid.

<sup>261</sup> Ibid.

<sup>262</sup> *Los Angeles Times*, 15 December 1977.

<sup>263</sup> Ibid.

<sup>264</sup> Ibid.

<sup>265</sup> *Los Angeles Times*, 13 December 1977.

<sup>266</sup> Ibid.

<sup>267</sup> Ibid.

<sup>268</sup> Ibid. The CPEE had twelve teams within the Los Angeles school district. One was the East Valley Community Team for the CPEE. Its spokesman, attorney Sam Abdulaziz, called for the use of “reason” to deal with mandatory busing for integration, which he deemed inevitable. The group is notable because it was located in the San Fernando Valley, the center of anti-busing sentiment and a growing movement for the development of *neighborhood private schools* to avoid participation in the mandatory integration phase of the LACBE plan. See *Los Angeles Times*, 8 January 1978. By mid January the organization raised and had pledges of donations totaling approximately \$350,000 but needed an additional \$400,000 to \$500,000 for a public campaign titled “Our Town-Our Kids” to support peaceful implementation of school desegregation plans. See *Los Angeles Times*, 11 January 1978. By January 23, CPEE decided to make the focus of their public campaign on the notion that desegregation was the law, not desegregation as a way to combat racism, prejudice, and racial isolation. See *Los Angeles Times*, 23 January 1978.

<sup>269</sup> *Los Angeles Times*, 3 January 1978.

<sup>270</sup> Ibid.

<sup>271</sup> *Los Angeles Times*, 4 January 1978.

<sup>272</sup> *Los Angeles Times*, 3, 4 January 1978.

<sup>273</sup> Ibid.

<sup>274</sup> Ibid. “The judge made it clear he had not yet decided on a crucial element of the board plan—its definition of a segregated school,” the *Los Angeles Times* accounted.

<sup>275</sup> Ibid.

<sup>276</sup> Ibid.

<sup>277</sup> Ibid. Expert testimony could compel Judge Egly to make changes to the plan.

<sup>278</sup> *Los Angeles Times*, 3 January 1978.

<sup>279</sup> Ibid.

<sup>280</sup> *Los Angeles Times*, 4 January 1978. “We require, we implore, we need a decision,” Miller added. Within a week, board member Nava echoed Miller’s sentiments. Nava asked Egly to “issue a definite order” and called Egly pretrial order “uncertain and inadequate.” See *Los Angeles Times*, 10 January 1978.

<sup>281</sup> *Los Angeles Times*, 4 January 1978.

<sup>282</sup> Ibid.

<sup>283</sup> Ibid.

<sup>284</sup> Ibid.

<sup>285</sup> Ibid.

<sup>286</sup> Ibid.

<sup>287</sup> Ibid.

<sup>288</sup> Ibid.

<sup>289</sup> Ibid.

<sup>290</sup> Ibid.

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<sup>291</sup> Ibid. The magnet school choices for junior high school students included: alternative schools, bilingual magnet, a center for classical European studies, a center for enriched studies (CES), a “fundamental” school, a math-science magnet, and an urban studies center.

<sup>292</sup> Ibid. The first survey went to all students to determine which magnets were more popular. After Superintendent Johnston compiled a report detailing the most popular schools, the board would then create a number of magnet school in accordance to the survey results. Around March, parents of fourth through eighth graders would receive an application of the available magnet schools for desegregation and would either choose to participate or not to participate. If not enough students volunteered, the board would set up school clusters, or “leagues,” in which minority and white schools would be paired for integration and begin the mandatory phase of the plan. Judge Egly had yet to reach a conclusion on the definition of a “desegregated school,” and a final decision could drastically change the number of participating schools.

<sup>293</sup> *Los Angeles Times*, 16 January 1978.

<sup>294</sup> Ibid.

<sup>295</sup> Ibid. CAC members included Brown Rice, Bardos, and Fiedler.

<sup>296</sup> Ibid.

<sup>297</sup> Ibid.

<sup>298</sup> Ibid.

<sup>299</sup> Ibid.

<sup>300</sup> Ibid.

<sup>301</sup> Ibid. Campaigning to discredit the voluntary-first approach, an anonymous individual, group, or groups circulated a flier discrediting the desegregation plan, attacking the “Choices” survey, and telling parents that they did not have to answer the survey. Although anonymous, the brochure suggested calling the anti-busing board member Mrs. Fiedler or BUSTOP, the anti-busing organization, to garner support. The flier employed the language of reverse discrimination and civil rights to promote opposition to the board’s desegregation plan. See same article for image of brochure.

<sup>302</sup> Ibid. Brown Rice appeared unprepared for the verbal onslaught and might have been caught off guard during the questioning. She could have explained the potential special educational programs and benefits at magnet schools that awaited students who opted voluntarily participate in desegregation. For a short explanation of the magnet school in desegregation strategies in Los Angeles as well as other parts of the country, see *Los Angeles Times*, 16 January 1978. One of the key findings in studies was that few white children left their segregated neighborhood schools for magnet schools in voluntary plans, while black students were more willing to attend magnets.

<sup>303</sup> *Los Angeles Times*, 26 October 1977.

<sup>304</sup> Ibid. Two organizations had readied to replace BUSTOP if necessary: 1) The National Association of Neighborhood Schools (NANS) based out of Denver (created in response to integration efforts there), which claimed a national membership of between 350,000 and 400,000 and 2) Californians Helping to Obtain Individual Choices in Education (CHOICE) founded by State Senator and mandatory integration and busing foe Alan Robbins for the purpose of generating support in the California Legislature for an anti-busing constitutional amendment.

<sup>305</sup> *Los Angeles Times*, 3 January 1978.

<sup>306</sup> *Los Angeles Times*, 5 January 1978.

<sup>307</sup> *Los Angeles Times*, 4, 5 January 1978.

<sup>308</sup> *Los Angeles Times*, 5, 6 January 1978. Presiding Superior Court Judge William P. Hogoboom ratified the attorneys’ selection of Judge Olson.

<sup>309</sup> *Los Angeles Times*, 10 January 1978. Judge Egly reiterated that during the closed-door December meetings “neither Bartman nor anyone else objected” to the meetings. Judge Egly recounted that at one of the meetings with other attorneys “Mr. Bartman mistakenly believed he had been summoned to that meeting ... at which point I asked him to leave.” The *Los Angeles Times* reported that Judge Egly asserted that Bartman “at no time made any objection whatever to the procedure of holding informal conferences with counsel for various parties, nor did he voice any objection of any kind.”

<sup>310</sup> *Los Angeles Times*, 18 January 1978.

<sup>311</sup> *Los Angeles Times*, 20 January 1978.

<sup>312</sup> Ibid.

<sup>313</sup> Ibid.

<sup>314</sup> Ibid.

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<sup>315</sup> Ibid.

<sup>316</sup> Ibid.

<sup>317</sup> Ibid.

<sup>318</sup> Ibid.

<sup>319</sup> Ibid. On mandatory busing, Oyarzo was at odds with Arreola, executive director of the same LACBE-appointed Mexican-American Education Commission.

<sup>320</sup> Ibid.

<sup>321</sup> *Los Angeles Times*, 21 January 1978.

<sup>322</sup> Ibid. See also *Serrano v. Priest*, 5 Cal.3d 584 (1971), also known as *Serrano I*.

<sup>323</sup> Ibid. See also *Los Angeles Times*, 29 January 1978. Weintraub asserted that the proposed amendment had been “painstakingly researched” by the law firm of Ball, Hunt, Hart, Brown, and Baerwitz of Los Angeles and claimed that she believed the amendment was constitutionally valid. The ACLU’s Fred Okrand maintained that LACBE had engaged in *de jure* segregation of the school district, and not *de facto* segregation, and therefore the constitutional amendment would ultimately not affect *Crawford*.

<sup>324</sup> Ibid.

<sup>325</sup> Ibid.

<sup>326</sup> Ibid.

<sup>327</sup> Ibid. In the meantime, the conservative group Citizens Legal Defense Alliance filed a *federal* lawsuit to overturn the California Supreme Court’s decision to integrate the Los Angeles Unified School District. U.S. District Court Judge William P. Gray summarily dismissed the lawsuit and stated that interfering with Judge Egly proceedings “would be interference that would be ... absolutely intolerable.” See *Los Angeles Times*, 24 January 1978.

<sup>328</sup> *Los Angeles Times*, 26 January 1978.

<sup>329</sup> Ibid.

<sup>330</sup> Ibid.

<sup>331</sup> Ibid.

<sup>332</sup> Ibid.

<sup>333</sup> *Los Angeles Times*, 3 February 1978.

<sup>334</sup> Ibid.

<sup>335</sup> Ibid.

<sup>336</sup> Ibid.

<sup>337</sup> Ibid.

<sup>338</sup> Ibid.

<sup>339</sup> *Los Angeles Times*, 9 February 1978.

<sup>340</sup> Ibid.

<sup>341</sup> Ibid.

<sup>342</sup> Ibid.

<sup>343</sup> Ibid. The *Los Angeles Times* reported that Judge Egly’s order hoped to accomplish the following: 1) begin some desegregation by the fall of 1978; 2) create an opportunity to strengthen the plan through desegregation expert recommendations; and 3) avoid appeals by the various parties in the case and therefore avoid delays.

<sup>344</sup> Ibid.

<sup>345</sup> Ibid. One school board attorney asserted that if BUSTOP or another party successfully appealed for a stay from the Second District Court of Appeals, the board would then appeal to the California State Supreme Court and likely have the appeal overturned.

<sup>346</sup> Ibid.

<sup>347</sup> Ibid.

<sup>348</sup> Ibid.

<sup>349</sup> Ibid.

<sup>350</sup> Ibid.

<sup>351</sup> Ibid.

<sup>352</sup> Ibid.

<sup>353</sup> Ibid.

<sup>354</sup> Ibid.

<sup>355</sup> Ibid.

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<sup>356</sup> Ibid.

<sup>357</sup> Ibid.

<sup>358</sup> Ibid.

<sup>359</sup> *Los Angeles Times*, 10 February 1978. The *Los Angeles Times* also reported on February 10 that LACBE, civil rights attorneys representing petitioners, The Integration Project, CACSI, and BUSTOP nominated a total of twenty-eight individuals to serve on the court's panel of experts.

<sup>360</sup> Ibid.

<sup>361</sup> Ibid.

<sup>362</sup> Ibid.

<sup>363</sup> Ibid.

<sup>364</sup> Ibid.

<sup>365</sup> Ibid.

<sup>366</sup> Ibid.

<sup>367</sup> Ibid.

<sup>368</sup> Ibid.

<sup>369</sup> William Johnston, Superintendent, Memo, "Communication No. 2, Maintenance Work in Certain Designated Schools," 17 July 1978, *Crawford* Case Files Part Two 4/30/70-1/18/1979, CCF-BdS/LAUSD. RIMS were also called racially isolated schools (RIS). LACBE preferred the term RIS.

<sup>370</sup> *Los Angeles Times*, 20 February 1978.

<sup>371</sup> Ibid.

<sup>372</sup> Ibid.

<sup>373</sup> Ibid.

<sup>374</sup> Ibid.

<sup>375</sup> *Mary Ellen Crawford, etc., et al, Petitioners vs. Board of Education of the City of Los Angeles, Respondent*, Minute Order, No. 822-854, Minute Order, 22 February 1978, fol. 10, Box 1, JLC-UAC/CSUN. See also, *Los Angeles Times*, 23 February 1978, and Superior Court, Biographies of Court-Appointed Experts, 14 November 1978, fol. 8, Box 1, Bustop Campaign Collection, Part I, Urban Archives Center, Oviatt Library, California State University, Northridge (from now on BCC/I-UAC/CSUN). The diverse panel of experts included one Chicana, one African American, and six whites. Beatriz Arias, an assistant professor of education at UCLA specializing in bilingual education, was a Los Angeles native who graduated from Occidental and received her PhD from Stanford. Although concerned with "the integrity" of bilingual education, she supported the idea of an "integrated schooling for Chicano youngsters." Bernard Robert Gifford was former deputy chancellor of the New York City public schools. Robert Crain served as a senior social scientist at the RAND Corporation. Elwood B. Hain Jr. was associate dean of the University of San Diego Law School. Gary Orfield was an associate professor of political science at the University of Illinois, Urbana-Champaign. He previously served as research associate for the Brookings Institution. Thomas Pettigrew was a professor of social psychology at Harvard University. He had served as an expert witness in other desegregation cases, including Springfield, MA, Norfolk, VA, and Richmond, VA. He believed the Los Angeles desegregation case had not only local implication but also national implications. Francine F. Rabinovitz was a professor of public administration and urban regional planning at the University of Southern California. She had taught at UCLA the previous seven years. Reynolds Farley was a racial demographer and associate director of the Population Studies Center at the University of Michigan. See also *Los Angeles Times*, 31 March 1978.

<sup>376</sup> *Los Angeles Times*, 23 February 1978.

<sup>377</sup> Ibid.

<sup>378</sup> Ibid.

<sup>379</sup> *Los Angeles Times*, 31 March 1978. The *Los Angeles Times'* Trombley added, "However, no rationale ever has been given for excluding ninth grade and school official said privately they would be hard pressed to present good reasons." Ninth graders attended the same schools as seventh and eighth graders, so including ninth graders made logistical sense to Trombley.

<sup>380</sup> *Los Angeles Times*, 31 March 1978.

<sup>381</sup> Ibid.

<sup>382</sup> Ibid.

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<sup>383</sup> Ibid. Fiedler asserted that the question of adding the ninth grade to the present desegregation plan “might bring a direct confrontation between the board and the court.” The *Los Angeles Times*’ Trombley reported, “School officials admitted privately that there were few, if any, good educational or sociological reasons for excluding ninth grade from the plan.”

<sup>384</sup> Ibid.

<sup>385</sup> Ibid.

<sup>386</sup> Ibid.

<sup>387</sup> Ibid. McCurdy reported that Bardos’ defection would “shatter” LACBE’s “five-vote coalition that has surrounded the plan since it was adopted last October” and “would destroy the atmosphere of unity and leave the board divided over crucial details of the desegregation plan approved by the court.”

<sup>388</sup> Ibid.

<sup>389</sup> Ibid.

<sup>390</sup> Ibid.

<sup>391</sup> Ibid.

<sup>392</sup> Ibid.

<sup>393</sup> Ibid.

<sup>394</sup> Ibid.

<sup>395</sup> Ibid.

<sup>396</sup> Ibid.

<sup>397</sup> Ibid.

<sup>398</sup> Ibid.

<sup>399</sup> Ibid.

<sup>400</sup> Ibid.

<sup>401</sup> *Los Angeles Times*, 4 April 1978.

<sup>402</sup> Ibid. The guidelines included: 1) by April 14, all of the district’s predominantly “Anglo elementary and junior high schools, and some of its largely minority schools, will be joined in “educational leagues”; 2) students in these leagues would be subject to mandatory reassignment if they did not choose an acceptable voluntary plan; 3) students had until May 5 to apply for admission to the 51 magnet programs that district will make available the following fall; 4) “Fundamental” schools and programs for gifted pupils will be emphasized but there would be other programs; 5) assignment to magnet schools – or schools with enhanced programs – would begin after May 5; 6) additional voluntary opportunities through the “schools of choice” program would be made available to schools and educational leagues between April 14, when LACBE announces the league makeup, and June 2; 7) between June 2 and June 23, the last day of school, district planners and LACBE must decide which students will go to the voluntary programs and which will be mandatorily reassigned; and 8) the mandatory reassignments would be done through the pairing and clustering of largely white schools and predominantly minority schools in what the district called the “join enrollment” program. For details about mandatory desegregation strategies see *Los Angeles Times*, 10 April 1978.

<sup>403</sup> Ibid.

<sup>404</sup> Ibid. The *Los Angeles Times*’ Jack McCurdy and William Trombley described the guidelines as “vague about the methods to be used in selecting student for both the voluntary programs—the magnet schools and the schools of choice—and mandatory reassignment.”

<sup>405</sup> *Los Angeles Times*, 17 March 1978.

<sup>406</sup> Ibid.

<sup>407</sup> Ibid.

<sup>408</sup> Ibid.

<sup>409</sup> Ibid. Price wrote, “The approval of the voluntary pairings ... makes it more difficult for the district to impose any meaningful sense of priority in terms of which schools should be first desegregated.”

<sup>410</sup> Ibid.

<sup>411</sup> Ibid.

<sup>412</sup> Ibid.

<sup>413</sup> Ibid. The 1971 Sylmar Earthquake provided the “natural” source of integration at Fairfax High School, which forced the district to reassign minority students from Los Angeles High School to Fairfax. Nonetheless, Fairfax

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High School remained integrated, albeit by extreme policing of attendance boundaries. Fairfax provided an important case study suitable for research.

<sup>414</sup> Ibid.

<sup>415</sup> *Los Angeles Times*, 11 April 1978.

<sup>416</sup> Ibid. In *Serrano I*, the California Supreme Court found unequal funding of public schools by district discriminatory, illegal, and therefore unconstitutional. See *Serrano v. Priest*, 5 Cal.3d 584 (1971) (*Serrano I*).

<sup>417</sup> Ibid.

<sup>418</sup> Ibid. A metropolitan plan could potentially involve several adjacent districts including: Beverly Hills, Santa Monica, Burbank, Glendale, Palos Verdes, Long Beach, Downey, and several districts in the northern area of Orange County and Ventura County. In mid May, the Downey School District passed a resolution and became the first district in the Los Angeles County officially to declare it was “strongly opposing” the metropolitan plan because it could “severely undermine local control over schools.” Downey school officials claimed “transporting students across district boundaries could be insurmountable.” See *Los Angeles Times*, 18 May 1978.

<sup>419</sup> *Los Angeles Times*, 13 April 1978. The white student population in these majority, white segregated school districts and schools included: Palos Verdes Unified School District, 95.1%; El Segundo Unified, 93%; Hermosa Beach Elementary, 91%; Manhattan Beach Elementary, 92.8%; South Bay Union, 88.8%; and Torrance Unified, 83.7%.

<sup>420</sup> Ibid.

<sup>421</sup> Ibid.

<sup>422</sup> Ibid.

<sup>423</sup> Ibid.

<sup>424</sup> Ibid.

<sup>425</sup> *Los Angeles Times*, 11 April 1978.

<sup>426</sup> Ibid.

<sup>427</sup> Ibid.

<sup>428</sup> Ibid. Los Angeles School District planners drew up a map that demonstrated that Orange County school districts such as Anaheim, Buena Park, Fullerton, and Garden Grove were closer to African American neighborhoods of Los Angeles than predominantly white communities in the San Fernando Valley, such as Encino, Tarzana, Panorama City, and Chatsworth, areas that LACBE included in its desegregation plan. Egly also asked the experts to help him decide which minority pupils were most in need of relief. “I think that all black people may not necessarily be affected by segregation in the same manner. All Hispanic surnames may not be affected by segregation in the same manner.”

<sup>429</sup> *Los Angeles Times*, 14 April 1978. The forty-five new schools planning to participate in the voluntary phase of the plan included thirty-seven elementary schools and eight junior high schools. The junior high schools, which included six from the San Fernando Valley, one in northeast Los Angeles, and one in the Crescent Heights, were the first secondary schools to agree to participate in the voluntary phase of the plan. Some of the agreed-upon pairings included: Millikan in Sherman Oaks (71% white) and King Junior High near Griffith Park (46% Hispanic, 28% Asian, and 4% black); Portola in the San Fernando Valley (81% white) and probably Pasteur Junior High (91% Black). If talks between the schools broke down and the schools did not submit detailed desegregation proposals to LACBE by May 5, LACBE would assign the schools to “educational leagues,” making the schools subject to the mandatory phase of the plan.

<sup>430</sup> Ibid.

<sup>431</sup> Ibid.

<sup>432</sup> The description of a “majority, minority,” school or alternately “majority-minority” developed in the Los Angeles school desegregation case. The idea was ubiquitous in the documentation and media reporting of the *Crawford* case. The concept described a condition in which a racial or ethnic minority, or multiple groups of minorities, comprised the numerical majority in a given racially isolated minority school. More broadly, the idea could describe any condition in which a racial or ethnic minority, or groups of minorities, comprises the numerical majority but, paradoxically, does not necessarily comprise the political majority commensurate, or proportional, to its numbers.

<sup>433</sup> *Los Angeles Times*, 14 April 1978. This voluntary-first phase of the plan excluded 126 segregated minority schools and twenty segregated minority high schools with a total of about 100,000 students. For a detailed overview of the board’s complex “educational leagues,” composed of 116 schools with approximately 50,000 students, see *Los Angeles Times*, 15 April 1978. In an unusual case, two predominantly white schools from Northridge, Andasol

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Elementary and Topeka Drive Elementary, sought to join Education Planning Unit (EPU) 12, composed of two elementary schools in Granada Hills and two minority schools in Pacoima, after they discovered they were slated to join an “education league” with East L.A. schools. For additional details, see *Los Angeles Times*, 1 May 1978. This example is important because Andasol and Topeka parents opted to ignore the voluntary-first phase of the desegregation plan deadline, and only after they disliked their official pairing with, wanted to join an EPU they could have chosen in the voluntary phase. After taking note of their pairing, the two schools backtracked and hoped to join an established EPU.

<sup>434</sup> *Los Angeles Times*, 21 April 1978. BUSTOP counsel specifically wanted to discuss two main issues with Egly: 1) whether the plan met the “reasonable and feasible” standard set by the 1976 California Supreme Court ruling and 2) present its “white flight” argument to oppose the plan.

<sup>435</sup> Chicano Integration Coalition, News Statement, 10 May 1978, fol. 16, Box 27, FDOC-UAC/CSUN. The CIC also promoted including bilingual/bicultural education as part of integration efforts.

<sup>436</sup> *Ibid.*

<sup>437</sup> *Los Angeles Times*, 4 May 1978. The Robbins Amendment would “require the state Supreme Court to follow U.S. Supreme Court busing rulings.”

<sup>438</sup> *Ibid.*

<sup>439</sup> *Ibid.* The *Los Angeles Times* explained, “The 10% surplus would eliminate the need to hand count and very all signatures—a process that could delay certification for the ballot for another 30 days.”

<sup>440</sup> *Los Angeles Times*, 7 May 1978.

<sup>441</sup> *Ibid.*

<sup>442</sup> *Ibid.* The reported number of paired schools was in flux. In a previous report in April, the *Los Angeles Times* claimed eighty-five paired schools, but in this column, the newspaper reported seventy-six schools. For a list of agreed-upon pairings and clusters, as well as holdouts, see same article. In the San Pedro area, a fascinating school pairing took place. Two area schools, Park Western (75% minority, mostly Hispanic) and Crestwood (80.6% white) decided to pair voluntarily and join as “one school with two campuses.” As the *Los Angeles Times* explained, the parents of students at these segregated schools shopped at the same stores, their children played together in the same park, and some even attended the same churches. After graduating from junior high, these students were slated to attend Dodson Junior High School. The two schools were located in such close proximity that the issue was not busing but instead “getting the district to foot the bill for a crossing guard.” This pairing occurred in light of the fact that anti-desegregation and anti-busing groups, most notably BUSTOP, were working to halt the pairing of two white schools and three minority schools in the area. The pairing could prove beneficial as white students who transferred from Crestwood could partake in Title I programs using integration funds, and transferred Park Western students could participate in Crestwood’s gifted program. See *Los Angeles Times*, 7 May 1978. Yet, Howard Miller held a meeting at Leland Elementary Schools to discuss the desegregation plan with San Pedro and Harbor area parents. Miller faced what he called “one of the toughest audiences” opposed to the integration plan, generally, and pairing, specifically. See *Los Angeles Times*, 8 May 1978.

<sup>443</sup> *Los Angeles Times*, 9 May 1978. For detailed listings of the pairs and clusters see same article.

<sup>444</sup> *Los Angeles Times*, 12 May 1978.

<sup>445</sup> *Ibid.*

<sup>446</sup> *Ibid.*

<sup>447</sup> *Ibid.*

<sup>448</sup> *Los Angeles Times*, 18 May 1978. Although the pairing strategy between the El Camino Real High School and San Fernando High School was limited to 200 students from each school, it was an unprecedented proactive integration endeavor, as high schools were not part of the present desegregation plan. The *Los Angeles Times* reported that “the impetus for the pairing came from El Camino Real parents who decided to seek out the nearest acceptable minority high school instead of waiting to be mandatorily assigned at a later date.” Importantly, San Fernando High School was the *only* high school in the San Fernando Valley with a predominantly minority student body.

<sup>449</sup> *Los Angeles Times*, 12 May 1978. According to the *Los Angeles Times*, UPAFC began as a small group of parents at Welby Way Elementary and extended its membership into schools mostly located in the West Valley. The group started late, according to UPAFC member Brad Winner, because “until the school board published the list of league schools on April 14, ‘we didn’t really think it (desegregation) was going to happen.’” Winner stated that

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the group's immediate goals "were to prevent favorable pairing votes before today's deadline and to seek recounts in schools where ... favorable pairing decisions were made in an unrepresentative manner."

<sup>450</sup> Ibid. Hale Junior High is located in Woodland Hills.

<sup>451</sup> *Los Angeles Times*, 12 May 1978.

<sup>452</sup> Ibid.

<sup>453</sup> Ibid.

<sup>454</sup> Ibid. UPAFB made their presence felt at several other school meetings in which parents voted overwhelmingly to oppose pairing with minority schools. Mike Gould, a parent at Welby Way Elementary and one of the founders of UPAFB said that the Hale meeting "got out of hand," but blamed Medinnis for "her inability to answer parents' questions." Of the same meeting, Paul Clarke, president of BUSTOP and father of a Hale seventh grader said there were "a lot of boos and catcalls" because "parents were taking out their frustration (over busing) against the district people who were there." During one of these meetings the aforementioned Medinnis walked out in tears when Joe Newman, a parent, declined to submit a question to her in writing, as per the protocol of the meeting. "I don't like to write things down," said Newman. Another parent retaliated by shouting, "For those of us who wanted to hear what she had to say, you've ruined it."

<sup>455</sup> Ibid.

<sup>456</sup> Ibid.

<sup>457</sup> *Los Angeles Times*, 16 May 1978.

<sup>458</sup> Ibid.

<sup>459</sup> Ibid.

<sup>460</sup> Ibid. Citing the same incendiary ideas in June, Trapp filed a federal lawsuit on behalf of his daughter seeking a preliminary injunction to the busing plan before it began on September 11. In a class action federal lawsuit, in which Trapp would serve as co-counsel with J. David Rosenfield, Robert Frost Junior High School parents claimed that LACBE's mandatory reassignment of students was "in violation of the Civil Rights Act and violates the 14<sup>th</sup> Amendment [of the U.S. Constitution] because it would deprive the plaintiffs of their property." See *Los Angeles Times*, 24 June 1978.

<sup>461</sup> William Johnston, Superintendent, Emergency Communication No. 1, 17 July 1978, *Crawford* Case Files Part Two 4/30/70-1/18/1979, CCF-BdS/LAUSD. Los Angeles. See also William Johnston, Superintendent, Communication Memo, "Crawford v. Board of Education, 1979-80 Budget for Monitoring Committee--Transfer of Funds to United Way," 2 July 1979, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD. The appointment of a committee of experts followed a tense back-and-forth between Judge Paul Egly and BUSTOP's Cliff Fridkis. Judge Egly held chamber's proceedings on March 11 with court experts outlining the areas that Judge Egly "felt they should inquire into in their reports and the manner in which they should conduct themselves." Cliff Fridkis ordered a transcript of the chamber's proceedings and disseminated them publicly. Judge Egly called Fridkis' action "prima facie contemptuous of this Court," and asked Fridkis to submit an explanation. See Judge Paul Egly, Superior Court of California, County of Los Angeles, letter to Cliff Fridkis, 12 April 1978, American Civil Liberties Union of Southern California Records, ca. 1935- (Collection 900). Department of Special Collections, Charles E. Young Research Library, University of California, Los Angeles (from now on ACLU/SC-DSC/UCLA). For Fridkis' letter in response for circulating the transcript, see Cliff Fridkis, letter to The Honorable Paul W. Egly, 22 April 1978. Same location. Judge Egly designated Dr. Roger Noll, professor of economics at Caltech, chairman of the commission. See *Los Angeles Times*, 4 May 1978. Monitoring Committee Members included two professors, a college president, a housewife with master's degree in public administration, a lawyer, an analyst and management consultant, an adult-school English teacher, an urban center manager, and a theater art director. For more detailed backgrounds on the Monitoring Committee members, see *Los Angeles Times*, 9 July 1978.

<sup>462</sup> *Los Angeles Times*, 25 May 1978. BUSTOP wanted two committee members removed, including Daniel Garcia, because he had worked in the same law firm as BEST's Harvey L. Saferstein, and Mrs. Gertrude Hatter, a former member of The Integration Project.

<sup>463</sup> Ibid.

<sup>464</sup> Office of Communications, Los Angeles City Schools, Court Report Memo, "A Summary of Student Integration Hearings," 12 May 1978, *Crawford* Case Files Part Two 4/30/70-1/18/1979, CCF-BdS/LAUSD. See also *Los Angeles Times*, 13 May 1978. BUSTOP wanted these three experts disqualified because their research supported mandatory reassignments. Dr. Orfield, for example, backed a metropolitan integration plan. See also BUSTOP, A

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Summary of the Discussion of Metropolitan Desegregation Contained in the Reports of the Panel of Experts Appointed by Judge Paul Egly to Study the Los Angeles Desegregation Plan and Submitted to the Court on 13 November 1978, n.d., fol. 9, Box 1, BCC/I-UAC/CSUN. See also Dr. Gary Orfield, *Report of Dr. Gary Orfield*, 14 November 1978, fol.1, Box 2, BCC/I-UAC/CSUN. Dr. Crain proposed a multi-racial, largely tri-ethnic, plan. See Robert L. Crain, *Report to the Honorable Paul Egly on the Crawford Remedy*, November 1978, fol. 11, Box 1, BCC/I-UAC/CSUN. Dr. Thomas Pettigrew proposed a metropolitan plan. See Thomas F. Pettigrew, *Report to the Honorable Judge Paul Egly in Response to the Minute order of February 7, 1978*, November 1978, fol. 2, Box 2, BCC/I-UAC/CSUN.

<sup>465</sup> Superior Court of California, County of Los Angeles, Motions, 12 May 1978, ACLU/SC-DSC/UCLA. See also *Los Angeles Times*, 13 May 1978.

<sup>466</sup> *Ibid.*

<sup>467</sup> *Los Angeles Times*, 13 May 1978. Specifically, Judge Egly told BUSTOP attorney Cliff Fridkis that the organization's views on travel distance, busing, and white flight would be helpful to the court. In response, Fridkis would submit a legal brief the following week.

<sup>468</sup> In Judge Gitelson's case, the California Supreme Court overruled defining a segregated school by hard percentages. By 1978, the working definition included a 70/30 ratio, by which any school with a white *or* combined minority population of more than 70% was defined as segregated.

<sup>469</sup> *Los Angeles Times*, 11 June 1978.

<sup>470</sup> *Ibid.*

<sup>471</sup> *Ibid.*

<sup>472</sup> *Ibid.*

<sup>473</sup> *Ibid.*

<sup>474</sup> *Ibid.*

<sup>475</sup> *Ibid.*

<sup>476</sup> *Ibid.*

<sup>477</sup> *Ibid.*

<sup>478</sup> Ironically, King Junior High School's student body's racial/ethnic breakdown exemplified John Caughey's multiethnic desegregation model.

<sup>479</sup> The magnet school program had proven a workable integrative strategy in other desegregation cases throughout the country. In Los Angeles, the School Monitoring Committee members worried whether the magnet school program would achieve its intended desegregative effects. In early August, the Monitoring Committee reported that twenty out of forty-six magnet schools slated to open in the fall had failed to meet the "ethnic balance" promised to parents, which was "no more than 60% of any one ethnic group (Anglo, Hispanic, or Black)." See *Los Angeles Times*, 9 August 1978. The Monitoring Committee also criticized the district for failing to provide adequate security for children at bus stops and for privately owned buses. See *Los Angeles Times*, 10 August 1978. By mid August, about three weeks before the implementation of the plan began, only seventeen individuals had volunteered to be on-site observers of the desegregation plan, out of two hundred district solicitations. See *Los Angeles Times*, 17 August 1978. The LAUSD also feverishly looked for drivers, for whom they promised free training and buses. The district had not developed the intricate bus routes or staff development programs for anyone involved in the desegregation plan, from the bus drivers to the principals. See *Los Angeles Times*, 20 August 1978.

<sup>480</sup> *Los Angeles Times*, 20 June 1978.

<sup>481</sup> *Los Angeles Times*, 21 July 1978. Egly could not dictate a time limit to the board because "he would be designing the busing plan," a responsibility that remained the purview of LACBE, following the California Supreme Court decision in 1976.

<sup>482</sup> *Los Angeles Times*, 25 July 1978. The midsite school's distances were less than the distances between the paired or clustered schools, thus reducing travel times. In a related matter, the School Monitoring Committee disagreed with LACBE's plan to have children picked up at street corners instead of schools. See *Los Angeles Times*, 27 July 1978.

<sup>483</sup> *Los Angeles Times*, 26 July 1978.

<sup>484</sup> *Ibid.* Parents at King Junior High remained skeptical of LACBE's decision to exclude the school from the plan. "I still don't feel comfortable with the decision," stated Linda Kessman. "I'm very skeptical. One day, they'll take us out of the plan and put us back in the next day. It's like a game of checkers," remarked Marie Moneymaker. See *Los Angeles Times*, 28 August 1978.

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<sup>485</sup> *Los Angeles Times*, 18 June 1978. The *Los Angeles Times*' William Trombley added that the plans to build "neighborhood" or "community" schools were not an isolated incident, reporting, "Scattered around the school district, but mostly in the San Fernando Valley, are several other 'neighborhood' or 'community' schools, started by parents who are determined that their youngsters will not be bused to minority neighborhoods." The new "neighborhood" or "community" schools represented Los Angeles' local equivalent of the "freedom academies," which "flourished briefly in the South in the wake of court-ordered desegregation." A year later, the *Los Angeles Times* reported on the first graduation of what it described as "new 'white flight' schools" the previous year. Neighborhood No. 1 had locations in both Chatsworth and Van Nuys. Trombley named the other "white flight" schools: Pacific Palisades' Village School, Agoura's West Valley Neighborhood School, and Sherman Oaks' River Oaks. The private schools, although insisting that they did not discriminate against minority students, "almost had no blacks and few other minority pupils," an unsurprising fact to West Valley Neighborhood School headmaster Ted Oviatt. "There's no getting around the fact that this school is a haven from busing," Oviatt stated. See *Los Angeles Times*, 17 June 1979.

<sup>486</sup> *Ibid.* Adding to concerns over white flight, James J. Milner, a county schools consultant, estimated that fifty to 100 new private schools would open in Los Angeles County in the fall of 1978. Some of the new private and neighborhood schools set to open in the fall of 1978 included: Palisades Village School in Pacific Palisades; West Valley Neighborhood School in Agoura, just west of the Los Angeles County border; the Neighborhood School Planning Corp., in Chatsworth; and one of the newest neighborhood schools, SENSE (Sensible Education in a Neighborhood School Environment).

<sup>487</sup> *Ibid.*

<sup>488</sup> *Ibid.*

<sup>489</sup> *Ibid.*

<sup>490</sup> *Ibid.* Flight of 35,000 white students would mean a loss of 18% white enrollment, while a loss of 45,000 would mean a loss of 23% white enrollment.

<sup>491</sup> *Ibid.* Experts were also at odds over predicting white flight. The University of Michigan's Reynolds Fairley, Director of the Population Studies Center, and court-ordered expert, predicted some loss of white enrollment, though he readily admitted that predicting white flight was difficult because of a lack of information about private schools in California. The California State Department of Education was supposed to collect enrollment information from private schools, but the state did not order private schools to submit the information. As a result, many private schools did not furnish the information. David J. Armor of the RAND Corporation predicted "white flight" of an astounding 18% to 20% decline in white student enrollment.

<sup>492</sup> *Los Angeles Times*, 1, 2 and 3 September 1978. The Court of Appeal panel included: Justices Lester William Roth, Lynn D. (Buck) Compton, and Edwin F. Beach. It was the same panel that admitted BUSTOP as an intervenor in the case over the objections of Judge Egly. The voluntary desegregation strategies included: magnet schools, voluntary exchange programs between paired of clustered schools under the voluntary-first approach, and the PWT. For the various responses to the Court of Appeal ruling, see same articles.

<sup>493</sup> *Los Angeles Times*, 1 September 1978. The *Los Angeles Times* Myrna Oliver rephrased the court's findings this way: "the judges based their ruling on a balance of dangers—deciding that the potential damage to children in an unsound mandatory busing plan was *greater than the potential damage or delay to racially isolated children*" (emphasis mine).

<sup>494</sup> *Los Angeles Times*, 5 September 1978. After the appeals court's ruling, the *Los Angeles Times*' William Trombley reported that LACBE appeared to seek a neutral position during the appeals process, a position that seemed to counter the board's recent efforts to develop a mandatory integration plan amenable to Superior Court Judge Egly. LACBE member Nava, though, made some startling comments that did not suggest the board wanted to pursue a neutral stance. According to Trombley, Nava said he was going to ask "the entire plan be scrapped, voluntary aspects as well as mandatory, 'until the courts give a definite answer to the school district which is capable of being administered.'" As to why LACBE voted for mandatory components of the integration plan in the first place, Nava remarked that "we had Egly's gun at our head and we had no choice but to model a plan on his wishes." Nava's rhetoric did not communicate a "neutral" stance on the appeals process or on the board's misgivings about the most recent integration plan.

<sup>495</sup> *Los Angeles Times*, 6 September 1978. Only Howard Miller and Diane Watson opposed the decision to support the Court of Appeal's stay. Nava, Brown Rice, Bardos, Fiedler, and Ferraro backed the stay. Governor Brown intended to remain neutral, however; he had appointed three of the seven California Supreme Court justices.

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Attorney General Evelle J. Younger, a gubernatorial opponent of Brown, filed a friend-of-the-court brief on BUSTOP's behalf.

<sup>496</sup> *Los Angeles Times*, 5 September 1978.

<sup>497</sup> *Los Angeles Times*, 6 September 1978. Nava spoke on this matter at length. He and the board backed immediate California Supreme Court intervention because to wait any longer "would make it impossible for the Board to meet its many obligations with respect to parents, pupils, and teachers because of the thousands of people involved." Nava added that the board made this request because it needed some kind of direction from the court so that the board could "plan for an orderly and beneficial start of the school year." See LACBE, Minutes, 61, 5 September 1978, *Crawford Case Files Part Two 4/30/70-1/18/1979*, CCF-BdS/LAUSD.

<sup>498</sup> LACBE, Minutes, 61, 5 September 1978, *Crawford Case Files Part Two 4/30/70-1/18/1979*, CCF-BdS/LAUSD.

<sup>499</sup> *Ibid.* The motion read: "4. Proceed immediately with all voluntary aspects of the plan, including magnet schools, alternative schools, and PWT (Permits With Transportation)."

<sup>500</sup> *Los Angeles Times*, 7 September 1978. *The Los Angeles Times'* Myrna Oliver reported that the desegregation plan could proceed during the appellate process, which, she suggested, could take a year or more.

<sup>501</sup> *Ibid.* Chief Justice Rose Elizabeth Bird, Matthew O. Tobriner, Stanley Mosk, Wiley W. Manuel, and Frank C. Newman signed the order. William P. Clark and Frank K. Richardson did not sign the order.

<sup>502</sup> *Ibid.*

<sup>503</sup> *Ibid.* Arthur Goldberg, representing The Integration Project, worried that Rehnquist, whom he described as "extremely reactionary," would award a stay to BUSTOP. NAACP attorney Joseph Duff disagreed because Rehnquist, a "staunch advocate of state court's rights," believed *Crawford* was "a wholly state case at this point." See also *Los Angeles Times*, 8 September 1978.

<sup>504</sup> *Ibid.*

<sup>505</sup> *Ibid.*

<sup>506</sup> *Ibid.* Fiedler and Ferraro voted against proceeding with the plan. The two along with Bardos lost a motion to join BUSTOP to seek a stay from the United States Supreme Court.

<sup>507</sup> *Los Angeles Times*, 9 September 1978. Fiedler and Ferraro flew out to Washington D.C. with BUSTOP officials to submit an amicus brief opposing the plan from going into effect. They spent much of the day revising their brief to Rehnquist in the congressional office of Rep. Barry Goldwater, Jr. On the same day of his ruling on the Los Angeles busing plan, Justice Rehnquist also permitted a busing plan to proceed between Wilmington, Delaware and its surrounding jurisdictions. BUSTOP attorneys appeared to engage in "justice shopping" after Rehnquist rejected their appeal, as they immediately filed a new request for a stay with U.S. Supreme Court Justice Lewis F. Powell, Jr. Justice Powell also rejected BUSTOP's request by agreeing with Justice Rehnquist's legal reasoning. Afterwards, BUSTOP President Paul Clarke vowed to request a stay from Chief Justice Warren Burger. See *Los Angeles Times*, 10 September 1978.

<sup>508</sup> *Los Angeles Times*, 9 September 1978.

<sup>509</sup> *Ibid.*

<sup>510</sup> *Ibid.*

<sup>511</sup> *Ibid.*

<sup>512</sup> *Ibid.*

<sup>513</sup> *Ibid.*

<sup>514</sup> *Los Angeles Times*, 11 September 1978. Ramos often used the terms Spanish-speaking, Mexican American, Hispanic, and Latino interchangeably.

<sup>515</sup> *Ibid.*

<sup>516</sup> *Ibid.*

<sup>517</sup> *Ibid.*

<sup>518</sup> *Ibid.*

<sup>519</sup> The East L.A. community's political fragmentation on busing illustrated what in 1963 *Los Angeles Times* staff writer Ruben Salazar called a "piñata struck with the stick of feuding factions," referring to what he perceived as a lack of political cohesion among Chicanos in Los Angeles compared to African Americans, generally, and Chicanos in Texas and New Mexico, specifically. See *Los Angeles Times*, 27 February 1963.

<sup>520</sup> *Los Angeles Times*, 11 September 1978.

<sup>521</sup> *Ibid.*

<sup>522</sup> *Ibid.*

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<sup>523</sup> Ibid.

<sup>524</sup> Ibid.

<sup>525</sup> Ibid.

<sup>526</sup> Ibid.

<sup>527</sup> Ibid. Here, Ramos *did not* use the terms Mexican-American and Hispanic interchangeably.

<sup>528</sup> Ibid.

<sup>529</sup> Ibid. Ruby Aguilar was born and raised in L.A.'s Eastside. She was a member of the court-appointed Los Angeles School Monitoring Committee..

<sup>530</sup> Ibid.

<sup>531</sup> Ibid.

<sup>532</sup> Ibid. Ortega agreed with Ruby Aguilar's assessment, and called parents' concerns over Mexican American children attending classes in an unfamiliar environment unwarranted. The *Los Angeles Times* reported that the Chicano Integration Coalition (CIC) "generally has supported desegregation efforts" but had taken LACBE to task over several aspects of the desegregation plan. The CIC disagreed with the midsite school concept, calling it unfair, and claimed it was a strategy to appease, what the *Los Angeles Times* reported as "angry Anglos" and Judge Paul Egly. "Transportation to midsites, from our study of it," Ortega Aguilar explained, "(means) that most of the traveling will have to be done by Mexican-Americans with a minimum amount of busing for whites." The desegregation plan would not affect the vast majority of Mexican American students in minority segregated Eastside schools, and this too was another point of contention for the CIC. "Some of these schools close to Atlantic Blvd. with 99% and 100% enrollments of Chicanos are still isolated," Ortega asserted. Raul Arreola, executive secretary of the LACBE's Mexican American Education Commission (MAEC) concurred, estimating that the district's plan would leave forty-nine of sixty-seven majority Mexican American schools untouched. Arreola also noted that the school district had received bilingual program funding from the federal government and the state. However, he acknowledged, "Except for a few schools, there is no bilingual program in the Los Angeles district." Arreola's charge received an immediate rebuff from Robert R. Rangle, district of the district's Bilingual and ESL (English as a Second Language) Services Branch. "Raul is entitled to his point of view, but there are so many dedicated teachers out there who want to do the job," Rangle explained. Rangle was optimistic because the bilingual programs were part of a larger district three-year effort to comply with *Lau vs. Nichols*, in which the U.S. Supreme Court ruled that schools much offer equal educational opportunities to English and non-English speaking students by offering language programs to non-English speakers of all backgrounds.

<sup>533</sup> Ibid.

<sup>534</sup> Ibid.

<sup>535</sup> Ibid.

<sup>536</sup> Ibid. The 85,000 students represented only 15% of the projected fall enrollment.

<sup>537</sup> *Los Angeles Times*, 12 September 1978.

<sup>538</sup> Ibid.

<sup>539</sup> *Los Angeles Times*, 18 September 1978.

<sup>540</sup> Ibid. The bomb threats did not specify a target but were expressions of anti-busing and anti-integration.

<sup>541</sup> *Los Angeles Times*, 11 October 1978. John C. Wakefield of the Citizens Legal Defense Alliance, Inc., (CLDA), attorney Sydney Trapp, and busing boycott supporter Link Wyler had filed these requests. Judge Egly also confronted the CLDA for its request to halt the desegregation plan until an environmental impact report (EIR) was completed. The California Environmental Quality Act of 1970 requires EIRs for all public and private projects that could have a significant effect on the environment. When Judge Egly advised CLDA that the group could amend its civil taxpayer suit to include alternative ways to accomplish desegregation without busing, Wakefield circumvented the proposition, claiming that it was "too much" for his small organization to develop an alternative to busing. If Egly rejected their request for an injunction, CLDA threatened to appeal to the Court of Appeals. The group preferred appealing Egly's expected denial of an injunction on EIR grounds rather than draft its own desegregation plan.

<sup>542</sup> *Los Angeles Times*, 13 September 1978.

<sup>543</sup> Ibid.

<sup>544</sup> Ibid. Some buses ran late; some bus drivers made mistakes on their routes; and "many [buses] carried lighter loads than had been planned."

<sup>545</sup> Ibid.

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<sup>546</sup> Ibid.

<sup>547</sup> Ibid. Although there was some absenteeism, Miller contended that school attendance in the first day of the school year is below normal.

<sup>548</sup> Ibid.

<sup>549</sup> Ibid. The *Los Angeles Times* reported, “Mrs. Fiedler referred to the fact that many buses carried few pupils, especially those moving from predominantly Anglo areas of the San Fernando Valley into largely minority schools along the Santa Monica Freeway corridor and on the city’s east side.”

<sup>550</sup> Ibid.

<sup>551</sup> Ibid.

<sup>552</sup> Ibid. For additional examples of minority participation and a lack of white student participation in busing, see *Los Angeles Times*, 15, 18, and 24 September 1978.

<sup>553</sup> Ibid.

<sup>554</sup> Ibid.

<sup>555</sup> Ibid.

<sup>556</sup> Ibid.

<sup>557</sup> Ibid.

<sup>558</sup> Ibid.

<sup>559</sup> Ibid. By September 21, the San Fernando Valley Chamber of Commerce and Visitors Bureau adopted a resolution opposing mandatory busing, condemning LACBE, and authorizing legal action to stop buses on behalf of taxpayers. According to their resolution, mandatory busing had created a “demoralizing effect on parents, children, homeowners and taxpayers in varying degrees and has adversely affected every citizen of the San Fernando Valley.” See *Los Angeles Times*, 21 September 1978. I am inclined to suggest that one of core concerns from the San Fernando Valley Chamber of Commerce was the effect of property values.

<sup>560</sup> *Los Angeles Times*, 1 October 1978.

<sup>561</sup> Ibid. Highlander Elementary was underutilized in multiple ways. According to the *Los Angeles Times*, the school employed only four regular teachers, along with a fifth to handle “remedial work” and two specialists to teach special-needs children. Only seven of seventeen rooms were in use and the playground was empty most of the time. Highlander’s previous PTA president placed her children in a private religious school and eight of the ten PTA board members withdrew their children from Highlander. Underutilization forced LACBE to consider closing Highlander. Parents, however, opposed the move and LACBE retreated.

<sup>562</sup> Ibid.

<sup>563</sup> Ibid. Student enrollment also dropped at the following Valley schools: Welby Way in Canoga Park enrollment dropped from 650 to 254; at Collins Street Elementary in Woodland Hills enrollment dropped from 259 to 130; at Collier Street Elementary in Woodland Hills enrollment dropped from 567 to 212; and at Platt in Woodland Hills enrollment dropped from 426 to 158.

<sup>564</sup> Ibid.

<sup>565</sup> Ibid. For a detailed explanation about how midsites directly affected attendance at West San Fernando Valley schools, see same article.

<sup>566</sup> Reynolds Farley, *Report to the Honorable Judge Paul Egly in Response to Minute Order No. 822 854*, November 1978, fol. 13, Box 1, BCC/I-UAC/CSUN. See also *Los Angeles Times*, 18 January 1979.

<sup>567</sup> Ibid.

<sup>568</sup> *Los Angeles Times*, 18 January 1979.

<sup>569</sup> Ibid.

<sup>570</sup> Ibid. In order to find out whether “white flight” in Los Angeles was greater than in other cities partaking in desegregation programs, Farley compared Los Angeles with fifteen other cities, and found a decrease in white student enrollment that seemed “neither unusually high or low in comparison with other cities experiencing desegregation.” Farley discovered that white student enrollment dropped by 29,400 in the fall of 1978, from 194,800 to 165,400, accounting for total white enrollment in the district of 30%. Importantly, however, of the 29,400 white students who left the district, Farley attributed “10,000 and 14,000 to the desegregation plan, depending on which of four [statistical] methods” of analysis he employed. However, the white students who stayed in the LAUSD now were “more likely to be in integrated settings than before.” Farley found that in the year prior to desegregation, “the average white student went to a school where about 10% of the students were black, 20% were Hispanics and 63% were white.” In 1978, a white student “attended a school where 13% of the students were black,

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one-quarter were Hispanic and 55% were white.” White student enrollment dropped by 15%, the sharpest in the district’s history.

<sup>571</sup> Ibid.

<sup>572</sup> Ibid.

<sup>573</sup> *Los Angeles Times*, 9 October 1978. Trombley stated, “Space problems were aggravated by the class size reduction ... built into the desegregation plan.” He explained, “This reduction from 34.5 pupils for each teacher to a 27 to 1 maximum in grades four, five, and six was designed to enhance educational quality ... but in the overcrowded schools it has forced principals to open new fourth-, fifth- and sixth-grade classes, thereby creating additional double sessions throughout the school.” In Huntington Park, the overcrowding situation was dire, forcing some schools to institute triple sessions and triple lunch periods. See *Los Angeles Times*, 5 March 1979.

<sup>574</sup> Ibid.

<sup>575</sup> Ibid.

<sup>576</sup> Ibid.

<sup>577</sup> Ibid.

<sup>578</sup> Ibid.

<sup>579</sup> Ibid.

<sup>580</sup> Ibid.

<sup>581</sup> *Los Angeles Times*, 13 September 1978.

<sup>582</sup> Ibid.

<sup>583</sup> Ibid.

<sup>584</sup> Ibid.

<sup>585</sup> Ibid.

<sup>586</sup> Ibid.

<sup>587</sup> *Los Angeles Times*, 15 September 1978. The newspaper reported that Mrs. Baratta and her two daughters arrived at Oso on Thursday with “chains around their wrists and necks” before Mrs. Baratta chained herself to the sign. Two days earlier, Mrs. Baratta had “chased a bus down a street, waving an anti-busing placard.” Additionally, Mike Gould, president of United Parents against Forced Busing, reported that eighty-five home-taught tutorial groups had formed, with a total of 510 students, mostly from the West San Fernando Valley area.

<sup>588</sup> *Los Angeles Times*, 13 September 1978.

<sup>589</sup> Ibid.

<sup>590</sup> Ibid. Parents worried about accidents. Six buses were involved in minor accidents but there were no injuries. Twelve district buses and thirty-five buses owned by private contractors encountered mechanical problems. Of the buses for integration, the district owned more than fifty percent. The Associated Charter Bus Company owned seventy percent of the remaining buses. There were some driver no-shows. Only one bus driver employed by the district did not show up, while thirty-two drivers employed by the private contractors did not show. To complicate matters, private contractors told the district on Tuesday morning that thirty-three buses slated for integration routes were unavailable, forcing the district to scramble to find replacements.

<sup>591</sup> *Los Angeles Times*, 15 September 1978.

<sup>592</sup> Ibid.

<sup>593</sup> Ibid.

<sup>594</sup> Ibid. In September, Professor Orfield, in his influential and groundbreaking book *Must We Bus? Segregated Schools and National Policy*, argued that desegregation should cut across district lines of older cities into affluent middle-class white suburbs, that is to say, Professor Orfield proposed a metropolitan desegregation plan.

<sup>595</sup> *Los Angeles Times*, 24 September 1978. The inability to accurately document student participation worsened when School Monitoring Committee volunteers failed to develop a backup checklist for a student head count. The original checklist, based on experiences in other cities under a desegregation order, was meant to document “disturbances, picketing or fights” on school grounds. When this did not materialize, the *Los Angeles Times* recounted that “the monitors were unable to regroup, unable to redraft the [alternate head count] checklist quickly.” Also, there were high attrition rates among the volunteers, as seventy-observers worked the first day, but by the fourth day only forty-three volunteered. See *Los Angeles Times*, 2 October 1978.

<sup>596</sup> *Los Angeles Times*, 24 September 1978.

<sup>597</sup> Ibid.

<sup>598</sup> Ibid.

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<sup>599</sup> Ibid.

<sup>600</sup> Ibid.

<sup>601</sup> Ibid. Student participation in the PWT program stood at 18,500, almost reaching the 20,000 ceiling imposed by Judge Egly. Egly deemed that program “constitutionally suspect” because it involved “one-way” busing of mostly minority students to white neighborhoods. Student participation in the magnet program involving forty-five schools had reached 10,500, almost reaching the goal of 11,027.

<sup>602</sup> Ibid.

<sup>603</sup> Ibid.

<sup>604</sup> Ibid.

<sup>605</sup> Ibid.

<sup>606</sup> Ibid.

<sup>607</sup> Ibid. Detroit serves as an example of a city with a higher percentage of minority students than Los Angeles. White student enrollment in Detroit was 18%, while in Los Angeles it was 34% the previous year and expected to be roughly 30% the current school year. The newspaper correctly reported that LACBE had envisioned the participation of 112,776 students in mandatory reassignment in the fourth through eighth grades. After a racial and ethnic census, the district reduced the number to about 64,500 students, and would divide the participation by about 50-50, minority-white ratio. The district explained that the reduction in the number of mandatory reassignments was due to a loss of enrollment of about 24,500 white students. However, as late as late August, the district estimated that 54,316 students (29,169 minority and 25,147 white) would take part in mandatory busing. Later the district reduced the figure to 46,926, then 39,028, and then 23,211. Finally, 16,810 students from fourth through eighth grade participated in mandatory busing.

<sup>608</sup> *Los Angeles Times*, 11 October 1978. See also, Monroe Price, *Twentieth Report of Monroe E. Price, Referee*, 10 October 1978, fol. 7, Box 1, BCC/I-UAC/CSUN. Price made other important findings analyzing the district’s attendance for the first four weeks of school, including: 1) travel time was relevant, but not a determining factor, in the percentage of students who ride the bus; 2) the amount “local leadership,” meaning whether a school’s parents and principals were organized to support the plan actively, was a key in student participation in the plan; 3) the rate of participation of white students “may be greater in pairs where the minority school is multiracial, rather than dominated by a single minority group.” Price also criticized the LASMC for failing to develop a plan of operations.

<sup>609</sup> Ibid.

<sup>610</sup> Monroe Price, *Twentieth Report of Monroe E. Price, Referee*, 10 October 1978, fol. 7, Box 1, BCC/I-UAC/CSUN, 3.

<sup>611</sup> *Los Angeles Times*, 11 October 1978. At Breed Street Elementary School in Boyle Heights, only twenty-six students mandatorily reassigned from Danube Avenue Elementary in Granada Hills enrolled, bringing white enrollment to only 14%. Thus, Breed remained segregated.

<sup>612</sup> Ibid.

<sup>613</sup> Ibid.

<sup>614</sup> Ibid.

<sup>615</sup> Dr. Gary Orfield, *Report of Dr. Gary Orfield*, 14 November 1978, fol. 1, Box 2, BCC/I-UAC/CSUN; Thomas F. Pettigrew, *Report to the Honorable Judge Paul Egly in Response to the Minute order of February 7, 1978*, November 1978, fol. 2, Box 2, BCC/I-UAC/CSUN; Reynolds Farley, *Report to the Honorable Judge Paul Egly in Response to Minute Order No. 822 854*, November 1978, fol. 13, Box 1, BCC/I-UAC/CSUN. Robert L. Crain, *Report to the Honorable Paul Egly on the Crawford Remedy*, November 1978, fol. 11, Box 1, BCC/I-UAC/CSUN. See also *Los Angeles Times*, 14 and 20 November 1978. Gary Orfield noted that the large proportion of Hispanics in Los Angeles made the city remarkably different from other cities. Citing Orfield, the *Los Angeles Times*’ William Trombley reported that “the dominant society is not Anglo, as it is in most of the nation’s major cities, but is changing to Hispanic,” and that Los Angeles was “now receiving a substantial share of the largest Asian immigration in American history.” Additionally, Orfield added that only in the New York-Connecticut-New Jersey area “does one encounter anything like the ‘steady belt of continuous urbanization from Santa Barbara to Tijuana which contains about one-twentieth of the nation’s people.’” See *Los Angeles Times*, 20 November 1978.

<sup>616</sup> *Los Angeles Times*, 14 November 1978. Gary Orfield argued that California’s involvement in a metropolitan plan was essential because the state would be paying most of the expenses of the plan. Orfield explained, “Proposition 13, read together with Serrano (the California Supreme Court decision that ordered equalization of funding among school districts) makes the state responsible for the whole framework of local school finance.” This

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type of state-financed framework already existed in Connecticut, Massachusetts, and Wisconsin. Three weeks later, court expert Francine Rabinovitz reported that in the wake of Proposition 13 financing of the Los Angeles Unified School District rested “squarely with the state Legislature rather than the local Board of education.” She added, “There is no question that the passage of Proposition 13 catapulted the state into a position to destroy any semblance of district autonomy.” For additional details about education funding in Los Angeles before and after Proposition 13, see *Los Angeles Times*, 7 December 1978.

<sup>617</sup> Farley, *Report to the Honorable Judge Paul Egly in Response to Minute Order No. 822 854*, 45. See also *Los Angeles Times*, 14 November 1978. Farley made other findings related to education and income level in Los Angeles. He found that Asians had highest educational attainment, an average of 13.5 years of schooling compared to whites with 12.8 years, African Americans with 11.4 years, and Hispanics with 9.2 years. He found differences in family income in 1976. White families earned an average of \$15,800 per year, while Asians earned \$15,700, Hispanics earned \$11,100 and African American earned \$9,800. Farley commented the income figures were important because “differences in occupation and income are ... in part, an outcome of differences in educational opportunities and attainment.” He also pointed out the astonishing growth of the Hispanic population in Los Angeles, from 7% in 1950 to 23% in 1977. Hispanic enrollment in public schools increased drastically from 1.9% in 1966, the year of the first public racial and ethnic census in the district, to 35% in 1977. In the 1970 census, less than 9,000 Koreans were living in the Los Angeles metropolitan region, but by 1977, a study estimated 58,400 Korean residents, most residing along the Olympic-Wilshire corridor. Farley and Orfield explained that Hispanics and Asians were spread out throughout Los Angeles but that African Americans remained highly racially segregated. Orfield also noted significant population increases among Filipino, Vietnamese, and other Asian groups. Orfield blamed a real estate market that discriminated against families and the “exclusion of poor minority renters from most of the suburban housing market” for intensifying school segregation. “Hispanics are 10 times more likely to live in integrated housing than are blacks,” explained Robert Crain. See *Los Angeles Times*, 20 November 1978.

<sup>618</sup> *Los Angeles Times*, 14 November 1978.

<sup>619</sup> *Ibid.*

<sup>620</sup> *Ibid.*

<sup>621</sup> *Ibid.*

<sup>622</sup> *Ibid.*

<sup>623</sup> *Ibid.* See Thomas F. Pettigrew, *Report to the Honorable Judge Paul Egly in Response to the Minute order of February 7, 1978*, November 1978, fol. 2, Box 2, BCC/I-UAC/CSUN, 17, 91.

<sup>624</sup> Thomas F. Pettigrew, *Report to the Honorable Judge Paul Egly in Response to the Minute order of February 7, 1978*, November 1978, fol. 2, Box 2, BCC/I-UAC/CSUN, 158.

<sup>625</sup> Robert L. Crain, *Report to the Honorable Paul Egly on the Crawford Remedy*, November 1978, fol. 11, Box 1, BCC/I-UAC/CSUN, 46.

<sup>626</sup> *Los Angeles Times*, 14 November 1978.

<sup>627</sup> *Ibid.* Thomas Pettigrew was the lone expert who drew up a metropolitan plan, complete with a list of districts and areas that could partake in such a metropolitan plan, including: Santa Monica, Culver City, Las Virgenes School District in Ventura County, a small, mostly African American area just north of Inglewood, the Union S. Hart Union School District in Newhall, Orange County school districts, and four elementary school district in the Santa Clarita Valley. See *Los Angeles Times*, 16 and 19 November 1978. At first, Superintendent Johnston opposed expanding the present desegregation plan in 1979, instead arguing to “stabilize what we have now—to let people get used to it and to work out bugs in the plan.” His stance conflicted with Judge Egly’s request to revise the present plan by December 31. See *Los Angeles Times*, 1 December 1978. However, Johnston soon after promoted a “voluntary metropolitan plan” that would entail permitting minority students from RIMS to transfer to other school districts. He based this concept on the PWT program. Johnston agreed that a voluntary metropolitan plan would place responsibility of desegregation on minority students, called the plan “basically an unfair approach,” but said it was the only approach likely to work “in the real world.” *Los Angeles Times*, 4 December 1978. Many districts responded negatively to the metropolitan plan idea. “It may be a long-range answer, but it also will may be the demise of public education as we know it,” remarked Stan Corey, superintendent of the Irvine Unified District. Dean Pritchett, president of the Anaheim Union High School District board, declared, “I will go to jail before I ... will vote for forced busing.” Walter Ziegler, superintendent of the Fullerton High District remarked, “I don’t feel it’s just for the court to mandate. Any agreement ... should be mutually made between the schools districts. You

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cannot change my philosophy in that regard.” See *Los Angeles Times* 14 November 1978. Marlan A Proctor Jr., president of the Burbank school board exclaimed, “That’s L.A.’s problem, not Burbank’s problem.” Beverly Hills school system president Vicky Reynolds stated, “There is no question that we would oppose such a plan.” Manuel Gallegos, superintendent of the Downey schools, added, “It would destroy community identification and control, and that is the foundation of our school district.” Compton School District Superintendent Aaron Wade also opposed the metropolitan plan, stating, “It would hurt the education program, as far as I’m concerned.” Palos Verdes Peninsula Unified School District Superintendent Claude E. Norcross expressed, “It seems to me the primary purpose of schools is to educate, not to integrate. If we do our job of educating all people well, there will be an integrated society.” Opposition also came from Orange County school superintendent Robert Peterson who called the court experts “ivory tower experts,” and Howard Harrison, superintendent of the Santa Ana Unified School District. Ventura County education officials from Simi Valley and Conejo Valley also rejected the metropolitan plan idea. Harold Lipman, associate superintendent of Simi Valley schools declared, “We feel empathy toward the situation in Los Angeles schools but our prime responsibility is to the children of Simi Valley.” See *Los Angeles Times*, 15 November 1978. In September 1979, Conejo Valley, Simi Valley, and Moorpark school districts hired a law firm to represent them in court against a metropolitan plan. See *Los Angeles Times*, 27 September 1979. In mid December, the Burbank City Council unanimously endorsed placing an advisory referendum on the proposed metropolitan plan on the February 27 municipal ballot. See *Los Angeles Times*, 17 December 1978. By early December, Simi Valley residents mounted a fundraising drive with a goal of \$200,000 to \$300,000 for a potential court fight to oppose partaking in a metropolitan plan that would link them with Pacoima. Other areas began similar anti-busing efforts. *Los Angeles Times*, 3 December 1978. Pasadena and Monrovia school districts, located in the San Gabriel Valley, opposed a metropolitan plan for a wholly different reason. The districts’ officials believed that LA’s metropolitan plan would interfere with their ongoing integration programs. See *Los Angeles Times*, 16 November 1978. By November 16, the Culver City, Santa Monica, and Beverly Hills school districts had publicly declared their opposition to a metropolitan plan, and by late December the three districts were seeking legal advice to avoid participating in a desegregation plan. See *Los Angeles Times*, 16 November and 28 December 1978 respectively. By November 19, the La Cañada-Flintridge district joined the opposition to the metropolitan plan. See *Los Angeles Times*, 19 November 1978. By February 1979, more than forty school districts created a coalition, Schools for Local Control, to oppose a metropolitan plan. It hired a law firm to advise the group about developments in a metropolitan plan in Los Angeles. Each district would contribute \$500 to \$1000 to pay for \$35,000 annual legal fees depending on the size of the district. See *Los Angeles Times*, 10 February 1979. The *Los Angeles Times* published detailed excerpts from Thomas Pettigrew’s report calling for a metropolitan desegregation plan emphasizing the concept of “network theory,” meaning the view “that school integration can widen the prospects of minority-group children by introducing them to a network of contact likely to be helpful in their future search for jobs.” See *Los Angeles Times*, 19 November 1978 and Thomas F. Pettigrew, *Report to the Honorable Judge Paul Egly in Response to the Minute order of February 7, 1978*, November 1978, fol. 2, Box 2, BCC/I-UAC/CSUN, 44-51, 60-61, 63. The Arcadia Board of Education became the first school board in the San Gabriel Valley *officially* to oppose a metropolitan desegregation plan. Other school boards, including the Hacienda La Puente Board of Education, the Alhambra Board of Education, and others planned to follow suit. California assemblyman Richard Mountjoy, who represented Arcadia in the California Legislature, noted that there were several anti-busing measures (AB5, AB4, ACA6, ACA7, and SCA2) up for a vote in the legislature dealing with and opposing major issues related to busing: the metropolitan plan, use of state funds, and constitutional limitations of the state court’s jurisdiction over “forced busing.” See *Los Angeles Times*, 14 December 1978. In early January 1979, the Arcadia City Council joined the Arcadia Board of Education and passed a unanimous resolution opposing the metropolitan plan. See *Los Angeles Times*, 4 January 1979.

<sup>628</sup> Ibid. Crain agreed with Pettigrew, and recommended planning for a metropolitan plan to begin as soon as possible. Crain believed a metropolitan plan was “necessary both to desegregate the many minority schools left segregated by a Los Angeles-only plan, and also to minimize white flight that would result from a Los Angeles-only plan.” Only three of the eight experts, Pettigrew, Orfield and Crain, concentrated on all the issues involved in the desegregation plan. Other researchers analyzed particular aspects of the plan such as bilingual education and logistics, and generally agreed with the metropolitan plan concept.

<sup>629</sup> Ibid. Francine Rabinovitz, USC professor of urban planning, criticized the district’s administrative arrangements. She disagreed with the district’s handling of the desegregation budget because the district included money slated for reducing the student-teacher ratio to 27:1, which appeared to be related to “regular district” programming but not

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desegregation. The district's accounting methods (the expense budget as well as income records of federal and state grants for desegregation), which she described as inadequate, made it difficult "for taxpayers to know what the district is spending on desegregation." The district also failed to project revenue, making it difficult to determine the feasibility of the desegregation plan in future years.

<sup>630</sup> A negative reaction to the metropolitan desegregation idea was immediate from the Las Virgenes Unified School District, located northwest of the LAUSD located in Ventura County. Dr. Ken Osborn, Las Virgenes Unified School District Superintendent, said he backed the metropolitan idea, and promoted ambitiously pursuing "a variety of integration programs to improve racial understanding." However, the *Los Angeles Times* reported, "Osborn is finding it almost impossible to convince residents to talk about anything but their distaste for the metropolitan plan." During a school board meeting about the metropolitan idea, Osborn heard from "an angry crowd of 500 persons [who] vigorously applauded speakers who told Osborn his social concerns have no place in education." The Las Virgenes School district had an enrollment of about 9,000 students from Calabasas, Agoura, and Westlake Village. Two weeks before the meeting, Dr. Osborn had released a report on the metropolitan plan that called Las Virgenes' cultural isolation and the racial attitudes as much a problem as metropolitan integration. "Racism, use of ethnic stereotypes and blatant ignorance about cultural differences permeate Las Virgenes," the report read. In a scathing criticism of the community, Osborn declared, "Man's inhumanity to man exists in abundance in the minds and hearts of far too many of our neighbors and our children." Dr. Osborn had a personal connection to the foster parent plan. He adopted a Chicano son and had been the foster father of an African American youth. See *Los Angeles Times*, 16 November 1978. By mid February 1979, the Las Virgenes community responded to Osborn by forming a citizens committee to promote "Multicultural awareness" among its predominantly white, middle-class students. Many residents worried that such a committee would make the district a "target" for mandatory busing. See *Los Angeles Times*, 15 February 1979.

<sup>631</sup> *Los Angeles Times*, 14 November 1978. For the complete list of recommendations by the expert committee, see same article. The list of recommendations stemmed directly from some of the committee's major criticisms of LACBE including: limiting the desegregation plan to fourth through eighth grades, making it possible for parents to enroll their children in private school, defining a desegregated school as one with at least 30% but no more than 70% from any one race or a combination of minorities, allowing schools to choose desegregation partners in the voluntary-first phase of the program resulting in "unwise school pairings and unnecessarily long bus rides," and continuing the PWT because it worked "against the goals of desegregation by perpetuating one-way busing [by minority students] and by exempting from the plan many predominantly Anglo schools what otherwise would be included." Pettigrew added that "desegregated schools" were being "re-segregated" in the classroom through "ability grouping" based on performance on standardized tests. Pettigrew wrote, "Such procedures not only segregate by ethnicity and socio-economic class but through labeling, they set the aspirations of both teachers and students in concrete and produce self-fulfilling prophecies of achievement."

<sup>632</sup> Ibid.

<sup>633</sup> Ibid.

<sup>634</sup> Ibid.

<sup>635</sup> Ibid.

<sup>636</sup> Ibid. Orfield commented on groups outside the "mainstream." "Blacks are the most segregated group in the city and there are no trends apparent which would change this situation," he reported. He blamed school segregation problems on housing policies and real estate practices, including rising rents, conversion of apartment units to condos, exclusion of children from rental units, and black families "discouraged from seeking housing in many suburban areas." Orfield explained, "Both the exclusion of middle-class white renters from the city and the exclusion of poor minority renters from the suburban housing markets intensify the problem of school segregation."

<sup>637</sup> Ibid. Crain suggested re-classifying schools according to racial and student enrollment into five new categories: predominantly majority with blacks the largest minority; predominantly majority with Hispanic the largest minority; integrated; predominantly black; and predominantly Hispanic. For example, Crain would deem a predominantly majority school segregated if the majority group was more than 65% enrollment and blacks constituted at least 20% enrollment *or* if the majority group was more than 55% and blacks totaled less than 20%, with "Hispanics as the balance." The sliding ration accommodated and countered the "greater level of prejudice against blacks." The basis of Crain's definition was based on the concept of "social distance," defined as "the level of intimacy" that one group wished to maintain with another group. Research had illustrated that whites desired more "social distance" from blacks than from Mexican Americans, and that Hispanics preferred "Anglos to blacks." For more specific details

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about school classification and the concept of “social distance,” see Robert L. Crain, *Report to the Honorable Paul Egly on the Crawford Remedy*, November 1978, fol. 11, Box 1, BCC/I-UAC/CSUN, 40-41 and 19-20 respectively.

<sup>638</sup> Ibid.

<sup>639</sup> Ibid. The experts had to contend with the racial and ethnic diversity of the city, but also took into consideration classifications such as “legal and illegal aliens” of the Spanish-speaking community as well as “the largest Asian immigration in American history” entering the country, with many Asians settling in Los Angeles.

<sup>640</sup> Ibid.

<sup>641</sup> Ibid.

<sup>642</sup> Ibid.

<sup>643</sup> Beatriz Arias, *Report to the Honorable Judge Paul Egly: The Desegregation’s Plan on Services to Limited and Non-English Speaking Students and Hispanic Students*, 14 November 1978, fol. 10, Box 1, BCC/I-UAC/CSUN, 3-4.

<sup>644</sup> Ibid., 3.

<sup>645</sup> Ibid., 8.

<sup>646</sup> Ibid.

<sup>647</sup> Ibid.

<sup>648</sup> *Los Angeles Times*, 14 November 1978.

<sup>649</sup> Beatriz Arias, *Report to the Honorable Judge Paul Egly: The Desegregation’s Plan on Services to Limited and Non-English Speaking Students and Hispanic Students*, 14 November 1978, fol. 10, Box 1, BCC/I-UAC/CSUN, 68.

<sup>650</sup> Ibid.

<sup>651</sup> Ibid.

<sup>652</sup> *Los Angeles Times*, 19 November 1978.

<sup>653</sup> Ibid.

<sup>654</sup> Ibid. Five other schools in the area became integrated: Crestwood, Park Western, Lomita, Fundamental, Taper Magnet, and Dodson Junior High Schools. Two magnet schools, Ambler Avenue (90% African American) and Peary Junior High, remained segregated minority schools.

<sup>655</sup> Ibid.

<sup>656</sup> Ibid.

<sup>657</sup> Ibid.

<sup>658</sup> Ibid.

<sup>659</sup> Ibid.

<sup>660</sup> Ibid.

<sup>661</sup> Ibid. In another matter, white flight and a general decline in student enrollment could have negative effects on certain schools. If enrollment fell below certain guidelines, these schools would be forced to forfeit a portion of “incentive” money from a \$55-million state allocation. The district dispensed the money based on a \$140 allocation for each student in a paired schools and \$70 for each student in a magnet school.

<sup>662</sup> *Los Angeles Times*, 30 November 1978.

<sup>663</sup> Ibid.

<sup>664</sup> Ibid. Board member Fiedler claimed that she did not focus on the Harbor area residents’ whiteness; instead she maintained she focused on the area’s “ethnic diversity.” “There are a large number of diverse people from various racial and ethnic backgrounds with strong community and family ties.” She explained, “The harbor is unusual because there is a great deal of stability there with deep roots, which is a little different than other parts of the district with much higher transiency rates.” Paul Clark sought to clarify Fiedler’s claim. Concurring with the notion of the existing conservative nature of Harbor area residents, the area’s anti-busing attitude, and Fiedler’s diversity claim, Clarke expressed, “I think one of the unique aspects of the harbor area that you don’t find in other areas of the city is the ethnic community, comprised of Italians, Yugoslavs, and Croatians, which shows significant anti-busing sentiment.” Wolinsky noted obvious shortcomings in Clarke’s description of the Harbor area, and wrote, “For purposes of drawing election district boundaries, however, the harbor area was expanded north to Manchester Blvd., taking in a large black population and neighborhoods which do not fit the community description by Clarke and Fiedler.” Fiedler remained confident that the Harbor area’s anti-busing fervor remained strong among not only “white ethnics” but also African Americans. (I think the usage of the concept of “white ethnics” is applicable here, particularly in light of Fiedler’s and Clarke’s comments.) “While the black community may not be as vocal in its opposition,” Fiedler expressed, “on an individual basis parents in the black community tell me the same kind of

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things as those in other communities.” She also believed that Asians residing in Gardena, which was part of the Harbor district, would support BUSTOP’s stance.

<sup>665</sup> *Los Angeles Times*, 30 November and 7 December 1978.

<sup>666</sup> *Los Angeles Times*, 30 November 1978.

<sup>667</sup> *Ibid.* After the expert panel’s recommendation of a metropolitan plan, many school superintendents, board members and politicians from Los Angeles, Ventura, and Orange counties voiced their opposition to such a plan. See *Los Angeles Times*, 1 and 14 December 1978. A chapter of BUSTOP opened in Downey, and several southeast districts, including Bellflower, El Rancho, East Whittier, Lowell-Joint, and Norwalk-La Mirada, vowed to oppose the metropolitan plan. Some in the area went to far as to refer to forced busing as “kidnapping” and “false imprisonment.” See *Los Angeles Times*, 28 January 1979. In Orange County, residents formed a BUSTOP-like anti-busing organization they named Busstop. Although it did not have a formal relationship with the Valley’s BUSTOP, it backed the same goals. See *Los Angeles Times*, 1, 14, and 16 December 1978. Busstop later changed its name to Bus-Bloc and by the first week of December, it had developed a plan to “prevent mandatory busing of Orange County schoolchildren into Los Angeles” by introducing a constitutional initiative for the 1980 ballot making mandatory busing, later revised to oppose a metropolitan plan, illegal throughout California. See *Los Angeles Times*, 8 and 16 December 1978 and 9 February 1979. On December 1, three Orange County state legislators, state senator John Briggs (R-Fullerton), and state assemblymen Dennis Mangers (D-Huntington Beach) and Chet Wray (D-Garden Grove) asked for a united effort to outlaw court mandated busing. *Los Angeles Times*, 2 December 1978. The three politicians planned to join LACBE’s Bobbi Fiedler, State Senator Alan Robbins (R-Van Nuys), BUSTOP’s Paul Clark and other politicians, at an anti-busing rally on January 26 sponsored by yet another anti-busing group, the No Busing in Orange County Committee. See *Los Angeles Times*, 10 January 1979. For details about Bustop, Bus-Bloc, and No Busing in Orange County fund-raising campaigns, see *Los Angeles Times*, 16 January 1979. By the second week of January 1979, the *Los Angeles Times* reported, there were plans to develop a consortium of more than 100 school districts within five counties (Los Angeles, Ventura, Orange, Riverside and San Bernardino) to mount a legal fight against a metropolitan plan. See *Los Angeles Times*, 11 January 1979.

<sup>668</sup> *Los Angeles Times*, 7 December 1978. Caughey reported an increase of minority students in segregated schools from about 262,000 to 311,653. Almost a year later, Caughey adjusted the number of segregated minority schools in 1978 from 289 to 264, a finding that demonstrated that the integration plan failed to integrate or reduce racial isolation in minority schools in any meaningful way. Caughey relied exclusively on the district’s racial and ethnic survey and the difference in the number of segregated schools attributed to 1978 could have been a result of updated district student statistics due to demographic changes, and an increase or decrease in student enrollment, among many other legitimate reasons. See John Caughey, *Findings Based on the Los Angeles Board of Education’s Official Racial and Ethnic Census of 1979 – 1980*, 15 November 1979, fol. 3, Box 1, JLC-UAC/CSUN, 1.

<sup>669</sup> *Ibid.* Caughey attributed more segregated schools in minority areas to an increase of 10,331 additional Hispanic students. He pointed to “more densely segregated” minority schools, referring to an increase in the percentage of minority students in a given segregated school.

<sup>670</sup> *Los Angeles Times*, 7 December 1978. Caughey partly based his brief on his own impact report. See John Caughey, *Desegregation Impact Report on the L.A. Board Plan*, 10 October 1978, fol. 2, Box 1, JLC-UAC/CSUN, 3.

<sup>671</sup> *Ibid.*

<sup>672</sup> *Ibid.* Caughey named Atwater, Bushnell, Crescent Heights, Park Western, and Sylvan Park as the new desegregated minority schools. He quipped that the cost-benefit figure was \$24 million per school.

<sup>673</sup> *Ibid.* The Dubling Avenue Elementary School located in Leimert Park offered a magnet program and illustrated the magnet program’s inability to attract many white students. For the Dublin story and others like it, as well as some of the experiences of white students attending predominantly minority magnet schools, see *Los Angeles Times*, 11 December 1978.

<sup>674</sup> *Ibid.*

<sup>675</sup> *Ibid.*

<sup>676</sup> *Ibid.*

<sup>677</sup> *Ibid.*

<sup>678</sup> *Los Angeles Times*, 14 December 1978. The midsite idea in which children from two distant segregated schools would be bused to a racially mixed school, according to district planners, would limit bus rides to no more than forty-five minutes, with most thirty minutes or less. LACBE had developed the midsite strategy in response to

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Judge Egly's contention that planned one-way bus rides up to ninety minutes long were "almost punitive." For more details about bus route times, see same article. The LASCM questioned the home-to-school rides that were unrelated to desegregation and argued they were not cost effective.

<sup>679</sup> Ibid.

<sup>680</sup> Ibid. Charles Cheng, UCLA urban educational policy professor who co-authored the LASMC report with Caltech economist Rose Mary Nastasia, remarked that the district's Transportation Department was "organizational chaos" and commented, "It is a miracle that anything was done this September."

<sup>681</sup> Ibid.

<sup>682</sup> Ibid.

<sup>683</sup> Ibid.

<sup>684</sup> Ibid. The committee reported that fifty of the 148 pair, cluster or midsize elementary schools also received PWT students coming from 125 schools. Many pair and cluster students and PWT students waited on the same street corner or school for *different* buses going to the same school.

<sup>685</sup> John Caughey, *Desegregation Impact Report on the L.A. Board Plan*, 10 October 1978, fol. 2, Box 1, JLC-UAC/CSUN, 3.

<sup>686</sup> Ibid.

<sup>687</sup> Ibid.

<sup>688</sup> Ibid.

<sup>689</sup> Ibid.

<sup>690</sup> Ibid.

<sup>691</sup> Office of Communications, Los Angeles City Schools, Court Report Memo, "Judge Delays Ruling on 'Recalcitrance,'" 8 December 1978, *Crawford* Case Files Part Two 4/30/70-1/18/1979, CCF-BdS/LAUSD. See also *Los Angeles Times*, 8 December 1978. BUSTOP had yet to file a brief in response to the recalcitrance motion.

<sup>692</sup> Ibid. Furthermore, BUSTOP attorneys argued that Judge Egly lacked jurisdiction "even to hear the motion on board recalcitrance." See *Los Angeles Times*, 8 December 1978.

<sup>693</sup> Ibid.

<sup>694</sup> Ibid.

<sup>695</sup> Ibid.

<sup>696</sup> Ibid. Shea also argued that the board needed more time to analyze "what steps can be taken to improve the plan as a result of the school district's own evaluation and the recommendations of the panel of experts."

<sup>697</sup> Ibid. Rosenbaum's list of recommended changes included: 1) to expand the plan to all grades; 2) to revise its definition to meet the constitutional standards set by the court; 3) to expand the plan to more and different schools; 4) to phase out the PWT; 5) to adopt a metropolitan approach and seek state aid; and 6) to revise its bilingual programs.

<sup>698</sup> Ibid.

<sup>699</sup> Ibid.

<sup>700</sup> *Los Angeles Times*, 8 December 1978.

<sup>701</sup> *Los Angeles Times*, 19 December 1978.

<sup>702</sup> Ibid.

<sup>703</sup> Ibid.

<sup>704</sup> Ibid.

<sup>705</sup> Ibid.

<sup>706</sup> Ibid.

<sup>707</sup> *Los Angeles Times*, 9 January 1979.

<sup>708</sup> *Los Angeles Times*, 10 January 1979.

<sup>709</sup> *Los Angeles Times*, 9 January 1979.

<sup>710</sup> Ibid.

<sup>711</sup> Ibid.

<sup>712</sup> Ibid.

<sup>713</sup> *Los Angeles Times*, 10 January 1979.

<sup>714</sup> Ibid.

<sup>715</sup> Ibid.

<sup>716</sup> Ibid.

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<sup>717</sup> Ibid.

<sup>718</sup> Ibid.

<sup>719</sup> Ibid.

## Chapter 7: Searching for Compromise: Common Ground in a Diverse and Segregated City

In this chapter, I detail how LACBE, civil rights organizations, court-appointed experts, Judge Paul Egly, and anti-busers in *Crawford* argued over how to desegregate the Los Angeles school district, while at the same time the school board implemented its voluntary-first integration plan upon Egly's order. LACBE and anti-busers wanted to eliminate mandatory programs, while civil rights organizations sought participation from more students, more grades, and more schools in a mandatory, two-way busing program. Court-appointed experts recommended a metropolitan plan, and asked Egly to consider transforming the current plan into a "multiethnic" plan that took into account the district's diverse student population. They also asked Judge Egly to change the current definition of segregated schools because it created severe limitations in the current plan. Dissatisfied with LACBE's progress adjusting its most recent plan, Judge Egly eventually devised his own plan with the assistance of experts. Although he painstakingly considered the concerns of the city's diverse populations, his plan did not satisfy any of the parties in *Crawford*.

In addition, opponents of mandatory busing sought to transform the makeup of LACBE into a school board dominated by anti-busers. Los Angeles voters recalled LACBE President Howard Miller and elected anti-buser Roberta Weintraub to replace him. In accordance with Proposition M that based elections on geographical districts rather than districtwide elections, voters voted for anti-buser Richard Ferraro over Vahac Mardirosian, a longtime education and community activist in the Chicano community, in the new East L.A. district. Voters also elected BUSTOP attorney Tom Bartman, who defeated city commissioner Alberto Juarez Jr., thereby ensuring that LACBE did not have a Hispanic member even though Hispanic students comprised a substantial proportion of the student population in the district.

Opposition to mandatory busing in Los Angeles gained momentum when LACBE invoked Proposition 1 to halt the mandatory components within its most recent plan. LACBE argued that California law was now in line with federal law, which stated that intentional *de jure*

segregation had to exist in order to implement mandatory busing. Therefore in order to implement mandatory busing, litigants would have to prove *intent* of *de jure* segregation. LACBE challenged Judge Gitelson's 1970 ruling, which ordered the board to desegregate Los Angeles schools based on *de facto* segregation, even though he also acknowledged existing *de jure* segregation. In this chapter, I argued that while *Crawford* granted Los Angeles an arena where disparate interests could reach an uneasy racial compromise on school integration, the city's minority communities, largely unconcerned with integration but worried about more mundane educational concerns such as overcrowding, combined with the anti-buser's takeover of LACBE and the enactment of California's Proposition 1, an anti-busing amendment to the California constitution in accordance with strict federal standards, normalized segregation in Los Angeles.

#### *A Vacant Seat Exposes LACBE'S Racial Politics*

After LACBE's lone African American member Diane Watson was elected to the California State Senate in December 1978, LACBE's vote for a replacement exposed the deep rifts and alliances along racial lines within in, as it had "conducted about 240 ballots over two days in an unsuccessful search for a replacement."<sup>1</sup> In order to appoint a seventh member, LACBE needed a majority vote to settle on a replacement. A coalition of African American community leaders called on LACBE to appoint an African American.<sup>2</sup> In a "circus-like" atmosphere at a news conference on January 10, LACBE's Julian Nava "blasted board President Howard Miller ... for not supporting a Hispanic for a board vacancy, but found himself being called a 'traitor' for not supporting a black for the same spot."<sup>3</sup> Los Angeles City Councilman Gilbert Lindsay and other African American community leaders alleged that Nava had turned his back "on the wishes of the black community" that had supported him in past citywide board elections.<sup>4</sup> Lindsay asserted, "We want a Hispanic on the board, too, but he's got to help us too."<sup>5</sup> "He's one of the biggest traitors ... to the black community," charged Reverend C.V. Hill of South-Central L.A., referring to Nava.<sup>6</sup>

Nava and other Hispanic leaders urged appointing Reverend Vahac Mardirosian, a community activist on educational matters in East L.A. and notable supporter of the 1968 East L.A. student demonstrations.<sup>7</sup> Nava had decided he was not going to run for another term, and, aware of the upcoming school district elections now based on geographical districts instead of

districtwide elections, he believed that appointing Mardirosian to Watson's seat would ensure representation on behalf of Hispanics because Mardirosian would run as an incumbent. Mardirosian, a Syria-born Armenian raised in Tijuana, Mexico, had earned the endorsement of an Eastside grassroots convention to run for the LACBE seat representing the new East L.A. district.<sup>8</sup> Councilman Hill criticized Nava for wanting a Hispanic instead of an African American to replace Watson, and told Nava, "Why don't you step down now and let Mardirosian take your seat."<sup>9</sup> Hill added, "Two [Hispanics, you and Mardirosian] against none ... isn't equality to me."<sup>10</sup>

Nava and President Miller sparred over whether a Hispanic or African American representative should take over Watson's seat. Nava urged Miller to vote for Mardirosian to break the three-to-three deadlock. Miller had voted for Mardirosian to replace Watson twenty-five times in December, and his vote this time would secure Mardirosian's appointment.<sup>11</sup> Nava explained why Miller balked at voting for Mardirosian: "Miller has argued that he turned Mardirosian down because he supports black representation on the board, like the rest of us have. However, there is no question that a black board member will be elected to the board in five months (in the spring elections)."<sup>12</sup> Nava blamed the dispute between African Americans and Hispanics squarely on Miller for not supporting Mardirosian.<sup>13</sup> However, when confronted by African American leaders further on why he did not support appointing African American attorney Arnett Hartsfield to LACBE, Nava refused to answer.<sup>14</sup>

The two-week stalemate had dire consequences on desegregation efforts because without a seventh member LACBE was "split 3 to 3 on desegregation,"<sup>15</sup> explained the *Los Angeles Times*' McCurdy and Ramos. The columnists stressed, "The board could easily get by with only six members as a general rule because board members vote together on almost all issues—except desegregation."<sup>16</sup> Board member Bardos complicated matters by deciding not to participate in future appointment votes, ensuring that LACBE could not break the vote deadlock or reach the necessary four votes for appointment.<sup>17</sup> Fielder boycotted voting over the past two weeks, and preferred waiting for next spring's election.<sup>18</sup> Ferraro also boycotted several votes, thus ensuring the ongoing stalemate. In addition, Ferraro's boycott was also a political maneuver to ensure that he would not run against an incumbent for the East Side district seat in the next board elections. An impasse also benefited anti-busing efforts, and the anti-busing bloc of Bardos, Ferraro, and Fiedler had no compelling reason to vote to appoint a seventh member.<sup>19</sup> In late

January, LACBE finally appointed Reverend Lewis P. Bohler, an African American Episcopalian minister, to fill the seat Watson vacated.<sup>20</sup>

### *The Hispanic Community Opposes and Participates in Integration*

Julian Nava, the lone Mexican American member in LACBE, explained Hispanic opposition to mandatory reassignment for integration, and even questioned whether the *Brown v. Board of Education* decision applied to Los Angeles.<sup>21</sup> *Brown* was based on a black/white racial binary, whereas the Los Angeles case involved three major racial and ethnic groups, where Hispanics were or soon would be the “overwhelming absolute [numerical] majority of our student body.”<sup>22</sup> Nava stated, “This group of our constituents, and citizens and students, is overwhelmingly opposed to mandatory reassignments--but is it not opposed to integration.”<sup>23</sup> He asserted, “[T]he only significant ... voluntary school and residential integration taking place in this ... District is the movement of Hispanic people into the inner city--previously occupied almost exclusively by Black citizens.”<sup>24</sup> Nava’s declaration, given at a pivotal juncture in the integration debate, suggested that many Hispanics shared anti-busing views with a majority of whites and upwardly mobile minorities.<sup>25</sup>

While Nava claimed that Hispanics opposed mandatory integration strategies, the *Los Angeles Times*’ William Trombley exposed that minority students bore the responsibility of desegregating schools, irrespective of whether they participated in voluntary or mandatory desegregation strategies.<sup>26</sup> Trombley discovered that minority students accounted for most of the participants in *both* mandatory strategies (pairs, clusters and midsites) and voluntary strategies (primarily the PWT), while white student participation accounted for only about 29% in the mandatory portion of the plan.<sup>27</sup> Trombley reported the low number of white participants during the fall semester and foresaw similar limited participation during the second semester. “If the second semester is like the first, only about 5,000 of the 17,200 in the mandatory busing part of the plan will be white. The rest will be minority youngsters,” Trombley calculated.<sup>28</sup>

### *LACBE and Superintendent Johnston’s Conservative Shift: Calls to End Mandatory Integration Strategies*

On January 29, 1979, the LAUSD embarked on the second semester of its desegregation plan.<sup>29</sup> Furthermore, LACBE and Superintendent Johnston signaled their intention to limit the integration plan to voluntary desegregation strategies and compensatory education for RIMS.

On February 7, adding a new argument against mandatory desegregation strategies, attorneys for LACBE and the school district opposed expanding the current plan because there were not enough white students left in the district.<sup>30</sup> The new arguments calling for a purely voluntary plan centered on the notion that the diminishing number of white students made mandatory integration strategies impractical, and therefore unreasonable and unfeasible, and that money could be better spent by improving racially isolated minority schools (RIMS).<sup>31</sup> LACBE counsel referred to the district's most recent student enrollment figures: 29.6% white; 38.6% Hispanic; 24.7% Black; 6.5% Asian; and 0.6% "American Indian."<sup>32</sup> An outside counsel for LACBE, David T. Peterson, contended that the most recent district demographics rendered unworkable an expansion of the present plan to more grades.<sup>33</sup> LACBE counsel Halverson commented, "I would go further and say it's impossible."<sup>34</sup>

On February 20, 1979, with the February 28 deadline to submit a revised integration plan to Judge Egly approaching, Superintendent Johnston reviewed what happened after the court-ordered district desegregation plan began in the school district since September 1978,<sup>35</sup> particularly highlighting the increasing minority population, and "strongly recommended against any expansion of the current" plan and "indicated that some cutbacks in mandatory busing may be proposed starting next September."<sup>36</sup> Referencing racial surveys from 1960 to 1978, Johnston too highlighted the decrease in the white student enrollment, the increase in the Hispanic student population, and the diversity within the district.<sup>37</sup> In an important declaration, Johnston conflated the meanings of the terms majority and minority by failing to differentiate between political and numerical minority. He asserted, "In effect, the Los Angeles Unified School District has a *combined minority population which is in fact, the majority population*" (emphasis mine).<sup>38</sup> By pointing out that whites were no longer the numerical majority (as opposed to the political majority), Johnston made the leap that whites should not be "forced" into an integration plan because the combined minority populations comprised a new "majority."<sup>39</sup> Superintendent Johnston urged keeping the current plan during the 1979-80 school year, and proposed adjusting school pairs and clusters that had "unsatisfactory participation" of white students, which would reduce, if not exempt, white students from mandatory busing.<sup>40</sup> He reported that mandatory busing had mixed results, but overall he and his staff felt "discouraged" by the loss of white students.<sup>41</sup>

While calling the experts' recommendations "unrealistic," Johnston declared that white flight had influenced his recommendation to oppose expansion of the current plan.<sup>42</sup> While court experts had recommended realigning school pairs and clusters to lower bus travel time and adding more grades to the current plan, Johnston argued that his staff found school realignments would not reduce travel times and that adding more grades to participate in the current plan would not increase integration in the district to a considerable degree.<sup>43</sup> He suggested shifting midsite locations and rejected the experts' recommendation to eliminate voluntary busing.<sup>44</sup> While Johnston recommended opening three high school magnet complexes to attract voluntary integration, he acknowledged that most minority students would remain in racially isolated minority schools, and blamed a lack of white student enrollment for the continued segregation in RIMS.<sup>45</sup> Overall, Superintendent Johnston largely countered the court experts' recommendations, rejected expanding the current plan and suggested eliminating mandatory strategies.

On February 26, LACBE voted five to two to reduce mandatory desegregation strategies and expand the voluntary components.<sup>46</sup> LACBE approved breaking up five pairs and clusters of eleven schools involved in mandatory busing starting in September 1979. The board also approved breaking up another six pairs and clusters involving fourteen schools in 1980, a notable revision considering some white students participated in pairs and clusters.<sup>47</sup> In stark contrast, LACBE unanimously approved "a significant increase in voluntary busing" to magnet schools, and *mandatory* minority student reassignments to predominantly white schools with empty seats.<sup>48</sup> Under the expansion of voluntary integration strategies, the board voted to add fourteen new magnet schools that would add roughly 2,500 students to the program, in addition to the existing forty-six magnets that housed about 10,000 students.<sup>49</sup> In a direct challenge to Judge Egly who viewed the PWT as "constitutionally questionable," LACBE approved adding 3,000 students to the PWT, costing an additional \$3 million.<sup>50</sup>

Favoring compensatory education efforts, LACBE voted to allot more funds for RIMS. LACBE unanimously approved \$24 million to improve 219 RIMS that enrolled about 256,000 students.<sup>51</sup> The NAACP's Joseph Duff expressed that he was "deeply disappointed" at LACBE for its decision to cut back mandatory programs, and charged that the board was simply preparing to appeal any Egly order on the basis of low white student enrollment.<sup>52</sup> On March 16, LACBE formally introduced its revised plan to Judge Egly, requesting scaling back mandatory

busing, expanding voluntary desegregation plans, promising to fund compensatory programs in RIMS, and claiming that current enrollment trends, particularly decreasing white student enrollment, made expansion of mandatory busing “neither reasonable or feasible.”<sup>53</sup>

Civil rights organizations and attorneys criticized the plan.<sup>54</sup> TIP’s Goldberg called the LACBE proposals for RIMS “an entrenchment of racism that forever lock nonwhite students into a second-class education.”<sup>55</sup> The NAACP’s Duff reiterated his disappointment and claimed that LACBE’s recent plan would preclude white students from being bused across the Santa Monica Mountains and that the small amount of desegregation would occur in the San Fernando Valley.<sup>56</sup> Rosenbaum and other civil rights attorneys vowed they would ask Egly to order planning for a metropolitan plan.<sup>57</sup> In contrast, BUSTOP’s attorney Tom Bartman praised the new LACBE plan, stating, “I’m pretty happy with what the board has done.”<sup>58</sup> He predicted that there would not be “any significant amount of mandatory busing next year.”<sup>59</sup>

After LACBE submitted its revised plan, Judge Egly, civil rights attorneys, LACBE, and intervenors all agreed that hearings would resume in about two months, in late May or early June, after completing depositions from prospective witnesses.<sup>60</sup> LACBE attorneys agreed to present *no* case in support of their latest plan. TIP’s Goldberg vowed to renew his effort to declare LACBE recalcitrant, while BUSTOP’s Fridkis insisted that Judge Egly could not hold further hearings because he had appealed Egly’s most recent order with the Second District Court of Appeals.<sup>61</sup>

### *Confronting Overcrowding in RIMS*

In February 1979, LACBE responded to increasing overcrowding in RIMS by directing the Los Angeles School District to construct a new \$32 million junior high school in South Gate, a predominantly Hispanic neighborhood.<sup>62</sup> LACBE commissioned new school construction in South Gate because South Gate Junior High housed 3,000 students, although it was built to house 2,000 students.<sup>63</sup> As part of the voting majority supporting new construction, board member Brown Rice said, “I don’t regard the offering of a full day of schooling to minority youngsters a *de jure* act [of segregation].”<sup>64</sup> Crowding could have forced half-day sessions or possibly a year-round schedule at the school. Brown Rice joined Bardos, Ferraro, Fiedler, and Nava, while President Miller and Bohler voted in the minority against the proposal. A concerned Miller worried the new school could constitute an act of *de jure* segregation, and argued that the

board should order construction of a new school further west to facilitate integration by busing white students from the Westside and the San Fernando Valley.<sup>65</sup>

The newly commissioned junior high school in South Gate in all likelihood would open as a RIMS, but the LACBE majority contended that the conditions in the district were so different from 1970 that the Gitelson ruling in *Crawford* did not apply.<sup>66</sup> Board members argued that low white student enrollment and overcrowding made it impossible to construct a new school that did not fall into the RIMS category. Bardos remarked that building and opening a new RIMS was a legal “calculated risk” he was willing to take.<sup>67</sup>

At the same time, according to school building planning director Ted Kimbrough, there were 3,500 empty classroom seats in thirteen district junior high schools “within 20-minute bus rides from South Gate Junior High.”<sup>68</sup> Contrary to LACBE’s stance against mandatory busing, the district was contemplating mandatorily reassigning and busing minority students to schools with empty classrooms to relieve overcrowding. LACBE did not settle on building a new school in South Gate without local political pressure. The South Gate City Council refused portable classrooms onto South Gate Junior High to relieve overcrowding “until the board committed itself to a new school in the area.”<sup>69</sup> The NAACP’s Joseph Duff vowed to ask Judge Egly to block construction of the new school. He called LACBE’s discussion about the new school “a kind of charade” because the board members “didn’t explore alternatives” since “they are so wedded to the neighborhood assignment policy.”<sup>70</sup> The *Los Angeles Times* also reported that the board was undertaking expanding current Racially Isolated Minority Schools, seemingly ignoring the basis of the original *Crawford* filing in 1963 in which civil rights attorneys sought an injunction against expanding Jordan High School.<sup>71</sup>

Over the next months, the school board vacillated over the construction of a new South Gate junior high school, partly because by now Judge Egly ruled that LACBE would have to ask for his permission to make any changes to the desegregation plan and to begin any new school construction. In June, LACBE chose *not* to reaffirm its commitment to building the new junior high school and allocating \$32 million for it, which prompted protests from South Gate parents and officials who wanted the school to relieve overcrowding.<sup>72</sup> In late June, LACBE acquiesced to the community’s demands. In a carefully tailored motion, LACBE reaffirmed plans to build a new junior high school but “declined to begin financial planning” for its construction.<sup>73</sup>

*The Los Angeles School Monitoring Committee Criticizes Portions of LACBE's Integration Plan*

While LACBE, many white parents, Valleyites, anti-busers, and some minority parents favored the magnet program, the court-appointed Los Angeles School Monitoring Committee (LASMC) reported that the magnet program “had failed to achieve a significant amount of desegregation” for students from the most racially segregated minority schools.<sup>74</sup> The LASMC indicated that “only 25% of the minority students enrolled in magnet schools or programs came from the district’s segregated schools, while the rest came from schools that were already integrated.”<sup>75</sup> “According to the report,” the *Los Angeles Times* noted, “out of 5,387 minority students enrolled in the 46 magnet schools and programs, only 1,321 came from segregated minority schools—those with enrollments that are 70% or more minority.”<sup>76</sup> These figures contradicted a district policy calling for prioritizing minority student admission to magnets. The committee found that the rest of the 5,387 students inexplicably came from Currently Integrated Schools (CISs) and therefore “were moving from one integrated situation to another.”<sup>77</sup>

The LASMC found other problems with the magnet program. Most magnets located in or near minority communities failed to attract white students; not enough magnets were located in “neutral sites” where they could attract a racial mix of students. Confusing admission guidelines contributed to the district’s failure to reach the goal of achieving at least 40% but no more than 60% white or combined minority enrollment in each magnet. Lastly, the magnet programs parents and students requested in a district survey differed from the programs the district established. LACBE allotted very limited space for particular magnets in high demand. For example 18,000 elementary school applications listed “bilingual-multicultural” magnet as the first choice, yet the district provided only 160 spaces for such a program.<sup>78</sup>

The magnet program had other major shortcomings, including “chaotic enrollment turnover” and “equally chaotic transportation problems” that led to “unreasonably long” bus rides.<sup>79</sup> Furthermore, the district rarely used magnets strategically to “stabilize the racial mix in transitional neighborhoods.”<sup>80</sup> The LASMC deemed the magnet program “an ineffective instrument for desegregation.”<sup>81</sup>

In early June, the LASMC reported that voluntary busing was unfair because it placed “an unfair burden on minority children” and protected predominantly “white schools from mandatory busing.”<sup>82</sup> The committee concluded that minority students participating in the PWT

program suffered “psychological costs.”<sup>83</sup> In spite of these numerous problems, LACBE planned to expand the magnet and PWT programs the following school year.

*Los Angeles Voters Recall LACBE President Howard Miller*

Many Angelenos were highly critical of LACBE President Howard Miller’s support of mandatory busing, and actively participated in a recall effort against him. On May 29, 1979, Angelenos went to the polls to answer two questions relating to the school board’s membership: “Should Miller be recalled, and if so, who should replace him[?]”<sup>84</sup> The *Los Angeles Times* explained the logistics of the recall vote: “If more than 50% of the voters decide yes on the recall question, Miller will be replaced with the candidate who gets the highest number of votes in the second question.”<sup>85</sup> Miller and his supporters asserted that if voters recalled Miller, mandatory busing would remain unaffected.<sup>86</sup>

Miller’s precarious board membership, his journey to the board’s presidency, his anti-busing motion, his public quarrels with Fiedler and Ferraro, and his recall election in 1979 illustrated Miller’s unconventional relationship with LACBE and the city. Miller’s association with LACBE began in September 1975 when he served on an independent LACBE-commissioned, fourteen-member citizens advisory committee, the Citizens Management Review Committee (CMRC), created to “study the management of the Los Angeles city school system.”<sup>87</sup> In February 1976, LACBE members appointed Miller to the board to replace Newman, who died from a heart attack.<sup>88</sup> In March of the same year, Miller backed creating CACSI to assist in developing a school integration plan. At the same time, he also introduced a controversial anti-busing resolution that upset civil rights groups and African American community leaders, many who had championed his appointment to the board. LACBE soon after rescinded the anti-busing motion, which infuriated anti-busing proponents. In 1977, Miller became LACBE president through a voting fluke made possible by gridlock and disagreement among board members. Miller won by a four to three vote, with support from Fiedler and Ferraro “because the pair thought he was much more acceptable to them than Kathleen Brown Rice, his rival for the post.”<sup>89</sup>

In July 1978, board members voted for Miller to serve as president for a second term by a five to two vote, and again votes in his favor included the board’s anti-busing members Fiedler and Ferraro.<sup>90</sup> Fiedler and Ferraro strategized to work against mandatory integration efforts,

explaining they had “only voted for the plan’s staunchest advocate because they wanted to focus the ‘public’s wrath’ on Miller and the board majority for approving mandatory busing.”<sup>91</sup> According to the *Los Angeles Times*, Fiedler predicted the Miller-backed integration plan would be a “disaster,” and expressed, “I can’t think of no better suited to be ‘captain of the Titanic’” than Miller.<sup>92</sup>

On March 19, 1979, Roberta Weintraub, executive director of the anti-busing group Californians Helping to Obtain Individual Choices in Education (CHOICE), had gathered the required number of valid signatures on recall petitions to oust Miller.<sup>93</sup> City Clerk Rex Layton’s office stopped counting when “the necessary 65,923 signatures were logged,” and Layton stated he would ask the City Council to certify the recall and “place it on the May 29 municipal election ballot.”<sup>94</sup> Weintraub unsuccessfully ran for board office two years earlier on an anti-busing platform, and garnered only 13% of the vote compared to Docter’s 36% and Fiedler’s 24%.<sup>95</sup> Although up for recall, Miller attempted to add himself as a candidate for LACBE in case his recall succeeded. He asked the Superior Court to grant him permission, but Judge Jerry Patch refused.<sup>96</sup> Miller then petitioned the California Supreme Court, but the seven-judge court refused to intervene.<sup>97</sup>

By April 17, a diverse alliance of civic, religious, and political leaders formed a campaign group to defeat the Miller recall.<sup>98</sup> This group, Friends of Howard Miller (FHM), included chairman Mayor Tom Bradley, co-chairman and former California Governor Edmund G. (Pat) Brown, LACBE member Kathleen Brown Rice, businessman and former special assistant to President Jimmy Carter Joseph W. Aragon, and William Robertson, executive secretary of the Los Angeles County Federation of Labor, AFL-CIO.<sup>99</sup> Reverend Thomas Kilgore, pastor of the Second Baptist Church and Barbi Weinberg, former president of the Jewish Federation Council of Los Angeles also joined.<sup>100</sup> The *Los Angeles Sentinel* reported that Bradley’s campaign group opposing Miller’s recall was part of a broader effort to call on African American Angelenos to vote against the recall.<sup>101</sup> The newspaper criticized the low voter turnout that partly led to Dr. Docter’s ouster from the school board in an election “in which the black vote was simply out to lunch.”<sup>102</sup> The *Los Angeles Sentinel* reported that LA NAACP President Paul Hudson called attention to the gravity of the recall and the need for high black voter turnout. “The black community needs to turn out in untold numbers to express its support on issues benefitting our community,” Hudson declared.<sup>103</sup>

Mayor Bradley called the Miller recall an “inappropriate punishment.”<sup>104</sup> “Howard Miller is being subjected to recall for doing his job of obeying the law in carrying out desegregation in Los Angeles,” remarked Bradley at a pro-Miller conference.<sup>105</sup> “Howard Miller has not been accused of misfeasance or malfeasance.... He has done nothing immoral or corrupt,” Bradley asserted.<sup>106</sup> Brown Rice criticized the recall, stating, “I don’t think that officials who carry out their oath of office should be subject to the tyranny of the mob.”<sup>107</sup> Others who supported Miller alleged that racism played a role in his recall. For example, Reverend Thomas Kilgore, a long-time African American community leader, told his congregation that “racism has entered into the recall and that it is vital that people get themselves registered to vote.”<sup>108</sup>

When Miller and Governor Jerry Brown attended a rally for the Reverend Jesse Jackson’s Operation Push at Crenshaw High School, Governor Brown voiced his opposition to recalling Miller, and expressed, “I would vote for his continued tenure.”<sup>109</sup> Reverend Jesse Jackson too opposed the recall, noted divisions along racial lines between those who supported and those who opposed the recall, and inextricably linked the broader civil rights movement to *Crawford* and Miller’s recall. Jackson declared, “Miller has maintained a very moral and legal posture, and it is in the best interests of all the citizens of this area to overcome racial polarization.”<sup>110</sup> In light of efforts to recall Miller and existing anti-busing fervor, Jackson emphasized the strength of the 1954 *Brown* decision, claiming, “You can’t recall the 1954 Supreme Court decision.”<sup>111</sup> “Louisiana, Mississippi and Georgia and South Carolina could not overthrow that decision ... and Los Angeles, Calif., cannot overthrow it,” Jackson stated.<sup>112</sup>

For the recall election, candidates for the school board campaigned against Miller as well as against each other, under the assumption that voters would recall Miller.<sup>113</sup> LACBE member Fiedler endorsed anti-buser Weintraub to replace Miller.<sup>114</sup> Weintraub led the successful campaign to obtain the necessary signatures to place Miller’s recall on the ballot.<sup>115</sup> In response to Mayor Bradley expressing that Miller was simply following the law when backing mandatory busing, Fiedler stated, “That [Bradley comment] is absolutely untrue. The fact is that there is no court order requiring forced busing.”<sup>116</sup> The stage was set as the recall election neared.<sup>117</sup>

Although many white community groups from throughout the city had coalesced to bring about the recall election,<sup>118</sup> political fragmentation and infighting developed among anti-busing candidates over who would emerge as the bearer of the anti-busing banner, particularly among individuals affiliated with BUSTOP.<sup>119</sup> The *Los Angeles Times* Jack McCurdy reported: “As the

campaign to recall ... board president Howard Miller gets under way, some of the candidates to succeed him are busier politicking against each other than they are against Miller.”<sup>120</sup> Daniel Danko,<sup>121</sup> a staunch opponent of mandatory busing who ran for LACBE in 1977 against Miller, “angrily assailed” Roberta Weintraub and Paul Clarke, Weintraub’s campaign manager and president of BUSTOP.<sup>122</sup> Danko was upset because Weintraub, Clarke and BUSTOP attorney Cliff Fridkis “went to court and stopped Danko from using the title “managing director—Bustop” in his ballot designation.<sup>123</sup> Clarke responded that had BUSTOP not removed the organization’s name from Danko’s ballot designation, “it would have been like lending its name to a political activity.”<sup>124</sup>

Other candidates harshly criticized Weintraub and Danko. Candidate Dolly Swift, who twice ran for LACBE on an anti-busing platform, dismissed Weintraub and Danko as “one issue” candidates and latecomers to the anti-busing fight.<sup>125</sup> She claimed to have a “fully developed program embracing a variety of key school issues.”<sup>126</sup> Candidate Paul John Marrick, who led anti-busing demonstrations at a San Pedro elementary school in 1978, ran for LACBE even though he opposed Miller’s recall.<sup>127</sup>

Within the polarizing fight over Miller’s recall and the battle over his potential replacement among anti-busers, a small group of Valleyites formed the San Fernando Coalition Against the Recall of Miller.<sup>128</sup> Undermining a political binary that usually divided the city proper and the Valley on the busing issue, the organization broke away politically from the Valley’s overwhelming numerical majority opposed to mandatory busing and Miller, and called the recall election “an abuse of the recall process” because Miller was not accused of breaking the law.<sup>129</sup> Rabbi Steven Jacobs, President of the San Fernando Valley Interfaith Council (VIC), said the coalition demonstrated that the Valley was not “a monolith unanimously” opposed to Miller or busing.<sup>130</sup> Another VIC member, Reverend Donel McClellan said that a “vote for Miller” did not translate into “a vote for busing but a vote for responsible government.”<sup>131</sup>

Nevertheless, on May 29, by a wide margin, Angelenos recalled LACBE President Howard Miller and replaced him with mandatory busing foe Weintraub, only nine months after the Los Angeles school district embarked on integrating its schools through a voluntary-first approach with limited mandatory busing.<sup>132</sup> The *Los Angeles Times* reported, “The complete returns showed 179,281 votes to recall Miller, or 57.8% to 130,690 votes against the recall, or 42.2%.”<sup>133</sup> In the election for Miller’s replacement, Weintraub received 121,612 votes, or 54%,

while all the other six candidates combined received 46%.<sup>134</sup> However, only 21% of the 1.65 million registered voters voted in this election, and Miller's recall was the first recall on record of a sitting school board member in Los Angeles history.<sup>135</sup> The *Los Angeles Times* reported that anti-busing sentiment "appeared to be strongest in the San Fernando Valley, where parents have been most vocal in their opposition, and in pockets of predominantly Anglo voters scattered throughout the rest of the city."<sup>136</sup>

Former LACBE members and others contemplated the broader significance of the recall result's effect on desegregation efforts in the Los Angeles school district. During his concession speech, Miller choked back tears and expressed, "All we can hope is that those who now move into position of responsibility ... exercise some restraint, some wisdom and come to an understanding of the necessity of exercising some leadership of their own."<sup>137</sup> On the future of integration, Miller asserted that it would be left to the courts.<sup>138</sup> State Senator Robbins, the author of a constitutional amendment to ban mandatory busing for integration, declared, "I'm very pleased, I'm a happy man tonight."<sup>139</sup> Diane Watson, former LACBE member and current state senator, worried that the ouster of Miller was part of a national trend toward conservatism.<sup>140</sup> Watson explained, "I suspect many progressive programs will be under attack and possibly eliminated altogether. This is a step backward for the (school) district. It probably will move next against affirmative action and continue the conservative trend."<sup>141</sup>

The voting patterns for or against the Miller recall demonstrated the centrality of race and politics in the recall election. Predominantly African American districts overwhelmingly voted against Miller's recall, and a couple of liberal white/Jewish districts in the Westside also voted in support of Miller, yet to a lesser degree. Miller won only in five of the fifteen City Council districts.<sup>142</sup> Garnering a sizeable proportion of the votes in three predominantly African American districts in the South-Central L.A.,<sup>143</sup> Miller won Robert Farrell's District No. 8; Gilbert Lindsay's District No. 9; and Dave Cunningham's District No. 10. The margins of victory ranged from five to one, to ten to one, even though African American voting turnout was less than the citywide average of 25%.<sup>144</sup> In the liberal white/Jewish area of District No. 5, which included Bel-Air, Westwood and West L.A., Miller won by roughly a six to five margin.<sup>145</sup> Voters from the predominantly white District No. 11, which covered all the area west of Sepulveda Blvd. from Mar Vista on the south to Woodland Hills, Tarzana, and Encino in the San

Fernando Valley on the north end, voted against Miller by almost two to one.<sup>146</sup> Miller also won District No. 6, located in the southwestern corner of the city, by a nine to seven margin.<sup>147</sup>

In contrast, the predominantly white San Fernando Valley overwhelmingly voted to recall Miller. The *Los Angeles Times* emphasized, “It was the San Fernando Valley where the anti-Miller snowball really rolled. He lost by more than 4 to 1 in the western half of the valley west of Aqueduct Ave., including Granada Hills, Chatsworth, Northridge, Canoga Park, Reseda and Winnetka.”<sup>148</sup> In the East San Fernando Valley, Miller lost District 1 by more than a three to one margin.<sup>149</sup> He lost District No. 7, which included Panorama City, Sepulveda and Van Nuys, by almost four to one.<sup>150</sup> Miller lost in District No. 2 by almost two to one.<sup>151</sup> In the increasingly diverse districts close to downtown, Miller lost District No. 4 that covered the mid-Wilshire area by a seven to six vote, and the “heavily Hispanic District 14 on the Eastside” by a slightly higher proportion than seven to six.<sup>152</sup>

#### *District 5's Volatile Board Elections Under New Election Rules*

Board elections occurred at a very precarious stage in the integration debate. With Miller's ouster, LACBE instantly became more conservative and hesitant to continue mandatory integration strategies, even though some liberals served on LACBE. An upcoming board election would reify or challenge LACBE's rightward political shift. Although the board finally appointed Reverend Bohler after more than two hundred votes to replace Watson, Bohler vowed not to run for the newly designated LACBE District 5, which was set up after passage of Proposition M in November 1978.<sup>153</sup> Proposition M called for electing board members according to geographical districts instead of districtwide,<sup>154</sup> and as a result a LACBE seat opened for District 5, which included East L.A., Bell, Cudahy, Maywood and South Gate. According to the *Los Angeles Times*' Robin Heffler, voters in these areas “had been excluded from the school board's election because of a Los Angeles City Charter provision which limited the electorate to the city.”<sup>155</sup> However, a state constitutional amendment, Proposition M, passed in June 1978 that “lifted that provision.”<sup>156</sup>

The top two candidates in the District 5 race were conservative, incumbent, anti-buser, and at-large LACBE member Richard Ferraro and Baptist Reverend Vahac Mardirosian, an education activist who played an integral role during the 1968 East LA student unrest, and whom Nava had vigorously sought to appoint to Watson's vacant board seat.<sup>157</sup> Reverend Mardirosian

had led the Education Issues Committee (EIC), and the Hispanic Urban Center in East L.A., both organizations responsible for fighting for educational improvements in East L.A., and served in the LACBE-commissioned Mexican-American Education Commission (MAEC).<sup>158</sup> The most prominent grassroots organization in East L.A., the 3,000-strong United Neighborhoods Organization (UNO) decided not to support either candidate nor become embroiled in the District 5 race because “it would be improper for the nonprofit group to get involved in politics.”<sup>159</sup> However, Mardirosian received the endorsement of notable organizations such as the County Federation of Labor, AFL-CIO, the United Teachers of Los Angeles (UTLA), the United Auto Workers (UAW), and the Teamsters.<sup>160</sup> While LACBE member Nava endorsed Mardirosian, so did politicians Mayor Tom Bradley, State Assemblyman Richard Alatorre, County Supervisor Edmund Edelman, State Senator Alex P. Garcia (D – Los Angeles), U.S. Congressman Ed Roybal (D – California), and Los Angeles Deputy Mayor Grace Montanez Davis.<sup>161</sup> Mardirosian had endorsed busing in the past, while Ferraro was a staunch anti-buser.

The District 5 school board race was unusually bitter, as the leading candidates and their camps traded biting jabs.<sup>162</sup> Mardirosian portrayed Ferraro as a one-issue “do-nothing conservative” who had “voted against every progressive educational idea” and did not work well with other board members.<sup>163</sup> “Even many of his antibusing friends don’t like him,” stated Mardirosian.<sup>164</sup> Ferraro countered by claiming that he focused on overcrowding, school violence, and quality education, and had worked well with anti-buser Fiedler and anti-busing groups.<sup>165</sup> “He’s just a tool of Nava,” Ferraro stated, referring to Mardirosian.<sup>166</sup> He added, “I’m really running against Julian Nava.”<sup>167</sup> Noting that Mardirosian had recently moved into the District 5 area to qualify for the race, Ferraro scolded claimed Mardirosian by claiming he was an outsider: “Why, he’s just a carpetbagger and he doesn’t even have his own church.”<sup>168</sup>

### *The Bitter District 5 LACBE Race*

On April 3, the District 5 election’s results proved inconclusive because none of the candidates received the necessary majority of the vote, necessitating the top two vote recipients Ferraro and Reverend Mardirosian to face off in a run-off and continue their bitter name-calling and accusations.<sup>169</sup> Ferraro had received 36.7% of the votes, while Mardirosian received 23.7%.<sup>170</sup> One of Ferraro’s campaign statements earned him the scorn of LACBE in a rare censure, making Ferraro the only board member in LACBE history to be censured twice.<sup>171</sup>

Nonetheless, in the run-off election, Ferraro defeated Reverend Mardirosian. Mardirosian lost to Ferraro by 488 votes.<sup>172</sup> In the Harbor district election, African American moderate John Greenwood defeated staunch, anti-buser Sam Fujimoto.<sup>173</sup> The new LACBE makeup that would be sworn in early July would include: conservative anti-busers Weintraub, Fiedler, Ferraro; moderate liberals who would vote in concert with the anti-busing block, Brown Rice and Greenwood; and newcomer and lone proponent of mandatory busing, Rita Walters, who won in her primary.<sup>174</sup> With Ferraro now representing the East L.A. district and therefore having to give up his districtwide seat, the new board could have appointed a seventh member to represent his old district office and area, but LACBE members did not agree on a replacement.<sup>175</sup> The State Legislature settled the matter by setting up a special election for the LACBE seat in November.

### *LACBE's Rightward Shift Continues*

Contrary to its public “conciliatory” tone towards Judge Egly,<sup>176</sup> and in repudiation of the mandatory desegregation components incorporated in its plan, on June 25 LACBE voted to review “every pair, cluster, and mid-site in order to make a determination as to whether the District should ask permission from the Court to make modifications in the current plan prior to the September, 1979 school opening.”<sup>177</sup> On July 2, a new and decidedly anti-busing LACBE was sworn in, with Weintraub, Fiedler, Ferraro, Brown Rice,<sup>178</sup> and Greenwood advocating an anti-mandatory busing stance by voting to review every pair, cluster and midsite, and Rita Walters, the lone proponent of mandatory busing.<sup>179</sup> LACBE also voted unanimously for mandatory busing foe Weintraub to serve as the new board president.<sup>180</sup> On August 27, 1979, within a month after calling for a review of the mandatory components of its present desegregation plan,<sup>181</sup> LACBE’s conservative majority no longer made veiled attempts to oppose or limit mandatory desegregation strategies. LACBE voted “tentatively to ask court approval for wholesale reductions in the school district’s mandatory busing plan,”<sup>182</sup> and to limit many of the desegregation program’s ongoing mandatory desegregation strategies.<sup>183</sup> In a separate motion introduced by Weintraub, LACBE voted four to one to drop junior high schools from mandatory busing, which would affect about 9,800 students.<sup>184</sup> In an unprecedented break from the past, LACBE’s motion requesting a halt to mandatory busing just before the school year began bothered LACBE counsel Halverson, creating tension between him and the board. Halverson believed there was not enough time to obtain Egly’s permission to reduce mandatory busing, and

that LACBE should raise those issues during the upcoming trial.<sup>185</sup> Fiedler disagreed with Halverson, claiming that the LACBE counsel was “unduly influencing the board to hold back,” and argued that asking Judge Egly to terminate the mandatory busing mandate would not have any adverse effects in the case.<sup>186</sup>

### *LACBE Contemplates Halting Teacher Integration*

LACBE’s new conservative membership sought to dismantle not only mandatory busing, but also the significant desegregation policy of teacher integration, an issue that civil rights organizations had advocated for as long as student desegregation.<sup>187</sup> The district scheduled transferring about 800 teachers before the start of the 1979-80 academic year began as part of its teacher integration program. Terminating teacher reassignment could cost the district \$10 million in federal funds to pay for teacher integration, an agreement the district and the Office of Civil Rights HEW had reached.<sup>188</sup> Previously, former LACBE member Docter had lost support of the teachers’ union (UTLA) and ultimately his board seat partly over his support for teacher integration. Board members Weintraub, Fiedler, Ferraro and Greenwood, in an interview with the *Los Angeles Times*, vowed to vote against mandatory teacher reassignment for integration even if it meant losing millions in federal funds.<sup>189</sup>

New LACBE President Weintraub called mandatory teacher transfers a “big failure as mandatory student transfers,” and indicated the district had lost 5,000 teachers since its inception. Fielder claimed mandatory teacher reassignment actually caused a shortage of qualified teachers in minority schools.<sup>190</sup> Greenwood, concurring with Fiedler, claimed that mandatory teacher transfers were “one of the big factors in the teacher shortage.”<sup>191</sup> Pat E. Turner, district assistant superintendent of schools for personnel, completely dispelled these assertions by reporting that the actual shortage was about 2,300, and expected that all but 500 of the slots would remain vacant by the beginning of the school year. Contrary to the assertions by Weintraub, Fiedler, and Greenwood claiming that mandatory teacher transfers for integration caused a teacher shortage, a major teacher shortage did not exist in the Los Angeles school district.<sup>192</sup>

### *Reproducing School Segregation and Racial Inequality*

In late July 1979, Judge Egly stated that low white student participation in integration efforts, and pairs and clusters combining predominantly white schools and predominantly

minority schools at the junior high school level resulted in additional segregated minority schools. In other words, minority students participating in mandatory programs were “being bused from one minority school to another.”<sup>193</sup> Although Egly allowed the pairings to continue for an additional year, he called the pairings “monstrous.”<sup>194</sup> For example, Judge Egly pointed out that Audubon Junior High School, which had a predominantly African American student population and was located near the intersection of Crenshaw Boulevard and Santa Barbara Boulevard (now Martin Luther King, Jr. Boulevard), had only 17.5% white enrollment in the seventh and eighth grades.<sup>195</sup> Audubon belonged to a three-member school cluster that included Mulholland Junior High in Van Nuys and Parkman Junior high in Woodland Hills. As a consequence of many white students from the Valley schools switching to private schools or finding “other ways to escape from the mandatory busing plan,” seventh and eighth grades at all three schools had “heavily minority enrollments.”<sup>196</sup> Judge Egly determined that these schools constituted segregated schools.<sup>197</sup> Therefore, the pairings meant that integration efforts, combined with white flight, resulted in segregation at the seventh and eighth grades at these three schools for minority students.

Newly calculated statistics showed the minority students overwhelmingly participated in the mandatory integration programs, disproportionately bearing the brunt of desegregation in comparison to white students. The *Los Angeles Times* reported that in the fall of 1978, 10,398 minority students compared to only 3,960 white students were enrolled in the mandatory desegregation program involving fifteen schools.<sup>198</sup> The mandatory programs included ten schools in pairs, three schools in a cluster, and two midsite schools. At the beginning of the second semester, 3,446 white students continued to participate, while minority enrollment remained roughly the same.

Due to these figures, Judge Egly stated he might grant adding ninth graders to the plan. “There seemed to be no rational reason why ninth grade was left out in the first place,” Judge Egly said.<sup>199</sup> Egly also worried that eighth graders moving on to ninth grade were scheduled to return to their old segregated schools as ninth graders.<sup>200</sup> Although calling LACBE’s exemption of ninth graders “a basic constitutional error,” at the end of July, Egly concluded that he could not “correct the error in the short time remaining” before classes began in September. He would take into consideration including the ninth grade during hearings scheduled to begin on October 25.<sup>201</sup> The ACLU’s Mark Rosenbaum vowed to ask the California Supreme Court to intervene

and order Judge Egly to add the ninth grade. “This is the first judge in history to take minority children out of a desegregation program and put them back into the most segregated schools in the district,” Rosenbaum declared.<sup>202</sup>

*Egly Attempts to Balance Voluntary Integration, Compensatory Education, and Crawford*

Judge Egly, LACBE, and the petitioners in *Crawford* continued to disagree over how to balance desegregation strategies with compensatory education efforts in racially isolated minority schools. In an effort to create some parameters around *Crawford*, in late June Judge Egly denied “without prejudice” TIP’s request to consider expanding the present desegregation plan into a metropolitan plan.<sup>203</sup> In early August, the *Los Angeles Times* reported that LACBE and civil rights attorneys were close to an agreement on a compensatory education package to improve 219 RIMS. However, the NAACP’s Joseph Duff soundly refuted the report the following day.<sup>204</sup> At around the same time, in an unusually stern warning, court referee Price cautioned LACBE “against holding hearings on mandatory busing in the five weeks” before school began because the hearings “could have an adverse effect if they appeared timed to coincide with the last weeks before the reopening of school” on September 11.<sup>205</sup> Price remarked that in a May 30 order, Egly had instructed LACBE not to make any changes to the present desegregation plan in order to “reduce uncertainty among the parents of the district,” but that Egly’s effort to calm parents would fail if LACBE continued hearings that could “turn into a raucous forum for antibusing views.”<sup>206</sup> In spite of Price’s admonition and after a “series of discussions” among Egly, LACBE counsel, and Price, LACBE planned to increase voluntary integration programs by opening six new magnets and expanding six existing magnets with Egly’s tacit approval.<sup>207</sup> Egly was also considering closing magnet programs in minority neighborhoods altogether because they were not enticing enough white students to desegregate the schools.<sup>208</sup>

In a particular instance, Egly hesitated but ultimately granted LACBE permission to open a Center for Enriched Studies (CES) magnet at Collins Street Elementary School in Woodland Hills in the West San Fernando Valley, the Valley’s most racially segregated white area. Egly discovered that LACBE had given preferential treatment to thirty fourth-graders from the predominantly white middle-class neighborhood, by granting them admission without requiring them to apply to the program.<sup>209</sup> LACBE referred to this preferential treatment as a decision to

“grandfather” the Collins Street Elementary fourth graders. William Layne, district coordinator of magnet programs, explained that the district’s decision to “grandfather” the Collins students served to induce the community to accept the magnet school. The district feared the whole community would request giving all students at Collins preferential admissions preference.<sup>210</sup> After taking the Collins CES magnet matter into consideration, Judge Egly initially rejected the proposal, only to reverse his decision soon after and approve the magnet on a temporary basis.<sup>211</sup> Judge Egly attached a major stipulation to opening the 250-student Collins CES magnet, the first in the West San Fernando Valley: the student enrollment at the Collins CES magnet must include at least 60% minority students from RIMS and include 40% or less white students.<sup>212</sup> Had the Collins CES opened under the district’s guidelines rather than under Egly’s guidance, the Collins CES magnet would have opened with up to 60% white enrollment.<sup>213</sup>

In late August, Judge Egly granted LACBE permission to proceed with a \$30-million compensatory education effort in 219 RIMS.<sup>214</sup> Egly’s actions disappointed civil rights attorneys in *Crawford* who feared that compensatory education efforts would weaken integration efforts.<sup>215</sup> Teachers in inner-city schools benefitted considerably and directly from the compensatory education funding, as \$15 million of the \$30 million was slated to fund a tentative Urban Classroom Teachers program that would provide up to 13.8% extra pay to inner-city schoolteachers.<sup>216</sup> Although Egly permitted the compensatory education program to begin in September, he emphasized that that it was “stopgap and temporary,” subject to revision after hearings on LACBE’s desegregation plan.<sup>217</sup> Egly ordered LACBE to report the planned improvements at RIMS, the compensatory programs introduced at those schools and their goals, and the programs’ projected results by January 9, 1980.<sup>218</sup>

*“Without comment”: California Supreme Court’s Rightward and Anti-Busing Shift*

At the end of August, civil rights attorneys suffered a legal setback, as the California Supreme Court, without comment, upheld an Egly ruling in which he rejected adding ninth grade to the desegregation plan.<sup>219</sup> The court denied a petition brought by a number of minority students who participated in the mandatory busing program the previous academic year as eighth graders, and who wanted to continue participating in the program as ninth graders instead of returning to their RIMS.<sup>220</sup> The ACLU had filed a petition arguing that minority students had a constitutional right to continue in the desegregation program in the ninth grade, and that LACBE

could not coerce them to return to “segregated classes in neighborhood schools.”<sup>221</sup> Although minority students wanted to continue participating in desegregation efforts and busing in the ninth grade, Judge Egly had ruled against them. In contrast, many parents from predominantly white schools sought to withdraw their schools from participating in the mandatory busing program, but LACBE could not remove them because a LACBE motion calling for their removal failed in a three to three vote.<sup>222</sup>

*The Second Year of School Integration Begins as LACBE Presses for Voluntary Integration Only*

On September 11, 1979, the second year of school desegregation began in the Los Angeles Unified School District “without incident,” “in peaceful fashion similar to the first—a few minor traffic mishaps, some late buses, but no serious problems,” according to the *Los Angeles Times*’ Kevin Roderick.<sup>223</sup> Roderick reported that teacher and pupil absences were “no higher than usual for the first day of a fall semester,” and that “A threatened sick-out by teachers was called off ... by their union president.”<sup>224</sup>

Even though public displays of anti-busing sentiment had subsided compared to the start of the previous school year, on September 24 LACBE passed one of the most sweeping anti-busing motions to date: the board asked Judge Egly to halt *all* mandatory busing in grades four through eight. The motion called for the removal of about 19,000 students from mandatory busing,<sup>225</sup> and emerged out of four weeks of secret, closed-door executive sessions attended by all six board members, board counsel, and top district officials.<sup>226</sup> The *Los Angeles Times* reported that the new policy represented a “compromise between the board’s staunchest busing foes and the more moderate members who blocked a more hard-line approach.”<sup>227</sup> This compromise consisted of a “comprehensive voluntary integration program” that would include components of the existing desegregation program, including magnets and voluntary busing to predominantly white schools, plus “whatever modifications that may appear necessary, as well as any new programs that will aid in the voluntary desegregation of the district.”<sup>228</sup> Rita Walters opposed the new plan, and accused the rest of the board of ignoring the improved attendance at magnets and increased participation in busing in grades four through eight.<sup>229</sup> The LACBE majority again claimed that mandatory busing could not work because of declining white student enrollment.<sup>230</sup> LACBE’s transformation from a board supporting very limited, mandatory busing to opposing all mandatory integration strategies, particularly busing, was complete.

LACBE's new all-voluntary approach close to the start of court hearings on the present limited, mandatory proposal prompted Judge Egly to censure LACBE for "acting irresponsibly."<sup>231</sup> However, Egly granted LACBE counsel a week to produce specific details about the new plan and explained, "I have indicated, on the basis of what information I have, that a voluntary basis would not integrate the schools. I may be wrong but that is my feeling now."<sup>232</sup> Skeptical about the timing of LACBE's all-voluntary plan, Egly said that LACBE had known the trial date for months, but it waited until after school began "to indicate they are abandoning their plan without indicating what plan they are going to pursue or without even giving details of the plan."<sup>233</sup>

On October 15, LACBE approved a new, all-voluntary plan, albeit in a closed-door, executive meeting called illegal by board member Walters.<sup>234</sup> Two days later, LACBE formally submitted a sketch of the new plan to Judge Egly.<sup>235</sup> The new all-voluntary plan included: 1) revival of the Area Program for Enrichment Exchange (APEX) program<sup>236</sup>; 2) new, larger magnet schools; 3) "corridor magnets" to decrease bus travel times; and 4) "career awareness learning centers" where integrated groups of fourth, fifth, and six graders would gather for ten-week periods.<sup>237</sup> William Layne, coordinator of magnet schools, conceded that he did not know where the money for the new high school magnets would come from.<sup>238</sup> Layne also stated that he did not believe voluntary magnets would integrate schools without also implementing a mandatory backup strategy.<sup>239</sup>

### *"The Numbers Imperative": Varied Integration Strategies vs. Segregated, Compensatory Education*

In spite of LACBE's anti-busing majority's stance, in October court-appointed experts and integrationists continued to call for a metropolitan plan.<sup>240</sup> In one plan, integration expert Thomas Pettigrew suggested a broad metropolitan busing plan that included four counties and 410,000 students.<sup>241</sup> Pettigrew argued that a metropolitan plan would produce efficiency, save money, and shorten bus rides.<sup>242</sup> For example, taking into consideration that "suburban school districts [were] closing down schools," under a metropolitan plan, minority children from "overcrowded LAUSD schools on double sessions" near these suburban schools could be bused to these suburban schools.<sup>243</sup> In another metropolitan plan, TIP proposed implementing a three-year plan that would begin in Los Angeles County and involve 151,000 students, and then

extending to eighty-six school districts in five counties in three years.<sup>244</sup> A confident Virgil Roberts of the NAACP declared, “It’s very likely that he (Egly) will order some sort of interdistrict release. Because once you establish that state law requires desegregation to go forward, you want to do it in the most efficient way possible.”<sup>245</sup>

The hearings continued on October 22, 1979, in an overcrowded courtroom with about one hundred attendees, including “between 15 and 20 lawyers for the two major parties.”<sup>246</sup> During the hearing, Judge Egly asked civil rights and LACBE attorneys a barrage of questions, including: Would an all-voluntary plan meet the California Supreme Court mandate to desegregate the district? Does the state constitution permit or require a multiethnic desegregation approach in which each school has three or more races? What is the definition of a segregated school? However, the lawyers could not answer or failed to provide adequate answers.<sup>247</sup> For example, although LACBE attorney David Peterson reasserted that white flight would continue if LACBE expanded the present plan, he could not provide any answers when Judge Egly asked him to give more details about the new all-voluntary plan, including the number of students who would attend desegregated schools.<sup>248</sup>

Judge Egly pressed not only LACBE lawyers for concrete details about its proposed integration plan, but also the civil rights attorneys at the hearing. When the NAACP’s Duff proposed considering a “multiethnic” desegregation approach, Judge Egly noted that it made sense, but conveyed, “I want to know if the (state) Constitution says this is to be done.”<sup>249</sup> Duff conceded that a multiethnic approach was “not constitutionally required—there’s not a single case,” but argued that it represented a logical approach to desegregate the district.<sup>250</sup> When Egly asked Duff to explain what constituted segregation, Duff replied that there was “too much concern about numbers” and not enough about “the moral and legal imperative” to desegregate, an answer which Egly rejected.<sup>251</sup> “You’re still going to have to deal with the numbers, Mr. Duff. We can talk about these nice things, but we’re still going to have to look at the numbers,” remarked Judge Egly.<sup>252</sup> He added, “I understand the moral imperative. I understand the legal imperative, but I also understand the numbers imperative.”<sup>253</sup> Duff countered that the “numbers” were the “low road,” but Egly responded, “That may be, but that’s what we’re down to.”<sup>254</sup> John Mack, President of the Urban League and co-chairman of the Black Leadership Coalition, called on Egly to decline LACBE’s new plan, which he described as “pure, unadulterated stonewalling.”<sup>255</sup>

The following day, Judge Egly admonished LACBE.<sup>256</sup> In an exchange with BUSTOP attorney and LACBE candidate Tom Bartman, Egly declared that LACBE “gave a promise, which this court relied on, to have systemwide desegregation insofar as the resources were available.”<sup>257</sup> Egly added that in its new, all-voluntary approach, LACBE members had “abandoned (grades) one through three” and “essentially abandoned grades nine to 12.”<sup>258</sup> Bartman stated that the board had acted responsibly when it proposed a voluntary plan because the mandatory plan had failed.<sup>259</sup> Bartman also argued that the California Constitution and the California Supreme Court mandate in the Los Angeles case permitted the school district to operate in a system in which “75% of the pupils attend segregated minority schools.”<sup>260</sup> Although he did not have projections of the voluntary plan’s desegregative effects, Bartman claimed that the voluntary plan would “outperform mandatory busing” because more magnets and the one-way PWT program would “provide integrated educational experiences for more minority children” than mandatory busing.<sup>261</sup> He also claimed that “white flight” had reached such high levels that no plan could effectively desegregate the district.<sup>262</sup> Instead, Bartman promoted compensatory education programs in segregated minority schools.<sup>263</sup> TIP’s McKinsey countered that LACBE’s voluntary plan would only involve 57,000 minority students, adding, “If only 15% of the students are going to be covered by this plan, then the plan is constitutionally defective.”<sup>264</sup> McKinsey and fellow TIP lawyer Art Goldberg asked Judge Egly to end the hearings and appoint a court expert, or “master,” to design another desegregation plan.<sup>265</sup>

### *The White Flight Debate*

In November, Judge Egly contemplated the experts’ competing and conflicting explanations on the cause of white flight in the district. RAND Corporation social scientist David J. Armor testified that 36.5% of the white students who were assigned to new schools as part of last year’s school desegregation plan “either left the school district or enrolled in private schools.”<sup>266</sup> He directly attributed most white flight to mandatory busing, long bus rides, and low academic achievement at receiving schools, but he did not blame voluntary desegregation strategies for white flight.<sup>267</sup> Armor attributed 4% to 5% decrease in white student enrollment to lower birth rates and other demographic changes.<sup>268</sup> Having studied fifty factors that might have affected white participation in mandatory busing, Armor found that race was not a “statistically

significant” factor, while long travel times and low academic minority achievement at receiving schools were significant factors.<sup>269</sup>

Armor’s testimony conflicted with University of Michigan demography professor Reynolds Farley, who contended that white flight resulted from demographic changes and less so from mandatory busing.<sup>270</sup> In his report to Judge Egly, Farley explained, “School systems in large cities are losing white enrollment at high rates because of long term demographic trends -- the aging of white population, declining fertility, and the movement to the suburbs.”<sup>271</sup> Farley reported that throughout the 1970s Los Angeles school district lost “white students at rates varying from a low of 4 percent between 1974 and 1975 to a high of 12 percent between 1976 and 1977.”<sup>272</sup> Based on his analysis of the demographic trends, “the experience of other cities at the time of integration,” and the current desegregation plans in the Los Angeles case, Farley surmised, “I believe it would take a very unusual concatenation of events for the decline in white enrollment this year to be less than 11 percent or greater than 17 percent.”<sup>273</sup> LACBE counsel David Peterson later explained Armor’s findings to the press: “You’re not just talking about racism. There is a racist element to the thing but that’s not the dominant consideration.”<sup>274</sup> The ACLU’s Mark Rosenbaum called Armor “unreliable” and “biased” against mandatory busing.<sup>275</sup>

The white flight issue incited a serious debate between the ACLU’s Rosenbaum and Judge Egly. After deeming Armor qualified to testify on white flight, Judge Egly remarked, “Crawford ... tells me I must take it [white flight] into consideration.”<sup>276</sup> Rosenbaum countered that the California Supreme Court ruling in *Crawford* also dictated that “white flight can’t be used as a smokescreen to avoid desegregation.”<sup>277</sup> Egly replied, “I’m going to have to make up my own mind ... whether it’s a smokescreen or whether it isn’t.”<sup>278</sup> Before the day’s hearing ended, Egly expressed concern about LACBE’s attempts to use Armor’s testimony to persuade him to accept an all-voluntary plan without submitting a detailed all-voluntary plan.<sup>279</sup>

### *A Special LACBE Election and Proposition 1 Results*

While Proposition 1, the anti-busing amendment, qualified for the November 6, 1979 ballot, twenty-three candidates ran in a special election on November 6 to fill the seventh LACBE seat.<sup>280</sup> The frontrunners were anti-buser and BUSTOP attorney Tom Bartman and city commissioner Alberto Juarez Jr., who was from Boyle Heights.<sup>281</sup> Juarez not only had the endorsement of LACBE members Brown Rice, Walters, and Greenwood, but he also had the

backing of Mayor Tom Bradley and Los Angeles County Federation of Labor leader William Robertson.<sup>282</sup> The *Los Angeles Times*' Kevin Roderick reported that the political control of LACBE was "at stake," but not on the issue of busing, as a majority of the six-member board had voted for an all-voluntary plan.<sup>283</sup><sup>284</sup> According to Roderick, Bradley indirectly criticized the anti-busing bloc of Fiedler, Weintraub and Ferraro for hurting education by focusing mainly on the one issue of busing. All three board members supported Tom Bartman.<sup>285</sup> Worried about the political inclinations of the incoming board member, Bradley stated, "I think anyone who comes to that board solely concerned about one issue is going to be a disservice to the students."<sup>286</sup> Professing his hostility toward mandatory busing, candidate Bartman claimed that busing was "hurting education" because it was "tying up all of the board's time and attention."<sup>287</sup>

In the election, BUSTOP attorney and anti-buser Tom Bartman defeated city commissioner Alberto Juarez Jr., leaving LACBE without any Hispanic representation despite Hispanic students comprising about 43% of the district's student population. Initially, Bartman captured only 46% of the vote in the special November election, which was not enough to win the seventh LACBE seat,<sup>288</sup> forcing a runoff election on February 5.<sup>289</sup> With only 17% of the district's eligible 1.3 million voters participating, Bartman won the runoff with 64.76% of the vote, while Juarez Jr. received 35.24%.<sup>290</sup> Bartman vowed to work with Hispanic community leaders who opposed his election,<sup>291</sup> however Hispanic community leaders were upset because LACBE was not representative of the racial demographics of Los Angeles. With Bartman's arrival, the racial makeup of LACBE consisted of five whites and two African Americans. In the election, Juarez only won districts with African American residents, while he ran only slightly ahead in the 14<sup>th</sup> District, which included parts of the Eastside with a large segment of Hispanics.<sup>292</sup> Bartman won all other districts.

On the same November 6, 1979 election, Californians passed Proposition 1 by a 68.6% to 31.4% vote.<sup>293</sup> Immediately "after the first flow of returns indicated victory," LACBE's Weintraub called for an emergency closed-door session to consider the effect of Proposition 1 on *Crawford*.<sup>294</sup> Notably, on the day after California voters passed Proposition 1, Judge Egly "strongly indicated" that he would likely find LACBE's new all-voluntary plan unconstitutional because it did not appear to meet the California Supreme Court's mandate to desegregate.<sup>295</sup> A concerned Judge Egly expressed, "I have doubts" that the all-voluntary plan "will meet either the 14<sup>th</sup> Amendment or the California [Supreme Court] mandate."<sup>296</sup> Egly added that he was unaware

of an existing federal desegregation case in which a federal court permitted a school district to desegregate schools through voluntary programs only.<sup>297</sup> Although Egly found magnet schools an acceptable method of desegregation, he again questioned the constitutionality of the one-way PWT, which now represented a major part of LACBE's new voluntary plan.<sup>298</sup> LACBE lawyers concurred with Egly's concerns, but added that the school board was trying "to provide the greatest possible desegregation experience for as many of the children ... as possible."<sup>299</sup>

The following day LACBE instructed its lawyers to invoke Proposition 1 in an effort to halt all mandatory busing.<sup>300</sup> Confident that the district would not be found guilty of intentional segregation under federal standards, Fiedler remarked, "I am confident that Proposition 1 will be responsible for beginning the end of forced busing in Los Angeles."<sup>301</sup> Later, Fiedler attacked Judge Egly by questioning his impartiality, charging that he had prejudged the case by publicly declaring that the board's voluntary integration plan would not work.<sup>302</sup> Speaking before a crowd at an annual political action conference of the California Conservative Union, Fiedler resorted to hyperbole, stating, "I have to tell you that I think we're facing judicial tyranny."<sup>303</sup> Pointing to Judge Egly as an example, she suggested finding a way to "bypass the judiciary" because it was "totally political."<sup>304</sup> On November 15, LACBE attorneys formally filed a request to end mandatory busing in the Los Angeles Unified School District.<sup>305</sup> In another legal defeat for integrationists throughout the state, in early December, a federal court judge permitted courts to reopen school desegregation cases under Proposition 1.<sup>306</sup>

### *Minority Communities and the PWT*

Although Judge Egly often worried about the PWT's constitutionality, the program was very popular among minorities, who comprised 99% of the participants.<sup>307</sup> PWT program director George C. Shannon explained that due to its popularity with minorities, the district could expand the program from 16,500 to 40,000 in just three years, and that current minority students participating in mandatory programs could switch to the voluntary program.<sup>308</sup> Some African Americans believed the PWT represented an opportunity to integrate schools, provided access to better educational opportunities, and granted an escape from the challenging, substandard conditions in their neighborhood schools. In the late 1960s, the Hispanic community became receptive to the idea of busing, partly in response to the 1968 student walkouts, an event that informed minority parents about the unequal educational opportunities of their children and the

substandard conditions in the neighborhood schools. Many Hispanic parents asserted they backed busing because it represented better educational opportunities, and emphasized that desegregation was a byproduct but not their main goal. LACBE and LAUSD officials, keenly aware of minorities' willingness to participate in the PWT, sought to transform the minority communities' participation in the PWT into a sizeable portion of its all-voluntary desegregation plan.

Cognizant of these circumstances, Judge Egly also discovered a glaringly unfair practice within the PWT: LACBE reassigned minority students participating in the PWT to their neighborhood schools if they got into trouble twice at the receiving school, while a similar policy did not exist for white students participating in the PWT.<sup>309</sup> "This section of the PWT program upsets me terribly," the judge said during a hearing.<sup>310</sup> Egly added, "It seems to me there's a built-in lack of sensitivity to the fact that all children are the same."<sup>311</sup> He called a recess to "cool off." Later, PWT program director Shannon told Egly that a minority student who committed two offenses was not necessarily returned to his neighborhood school. Egly disagreed, noting that the policy, as drafted, specifically noted that a minority student with two offenses would be returned to his or her neighborhood school.<sup>312</sup>

Testifying about additional points of contention within the PWT, Shannon denied that the PWT had a "creaming effect," meaning that the PWT removed the best students from minority schools and bused them elsewhere. However, Shannon admitted that "PWT students in certain schools are sought after because of their athletic ability," which meant that predominantly white schools might have employed the PWT as a recruiting mechanism to locate and enroll some of the best athletes from RIMS.<sup>313</sup> Shannon also rejected the idea that the PWT had "adverse psychological effects on minority students," as the LASMC had reported.<sup>314</sup>

The PWT's demographic data had remained largely elusive, but Shannon's testimony clearly demonstrated that the PWT was primarily a minority student busing program, in both mandatory and voluntary busing strategies. Shannon testified that 18,600 students participated in the PWT the previous year, but that 1,865 students were mandatorily reassigned from overcrowded schools, leaving 16,945 students participating in the voluntary portion of the plan.<sup>315</sup> The racial and ethnic breakdown of participants in the PWT program included: 77% African American; 17.5% Hispanic; 4.3% Asian, and 1.2% white. Minority students, i.e. the combination of African American and Hispanic students, represented 94.5% of total PWT

participation. The non-white student participants made up 98.8% of the total.<sup>316</sup> In light of the overwhelming minority participation and the nearly non-existent white participation, LACBE attorney Peterson stated that the PWT was the sole “reasonable and feasible” approach in the Los Angeles school district, and called the PWT “really the only thing we can do.”<sup>317</sup> Judge Egly disagreed with Peterson’s assessment.<sup>318</sup>

*“Consistent with federal law”: LACBE and Egly Spar Over Proposition 1 and Its Applicability to Crawford*

On December 4, 1979, LACBE formally asked Judge Egly to eliminate all mandatory busing in the LAUSD, citing Proposition 1 and low white student enrollment.<sup>319</sup> Aware that Proposition 1 represented widespread community opposition to mandatory busing, Judge Egly stood his ground, and proclaimed that he would decide the Los Angeles school desegregation case according to law, not according public opinion.<sup>320</sup> “People do not like mandatory busing,” Egly admitted. “We’ve just had a vote in this state. I have thousands of letters which attest to it ... I’m a member of the larger community—I’m aware of these things,” he said.<sup>321</sup>

The *Los Angeles Times* reported that in response to LACBE’s citing of Proposition 1 to dismantle mandatory busing, civil rights attorneys “branded Proposition 1 as ‘patently unconstitutional’ and a prime example of ‘over a century of discrimination legislation against minorities in California.’”<sup>322</sup> In a brief to Judge Egly, ACLU, NAACP, and Los Angeles Center for Law and Justice attorneys argued that Proposition 1 violated the equal protection clauses of both the California and United States Constitutions and “was unmistakably aimed at restricting the rights of minority children to attend integrated schools.”<sup>323</sup> The lawyers asserted that Proposition 1 “was designed to nullify desegregation mandates handed down by the California Supreme Court and ‘to seize from minority children the education fruits’ of those mandates,” and “to burden minority children alone with the continuing injury of a segregation education.”<sup>324</sup> The attorneys also stressed that Proposition 1 represented a direct attack on California legal precedent, “an unbroken chain of California cases which refuse to permit recalcitrant schools boards to place additional litigation hurdles in the path of minority children seeking their right to an equal education.”<sup>325</sup>

Civil rights attorneys faced a formidable legal challenge as Proposition 1 brought California law “into line with federal law in school desegregation cases.”<sup>326</sup> Prior to Proposition

1, California law required school desegregation “regardless of cause,” while federal law required school desegregation *only if* school district officials *intentionally* segregated schools, a challenging burden of proof and a standard as high as a criminal case.<sup>327</sup> In other words, even if a civil rights group proved *de jure* segregation, mandatory busing would not be a remedy unless the civil rights group *also* proved *intent*. In a legal argument that seemed to require re-trying *Crawford* all over again, LACBE and BUSTOP proposed that if Judge Egly ruled that prior violations necessitated sustained mandatory busing, then Proposition 1 would require new hearings to determine if his findings were “consistent with federal law,” meaning that findings of prior violations had to be intentional acts of segregation in order to require mandatory busing.<sup>328</sup> Proposition 1 also granted any citizen to petition a superior court to reopen a school desegregation case at any time in order to review “current facts,” a facet of the proposition that conflicted with legal bans against retrying cases. “It is a mad-hatters prescription for endless litigation—converted to constitutional rights,” civil rights attorneys asserted.<sup>329</sup> They elaborate, “Minority children are to achieve final judgments (in desegregation cases) only to defend, defend, and defend.”<sup>330</sup>

### *Magnets and Racial Inequality: LACBE Endorses Cancelling Magnet Programs in Minority Neighborhoods*

In late December, LACBE argued that magnet programs in predominantly minority neighborhoods should be cancelled because they failed to attract white students. LACBE planned to drop eleven of these magnet programs in the fall of 1980 and possibly an additional half dozen programs with 10% to 20% white enrollment in the fall of 1981 as part of its all-voluntary plan.<sup>331</sup> Conversely, many magnet schools in predominantly white neighborhoods exceeded 60% white enrollment, and most were *segregated* white schools under LACBE guidelines, yet LACBE did not threaten to cancel magnets there.<sup>332</sup> Under LACBE’s new all-voluntary plan, magnet programs would exist only in segregated white schools and in a “few” racially mixed communities.<sup>333</sup> LACBE threatened to end magnet programs in RIMS and even in racially mixed neighborhoods.

In an unmistakable example of this unequal policy, magnet program director William Layne explained that district officials planned to relocate the Alternative School magnet program from its present location in the Hamilton High School campus, located in a relatively racially

mixed community in the Westside, to Temescal Canyon, a predominantly middle- and upper-class, white neighborhood located near the intersection of Sunset Boulevard and Pacific Coast Highway.<sup>334</sup> In an unfair twist of fate, LACBE planned to force minority students who had participated in a magnet program in nearby schools to participate in *voluntary* busing programs that would likely transport them to schools far removed from their neighborhoods once LACBE terminated local magnet programs.

Civil rights lawyers cross-examined Layne and dissected the magnet program to show many inherent problems, including perpetuating racial inequality through magnet schools. For example, the NAACP's Joseph Duff revealed that only twenty-two of fifty-four magnets met the district's criteria of a desegregated school.<sup>335</sup> He argued that LACBE and the district did not choose magnet school sites in a "systematic way," leading to "some peculiar locations for magnet schools and centers."<sup>336</sup> Duff explained that LACBE did not open magnets in "neutral sites," i.e. racially mixed communities that would have been conducive to attracting integrated enrollments.<sup>337</sup> Instead, the district opened magnet centers in racially segregated minority and white communities, subsequently leading to many racially segregated minority and white magnets. Moreover, while anti-busers had often claimed that mandatory busing strained tax coffers, Duff noted that the magnet program was extremely expensive, in terms of both transportation and the cost of running existing and opening new magnet schools. Board President Weintraub in fact acknowledged that the all-voluntary plan would cost more than the present mandatory plan, but claimed the extra cost would be worthwhile.<sup>338</sup> Duff stated that "[r]elatively few Hispanic students" enrolled in magnets, a concern with which Layne concurred.<sup>339</sup> In spite of the numerous criticism about the magnet program, neither Duff nor McKinsey proposed ending it, suggesting instead keeping some magnets conducive to integration.

#### *Challenges to Combating Severe Overcrowding in Racially Isolated Minority Schools (RIMS)*

By early 1980, the immigrant population in the Los Angeles school district had grown to such magnitudes that it caused severe overcrowding in city schools, particularly in the Wilshire Corridor and the southeast area of Los Angeles. In January 1980, LACBE school building director Ted Kimbrough testified that five new schools in the Wilshire area and four new schools in the southeast area were necessary to relieve overcrowding.<sup>340</sup> On cross examination during

integration hearings, Kimbrough admitted that all nine schools, and any other new schools constructed in overcrowded areas, would open as Racially Isolated Minority Schools (RIMS).<sup>341</sup> TIP's McKinsey argued that opening racially segregated minority schools violated the Gitelson ruling of 1970. She added that LACBE's policies caused overcrowding in the first place, and yet LACBE now claimed that new schools were necessary to confront overcrowding even though the new schools would surely open as racially segregated.<sup>342</sup>

Anti-busing board members did not deviate from their anti-busing stance and contributed to overcrowding in inner-city schools. In unusually candid testimony, LACBE school building director Kimbrough testified that children who attended overcrowded schools were "those who can least afford to lose teaching time."<sup>343</sup> To ease severe overcrowding at two RIMS, LACBE could have mandatorily reassigned students from overcrowded Union and Hoover Elementary Schools, which were overwhelmingly Latino. However, Weintraub, Fiedler, and Ferraro, in keeping with their anti-mandatory reassignment and anti-busing stance, blocked the measure because it necessitated *mandatory* transfers.<sup>344</sup> LACBE received support for the transfers from both communities surrounding Union and Hoover Schools, but Weintraub did not act on the transfers due to the cost of transportation.<sup>345</sup> With ideal opportunities to integrate underutilized, predominantly white schools in the Valley *and* to ease overcrowding in RIMS, LACBE opted to open new RIMS.

Kimbrough also testified that racism complicated efforts to ease overcrowding through transfers. White residents had "made statements to the board to the effect that we could relieve overcrowding if we took all the wetbacks [referring to undocumented Latinos] and sent them back where they came from," Kimbrough stated.<sup>346</sup> He also testified, "They [white parents] say 'our schools are for *our* kids' and make other kinds of statements that bring out the worst emotions."<sup>347</sup> Referring to Miles Avenue Elementary in Huntington Park, an overcrowded school with 2,256 students on a year-round schedule, Kimbrough said that Latino parents were unwilling to transfer their children to predominantly African American schools.<sup>348</sup> Kimbrough recounted that at a meeting of about 800 parents at Miles Elementary, not one Latino parent volunteered in light of the "severe overcrowding," even though he explained that transferring their children to predominantly African American schools could reduce overcrowding at Miles by 50%. Kimbrough stated that Latinos "would prefer to go to a white school than to a black

school. That's a hell of a statement for me to make ... but that's the general consensus of opinion I get."<sup>349</sup>

The overall picture of race relations and education in a diverse setting was bleak. Predominantly white Valley students attended several half-empty, underutilized and inefficiently run schools; white parents wanted undocumented immigrants to "go back where they came from"; Latino parents would not allow their children to transfer to African American schools nearby, opting instead to keep their children in severely overcrowded RIMS; and African Americans participated in the PWT and mandatory integration programs, or had little choice but to remain in RIMS.<sup>350</sup> Although racial and ethnic diversity was increasing in Los Angeles in 1980, students attended largely segregated schools, and their parents made no attempts to volunteer to integrate schools even though integration via transfers could have relieved severe overcrowding in RIMS and improved their educational opportunities.

#### *LACBE Proposes Ending Mandatory Integration and Focusing on Compensatory Education in RIMS*

By January 7, 1980, LACBE's rightward shift was complete and the conservative board passed a motion that reflected its unequivocal intent to dismantle all mandatory integration strategies. In an emphatic proposal, the liberal Brown Rice presented the following:

RESOLVED, That this Board of Education formally adopts, ratifies, and approves its proposed voluntary desegregation plan as that plan is described in its submission to the Court ... and reaffirms its request of the Court that the mandatory components of the current Court-ordered plan be terminated at the earliest convenience.<sup>351</sup>

Though firmly opposed to any mandatory integration strategies, LACBE reaffirmed its support for school integration.

*Crawford* hearings continued, and included discussions over what to do with RIMS that would in all likelihood remain racially segregated in spite of Judge Egly's best efforts. Civil rights lawyers believed LACBE's compensatory education plans to upgrade RIMS was a "throwback" to the "separate but equal" standard before *Brown*, but, according to the *Los Angeles Times*, civil rights attorneys were "resigned to the fact that Egly is determined to include improvements for segregated schools in his final order in the case."<sup>352</sup> Civil rights challenged Egly's focus on RIMS by arguing that a metropolitan plan of a "multi-ethnic" nature could reduce segregation in current RIMS.<sup>353</sup> However, Judge Egly deemed consideration of a

metropolitan plan premature and “expressed doubt that a multi-ethnic plan is logistically possible or that it is sanctioned by the California Supreme Court decision” in *Crawford*.<sup>354</sup>

Judge Egly questioned witnesses about numerous compensatory education programs for RIMS,<sup>355</sup> noting that spending millions on compensatory education had failed to improve education in minority schools in the past. Egly asked director of RIMS projects Ted Alexander what goals he expected from a long list of compensatory programs.<sup>356</sup> Alexander replied, “If we can upgrade the teachers and the staff, then we’re beginning to really grapple with the problems of these [segregated minority] schools.”<sup>357</sup> Alexander explained why LACBE and the district had opted not to implement compensatory education programs at 217 RIMS, stating, “It clearly needs to be stated that RIMS is the No. 1 priority. The district has said it is *but sometimes this doesn’t happen because it goes against the traditional policy of treating all schools equally*” (emphasis mine).<sup>358</sup> Alexander repeatedly asked Judge Egly to “insist on top priority” for RIMS in any of his orders.<sup>359</sup> Alexander revealed that LACBE’s colorblind ideology, i.e. “treating all schools equally,” prevented the board from engaging in genuine efforts to improve education in RIMS. However, in 1980, *Crawford* was forcing LACBE to pursue either mandatory integration programs or compensatory education, with LACBE choosing compensatory education.

#### *Judge Egly Criticizes LACBE’s All-Voluntary Integration Plan and Questions the Board’s Commitment to Desegregation*

In early February, Judge Egly finally received a detailed description of LACBE’s all-voluntary plan after several requests from an unenthusiastic Phil Jordan, the district’s integration director.<sup>360</sup> Jordan testified that he did not help develop LACBE’s all-voluntary plan, but instead was busy developing ways to upgrade RIMS excluded from the voluntary plan.<sup>361</sup> The ACLU’s Mark Rosenbaum claimed that Jordan’s testimony demonstrated LACBE’s lack of commitment to desegregation because it did not develop its voluntary plan by carefully studying the district’s demographics and the current desegregation program.<sup>362</sup> Jordan also testified that there was “no guarantee that this plan or a mandatory plan or any plan will produce the desired results.”<sup>363</sup>

In response to LACBE’s general overview of its all-voluntary plan, Judge Egly stated that the proposal did not meet his July 5, 1977 order directing LACBE to “realistically commence the desegregation of this district,” calling attention to LACBE’s failure to pledge to desegregate any minority schools.<sup>364</sup> In one of his toughest criticisms of LACBE to date, Judge Egly called on the

board to convince him that the all-voluntary plan was not unconstitutional.<sup>365</sup> Egly focused his criticism on LACBE's new proposal of educational complexes, which represented the foundation of the board's newest plan.<sup>366</sup> A skeptical Egly stated, "Tell me what is supposed to occur in those complexes ... I am unable to understand the workings of the complexes."<sup>367</sup> He indicated that LACBE did not plan to transfer students in complexes unless students volunteered to do so. He added that he did not understand how the board would make boundary changes, how student transfers within the complexes would work, and how the school board planned to racially balance the complexes. He quipped, "You can redraw boundaries all you want but it's no good if you don't desegregate." He declared that LACBE appeared to assume desegregation would simply occur, but stated, "I am not prepared to assume it."<sup>368</sup> He surmised that if the complexes did not desegregate, then the two other parts of the LACBE plan, magnet schools and busing minority students to predominantly white schools through the PWT, would not desegregate either.<sup>369</sup>

LACBE witness, notable school desegregation researcher, and sociology professor James Coleman testified that "no mandatory plan ... is going to provide ... stable integration for minority schools."<sup>370</sup> However, Coleman concurred with Judge Egly's contention that LACBE's strategy for educational complexes was unclear, calling the complexes idea a "problematical portion" of the plan.<sup>371</sup> Coleman told Egly, "Like you, I am uncertain about the innerworkings of the complexes."<sup>372</sup> Coleman testified that a voluntary desegregation plan could accomplish more desegregation, but on cross-examination by the ACLU's Rosenbaum, Coleman conceded that he had not actually studied voluntary programs.<sup>373</sup> This admission prompted Judge Egly to state, "We have a flat statement (from Coleman and the board) that a voluntary plan is going to do better but we have no basis (for that statement)."<sup>374</sup>

### *Los Angeles and San Bernardino Integration Cases Intersect Again*

As the judge in school desegregation cases in Los Angeles and San Bernardino, Judge Egly gained insights from one case that he could apply to the other. In the San Bernardino case, Judge Egly heard testimony from Derrick Bell, a Harvard Law Professor and former lawyer for the NAACP Legal Defense and Educational Fund who had handled school desegregation cases in the 1960s.<sup>375</sup> In a hearing about what percentage constituted a segregated school, Bell offered testimony that countered his previous views about school desegregation. He testified that in

most cases school desegregation had “worked to the disadvantage of black and other minority children.”<sup>376</sup> Bell endorsed improving segregated minority schools instead of school desegregation.<sup>377</sup> “You can’t tell much from percentages,” he testified, adding that in the early desegregation cases lawyers like himself believed that “you had to place black children where the white children were, so we concentrated on racial balance.”<sup>378</sup> According to Bell, racial balance either did not occur or happened only for a short time. He argued that in desegregated schools, white students continued to dominate in a “systematic subjugation of black children by whites” that did not pay much attention to the needs of minority students.<sup>379</sup>

Bell also contended that civil rights lawyers in the landmark *Brown* case were naïve because “we believed that racial separation was evil.”<sup>380</sup> “Now we see that this is only one manifestation of the real evil ... racism,” he added. He surmised that the remedy was improving RIMS, particularly in large urban areas where a heavy minority city-center school population was surrounded by predominantly white suburbs.<sup>381</sup> He predicted that these circumstances were “not likely to change,” and therefore the district should invest money and efforts in minority schools.<sup>382</sup> He declared that the evidence showed that “black children can learn and that they can learn as effectively in a black setting as in a desegregated setting.”<sup>383</sup>

### *Professor Orfield Testifies*

In late February, civil rights attorneys began presenting their case for desegregation to Judge Egly, centering on three main components: 1) calling for a multiethnic desegregation approach (combining three or more races or ethnic groups in schools) in which white student enrollment in each school would be between 20% to 40%; 2) demonstrating that a voluntary desegregation plan would not successfully desegregate the district; and 3) showing that a metropolitan plan, which would combine the “73% minority” Los Angeles school district with surrounding predominantly white school districts, represented the only viable approach to desegregate Los Angeles’ public schools.<sup>384</sup> Judge Egly remained unenthusiastic about the multiethnic approach. He said he did not consider a school to be desegregated unless it had at least 50% white enrollment, a judicial pronouncement that undermined the civil rights groups’ call for a multiethnic plan.<sup>385</sup> “We have to get him off that 50%,” stated the NAACP’s Duff.<sup>386</sup>

Gary Orfield, a political scientist from the University of Illinois and school integration expert testified that voluntary desegregation had not been successful in major cities. Orfield

predicted that LACBE's new all-voluntary desegregation plan that combined magnet schools with the PWT and a nebulous integrated "educational complexes" idea would fail.<sup>387</sup> He told the court that educational complexes would undermine magnet schools because "the only white students who would not be in complexes would be in the West (San Fernando) Valley and there would be no incentive for them to volunteer for long bus rides to magnets."<sup>388</sup> Orfield referred to the one-way busing in the PWT from the most segregated minority neighborhoods as "a very inequitable situation."<sup>389</sup> He advised Judge Egly to retain mandatory busing, or at least a mandatory backup for the next plan, and to progress as quickly as possible toward a metropolitan plan.<sup>390</sup> Although Orfield's recommendations included mandatory integration strategies and a metropolitan plan, he did not endorse the multiethnic approach promoted by civil rights groups, Pettigrew, and TIP. Instead, he endorsed defining of an integrated school as any school with an enrollment of "an approximately equal representation of 'mainstream' and segregated minorities."<sup>391</sup> As for the proportions that constituted an integrated school, he contended, "Perhaps there could be a range from 45 to 55 percent based on the realistically projected enrollment for the next year."<sup>392</sup> Although he did not endorse the multiethnic strategy, Orfield suggested testing it along with other short-term strategies. If a short-term plan was not implemented, he predicted "there will continue to be high levels of isolation ... on a scale that's almost unequal to anyplace else in the country."<sup>393</sup>

Orfield testified that LACBE's "exclusion of 100% minority schools in the South-Central ghetto or in the East Side Barrios was one of the least defensible elements in the all-voluntary plan."<sup>394</sup> He described African Americans as "the most intensely and most involuntarily segregated of all" in Los Angeles.<sup>395</sup> In his report to the court, Orfield further explained, "Blacks are not only the most residentially segregated from whites, but also the most isolated from Hispanics, Asians, and Indians as well."<sup>396</sup> Orfield differentiated the segregated residential conditions African Americans experienced from a group he classified as "Mexican-Americans and other Hispanics."<sup>397</sup> Orfield commented that some Hispanics were "intensely segregated" while others were not.<sup>398</sup> In his report to Judge Egly, he further explained that "only one-fifth of the Hispanics of the Los Angeles-Orange County area live in the East Los Angeles barrio. Most others live in smaller areas of Hispanic concentration, significantly less segregated than either the black ghetto or East Los Angeles."<sup>399</sup> In spite of their varying segregated conditions, Orfield asserted that all Hispanics should be classified as being part of a minority group for the purpose

of desegregation.<sup>400</sup> Orfield believed that differentiating between minority and mainstream in the Hispanic population was a “practical problem of such severity” that made “distinctions within the group unfeasible” in 1978.<sup>401</sup>

Orfield advocated classifying most Asians as “mainstream” along with whites because he believed Asians were not residentially segregated and therefore did not suffer educational, economic, or social deprivation.<sup>402</sup> “If blacks are the clearest case of a segregated minority group, the Asian and Pacific peoples of the Los Angeles area are the clearest examples of racial minorities that are not highly segregated and do not qualify as a segregated minority,” Orfield wrote.<sup>403</sup> This rethinking of Asians as non-minority would result in a larger pool of “mainstream” students for desegregation. Orfield’s re-classification of Asians as non-minority excluded recent Asian immigrants with limited or no English speaking skills.<sup>404</sup> Orfield also contended that Native Americans should be classified as “mainstream” because they were “very widely scattered through the district, with no significant pocket of Indian residential or school segregation.”<sup>405</sup>

Orfield and LACBE’s experts had analyzed the same data yet had come to conflicting conclusions, what Egly referred to as a “pre-determined result” about how to desegregate the district, prompting a fascinating exchange between Orfield and a puzzled Egly.<sup>406</sup> Egly quipped, “So what should be the basis of my decision?”<sup>407</sup> Orfield quipped that the same data that resulted in conflicting expert testimony was “one reason we need judges.”<sup>408</sup> The *Los Angeles Times* documented the rest of the exchange:

**Egly:** “So you are looking for a pattern of human behavior?”

**Orfield:** “Of course. That’s what social science is about. We should do the best work possible and be modest about our claims.

**Egly:** “I’m being asked in this case to predict human behavior ... what is the best way to do it or should I give up and do what I think is right?”

**Orfield:** “You should look at the local data, study the experience of other cities that are farther along in the (desegregation) process and then apply common sense to it.”

**Egly:** “Common sense is what?”

**Orfield** (smiling): “That’s the wisdom judges are endowed with.”

**Egly** (with a laugh): “Well, you aren’t much help.”<sup>409</sup>

In spite of the moment of levity in the courtroom, the adversarial and bitter debate over how to desegregate schools continued.

### *An African American Neighborhood Fights to Save Its Local Magnet Program*

While LACBE protected magnets in predominantly white neighborhoods from closure even if they operated as segregated under district desegregation guidelines, African American parents from the Leimert Park area protested LACBE plans to shut down a magnet program in their neighborhood school due to a lack of white student participation.<sup>410</sup> African American parents defended a magnet program in Dublin Avenue Elementary, a program that only enticed three white students the previous year and only one white student in the 1979-1980 school year.<sup>411</sup> The *Los Angeles Times* reported, “But parents of Dublin students argue that they have an excellent educational offering that is serving the interests of minority students and that it is unfair to penalize those students because whites refuse to participate.”<sup>412</sup> Elvin Sanders, a parent leader at Dublin, called LACBE “insensitive to the needs of quality education for minority children.”<sup>413</sup> Noting a contradiction in LACBE attitudes, Sanders proclaimed that LACBE was “spending millions of dollars trying to defend its all-voluntary (desegregation) plan in court, but we have an example of a successful voluntary program and they won’t make the effort to keep it.”<sup>414</sup>

Therefore, while LACBE defended magnets with majority white student enrollments in the San Fernando Valley, and voluntary participation by minority students to these schools guaranteed their continuation even though some magnets were segregated white schools, a lack of white student participation in magnets in minority neighborhoods threatened the continuation of a popular magnet at Dublin and magnets at ten other minority schools.<sup>415</sup> LACBE claimed that it would try to secure Dublin’s magnet program funds, either by reclassifying Dublin as a Center for Enriched Studies (CES) or as a RIMS.

Well organized, Dublin’s parents and neighborhood countered the image of troubled inner-city neighborhoods.<sup>416</sup> The Dublin PTA had 776 members representing *every family* in the school, a remarkable feat by any measure. Additionally, Dublin principal Aileen Woodson had “mobilized a large group of parent volunteers to work as classroom aides to help with playground supervision and even to patrol the grounds at night.”<sup>417</sup> Such efforts attracted ninety-four transfer students from outside Dublin’s attendance area.<sup>418</sup> The mother of the single white student attending Dublin, Cheryl Hinkle, asked Judge Egly to allow Dublin’s magnet program to continue. Hinkle explained, “If my son is prevented from returning to Dublin next fall will he understand the intricacies of magnet school funding or will he see that education of ‘only one’ white child, and his own effort of helping blacks obtain full human rights, didn’t matter?”<sup>419</sup>

A lack of white student participation disappointed Dublin parents, who now focused on securing the magnet program for their children. Some parents deemphasized integration, leading to disagreements among them. Marciene Hunter, a mother of two Dublin students, said, “I think they’re placing too much emphasis on that [integration].”<sup>420</sup> Ethel Davis, a mother of a Dublin fourth-grader, said, “I welcome it (integration) and maybe it will happen someday, but I am more concerned about the education the kids are getting now.”<sup>421</sup> A concerned Sanders, the parent leader, disagreed, stating, “We can’t retreat back to a ‘separate but equal’ doctrine because the Board of Education ... would not give a black school the kind of break they would give a white school.”<sup>422</sup> Sanders worried about the development of segregated magnet schools that could lead to treating white and black magnets students differently.

To improve their children’s education, Dublin parents were not only fighting to preserve the magnet program, they were also fighting overcrowding. They had pressed LACBE to add two portable classrooms to relieve overcrowding that had developed during the 1979-80 academic year.<sup>423</sup> Overcrowding had forced the school to hold classes in a hallway and in a book storage room.<sup>424</sup> Parents contended that school administrators had promised to add portable classrooms on three different occasions, but Ted D. Kimbrough, director of school building planning, insisted that no one made such promises.<sup>425</sup> In a highly uncommon move, school district officials blamed overcrowding on the school, and in particular Dublin principal Aileen Woodson, for admitting students from outside the school’s attendance boundaries “without using the regular magnet enrollment procedures.”<sup>426</sup> Byron Kimball, deputy director of school building planning remarked, “From our standpoint, the school brought its problem on itself.”<sup>427</sup>

LACBE President Roberta Weintraub took a very severe stance against Dublin. In a meeting with Dublin parents on January 14, Weintraub recalled she told Dublin parents, “If they keep pushing for a bungalow we can’t afford to put in there, then we’ll have to scan their attendance.”<sup>428</sup> “And if we find many students who shouldn’t be there and eliminate them (by sending them back to their neighborhood schools), then maybe they wouldn’t need a bungalow,” she added.<sup>429</sup> This was not an empty threat, as the district took a draconian, rare step and audited the school’s attendance records.<sup>430</sup> District officials claimed they found a significant number of Dublin students who lived outside Dublin’s attendance boundaries, but officials declined to make all of their findings public. Principal Woodson acknowledged that twenty to thirty students outside of Dublin’s boundaries enrolled at Dublin, but blamed overcrowding on the district’s

last-minute class-size reduction guidelines in grades one, two, and three.<sup>431</sup> Weintraub's criticism of Dublin did not stop there. "I told them [Dublin parents] if they were really smart, they'd keep their mouths shut," she said.<sup>432</sup> She added, "I'm sorry they went to the press on this issue. They're opening up a whole Pandora's Box and now that they've opened it up, I have no idea how it will turn out."<sup>433</sup>

While the lack of white student participation in Dublin's magnet program made it likely that LACBE and Judge Egly might terminate the magnet program there, in stark contrast, some Valley magnet schools had enticed enough minority students to participate voluntarily, ensuring the continuation of magnets in the Valley. Additionally, whereas Dublin suffered from overcrowding and its parents requested portable classrooms that LACBE subsequently denied, LACBE decided to keep open about twenty San Fernando Valley schools that were running at about 50% capacity. In an extreme case in 1978, LACBE decided not to shut down Highlander Elementary in Canoga Park, which had an enrollment of 111 students even though it had a capacity for over 600 students. While Dublin suffered from overcrowding, roughly twenty Valley schools remained in operation even though they were roughly half empty.

### *Bilingual Education Revisited in Crawford*

Bilingual education complicated the already difficult issue of school desegregation. Civil rights lawyers called on bilingual education expert Jose A. Cardenas, executive director of the Intercultural Development Research Association in San Antonio, Texas, to testify about how to contend with desegregation and bilingual education simultaneously, and what the two issues meant to the broader issue of equal education. Cardenas testified that both bilingual education and desegregation "must be provided to students who speak little English if they are to receive true equal educational opportunity."<sup>434</sup> He argued that there was no reason to assume that bilingual education could not be provided to limited-English speaking (LES) students under a school desegregation plan.<sup>435</sup> Cardenas' testimony countered LACBE and LACBE witnesses' claims that desegregation was "likely to interfere with efforts to provide bilingual education to the district's large Latino population, many of whom" did not speak English.<sup>436</sup> LACBE had also argued that the district did not have enough bilingual teachers to serve LES and non-English speaking (NES) students if these students were distributed throughout the district under a desegregation plan.<sup>437</sup> Cardenas asserted that school desegregation and bilingual education could

be achieved simultaneously, but required “court monitoring to make sure the (bilingual) education programs do not suffer when students are moved.”<sup>438</sup> Although LACBE claimed that a mandatory busing plan would interfere with bilingual education, federal and state civil rights officials found the district out of compliance with federal bilingual education requirements, as LACBE, according to Cardenas’ testimony, had failed to provide bilingual instruction to 57% of the district’s 100,000 NES and LES students.<sup>439</sup>

Teachers directly benefitted from what the UTLA once called “combat pay,” extra pay given to teachers who worked in RIMS that UTLA first opposed but later accepted once LACBE included more schools and more teachers. However, the UTLA leadership disapproved of compensating teachers with bilingual skills. UTLA leader Judy Solkovits, according to the *Los Angeles Times*, “said the union is against paying teachers different rates of pay just because some possess special skills, such as an ability to speak English and Spanish.”<sup>440</sup> Aware that both state and federal standards called for bilingual teachers in classrooms with a significant number of LES or NES students, Solkovits’ testimony puzzled Judge Egly.<sup>441</sup> Solkovits explained that the UTLA did not support compensating teachers who gained bilingual skills by taking language courses because it placed them higher on the district’s salary scale. Egly remarked that the UTLA’s stance appeared to “discriminate against the native (Spanish) speaker.”<sup>442</sup> Solkovits admitted that she had “a difficult time answering” Egly’s argument.<sup>443</sup> Egly commented that it seemed that the UTLA’s “real concern” was that “recent college graduates with a command of both languages might come in ... and get higher pay than those (teachers) already there.”<sup>444</sup> In other words, the UTLA wanted to protect teachers with seniority even if younger teachers possessed better and more qualifications, including bilingual skills. Solkovits seemed to propose a *voluntary* bilingual teacher incentive program in which the district would “provide paid training programs to encourage teachers to become bilingual,” instead of compensating new teachers who already possessed bilingual skills.<sup>445</sup>

With hearings winding down, the adversarial camps’ reaffirmed their major arguments. Civil rights and TIP attorneys argued that: 1) voluntary methods would not desegregate RIMS and the 275,000 minority students attending them; 2) LACBE designed a poorly developed and badly executed plan that caused “white flight”; 3) a mandatory plan involving all grades, except kindergarten, and as many schools as possible was needed; and 4) a metropolitan plan represented the only viable long-term solution to integrate the district. LACBE countered: 1)

mandatory busing in the ongoing plan had caused white flight; 2) there were not enough white students to make mandatory busing a feasible policy; and 3) Judge Egly should approve an all-voluntary plan that included magnets, the PWT, and sixteen “educational complexes.”<sup>446</sup> LACBE counsel Halverson optimistically stated, “Every witness has qualified and testified ... Cross examination has done nothing but bolster our case.”<sup>447</sup> *The Los Angeles Times*’ Trombley quipped, “It is difficult to see the basis for Halverson’s optimism since Egly has been critical of almost every part of the board’s proposed plan.”<sup>448</sup>

### *Defining a Segregated School Divides Court Experts*

The question of what defined a segregated school in Los Angeles remained unresolved in *Crawford*, and the debate centered on whether a desegregated school should have a majority or near majority or some nominal representation of whites in it.<sup>449</sup> Civil rights and TIP attorneys did not believe desegregated schools should have a white majority or near majority, and instead proposed a “multiethnic,” or “triethnic” definition. Judge Egly often conveyed his reservations about this approach, instead “leaning toward a definition requiring 50% white enrollment, plus or minus 10%.”<sup>450</sup> Plaintiffs’ attorneys disagreed with Egly because such a definition would “reduce the number of schools that could be desegregated and probably leave untouched schools with 40% to 60% white enrollment, many in the San Fernando Valley and West Los Angeles.”<sup>451</sup> TIP projected that under Egly’s approach, only twenty-one schools would be desegregated, while under a “multiethnic” plan, 170 additional segregated minority schools could be desegregated.<sup>452</sup> LACBE opposed a multiethnic approach, instead seeking an all-voluntary plan based on a “majority-white” definition.<sup>453</sup>

Defining a segregated school divided the court experts. Gary Orfield contended that very little research on the multiethnic approach existed and that this approach remained an unproven way to diminish the harms of racial isolation.<sup>454</sup> Instead, he called for a metropolitan plan.<sup>455</sup> Orfield and the metropolitan approach had the support of former LACBE member and current California State Senator Diane Watson, who testified that integration in L.A. would not happen unless Judge Egly ordered a metropolitan plan managed by independent officials.<sup>456</sup>

Another court expert, Thomas Pettigrew, disagreed with Orfield.<sup>457</sup> Although Pettigrew acknowledged that very little research existed on multiethnic schools, he argued that “indirect evidence” suggested that a “multiethnic” approach provided positive educational gains in an

integrated setting.<sup>458</sup> Based on the “network perspective,” Pettigrew proposed a three-prong working definition of a (de)segregated school. He recommended that the ideal desegregated school in Los Angeles would be “multiethnic with Anglo students constituting a plurality of the student body but not significantly more numerous (+25%) than the next largest group.”<sup>459</sup> Secondly, in “biethnic schools,” Pettigrew suggested “desegregation would be achieved with a clear majority [white] target of approximately 60% (+5% or minus 10%).”<sup>460</sup> “Consequently,” he elaborated, “no school in the District would have more than a 65% Anglo student body.”<sup>461</sup> “Conversely,” Pettigrew surmised, “a segregated school is defined as a school where a single minority group is larger than the Anglo representation.”<sup>462</sup> While Orfield and Pettigrew offered competing definition of a (de)segregated school, Egly insisted on evidence that supported a multiethnic approach. Clearly at odds with Judge Egly, the NAACP’s Joe Duff noted that research that favored a particular percentage of white students within a given desegregated school did not exist.<sup>463</sup>

#### *LACBE Revisits Overcrowding at the End of Crawford Hearings*

While experts debated the definition of a segregated school, LACBE submitted plans to relieve overcrowding plaguing Los Angeles schools and disproportionately affecting RIMS. On April 11, the last day of the *Crawford* hearings, and at Judge Egly’s behest, LACBE submitted an \$8.7 million master plan to relieve overcrowding at fifty-three schools, most which were “in heavily Latino East Los Angeles and Huntington Park-South Gate,” as part of its new desegregation plan in September.<sup>464</sup> Under this plan, LACBE and the district would create and enforce enrollment ceilings on schools to control overcrowding.<sup>465</sup> However in a major shortcoming, LACBE’s plan to relieve overcrowding did not deal with relieving segregation.

#### *An Anticlimactic End to Crawford Hearings*

Plaintiffs’ and LACBE’s attorneys submitted final arguments in written briefs on April 23, officially bringing *Crawford*, first filed in August 1963, to a close after roughly six months of hearings.<sup>466</sup> Civil rights attorneys asked Judge Egly to order a substantial mandatory desegregation plan, while LACBE cautioned that such a plan would be a “disaster” for the district.<sup>467</sup> In its eighty-four-page brief, LACBE proclaimed to have done “its part” by submitting an all-voluntary plan, and argued that trial testimony and its experience with the present part-voluntary, part-mandatory plan showed “that mandatory reassignment ... would not work

effectively in this district.”<sup>468</sup> The board reiterated that its proposed voluntary plan made “the best use of the district’s dwindling white (student) resources, attempts to maintain schools which are presently desegregated and ... provided more desegregation than any mandatory plan.”<sup>469</sup>

However, civil rights attorneys argued that studies demonstrated that white flight in Los Angeles in 1978 “was not extraordinary for a district undergoing desegregation.”<sup>470</sup> They acknowledged that many big cities were losing white students due to lower birth rates, and that demographers predicted that a decrease in white student population would continue with or without a desegregation plan.<sup>471</sup> The civil rights attorneys also asserted, “Courts have consistently held voluntary plans unconstitutional for their failure in prospect and in experience to desegregate minority schools.”<sup>472</sup> Finally, they concluded that *Crawford* had transformed into a metropolitan desegregation case and would continue long after Judge Egly’s order.<sup>473</sup> Integrationists, anti-busers, LACBE, and Angelenos awaited Judge Egly’s final order.

#### *Egly Orders Own Desegregation Plan and LACBE Appeals Without Delay*

On May 19, 1980, in a monumental decision, Judge Egly rejected LACBE’s “proposed all-voluntary approach and, instead, ordered a mandatory plan covering grades one through nine,” reported the *Los Angeles Times*.<sup>474</sup> Egly ordered LACBE to “implement in September a *mandatory school desegregation plan that includes more grades than at present but at the same time eliminates cross-district busing*” (emphasis mine).<sup>475</sup> Senior high school desegregation would begin with tenth graders in the fall of 1981.<sup>476</sup> In his plan, Egly ordered the “district divided into 11 ‘community areas’ *with mandatory busing within areas but not between areas*” (emphasis mine).<sup>477</sup> In preparation for his plan, Judge Egly visited an astounding twenty-six schools throughout the district from February 28 to March 4, 1980, in areas that included downtown Los Angeles, South-Central L.A., East L.A., and the San Fernando Valley.<sup>478</sup>

Taking into consideration key demands from L.A.’s highly diverse population, Judge Egly’s comprehensive plan synthesized pleas for integration central to *Crawford*, key demands from the 1968 East L.A. student demonstrators and Hispanic community, and at least one major concern from white San Fernando Valley residents. Egly wanted more students and more schools involved in the integration process. Confronting multiple complex issues simultaneously, Egly placed “heavy emphasis on the development of a coordinated plan to attack overcrowding and segregation in the district’s largely Hispanic schools and also to provide

bilingual instruction for the 100,000 or so pupils, 85% of them Hispanic,” according to the *Los Angeles Times*.<sup>479</sup> Egly ordered a halt to busing between Los Angeles proper and the San Fernando Valley, acknowledging the concerns of many white Valley parents who vehemently opposed busing their children long distances to the city proper.<sup>480</sup> Keenly aware that many schools in the South-Central L.A. area would remain segregated, Egly ordered compensatory education programs to continue there. In sum, he listened to the concerns of African Americans and ordered compensatory education programs; he took into account the concerns of the Hispanic community that clamored for improved bilingual education; and he acknowledge many Valley parents who opposed busing long distances across the Santa Monica Mountains.

Judge Egly ruled that Proposition 1, the anti-busing amendment to the California Constitution passed by California voters in November 1979, did not apply to the Los Angeles desegregation case.<sup>481</sup> LACBE immediately voted to appeal Egly’s order by a 6-1 vote on the grounds that Proposition 1 applied to *Crawford*, with Rita Walters dissenting.<sup>482</sup> Egly, however, stood his ground. In a separate three-page order, Egly explained “that the Los Angeles district was found guilty of de jure (intentional) segregation during the original trial 1969-70, and in such cases the same kind of remedy is required by both state and federal law.”<sup>483</sup> State Senator Alan Robbins, who sponsored Proposition 1, disagreed with Egly’s ruling. “To threaten to begin busing five- and six-year-old children in September will fill their parents’ hearts with fear,” Robbins said.<sup>484</sup> Legal experts believed Egly’s recent order would survive appeals but questioned its feasibility for the coming academic year in September.<sup>485</sup> All parties, including intervenors, had twenty-five days to file objections.<sup>486</sup>

The *Los Angeles Times*’ McCurdy outlined eight key desegregation points in Judge Egly’s order, including the participating grades, the “community areas,” and the two-prong definition of a segregated school (see Figure 7.1), and provided an accompanying map to Judge Egly’s desegregation plan (see Map 7.1).<sup>487</sup>

Most of the initial reaction to Egly’s order was negative. “Within minutes” of the ruling, reported the *Los Angeles Times*’ Kevin Roderick and Frank Del Olmo, “it became clear that none of the parties to the 17-year-old case was satisfied.”<sup>488</sup> LACBE objected because Egly rejected its all-voluntary proposal and instead ordered more mandatory busing, while those “chiefly of

# DESEGREGATION PLAN'S KEY POINTS

Highlights of the new school desegregation plan:

**GRADES:** Grades one through nine will be included next year. Senior high school desegregation is to begin with 10th graders in fall, 1981, followed by 11th graders in 1982 and 12th graders in 1983.

The present plan covers only grades four through eight, although some schools have included more grades voluntarily.

**AREAS:** School district is divided into 11 community areas. Seven areas are to have various degrees of integration while four areas of South-Central and East Los Angeles will remain segregated.

Mandatory busing is permitted within an area but not between areas. This means no routes will cross the Santa Monica Mountains. Most bus rides south of the mountains will be 30 minutes or less, while rides in the San Fernando Valley may be as long as 45 minutes.

Within 60 days, the board is to produce "mini-plans" for each integrated area, making mandatory assignments first and then permitting voluntary desegregation up to 15% of the total schools in each area.

**DEFINITION:** Two definitions of a desegregated school are used. Where there are two races in a school, whites must be 50%, plus or minus 10%. Where there are three or more races, whites must be in a plurality, with a 5% leeway.

**NUMBERS:** The new plan is expected to include more students than the current plan but exact numbers will not be known until mini-plans for the seven integrated areas have been approved.

There are about 68,000 pupils in the present plan—38,500 in mandatory busing, 18,500 in Permits With Transportation (PWT) and 11,000 in "magnet" programs.

**PWT:** This voluntary, one-way busing program will be sharply reduced in size—from about 18,500 pupils this year to 5,000 to 6,000 next year.

Senior high school students may continue in PWT until graduation and some elementary and secondary pupils will be able to move from segregated minority schools to integrated schools in areas one, two and five. But many minority elementary and junior high students will be returned to segregated minority schools.

**MAGNETS:** Districtwide magnets will be permitted if they meet enrollment guidelines of 40% white, 60% minority.

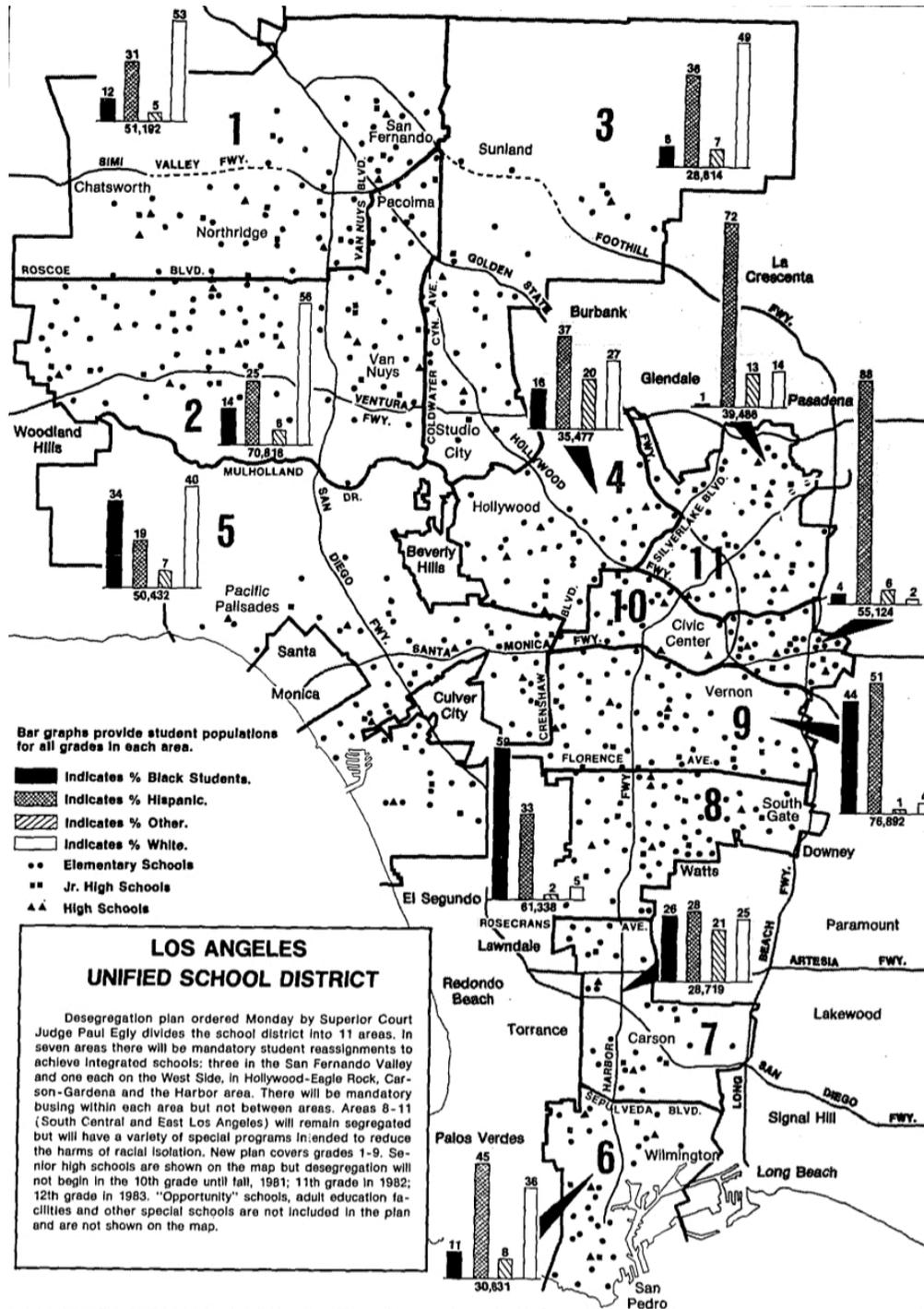
Many existing magnets probably will survive as part of the 15% voluntary component of each area plan but the total number of magnet programs that will be offered next year, and the numbers of students expected to attend them, will not be known until the area mini-plans are approved.

**SEGREGATED SCHOOLS:** Special programs to relieve harms will be included in a later court order, but the Urban Classroom Teacher program, which pays an additional 11% salary to about 6,000 teachers in 102 inner-city schools, will be continued.

**BILINGUAL:** Bilingual instruction must be provided at levels required by federal government. The school board is to produce a coordinated plan to deal with segregation, overcrowding and language problems in Hispanic schools. The board is to negotiate with the teachers' union for extra pay for bilingual teachers and other bilingual education improvements.

Figure 7.1. Key Points in Superior Court Judge Paul Egly's Integration Plan. In May 1980, Judge Egly presented a comprehensible integration plan that included compensatory and bilingual education programs. Source: *Los Angeles Times* 20 May 1980.

minority interests and their attorneys, expressed unhappiness and in some cases anger that the order did not go further.”<sup>489</sup>



Map 7.1. Superior Court Judge Paul Egly’s Integration Plan, May 1980. Having grown weary of LACBE efforts to remove mandatory integration strategies, Judge Egly developed his own integration plan and ordered LACBE to integrate the district’s schools. Source: *Los Angeles Times*, 20 May 1980.

Predicting “a tremendous exodus” of white students, LACBE President Weintraub said the ruling would “totally destroy the neighborhood school system.”<sup>490</sup> “In a statement sure to anger Egly,” the *Los Angeles Times* quoted Weintraub, “she said, ‘If I were a white parent, I’d be looking for a private school or a new home outside the district.’”<sup>491</sup> The newspaper also reported that anti-buser “Fiedler said, ‘We are talking about taking little children, 6-year-old babies, out of their parents’ hands and pushing them across the city. I can find no rationalization for that.’”<sup>492</sup> Such statements reinforced Egly’s criticisms of LACBE members. “In his order,” reported the *Los Angeles Times*, “Egly blamed the board’s past statements and actions for encouraging white flight, and he suggested that the severity of the order was in part due to his feeling that the board has not shown a serious commitment to desegregation.”<sup>493</sup>

Trying to introduce some perspective, court referee Price remarked that “the board members might regret they spoke so hastily and strongly,” and advised Weintraub to read the ruling before issuing statements.<sup>494</sup> Rita Walters, the lone board member who voted not to appeal Egly’s plan opined, “I read the decision from a different perspective. I am prepared to work with the court ... (the rest of the board) is once again trying to perpetrate a fraud on the people ... by spending millions of dollars to appeal a lost cause.”<sup>495</sup> Greenwood and Brown Rice, “generally regarded as moderates and who represent large blocks of minority voters,” voted with the conservative block to seek an appeal,<sup>496</sup> cementing LACBE’s conservative shift.

Ironically, Egly’s order excluded Jordan High School, the minority, segregated high school in the original *Crawford* lawsuit.<sup>497</sup> “Jordan students, although generally unaware of their school’s pioneering role, said they resent being left out of an otherwise districtwide desegregation plan,” reported the *Los Angeles Times*.<sup>498</sup> Jordan High School Student Body President Glenda Taylor stated, “[W]e’re part of the Los Angeles school district. If they’re going to integrate other schools, why didn’t they integrate us?”<sup>499</sup> Linnie Clark, an eighteen-year-old senior, remarked, “I feel it’s terrible. We’re lower-rated, not so much because we’re black but because we’re in this area. It’s Watts, it’s near the projects and it’s black.”<sup>500</sup> She explained, “People remember the Watts riots. They say there’s violence here. But there’s violence in every school.”<sup>501</sup> Marty Kaychach, an English and journalism teacher at Jordan, said, “The board has never shown any good intentions toward us. They want us to go away, like a bad dream.”<sup>502</sup>

Egly did not include the most heavily minority areas of the school district<sup>503</sup> in order to reconcile the three broad competing issues of integration, compensatory education, and bilingual/bicultural education, and to meet the needs of Los Angeles' diverse but racially segregated minority communities. According to the *Los Angeles Times*' Roderick and Del Olmo, Egly ordered minority areas to "receive special attention to ensure that school children there have equality as to expenditures and other elements thought to help determine the quality of education."<sup>504</sup> Egly partly agreed with calls to bolster compensatory education and, by extension, the need to improve bilingual education programs for NES and LES students in minority and increasingly *immigrant* neighborhoods. He was also keenly aware that integration could develop in the Valley due to the increasing numbers of Hispanics and the presence of African Americans in and around the eastern part of the Valley.<sup>505</sup>

The NAACP and the ACLU contemplated appealing Egly's ruling. NAACP attorney Duff called the ruling a "step forward" but too noted that a "significant part of the desegregation effort ... still remains to be made."<sup>506</sup> Paul Hidson, President of the LA NAACP, stated, "If I was a parent in the San Fernando Valley I'd be delighted,"<sup>507</sup> He also expressed, "If I was a parent in South-Central L.A., I would be pissed."<sup>508</sup> The ACLU's lead attorney Fred Okrand stated that "it could be another 20 years before full school integration is achieved in Los Angeles, and then only through a metropolitan, or interdistrict, busing plan."<sup>509</sup> Ramona Ripston, Executive Director of the ACLU, called the order "a very progressive decision," but said "Egly did not offer the solution to segregation" that the ACLU and its lawyers sought.<sup>510</sup> The ACLU's Mark Rosenbaum called the exclusion of minority schools "indefensible," and vowed to return to court in order to desegregate the excluded schools.<sup>511</sup> TIP's McKinsey told reporters that she would "urge her group to appeal the decision because the South-Central ghetto and East Side barrios are largely omitted from the plan."<sup>512</sup> She added that "the exclusion of large minority areas from desegregation –while attempting to increase the level of education there— was outlawed by the 1954 U.S. Supreme Court decision ... that struck down 'separate but equal' education systems."<sup>513</sup>

Two minority commissions that LACBE created to inform it about minority concerns about integration coalesced in their opposition to Egly's plan, albeit for different reasons, while Mayor Bradley refrained from harsh criticism. Bob Thomas of the Black Education Commission (BEC) noted "that the only black areas that will be required to desegregate by exchanging

students with white areas are the middle-class black neighborhoods of the West Side and the San Fernando Valley.”<sup>514</sup> Despite Egly’s order to improve bilingual programs, Raul P. Arreola, Executive Director of the Mexican-American Education Commission (MAEC), said, “We are sort of boxed out of integration and are now boxed into a ghetto area.”<sup>515</sup> Ever discreet and mindful about the potential repercussions of his remarks, Mayor Bradley stated, “I do want to commend Judge Paul Egly for the way he has handled this very difficult assignment. He has shown remarkable restraint and he displayed careful attention to all of the conflicting demands made upon him.”<sup>516</sup>

One of the most scathing criticisms of Egly’s order came from probuser and Community Relations Conference of Southern California (CRCSC) representative H. Rogosin. Rogosin argued that Egly’s order reflected LACBE’s anti-busing stance, cultivated a segregated school system, and perpetuated the “dangerous myths of racial and ethnic superiority, hidden and subtle, overt and covert ... and which are all too prevalent in the United States today.”<sup>517</sup>

On July 7, 1980, Judge Egly signed the integration order, granting LACBE forty-five days of planning effective the following day.<sup>518</sup> He ordered LACBE to submit a plan by August 21, and in turn he would render a decision about the plan within five days.<sup>519</sup> Within those five days, according to board minutes, LACBE would “notify all parents, students, teachers, and administrative staffs of all school assignments for September, and all administrative guidelines for the implementation of the program.”<sup>520</sup> The ACLU’s Rosenbaum planned to appeal the order, calling it unconstitutional, yet grudgingly supported the order for implementation because “his clients would be injured -- and it would be substantial and irreparable injury -- if the Order were not to go into effect.”<sup>521</sup>

Devising how to implement Egly’s plan remained the responsibility of LACBE; therefore, if LACBE wanted to stall or stop implementing a plan, it could simply not submit a plan for integration. On August 11, 1980, LACBE passed a motion by a six to one vote directing its legal counsel to “take all legal steps which ... are most likely to result in a full application of Proposition 1 to the Crawford Case, including a petition for a Writ of Mandate before the California State Supreme Court, and if necessary, a petition to the United States Supreme Court.”<sup>522</sup> On August 27, the California State Supreme Court denied the board’s appeal of Egly’s order. LACBE lawyers immediately followed up with a request for a stay of the order with the Second Court of Appeal.

Meanwhile on August 28, Judge Egly issued an order that would temporarily approve numerous programs for RIMS.<sup>523</sup> Egly authorized continuing the PWT program “at the same enrollment level as the previous school year, but among fewer schools.”<sup>524</sup> He ordered the participation of seventy-seven receiving schools and ninety-nine sending schools, yet specified, “Minority students may be bused to segregated white schools but only to the extent that the numbers of minority and white remain ‘roughly equal.’”<sup>525</sup> Egly also ordered the implementation of various compensatory education programs, including bilingual/bicultural programs, which bound LACBE to fulfill many of the promises it made to the 1968 student demonstrators.<sup>526</sup>

LACBE sought United States Supreme Court intervention to halt the integration plan, and appeals for a stay against mandatory integration efforts once again reached Supreme Court Justice William Rehnquist.<sup>527</sup> LACBE argued that mandatory busing would “accelerate” white flight.<sup>528</sup> White flight, in turn, would “reduce pupil reimbursement from the State” and “defeat any hope of further desegregating the schools in the district.”<sup>529</sup> In response, Rehnquist communicated his ideas about what he believed constituted a “minority” group, which he closely associated with low racial and ethnic numerical representation instead of political dominance irrespective of proportional representation.<sup>530</sup> He contended, “There might be some question of standing if the petitioners were a group of whites, ‘Anglos,’ or whatever the terminology used to describe them is, for if the latest 1979 school census submitted by the Board in its application is to be credited, they themselves would be a minority.”<sup>531</sup> In spite of his reservations, Judge Rehnquist once again rejected appeals for a stay of mandatory integration strategies. He explained:

I think that a stay granted less than a week before the scheduled opening of school, when school officials and state courts are still trying to put in place the final pieces of a plan, would not be a proper exercise of my function as a Circuit Justice, even though were I voting on the merits of a petition for certiorari challenging the plan I would, as presently advised, feel differently.<sup>532</sup>

He ordered, “The application for a stay is accordingly *Denied*.”<sup>533</sup>

LACBE continued its relentless efforts to challenge mandatory busing in the courts. On November 17, 1980, LACBE considered contrasting motions on the extent of the board’s compliance with *Crawford*, and ultimately demonstrated its conservative political shift and willingness to defy the court by disregarding the orders with which it disagreed. In one motion,

board member Walters asked LACBE to “declare that we accept as our responsibility the duty to adhere to and obey all orders of the Court related to the Crawford Case.”<sup>534</sup> Bartman submitted a substitute motion that stated, “The Board will continue to seek appropriate judicial relief from any order of a court with which it disagrees,” a motion that granted infinite power to the anti-busing voting majority on the board to challenge any court order that it disliked.<sup>535</sup> LACBE passed Bartman’s motion by a four to one vote, with Walters alone in opposition, and two abstentions. Anti-busers, having gained the necessary voting majority in LACBE, formally declared they would challenge any and all court orders when they disagreed with them.<sup>536</sup>

*The Second District Court of Appeals Rules Proposition 1 Applies to Crawford and Questions Applicability of Brown to Los Angeles*

LACBE appealed Egly’s ruling by claiming Proposition 1 applied to the case, however the ACLU’s Fred Okrand vehemently disagreed. Proposition 1, the *Los Angeles Times* reiterated, “sought to stop mandatory busing by bringing California law into line with federal law, which prohibits court-ordered busing unless the segregation was intentional.”<sup>537</sup> On December 8 before the Second District Court of Appeals, Okrand argued that California Proposition 1 violated the United States Constitution because it deprived “minority students attending segregated minority schools of their right to a desegregated education.”<sup>538</sup> He contended that Proposition 1 appeared to be “neutral in tone” but actually discriminated against minorities.<sup>539</sup> Okrand asserted, “There is no question Proposition 1 was passed ... for the purpose of halting the desegregation that was going on at that very moment in Los Angeles.”<sup>540</sup>

In a crucial ruling on December 19, 1980, the Second District Court of Appeals found the anti-busing Proposition 1 constitutional under the Fourteenth Amendment, declaring that it did not “authorize or perpetuate segregation,” contrary to civil rights lawyers’ claims, “nor remove the duty of a school board under state law to affirmatively address the problem of racial imbalance in the schools.”<sup>541</sup> The Second District Court of Appeals further explained:

In requiring that remedial aspects of the duty to desegregate conform to the requirements of the Fourteenth Amendment as interpreted by the decisions of the United States Supreme Court, it [Proposition 1] merely provides a more precise contour to the duty established by California law and court decisions to desegregate public schools regardless of cause.<sup>542</sup>

The Second District Court of Appeals “embraced the arguments of the antibusing Los Angeles Board of Education and pointedly rejected the contentions of civil rights attorneys,” reported the *Los Angeles Times*’ Kevin Roderick.<sup>543</sup> Roderick noted, “The same appellate panel issued several rulings last summer overturning significant parts of the mandatory busing orders handed down by Superior Court Judge Paul Egly, and is considered to be a conservative group of judges.”<sup>544</sup> LACBE representatives were “thrilled” but “civil rights attorneys said they were not surprised that the appellate panel ruled in favor of the amendment.”<sup>545</sup> The ACLU’s Okrand predicted that “mandatory desegregation would be permitted to continue by the state high court.”<sup>546</sup> LACBE member Bartman believed the United States Supreme Court would “ultimately uphold the opinion” of the appeals panel.<sup>547</sup>

### *Debating “Intentional Acts of Segregation”*

Judge Egly and the Second District Court of Appeals clearly disagreed on the narrow issue of whether LACBE intentionally caused school segregation. The two courts also disagreed on whether Judge Gitelson found intentional acts of segregation when he ordered LACBE to desegregate the school district in his 1970 order. The appeals court agreed with LACBE’s contention that the board did not intentionally cause segregation, and that the “1970 Gitelson ruling did not include a finding that segregation in the Los Angeles school system was explicitly due to board action or inaction.”<sup>548</sup> In direct conflict, Judge Egly ruled that the “1970 trial indeed found the board guilty of intentional segregation acts,” which compelled him to find Proposition 1 “as inapplicable to Los Angeles.”<sup>549</sup> “Instead of intentional segregation,” Roderick explained, “the [appellate court] justices said Gitelson found only that segregation existed and that the school board did not do anything to relieve it.”<sup>550</sup> He added, “[T]he [school] board was under no obligation to integrate the schools if people chose to live in segregated communities, the [appeals] panel said.”<sup>551</sup> The appeal’s court opinion on this issue partly read, “A school board has no duty under the (Constitution) to meet and overcome the effects of population movements.”<sup>552</sup> The appeals court also ruled that Proposition 1 was constitutional because “it did not violate the equal protection clause of the U.S. Constitution,” as civil rights attorneys had argued.<sup>553</sup>

Although the effects of unequal segregated educational facilities on minority children were the underpinnings of *Brown*, the appeals court appeared not only to challenge *Brown* but also to overturn it, condoning what amounted to *separate and unequal* educational facilities. The

appeals court disagreed with civil rights attorneys who declared that LACBE perpetuated segregation and discrimination by promoting unequal educational facilities along racial lines. The appeals panel said that segregated, unequal facilities “would only be an intentional act of segregation if the inferior quality of the schools was purposely maintained to perpetuate segregation.”<sup>554</sup> They said, in effect, that the problem was not racial,” Roderick reported.<sup>555</sup> The court added, “The two problems (unequal facilities and discrimination) frequently parallel one another but they are distinct and different problems.”<sup>556</sup>

*The Second District Court of Appeals Redefines “Minority” and “Majority”*

Seeking to redefine the meaning of “minority” and “majority,” the appeals court questioned the applicability of the 1954 *Brown* case to Los Angeles in 1980. Roderick reported, “[T]he court said it was archaic to continue calling whites the majority and ethnic groups a minority, since whites make up only 27% of the district’s student enrollment.”<sup>557</sup> The appeals court ruling clearly sought to erode the underpinnings of *Brown*, as Roderick explained:

The justices said the belief that minority students can have their lot improved by being desegregated with white students was based in the landmark 1954 *Brown vs. Board of Education* decision and was “questionable” for 1980. They said that minority students “do not suffer the psychological trauma of deliberate isolation” when they are in the numerical majority.<sup>558</sup>

Challenging the appellate court’s conclusions, the NAACP’s Duff said the “justices appeared to be selective in the facts they chose to consider and ignored the fact the board had the authority to improve minority schools to the same quality as white schools.”<sup>559</sup>

LACBE attorney Shea called the appeals court decision “a clear step to ending mandatory busing,” and LACBE member Bartman said the ruling “vindicates the position of the overwhelming majority of people in Los Angeles” that voted in support of Proposition 1.<sup>560</sup> Bartman was optimistic about the prospects of defeating mandatory busing, as the *Los Angeles Times* noted that he “expected the state Supreme Court to block the order before busing is halted, but then predicted an anti-busing victory at the U.S. Supreme Court.”<sup>561</sup> The newspaper’s Roderick surmised the larger impact of the ruling, predicting, “If Proposition 1 is finally determined to be constitutional, it could affect school desegregation cases all across California.”<sup>562</sup> Although Supreme Court Rehnquist recently denied LACBE’s request for a stay of mandatory integration strategies, the California Appeals Court and the Supreme Court

Justice's ideas about what defined a "minority" and "majority" group were clearly coalescing by the end of 1980.

### *Sweeping Preemptive LACBE Motions to End Mandatory Integration Strategies*

On January 12, 1981, LACBE passed a sweeping anti-busing motion *anticipating* a reversal of Egly's order in the appellate process, and sought to undo the mandatory integration strategies even before the courts settled the constitutionality of Proposition 1.<sup>563</sup> The motion instructed the superintendent and his staff to begin planning "for the termination of all Court-ordered mandatory student busing and that, upon Board approval of such plans, the Board of Education terminate all such busing immediately after the final appellate decision in the Crawford case."<sup>564</sup> Anticipating Proposition 1's constitutionality, LACBE also planned to shift funding slated for mandatory integration strategies to compensatory education programs. Board member Ferraro introduced a motion asking the district's staff to "prepare and present ... proposals to improve services to pupils in Racially Isolated Minority Schools by using funds no longer required for the mandatory busing program."<sup>565</sup> The amended motion passed overwhelmingly by a five to one vote.<sup>566</sup> By February 2, LACBE passed another sweeping motion anticipating an anti-mandatory integration ruling from either the California Supreme Court or the United States Supreme Court. The motion sought to end all mandatory components of Judge Egly's most recent order *and* any and all previous mandatory components from previous orders. Furthermore, this motion granted the parents of junior high school students permission "voluntarily to withdraw their children from the paired or clustered school to which they have been mandatorily assigned."<sup>567</sup>

### *LACBE's New (Non-) Integration Plan*

The district staff compiled a draft of a "Proposed Plan for Senior High School Desegregation" on February 24, 1981, but contrary to the title, the plan did not focus on desegregation but instead on implementing or continuing compensatory programs for RIMS, continuing voluntary integration programs such as magnets and the PWT, and confronting overcrowding.<sup>568</sup> The district proposed new magnet schools covering an area from the city proper south to the South Bay area, and in the Valley. Most receiving high schools in the plan were located in overwhelmingly white communities, and did not necessarily offer magnet programs. RIMS comprised most of the sending schools, whether they were located in the city

proper or the Valley. The district staff, as per the board's instruction, omitted mandatory integration strategies, claiming, "Based upon the input received from local school staffs and communities, staff believes that the foregoing components [i.e. voluntary integration strategies] appear to best meet the future desegregation needs of our school district."<sup>569</sup>

### *The California Supreme Court's "Without Comment"*

On March 11, 1981, the California Supreme Court did not challenge or overturn the Second District Court of Appeals' December 19 ruling prohibiting mandatory, court-ordered busing for integration in the Los Angeles School District. It declined to hear arguments about the constitutionality of Proposition 1 or to intervene *without comment*.<sup>570</sup> The next day, attorneys for the ACLU and the NAACP announced they would appeal the California Supreme Court's decision to the United States Supreme Court.<sup>571</sup> Years later, Judge Egly commented on the California Supreme Court ruling "without comment":

... I was angry that the [California] supreme court [*sic*] would not give a reason for its refusal nor take the case and make a declaration one way or the other on the constitutionality of Proposition 1. On an extremely important issue, this was unexpected in my experience. I knew it was the custom of the court to either hear the case or give reasons why they would not. Their failure to do either was a surprise, in view of the fact that it was dealing with an initiative.<sup>572</sup>

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<sup>1</sup> *Los Angeles Times*, 11 January 1979.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> Mardirosian was a prominent East L.A. community leader who had led the Education Issues Committee (EIC), a local community group that supported the East L.A. student and protesters and their educational demands in 1968.

<sup>8</sup> *Los Angeles Times*, 11 January 1979.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> *Los Angeles Times*, 17 January 1979. If appointed, Hartsfield, a deputy city attorney in Compton, promised to back mandatory busing if it improved the quality of education, but explained that he would not run for a board seat in the next board elections. In an op-ed piece, the author supported the appointment of Hartsfield, asked Bardos to back his candidacy to break the deadlock, and elaborated on the connection between the deadlock in an appointment to the board and school desegregation. See *Los Angeles Times*, 11 January 1979.

<sup>15</sup> *Los Angeles Times*, 11 January 1979.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

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<sup>19</sup> Ibid. McCurdy and Ramos enumerated the reasons for the stalemate: 1) Miller's commitment to a black candidate; 2) Nava's commitment to Mardirosian in hopes that the latter would get elected in the spring elections; 3) Bardo's opposition to pro-busing candidates; 4) the refusal of Fiedler and Ferraro to participate in the appointment of a board member.

<sup>20</sup> *Los Angeles Times*, 8 February 1979.

<sup>21</sup> *Los Angeles Times*, 7 July 1966. In the 1966 re-filing of *Crawford*, five students of Mexican descent joined thirteen African American students.

<sup>22</sup> LACBE, Minutes, 233, 20 February 1979, *Crawford Case Files Part Three 1/15/79-4/21/81*, *Crawford Case Files*, Board Secretariat, Los Angeles Unified School District, Los Angeles, California, (from now on CCF-BdS/LAUSD).

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> *Los Angeles Times*, 29 January 1979. LACBE could submit different potential strategies in its new plan to Judge Egly, including: continuing the present plan; expanding the plan to other grades; endorsing a metropolitan plan; and scrapping the present plan in favor of a voluntary or part-time plan.

<sup>27</sup> Ibid. Trombley also explained a peculiar change in the desegregation plan: "About 9,500 of the students will be traveling for the first time, as those who were in 'sending' schools for first semester move to 'receiving' schools for the second."

<sup>28</sup> Ibid.

<sup>29</sup> Ibid. According to Trombley, the total enrollment in the district was about 556,000. About 70,900 students (or 12.75%) would participate in the desegregation plan. Of the 70,900 students, about 36,700 students from grades four through eight would participate in pairs and clusters, another 4,200 would attend midsites, 11,000 were to attend the district's forty-six magnet schools, and the PWT enrollment was estimated at 19,000. Of the 70,900, 44,200 would be bused, and out of the 44,200, 27,000 would participate in voluntary busing and 17,200 in mandatory busing to pairs, clusters, and midsites.

<sup>30</sup> *Los Angeles Times*, 8 February 1979. Previously, LACBE had argued that: a plan that included busing would cost too much; the sheer size of the district made desegregation difficult if not impossible; that mandatory strategies would cause white flight; and that integration would interfere with bilingual/bicultural programs.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid. Additionally, there was heavy minority enrollment in early grades, with 21.6% white and 78.4% minority in the first grade, and 23.6% white and 76.4% minority in the second grade.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> LACBE, Minutes, 233, 20 February 1979, *Crawford Case Files Part Three 1/15/79-4/21/81*, CCF-BdS/LAUSD. Johnston highlighted the importance of the upcoming February 28 court proceedings, and noted that the new master desegregation plan would encompass input from the "total community." The impact on the "total community" included: "white flight," the district's diminishing financial base, the varying degrees of success in the current plan, the findings of court-appointed experts, and recommendations for changes in the district's integration program.

<sup>36</sup> *Los Angeles Times*, 21 February 1979.

<sup>37</sup> LACBE, Minutes, 233, 20 February 1979, *Crawford Case Files Part Three 1/15/79-4/21/81*, CCF-BdS/LAUSD. In 1966, Hispanic students comprised 26%, Blacks 18%, and whites 60% in the district. In 1976, the percentages were 26%, 25%, and 41% respectively. By the 1978 academic year, the percentages were 38%, 24%, and 29% respectively. To demonstrate the diversity in the district, Johnston pointed to a survey showing that the district served students who spoke eighty-two distinct languages.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid. Johnston argued, "The inescapable conclusion drawn from our pupil enrollment figures is that no matter how the integration plan handles mandatory student reassignment, the *overwhelming majority of our minority students will be left untouched by such reassignment*" (emphasis mine).

<sup>40</sup> *Los Angeles Times*, 21 February 1979.

<sup>41</sup> Ibid. Johnston noted that his staff would need to develop a definition of "unsatisfactory levels of participation." Johnston attested that white student participation in pairs and clusters had been as low as 7% in some schools."

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

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<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> *Los Angeles Times*, 27 and 28 February 1979. Bardos, Ferraro, Fiedler, Nava, and Brown Rice voted for these revisions to the integration plan. Miller and Bohler voted against them.

<sup>47</sup> Ibid. The *Los Angeles Times* reported that during the seven hours of debate, “There was no effort by board members to expand the mandatory phase of the plan,” but the board agreed to leave one hundred sixty schools in mandatory busing.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Ibid. The money for RIMS would go towards attracting more experienced teachers, providing additional training for teachers working in RIMS, improving curriculum, and reducing class size. The \$24 million was in addition to the \$19 million to expand schools and add classrooms in overcrowded RIMS.

<sup>52</sup> *Los Angeles Times*, 28 February 1979. By dismantling several pairs and clusters, LACBE reassigned many white students to white schools, with some participating in clusters and pairs, and minority students back to neighborhood RIMS.

<sup>53</sup> *Los Angeles Times*, 17 March 1979.

<sup>54</sup> *Los Angeles Times*, 23 March 1979. The ACLU’s Mark Rosenbaum called the proposals “a plan for retreat,” adding, “This is not a serious effort by the board to respond to the court’s request for improvements in the plan.”

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid. In late March, Conejo and Simi Valley Unified School District, Moorpark Union Elementary School District, and Moorpark Union High School District signed into what the *Los Angeles Times* called a “join-powers agreement” promising to fight any metropolitan integration plan. These district representatives believed they had a stronger legal position against being part of a metropolitan plan because they were outside the Los Angeles County line, and “presumably outside the authority” of Judge Egly. The projected legal costs were \$200,000. The districts agreed to pay the following percentages: Simi and Conejo, 42% each, and Moorpark Union High School, 16%. See *Los Angeles Times*, 25 March 1979.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> *Los Angeles Times*, 24 March 1979. In mid May, Judge Egly declared that hearings would resume on June 4. *Los Angeles Times*, 13 May 1979. In late May, LACBE asked to postpone hearings until October while BUSTOP questioned Judge Egly’s jurisdiction and asked the Second District Court of Appeals to halt the hearings. See *Los Angeles Times*, 29 May 1979.

<sup>61</sup> Ibid.

<sup>62</sup> *Los Angeles Times*, 22 February 1979.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid. The *Los Angeles Times*’ McCurdy reported, “The board last week approved a \$19 million package to add facilities and expand campuses at a number of school throughout the district, some in racially isolated areas.”

<sup>72</sup> *Los Angeles Times*, 21 June 1979.

<sup>73</sup> *Los Angeles Times*, 28 June 1979. The *Los Angeles Times*’ Robin Heffler reported that “school officials said it appeared unlikely that the proposal for a \$32 million facility will go beyond promised before the year’s end ... because of the ... desegregation case and budgetary constraints.”

<sup>74</sup> *Los Angeles Times*, 25 March 1979.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

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<sup>77</sup> Ibid. The CIS to CIS transfers mostly benefited white students who wanted to participate in magnet programs that were unavailable in their integrated neighborhood schools.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> *Los Angeles Times*, 10 June 1979.

<sup>83</sup> Ibid. According to the LASMC, the psychological costs for minority students participating in the PWT included going into a “hostile” environment and “a period of readjustment.” The LASMC noted that the PWT began as a privately funded operation named Transport-a-Child at Bellagio Road Elementary School in Bel-Air in 1964. LACBE at first refused to fund the program but began to do so in 1972. Student enrollment in 1972 was 3,130, but by 1979 enrollment had increased to 18,360.

<sup>84</sup> *Los Angeles Times*, 12 April 1979.

<sup>85</sup> Ibid. See also *Los Angeles Times*, 21 March 1979.

<sup>86</sup> *Los Angeles Times*, 27 May 1979.

<sup>87</sup> *Los Angeles Times*, 22 September 1975. The CMRC was the idea of Kathleen Brown Rice, who was “critical of the management of the district during her board election campaign ... and promised a thorough review if elected.”

<sup>88</sup> *Los Angeles Times*, 12 January 1976 and 6 February 1976.

<sup>89</sup> *Los Angeles Times*, 11 July 1978.

<sup>90</sup> Ibid. In LACBE elections for President, Bardos voted for Nava, and Nava voted for himself. Miller made LACBE history, as he became the first board member to be elected to serve as board president for two consecutive terms. During the election, Nava and Ferraro criticized Miller for his work in his first term as president, while Watson gave him a vote of confidence for opposing Proposition 13 and the board’s desegregation plan. Rice Brown, who did not vote for Miller the year before, told Miller, “You have earned my respect.”

<sup>91</sup> Ibid.

<sup>92</sup> Ibid. The strategy to focus “public wrath” against integration efforts was not the first time Fiedler and Ferraro apparently engineered opposition to integration efforts. In mid 1977, Ferraro and Fiedler spoke to Valley teachers protesting mandatory teacher reassignments for integration. The *Los Angeles Times* reported that Ferraro spoke at the meeting and “urged lobbying of legislators and other teachers to gain their support for constitutional amendments that would bar forced busing.” The Valley teachers here belonged to Educators for Equality (EE), a Woodland Hills-based teacher organization that opposed lottery teacher transfers for staff integration. The *Los Angeles Times* reported, “A suit filed on behalf of Educators for Equality, contending forced transfers discriminated by race, was rejected June 24 by U.S. district Judge Matt Byrne.” In his ruling, Byrne declared that the teachers “failed to show that the lottery gave different treatment to one race over another.” EFE and their attorney, George Dalton, believed that they had a civil rights case. Dalton told a group of teachers, “A civil rights lawsuit is much like a price fight. We lost in the trial but we feel sure we’ll win the next rounds.” Ferraro and Fiedler also supported the Robbins Amendment (SCA 48), another anti-busing amendment to the California Constitution. See *Los Angeles Times*, 31 July 1977.

<sup>93</sup> *Los Angeles Times*, 21 March 1979. CHOICE had fallen 3,596 signatures short but had ten days to submit additional signatures. The group later submitted 15,969 more signatures. See *Los Angeles Times*, 17 March 1979.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid. In November 1978, voters approved Proposition M, which divided the school district into seven electoral districts, an idea that the L.A. City Council began to promote in July 1978. See *Los Angeles Times*, 9 July 1978. Before Proposition M, board members were elected in at-large, districtwide elections, but after Proposition M voters from each electoral district would vote for a board member to represent their district, Miller held one of the at-large seats, so, if recalled, voters from throughout the school district would choose his replacement. The idea of electing board members from strict geographic districts, or wards, concerned John Caughey in late 1975, when several city charter amendments were up for consideration that would have designated school board membership a full-time, salaried position, and more than doubled the number of school board members from seven to fifteen. See John and LaRee Caughey, Memo, “Divide and Politicize: the proposals to change the structure of the Los Angeles school board,” November 1975, fol. 3, Box 2, JLC-UAC/CSUN.

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<sup>96</sup> *Los Angeles Times*, 12 April 1979. The *Los Angeles Times* reported, “[Judge] Patch said that he did not believe the City Charter’s prohibition of a potentially recalled elected official succeeding himself is unconstitutional. But, he added, it does seem undemocratic....”

<sup>97</sup> *Ibid.* Only Chief Justice Rose Bird was willing to consider Miller’s argument. Unlike many anti-busers who were willing to go “all the way to the Supreme Court,” Bill Zimmerman, Miller’s campaign manager and member of the Friends of Howard Miller (FHM), a twenty-one-member ad hoc group of attorneys, businessmen and law professors, stated, “We could go to the U.S. Supreme Court, but we don’t want to cause problems by tying up the whole election.” Zimmerman managed Tom Hayden’s unsuccessful campaign against former Senator John Tunney in the 1976 Democratic primary. FHM called the recall “an abuse of the recall process” because it found that the recall had been used “almost exclusively for removal of corrupt public officials and not for political reasons.” See *Los Angeles Times*, 25 May 1979.

<sup>98</sup> *Los Angeles Times*, 17 April 1979.

<sup>99</sup> *Ibid.*

<sup>100</sup> *Ibid.*

<sup>101</sup> *Los Angeles Sentinel*, 19 April 1979. Ed Davis from the African American newspaper *The Los Angeles Sentinel*’s added, “After unmercifully defeating ... Dr. Robert Docter because of his pro-desegregation position, anti-busing forces have again mobilized and with vigilante-like fervor would like to replace Miller with another anti-busing board member.” The *Los Angeles Times* also went on the record in support of Miller to remain on LACBE. See *Los Angeles Times*, 13, 28 May 1979. Weintraub immediately called the *Los Angeles Times*’ endorsement “a regurgitation of Miller’s own widely discredited campaign rhetoric.” She also claimed that a belief “in our city’s diversity ... tolerance and decency” drove the recall of Miller, who she described as an “elitist politician.” She added that Miller’s “destructive busing program threatens the very social fabric that binds our cherished diversity” because it would cause “precipitous Anglo flight.”

<sup>102</sup> *Ibid.*

<sup>103</sup> *Ibid.*

<sup>104</sup> *Los Angeles Times*, 17 April 1979.

<sup>105</sup> *Ibid.*

<sup>106</sup> *Ibid.*

<sup>107</sup> *Los Angeles Sentinel*, 19 April 1979.

<sup>108</sup> *Ibid.*

<sup>109</sup> *Los Angeles Times*, 20 April 1979.

<sup>110</sup> *Ibid.*

<sup>111</sup> *Ibid.*

<sup>112</sup> *Ibid.*

<sup>113</sup> *Los Angeles Times*, 23 April 1979. The *Los Angeles Times* suggested that candidates seemed “to feel that Miller has no chance to win and the only question is who will succeed him.”

<sup>114</sup> *Los Angeles Times*, 19 April 1979. Proposition 13 author Howard Jarvis also endorsed Miller’s recall and supported Weintraub as his replacement. See *Los Angeles Times*, 8 May 1979.

<sup>115</sup> *Ibid.*

<sup>116</sup> *Ibid.*

<sup>117</sup> *Ibid.* On April 18, Howard Miller was on the radio with KMPC talk-show host Hilly Rose to discuss the recall, however the discussion ended in “a heated on-the-air dispute.” The *Los Angeles Times* reported that a listener who called Rose’s program to express his opinion to Miller “turned out to be Bustop executive director Paul Clarke, the campaign manager of Roberta Weintraub, Miller’s principal opponent in the recall.” Miller went on the offensive, identified Clarke, and “alleged that Rose knew who the caller was to begin with.” The *Los Angeles Times* reported, “Rose then angrily told his listeners, ‘This interview is at an end,’ and, off the air, ordered Miller off the show and out of the studio.”

<sup>118</sup> In 1978, anti-busing groups had formed an umbrella group, the United Organization for Neighborhood Schools, to oppose mandatory busing. These groups included: BUSTOP, CHOICE, the local chapter of the National Association for Neighborhood Schools, Friends of Ferraro, and the Citizens Legal Defense Fund. Danko served as its first chairman. CHOICE was the main organization that mobilized to place an anti-busing California amendment on the ballot. See *Los Angeles Times*, 23 February 1978.

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<sup>119</sup> Five out of seven replacement candidates expressed unequivocal, unabashed opposition to mandatory busing, according to the *Los Angeles Times*. Candidate Eleanore Parker supported some mandatory busing with a very short bus ride, while candidate Jose P. Galvan, the son of migrant workers who lived in Sylmar, in the San Fernando Valley, sought to relieve overcrowding. Four of the five candidates who opposed mandatory busing backed voluntary busing. For other candidates' views about mandatory and voluntary busing and Miller's recall, see *Los Angeles Times*, 21 May 1979.

<sup>120</sup> *Los Angeles Times*, 23 April 1979.

<sup>121</sup> *Ibid.* Danko's campaign chairman was Bob Case, a businessman and president of the North San Fernando Valley Republican Assembly. Danko had stated he would "go to jail" rather than obey a court order requiring his children to be bused for desegregation. He later changed his position, asserting that now he would "place his one child remaining" in the district "in a private school or with a tutor rather than go to jail."

<sup>122</sup> *Ibid.* Weintraub's campaign manager Paul Clarke, who served as BUSTOP president and was a professional political consultant, asserted that Buspac, an anti-busing political action committee that had "no connection with Bustop," would pay for his services as Weintraub's campaign manager. Clarke, however, served on the steering committee of Buspac. In late April, Clarke announced that he would no longer serve as president of BUSTOP, and instead would devote more time to his political consulting business. The *Los Angeles Times* reported that internal infighting partly accounted for Clarke's resignation, reporting, "Delegates from some Bustop chapters reportedly were prepared to ask that Clarke resign to ease troubled relations between the chapters and Bustop officers." See *Los Angeles Times*, 24 April 1979.

<sup>123</sup> *Ibid.* Danko opted to use "former police sergeant" on his ballot designation.

<sup>124</sup> *Ibid.* The *Los Angeles Times*' Jack McCurdy reported that acrimony among the anti-busing candidates probably began when Weintraub, after her recall petition drive qualified for the ballot, said that "other candidates to replace Miller would not be welcome." Danko accused Weintraub's camp of trying to intimidate him into leaving the board race by accusing a member of his campaign of asking a BUSTOP employee to help steal documents from within the organization. During the same time period, Miller's camp accused BUSTOP of violating tax laws. See *Los Angeles Times*, 2 May 1979.

<sup>125</sup> *Ibid.*

<sup>126</sup> *Ibid.* Swift's proposed program included: 1) control school spending; 2) efficient financing; 3) a return to teaching "values in schools," and 4) more discipline and order in schools.

<sup>127</sup> *Los Angeles Times*, 11 May 1979. By May 20, candidates ramped up their campaign drives by focusing on mass communication. Miller's campaign concentrated on radio and television and the Weintraub campaign focused on radio and mass mailings but not television. See *Los Angeles Times*, 20 May 1979. Weintraub's camp mailed some 1.6 million pamphlets to citywide voters before the election that read: "Howard Miller is a politician who has violated the public trust." See *Los Angeles Times*, 27 May 1979.

<sup>128</sup> *Los Angeles Times*, 24 April 1979. Members of the San Fernando Coalition Against the Recall of Miller included: Ed Burke, chairman of the LA County Democratic Central Committee, Jill Barad, head of Mayor Bradley's advisory committee education, and representatives from the NAACP and the women's group Women For.

<sup>129</sup> *Ibid.*

<sup>130</sup> *Ibid.*

<sup>131</sup> *Ibid.*

<sup>132</sup> *Los Angeles Times*, 30 May 1979. The *Los Angeles Times* reported that only 12% of the district's student population was being bused, with 27,000 bused *voluntarily* and a mere 17,200 as "candidates for 'forced busing' or mandatory reassignments to paired, clustered, or mid-site schools." The newspaper also reported that Judge Paul Egly was contemplating a metropolitan plan. The Superintendent's Office was working on metropolitan plan proposals in which minority students would be bused from Los Angeles to other nearby school systems. Many white and upwardly mobile minority parents opposed a metropolitan plan, fearing their children would be bused far away from their neighborhood school.

<sup>133</sup> *Ibid.*

<sup>134</sup> *Ibid.* For a detailed account of Weintraub's foray into education politics, see *Los Angeles Times*, 9 June 1979.

<sup>135</sup> *Ibid.*

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<sup>136</sup> Ibid. In a Valley election for the 12<sup>th</sup> City Council District seat, Hal Bernson, a busing foe and associate of Robbins and Fiedler, defeated Barbara Klein by a two to one margin. The *Los Angeles Times* called Bernson's campaign "a referendum on busing in the same way the [Miller] recall did." See *Los Angeles Times*, 31 May 1979.

<sup>137</sup> Ibid. For additional insights into Miller's response to his defeat, the divided board he left behind, and the complex voting patterns in the Ferraro-Mardirosian contest, see *Los Angeles Times*, 31 May 1979.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

<sup>141</sup> Ibid. The *Los Angeles Times* had endorsed Miller, opposed his recall, and called his defeat "severe." According to the newspaper, the election recalling Miller "was indeed a referendum on busing. Busing lost. In the process, the ... Board of Education lost its president, a decent man trying to do what he thought was right to obey the law." Miller's recall was "a severe loss in a city that needs leaders who promote harmony, not elected officials who fan public passions," the *Los Angeles Times* added. See *Los Angeles Times*, 31 May 1979.

<sup>142</sup> *Los Angeles Times*, 31 May 1979.

<sup>143</sup> Ibid. Some of Miller's campaign commercials just before the recall election featured Muhammad Ali, the Reverend Jesse Jackson, and Bishop H. H. Brookins of the First AME Church. The commercials warned "the anti-Miller forces also were antiblack."

<sup>144</sup> Ibid. The African American voting turnout was less than 20% in Farrell's district; about 20% in Lindsay's district; and lightly less than 25% in Cunningham's district.

<sup>145</sup> Ibid. Councilman Zev Yaroslavsky served District No. 9. Less than 25% of the district's voters turned out.

<sup>146</sup> Ibid. Councilman Marvin Braude served District No. 11.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid. These areas, shared by Councilman Robert Wilkinson's District No. 12 and Councilwoman Joy Picus District No. 3, had a voter turnout of around 35%, the highest turnout in the city.

<sup>149</sup> Ibid. Councilman Bob Ronka served District No. 1

<sup>150</sup> Ibid. Councilman Ernandi Bernardi served District No. 7.

<sup>151</sup> Ibid. Councilman Joel Wachs served District No. 2.

<sup>152</sup> Ibid. John Ferraro served District No. 4, while Art Snyder served District No. 14.

<sup>153</sup> *Los Angeles Times*, 27 May 1979. The East LA district was a narrow stretch from Eagle Rock to the cities of South Gate, Huntington Park, Maywood, Vernon, Cudahy, and Bell down to roughly 100<sup>th</sup> Street.

<sup>154</sup> *Los Angeles Times*, 22 February 1979. Of the 100,000 students in the new district, 80% were Hispanic. However, of the estimated 125,000 registered voters, only 45% were Hispanic.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid.

<sup>157</sup> *Los Angeles Times*, 5 March 1979. The *Los Angeles Times*' Ramos stated that leading community leaders backed Mardirosian because they "recalled his involvement after the East Side student walkouts of 1968."

<sup>158</sup> Ibid. Reverend Mardirosian was an Armenian born in Aleppo, Syria, raised in Turkey, who immigrated to Mexico and later the United States. In the race for the "East LA" District 5, Ferraro and Reverend Mardirosian vied to link themselves to the Latino community in order to gain a political advantage. The *Los Angeles Times*' George Ramos quipped, "When is a Latino really a Latino? ... Some candidates in the East Side ... are giving voters a chance to pick their favorite definition." Educated in Tijuana, Mexico, Mardirosian asserted he was Mexican and quoted Mexican president and national hero Benito Juarez to demonstrate knowledge about Mexican culture and a revered Mexican national icon. Ferraro, a Roman Catholic, said he was "Latino by virtue of his Italian heritage."

<sup>159</sup> Ibid.

<sup>160</sup> *Los Angeles Times*, 27 May 1979.

<sup>161</sup> *Los Angeles Times*, 5 March 1979. See also *Los Angeles Times*, 27 May 1979.

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

<sup>167</sup> Ibid. Ferraro claimed that Mardirosian was a "latecomer" in his opposition to mandatory busing.

<sup>168</sup> Ibid.

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<sup>169</sup> *Los Angeles Times*, 27 May 1979. The Harbor district stretched from Watts to San Pedro. The populations from both the East L.A. and Harbor districts were racially and ethnically diverse. In the April 3 primary race, Ferraro won the heavily white northern region, Mardirosian won in the heavily Chicano central area, and neither did as well as Cudahy Mayor John Robertson in the southern region of District 5.

<sup>170</sup> *Los Angeles Times*, 5 April 1979.

<sup>171</sup> *Los Angeles Times*, 27 May 1979. LACBE also overwhelmingly rejected Ferraro's claim that Mardirosian and Nava "forced the appointment of unqualified school administrators" because they had "Spanish surnames."

<sup>172</sup> *Los Angeles Times*, 30 May 1979. On the same day, the *Los Angeles Times* also reported that Ferraro was leading Vardirosian by a vote count of 14,224 to 11,485, or 55.3% to 44.7%. The *Los Angeles Times* purported that BUSPAC (a political action committee that backed anti-busing efforts), BUSTOP, and Weintraub, donated funds to Richard Ferraro's campaign. *Los Angeles Times*, 31 May 1979.

<sup>173</sup> *Ibid.*

<sup>174</sup> *Ibid.*

<sup>175</sup> *Ibid.*

<sup>176</sup> *Los Angeles Times*, 1 July 1979. In mid July, an initiative to outlaw metropolitan desegregation plans failed to garner the necessary signatures to qualify for the June 1980 ballot. See *Los Angeles Times*, 13 July 1979.

<sup>177</sup> LACBE, Minutes, 387, 25 June 1979, *Crawford Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD*. The successful motion, authored by Fiedler, passed by a five to one vote, with Walters alone in opposition. See also *Los Angeles Times*, 31 July 1979.

<sup>178</sup> *Los Angeles Times*, 2 July 1979. The *Los Angeles Times* Kevin Roderick claimed surprise that Brown Rice now sided with the anti-busing LACBE majority. Brown Rice largely disagreed with the concept of busing, which frustrated African Americans who had voted for her. She voted for a voluntary-first approach with a mandatory busing backup grudgingly.

<sup>179</sup> *Ibid.* The *Los Angeles Times* reported that Greenwood insisted he was the key fourth member of the new anti-busing majority that would try to persuade Judge Egly that mandatory busing had failed. However, the newspaper described Greenwood as a "moderate-to-liberal Democrat who, unlike the trio of conservatives, received substantial backing" from the UTLA, liberals, and others who had backed the recall of LACBE president Miller. These facts accordingly made anti-busers Fiedler "dubious" about Greenwood's anti-busing proclivities, forcing her to take a "wait and see" attitude. It is important to note that Greenwood defeated conservative and ultra, anti-busing candidate Fujimoto. See also 21 July 1979.

<sup>180</sup> *Los Angeles Times*, 3 July 1979.

<sup>181</sup> *Los Angeles Times*, 31 July 1979.

<sup>182</sup> *Los Angeles Times*, 28 August 1979. See also LACBE, Minutes, 73, 27 August 1979, *Crawford Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD* and LACBE, Portion of Transcription of Los Angeles Board of Education Meeting, 27 August, 1979, American Civil Liberties Union of Southern California Records, ca. 1935- (Collection 900). Department of Special Collections, Charles E. Young Research Library, University of California, Los Angeles (from now on ACLU/SC-DSC/UCLA).

<sup>183</sup> LACBE, Minutes, 73, 27 August 1979, *Crawford Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD*. See also LACBE, Portion of Transcription of Los Angeles Board of Education Meeting, 27 August 1979, ACLU/SC-DSC/UCLA. Anti-busers Fiedler, Weintraub, and Ferraro had proposed "motions directing for immediate petition to curtail busing," including one that favored an all-voluntary plan. However, the more moderate board members halted the motions. See *Los Angeles Times*, 28 August 1979.

<sup>184</sup> *Los Angeles Times*, 22 August 1979. The *Los Angeles Times'* Kevin Roderick reported that the busing program affected 37,000 students. However, this total represented the number of students participating in both voluntary and mandatory busing programs, of which 14,000 participated in mandatory busing.

<sup>185</sup> *Los Angeles Times*, 28 August 1979.

<sup>186</sup> *Ibid.* LACBE's anti-busing motions did not appease angry parents from Erwin Street Elementary School in Van Nuys who had asked LACBE to withdraw the school and ten other elementary schools from the mandatory desegregation program. They argued they met the criteria of a desegregated school under LACBE's 70-30 guideline. A parent group, OUTRAGE (Organization United to Rally Against Grievous Errors), was particularly upset with Greenwood and Brown Rice for not voting to remove Erwin and other schools from the desegregation plan. The list of schools seeking CIS status included: Oso Avenue, Blythe Street, Melvin Avenue, Lassen, Haskell,

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and Laurel located in the Valley, Westport Heights in West L.A., and South Shores in San Pedro. Erwin parents vowed to picket when classes began in September. See *Los Angeles Times*, 30 August 1979.

<sup>187</sup> *Los Angeles Times*, 8 July 1979. Rita Walters was the only backer of teacher integration.

<sup>188</sup> *Ibid.* Under the teacher transfer agreement, each school in the district would have a teaching staff that was at least 23% but no more than 43% minority in the coming school year.

<sup>189</sup> *Ibid.*

<sup>190</sup> *Ibid.*

<sup>191</sup> *Ibid.*

<sup>192</sup> *Ibid.* There was a teacher shortage in the inner city, however, which was why Rita Walters backed mandatory teacher transfers.

<sup>193</sup> *Los Angeles Times*, 25 July 1979.

<sup>194</sup> *Ibid.*

<sup>195</sup> *Ibid.*

<sup>196</sup> *Ibid.*

<sup>197</sup> *Ibid.*

<sup>198</sup> *Ibid.*

<sup>199</sup> *Ibid.*

<sup>200</sup> *Ibid.*

<sup>201</sup> *Los Angeles Times*, 31 July 1979. Also at this meeting, Judge Egly awarded interim attorney's fees to the ACLU, NAACP, and Los Angeles Center for Law and Justice attorneys, who represented the petitioners. Egly also rejected the UTLA's request to enter the case as an intervenor because the case was "too far along" and because it would create more complications.

<sup>202</sup> *Ibid.*

<sup>203</sup> *Los Angeles Times*, 29 June 1979. Judge Egly's order did not preclude the implementation of a metropolitan plan in the future if LACBE failed to meet the "feasible and reasonable" standard, which he would determine in forthcoming hearings. In an unusual step, Judge Egly responded forcefully to yet another recall effort against him, stating, "The signers of this petition would like only their viewpoints to prevail and would recall any judge who ... rules for the other side. This is not the way to preserve our government and the Constitution." Judge Egly also ordered public policy consultants Edward K. Hamilton and Francine Rabinovitz to study the present desegregation plan and three alternate desegregation plans: 1) an all-voluntary plan; 2) a multiethnic plan that would place three or more races in every school, with whites making up 24% to 40% of the enrollment in each; and 3) a limited metropolitan plan in which minority students would be transferred from the LAUSD to schools in other districts with empty seats. See *Los Angeles Times*, 22 June 1979.

<sup>204</sup> *Los Angeles Times*, 2 and 3 August 1979. TIP's Art Goldberg declared, "Anyone who signs that agreement [accept and fund RIMS] is in collusion with racism." Around this time, the Los Angeles School Monitoring Committee (LASMC) went through some membership changes. Millicent Cox, a Rand Corporation social scientist, replaced Caltech economics professor Roger Noll, who resigned, as the head of the LASMC. The LASMC included: Ruby Aguilar, Thea Brodtkin, Judy James, Kicki King, Rose Mary Nastasia, and Alice Thuston. Mirko (Mike) Dolak recently replaced Helen Smookler, who resigned from her post as the committee's executive director. Smookler was scheduled to study alternate desegregation plans commissioned by Judge Egly and to return to her political science position at Claremont Men's College. See *Los Angeles Times*, 19 August 1979.

<sup>205</sup> *Los Angeles Times*, 5 August 1979.

<sup>206</sup> *Ibid.*

<sup>207</sup> *Los Angeles Times*, 6 August 1979. Judge Egly told LACBE that it could open new magnets only as long as the new magnets did not remove white students from Currently Integrated Schools (CISs) or from predominantly white schools involved in the mandatory busing program. He declared that magnets in minority neighborhoods that did not attract enough white students should be considered part of a compensatory program, and not part of the desegregation program. LACBE counsel asked permission to open two other magnets: small "highly gifted centers" at Palms Junior High in West L.A. and Portola Junior High in Tarzana. See same article for a detailed list of new and expanded magnets.

<sup>208</sup> *Los Angeles Times*, 9 August 1979.

<sup>209</sup> *Ibid.*

<sup>210</sup> *Ibid.*

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<sup>211</sup> *Los Angeles Times*, 11 and 21 August 1979.

<sup>212</sup> *Los Angeles Times*, 21 August 1979.

<sup>213</sup> *Ibid.*

<sup>214</sup> *Los Angeles Times*, 22 August 1979.

<sup>215</sup> The RIMS package disappointed civil rights attorneys. Before Judge Egly gave LACBE permission to implement a compensatory program in RIMS, TIP attorneys in vain preemptively asked Egly not to permit the RIMS package. See Brenda Powers and Arthur Goldberg, TIP Attorneys, Petition, “‘Intervenors’ Opposition to Proposed Order re: ‘RIMS Package,’” 10 August 1979, fol. 16, Box 1, John and LaRee Caughey Papers on the ACLU and School Integration, 1962-1980, Urban Archives Center, Oviatt Library, California State University, Northridge (from now on JLC-UAC/CSUN).

<sup>216</sup> *Los Angeles Times*, 22 August 1979. The compensatory education funds would also pay for curriculum improvements, additional textbooks, learning materials, pre-kindergarten instruction, and teacher and administrative training. At first, under the Urban Classroom Teachers program, the district offered an 11% salary increase to teachers who agreed to work in inner-city schools. Initially, the UTLA opposed the concept, referring to it as “combat pay.” However, when the district expanded the program from forty schools (with 2,220 teachers at a cost of \$5.3 million) to 103 (with close to 6,000 teachers at a cost of something between \$15 and \$17 million), union representatives changed their opinion and accepted the plan. UTLA President Hank Springer stated that “the pot has been sweetened,” in reference to the expansion. On August 10, the district and the UTLA reached a tentative agreement on “combat pay,” giving district teachers up to 13.8% extra pay. The deal amounted to \$2,500 to \$3,000 extra annual pay for the average inner-city teacher. On why the school district agreed to additional pay, the *Los Angeles Times* reported that the district hoped to reduce “the need for mandatory transfers to comply with federal requirements to racially balance school faculties.” See *Los Angeles Times*, 11 August 1979.

<sup>217</sup> *Ibid.* Egly asked LACBE to appoint a panel of experts experienced in minority education to advise the district on how best to execute the compensatory education plan.

<sup>218</sup> *Ibid.*

<sup>219</sup> *Los Angeles Times*, 31 August 1979.

<sup>220</sup> *Ibid.*

<sup>221</sup> *Ibid.*

<sup>222</sup> LACBE’s anti-busing motions did not appease angry parents from Erwin Street Elementary School in Van Nuys, who had asked LACBE to withdraw the school and ten other elementary schools from the mandatory desegregation program. They argued they met the criteria of a desegregated school under LACBE’s 70-30 guideline. A parents’ group, Organization United to Rally Against Grievous Errors (OUTRAGE), was particularly upset with Greenwood and Brown Rice for not voting to remove Erwin and other schools from the desegregation plan. The list of schools seeking CIS status included: Oso Avenue, Blythe Street, Melvin Avenue, Lassen, Haskell, and Laurel located in the Valley, Westport Heights in West L.A., and South Shores in San Pedro. Erwin parents vowed to picket when classes began in September. See *Los Angeles Times*, 30 August 1979.

<sup>223</sup> *Los Angeles Times*, 12 September 1979. The article details events in the Barton Hill, South Shores, Leland Avenue cluster in which many white students opted to eschew mandatory reassignment to minority schools.

<sup>224</sup> *Ibid.* The night before the first day of school, only two-dozen people attended an anti-busing rally, small in comparison to the roughly 5,000 parents who attended the previous year.

<sup>225</sup> *Los Angeles Times*, 25 September 1979.

<sup>226</sup> *Ibid.*

<sup>227</sup> *Ibid.*

<sup>228</sup> *Ibid.*

<sup>229</sup> *Ibid.*

<sup>230</sup> *Ibid.* LACBE submitted a sketch of its voluntary approach to Judge Egly on October 17. See *Los Angeles Times*, 18 October 1979.

<sup>231</sup> *Los Angeles Times*, 11 October 1979.

<sup>232</sup> *Ibid.*

<sup>233</sup> *Ibid.*

<sup>234</sup> *Los Angeles Times*, 16 October 1979. LACBE member Walters objected to this closed-door meeting and believed it was illegal because it violated the state’s open-meeting law. See *Los Angeles Times*, 17 October 1979. During the same period, LACBE President Weintraub wrote seven letters to Judge Egly about the desegregation

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case, which earned her a rebuke from the judge who asked her to stop the practice because her actions constituted a denial of due process. See *Los Angeles Times*, 20 October 1979.

<sup>235</sup> *Los Angeles Times*, 18 October 1979.

<sup>236</sup> In APEX, high school students could transfer to different schools to study specialized subjects such as performing arts or computer science.

<sup>237</sup> *Los Angeles Times*, 18 October 1979.

<sup>238</sup> *Ibid.*

<sup>239</sup> *Ibid.*

<sup>240</sup> *Ibid.*

<sup>241</sup> *Ibid.* See also Thomas Pettigrew, *Report to the Honorable Judge Paul Egly in Response to the Minute Order of February 7, 1978*, November 1978, fol. 2, Box 2, Bustop Campaign Collection, Part I, Urban Archives Center, Oviatt Library, California State University, Northridge (from now on BCC/I-UAC/CSUN), 67-136, 144-151.

<sup>242</sup> Pettigrew, *Report to the Honorable Judge Paul Egly*, 69-70.

<sup>243</sup> *Ibid.*, 69.

<sup>244</sup> *Los Angeles Times*, 18 October 1979. Potentially, two million students could partake in busing in a metropolitan plan. For details about the goals of each plan and districts up for consideration, see same article.

<sup>245</sup> *Ibid.*

<sup>246</sup> *Los Angeles Times*, 23 October 1979.

<sup>247</sup> *Ibid.*

<sup>248</sup> *Ibid.* Egly referred to LACBE's recent proposal as "skimpy."

<sup>249</sup> *Ibid.*

<sup>250</sup> *Ibid.*

<sup>251</sup> *Ibid.*

<sup>252</sup> *Ibid.*

<sup>253</sup> *Ibid.*

<sup>254</sup> *Ibid.*

<sup>255</sup> *Ibid.*

<sup>256</sup> *Los Angeles Times*, 24 October 1979.

<sup>257</sup> *Ibid.*

<sup>258</sup> *Ibid.*

<sup>259</sup> *Ibid.*

<sup>260</sup> *Ibid.*

<sup>261</sup> *Ibid.*

<sup>262</sup> *Los Angeles Times*, 29 October 1979. See same article for a detailed account of the district's changing demographics, and the mixed results of the mandatory plan. The ACLU's Mark Rosenbaum indicated that LACBE counsel would not call on Phil Jordan, assistant superintendent of schools for desegregation, to testify because LACBE attorneys worried Jordan would give testimony that challenged several aspects of LACBE desegregation strategies. Instead, LACBE counsel called George Edmiston, one of Jordan's lieutenants. Rosenbaum claimed that LACBE sought to "silence" Jordan's opinions and had "excluded him from important board meetings" pertaining to desegregation strategies. Judge Egly limited Rosenbaum's questioning on this issue during the hearing. See *Los Angeles Times*, 30 October 1979.

<sup>263</sup> *Los Angeles Times*, 24 October 1979. Bartman proposed well known compensatory programs such as higher teacher salaries in inner-city schools, sensitivity teacher training, and building new schools to mitigate overcrowding.

<sup>264</sup> *Ibid.*

<sup>265</sup> *Ibid.*

<sup>266</sup> *Los Angeles Times*, 6 November 1979.

<sup>267</sup> *Los Angeles Times*, 6 and 7 November 1979. Armor also testified that 11,109 of the 24,687 white fourth through eighth graders assigned to new schools did not show up when desegregation began in fall 1978. However, 2,091 of these students transferred to other schools in the district, such as magnets and CISs, thus reducing white student participation in mandatory busing to 9,018 students, or 36.5% of the white enrollment in fourth through eighth graders in those schools compared to the previous year. He noted a 40.1% decline in white enrollment in elementary

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schools and a 56.2% decline in junior high schools partaking in the mandatory busing plan in 1978. By comparison, there was only a 5% decline in white enrollment in schools excluded from the busing plan.

<sup>268</sup> *Los Angeles Times*, 6 November 1979.

<sup>269</sup> *Los Angeles Times*, 7 November 1979.

<sup>270</sup> Reynolds Farley, *Report to the Honorable Judge Paul Egly in Response to Minute Order No. 822 854*, November 1978, fol. 13, Box 1, BCC/I-UAC/CSUN. See also *Los Angeles Times*, 6 November 1979. Civil rights lawyers planned to call on Boston University's Christine Rossell to refute Armor's claims. Rosenbaum asked Judge Egly to dismiss Armor's testimony, asserting that some judges had criticized Armor's methodology as "unsound" and his results "suspect." Egly dismissed Rosenbaum's request.

<sup>271</sup> *Ibid.*, v. Another court expert, Gary Orfield, concurred with Farley's assertions about demographic changes in the white population.

<sup>272</sup> *Ibid.*

<sup>273</sup> *Ibid.*

<sup>274</sup> *Los Angeles Times*, 7 November 1979.

<sup>275</sup> *Los Angeles Times*, 27 November 1979.

<sup>276</sup> *Los Angeles Times*, 6 November 1979.

<sup>277</sup> *Ibid.*

<sup>278</sup> *Ibid.*

<sup>279</sup> *Ibid.*

<sup>280</sup> *Los Angeles Times*, 11 and 21 October 1979. Candidates included teachers, businessmen, and attorneys. The California Legislature decided to place the anti-busing amendment on the November 6, 1979 ballot instead of a special election earlier in the year.

<sup>281</sup> *Los Angeles Times*, 11 October 1979.

<sup>282</sup> *Ibid.* Mayor Bradley called Juarez a sensitive and fair man who understood education in "its broadest context."

<sup>283</sup> *Ibid.* A campaign brochure from Bartman's camp claimed that LACBE was split three to three on mandatory busing, even though the board had recently voted against mandatory busing and for voluntary busing.

<sup>284</sup> *Ibid.*

<sup>285</sup> *Ibid.* State Senator Alan Robbins also backed Bartman.

<sup>286</sup> *Ibid.*

<sup>287</sup> *Ibid.*

<sup>288</sup> *Los Angeles Times*, 7 November 1979.

<sup>289</sup> *Ibid.*

<sup>290</sup> *Los Angeles Times*, 6 February 1980. In the runoff election, Bartman received 143,841 votes and Juarez received 78,254. After Bartman's win, BUSTOP significantly reduced its participation in *Crawford*. See *Los Angeles Times*, 1 March 1980.

<sup>291</sup> *Los Angeles Times*, 7 February 1980. For the first time, the *Los Angeles Times* reported that Fiedler planned running for the United States Congress to replace James C. Corman, a Van Nuys Democrat. Weintraub expressed running for the LA City Council.

<sup>292</sup> *Ibid.*

<sup>293</sup> *Los Angeles Times*, 7 November 1979. Proposition 1 restricted mandatory busing as a remedy under strict United States Supreme Court guidelines, which required busing in order to rectify only cases in which a school board engaged in intentional, segregative act or acts. The following day, in an unprecedented lawsuit, an Italian born tailor Louis Arnaudo filed a lawsuit on behalf of his son against Proposition 1. The lawsuit, filed by lawyer Jeffrey Berger, charged that the amendment to the California Constitution denied his child's "constitutional right to attend a racially and ethnically integrated school if Proposition 1 were upheld as legal," according to the *Los Angeles Times*. Later, Judy Kerri, a "white member of the Sacramento city school board, also joined as a plaintiff." The *Los Angeles Times* reported that the NAACP was "caught off balance" by Arnaudo's "swift filing," soon after requesting to join the lawsuit. See *Los Angeles Times*, 29 November 1979. In late December, Judge Irving Perluss dismissed the lawsuit, ruling that his Sacramento court was the wrong venue. Instead, he suggested that they file the lawsuit in Los Angeles or other cities embroiled in school desegregation. *Los Angeles Times*, 28 December 1979.

<sup>294</sup> *Ibid.* More broadly, anti-busers planned to use their victory in California to spark a national trend to end busing for integration in other states.

<sup>295</sup> *Los Angeles Times*, 8 November 1979.

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<sup>296</sup> Ibid.

<sup>297</sup> Ibid.

<sup>298</sup> Ibid. LACBE proposed expanding the PWT from the current enrollment of 18,000 to 45,000, with predominantly minority students to be bused to schools in the Westside and the San Fernando Valley.

<sup>299</sup> Ibid.

<sup>300</sup> *Los Angeles Times*, 9 November 1979. LACBE voted five to one to invoke Proposition 1. Only Walters opposed the motion.

<sup>301</sup> Ibid.

<sup>302</sup> *Los Angeles Times*, 11 November 1979.

<sup>303</sup> Ibid.

<sup>304</sup> Ibid.

<sup>305</sup> *Los Angeles Times*, 16 November 1979.

<sup>306</sup> *Los Angeles Times*, 4 December 1979.

<sup>307</sup> *Los Angeles Times*, 28 November 1979.

<sup>308</sup> Ibid.

<sup>309</sup> Ibid.

<sup>310</sup> Ibid.

<sup>311</sup> Ibid.

<sup>312</sup> Ibid.

<sup>313</sup> Ibid.

<sup>314</sup> Ibid.

<sup>315</sup> Ibid.

<sup>316</sup> Ibid. Court experts were debating whether Asian students should be classified under minority or non-minority.

<sup>317</sup> Ibid.

<sup>318</sup> Ibid.

<sup>319</sup> *Los Angeles Times*, 5 December 1979. Specifically, LACBE attorneys argued that there were no findings of federal violations in Los Angeles, therefore precluding mandatory busing as a remedy in *Crawford*.

<sup>320</sup> *Los Angeles Times*, 7 December 1979.

<sup>321</sup> Ibid.

<sup>322</sup> *Los Angeles Times*, 20 December 1979.

<sup>323</sup> Ibid. Civil rights attorneys believed Proposition 1 violated equal protection clauses on three grounds: “historical context”; “immediate objective” to restrict the rights of minority children; and “ultimate effect” of reducing minority children’s opportunities to reduce school segregation. The Integration Project endorsed the ACLU’s brief submitted to Judge Egly.

<sup>324</sup> Ibid.

<sup>325</sup> Ibid.

<sup>326</sup> Ibid.

<sup>327</sup> Ibid. Civil rights attorneys asserted that Superior Court Judge Gitelson found intentional, segregative acts, a ruling the California Supreme Court subsequently upheld. Civil rights groups worried that if Judge Egly agreed with the school board and BUSTOP, it would lead to further delays in the sixteen-year-old case.

<sup>328</sup> Ibid.

<sup>329</sup> Ibid.

<sup>330</sup> Ibid.

<sup>331</sup> *Los Angeles Times*, 12 December 1979.

<sup>332</sup> *Los Angeles Times*, 17 December 1979.

<sup>333</sup> *Los Angeles Times*, 12 December 1979.

<sup>334</sup> *Los Angeles Times*, 14 December 1979. Layne offered more details about the magnet program if Judge Egly approved LACBE’s new, all-voluntary plan: 1) creating nineteen new or expanded magnets for the following year; 2) the cost of the magnet program for the 1980-81 academic year would cost \$83.7 million, compared to \$20 million for the current year; 3) plans to build five new high school magnets by 1983, at a cost of at least \$100 million; 4) the district’s new goal would be to enroll 60% minority students in each magnet, although 40% to 60% minority would be acceptable; and 5) with not enough Hispanic students participating in magnets, LACBE and the district

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contemplated a recruiting campaign to attract more Hispanics to magnet programs. See *Los Angeles Times*, 12 December 1979.

<sup>335</sup> *Los Angeles Times*, 17 December 1979.

<sup>336</sup> *Ibid.*

<sup>337</sup> *Ibid.*

<sup>338</sup> *Ibid.*

<sup>339</sup> *Ibid.*

<sup>340</sup> *Los Angeles Times*, 3 January 1980. While schools in the Wilshire corridor and southeast were overcrowded, many other schools, primarily in the suburbs, had low student enrollment that partly resulted from white flight from the district. Although LACBE contemplated closing these schools enrolling less than 300 because it was an inefficient use of educational funds and facilities, the board met with much resistance from the neighborhoods. Closing one of these schools could potentially save the district \$100,000 per year. The district, in fact, would make money if it decided to lease the property. See *Los Angeles Times*, 7 January 1980.

<sup>341</sup> *Ibid.* Kimbrough also testified that construction of the first school would not be complete until late 1983, and that the total cost of the nine schools would be \$106 million.

<sup>342</sup> *Ibid.*

<sup>343</sup> *Los Angeles Times*, 7 January 1980.

<sup>344</sup> *Ibid.* LACBE changed its mind about considering mandatorily transferring students out of Hoover and Union Avenue Elementary Schools to relieve overcrowding, and submitted a request to transfer students to schools in Tujunga. Judge Egly approved the transfers under very strict conditions, but LACBE subsequently rejected the terms and opted not to transfer the students. See *Los Angeles Times*, 12, 22 and 25 February 1980. LACBE's actions compelled four teachers from Hoover Elementary to publish a scathing op-ed piece in the *Los Angeles Times*. The teachers called the school board's actions "deplorable" because they deprived 550 students of a full day of education and an escape from overcrowding. See *Los Angeles Times*, 21 March 1980.

<sup>345</sup> *Ibid.*

<sup>346</sup> *Ibid.*

<sup>347</sup> *Ibid.*

<sup>348</sup> *Ibid.*

<sup>349</sup> *Ibid.* Judge Egly later temporarily halted the hearings because Kimbrough opened himself to charges of contempt of court in cross-examination by TIP's Brenda McKinsey. Kimbrough testified that when he asked Associate Superintendent and LACBE attorney Jerry Halverson if it was legal to add bungalows to existing segregated minority schools, Halverson told him that "adding to existing sites, to accommodate students who were already there, did not violate any existing statutes or rule." In order to protect Kimbrough from possibly testifying that he was guilty of contempt of court for violating Judge Gitelson's 1970 ruling by adding bungalows to existing segregated minority schools, Judge Egly halted the day's hearing until all parties agreed to grant district witnesses immunity. A confident McKinsey planned to file contempt of court charges against LACBE. See *Los Angeles Times*, 10 and 11 January 1980.

<sup>350</sup> *Ibid.* Teachers from inner-city schools directly benefitted from the desegregation fight, which led to what the UTLA once called "combat pay," an extra pay incentive to work at inner-city schools. The first year of the plan showed great promise and had led to stable teacher staffs, an unusually high number of applicants, and more applicants than there were jobs, allowing the district to choose the most experienced and qualified teachers. Court referee Price reported that the "New Urban Classroom Teacher Program" had "stabilized teaching staffs in inner-city schools" with teachers willing to perform two to three hours of additional work each to earn the incentive pay. Other reported benefits included: 1) no empty classrooms or empty teaching positions in 102 racially isolated minority schools; 2) 74% of teachers at these schools last June returned, which was 10% to 15% above the normal return rate for inner-city schools; 3) the previous year 13% of the teachers at the 102 school were substitutes, while in the current year, *less than 2%* were substitutes; 4) an adequate supply of substitute teachers at these schools; 4) teacher absences at these schools was down "dramatically" from the previous year; 5) improved teacher morale; and 6) achievement of teacher staff racial balance *without* mandatory teacher transfers, meeting the guidelines of the Office for Civil Rights in the U.S. Department of HEW. However, Judge Egly raised the issue of whether federal standards of an integrated teaching staff clashed with staffing segregated minority schools with "the best possible teachers." The Office for Civil Rights called for the percentage of minority teachers at *each* school to be within

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10% of the total percentage of minority teachers districtwide, which stood at 33%. See *Los Angeles Times*, 16 January 1980.

<sup>351</sup> LACBE, Minutes, 210, 7 January 1980, *Crawford Case Files Part Three 1/15/79-4/21/81*, CCF-BdS/LAUSD.

<sup>352</sup> *Los Angeles Times*, 21 January 1980.

<sup>353</sup> *Ibid.*

<sup>354</sup> *Ibid.*

<sup>355</sup> *Ibid.* According to Ted Alexander, director of the RIMS projects, other aspects of the compensatory education program included: roughly \$4.5 million for three days of special training for teachers and staff members working in RIMS; \$5 million to supplement federal funds for extra books, teachers, and instructional equipment; \$1.3 million for fifty pre-school programs to try to prepare minority children for public school by improving language skills; a \$10 million maintenance program; and other programs including replacing lost textbooks, installing computers at twenty schools to improve record-keeping, and improving minority parent involvement in their children's education.

<sup>356</sup> *Ibid.*

<sup>357</sup> *Ibid.*

<sup>358</sup> *Los Angeles Times*, 23 January 1980.

<sup>359</sup> *Ibid.*

<sup>360</sup> *Los Angeles Times*, 2 February 1980.

<sup>361</sup> *Ibid.*

<sup>362</sup> *Ibid.*

<sup>363</sup> *Ibid.* The *Los Angeles Times*' Jack McCurdy reported that Jordan was not involved in planning the voluntary plan because he personally opposed the board's intentions to submit a voluntary plan, a claim Jordan denied under cross examination.

<sup>364</sup> *Los Angeles Times*, 8 February 1980.

<sup>365</sup> *Ibid.*

<sup>366</sup> *Ibid.* The *Los Angeles Times* explained the educational complexes: "The board plan envisions 16 complexes composed of groups of schools located in various geographical areas ... where attempts would be made to stabilize existing integrated enrollments and encourage greater desegregation" through magnet programs, attendance boundary changes, and "other racial controls" to improve racial balance in schools.

<sup>367</sup> *Ibid.*

<sup>368</sup> *Ibid.*

<sup>369</sup> *Ibid.*

<sup>370</sup> *Ibid.*

<sup>371</sup> *Los Angeles Times*, 9 February 1980.

<sup>372</sup> *Ibid.*

<sup>373</sup> *Ibid.*

<sup>374</sup> *Ibid.*

<sup>375</sup> The *Los Angeles Times* William Trombley reported that, under a desegregation plan overseen by Judge Egly that included a mandatory reassignment backup plan, magnet schools were successfully desegregating San Bernardino public schools. In San Bernardino, the San Bernardino school board and its administrative staff had cooperated with Judge Egly. See *Los Angeles Times*, 11 February 1980.

<sup>376</sup> *Los Angeles Times*, 23 January 1980.

<sup>377</sup> *Ibid.*

<sup>378</sup> *Ibid.*

<sup>379</sup> *Ibid.* As examples of "systematic subjugation," Bell pointed to the expulsion or suspension of more black students than their white counterparts, higher black student dropout rates, and an achievement gap that "not only remained high, but increased as long as the black students were in school."

<sup>380</sup> *Ibid.*

<sup>381</sup> *Ibid.*

<sup>382</sup> *Ibid.*

<sup>383</sup> *Ibid.*

<sup>384</sup> *Los Angeles Times*, 26 February 1980. For additional information about expert witnesses and their testimony, see same article. TIP's Brenda McKinsey planned to call as witness Deputy Mayor Grace Davis, State Senator Diane Watson, and Lorenza Calvillo Schmidt, a member of the State Board of Education, and to submit a desegregation

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plan authored by John Caughey. Around the same time, LACBE asked Judge Egly to exempt 1,450 junior high students from further participating in mandatory busing any further. These students had participated in a mandatory busing program for three semesters. LACBE had promised that participating in the program would not extend beyond three semesters. See *Los Angeles Times*, same date.

<sup>385</sup> Ibid. Judge Egly proposed that the California Supreme Court did not allow a multiethnic approach and that such approach was difficult logistically.

<sup>386</sup> Ibid.

<sup>387</sup> *Los Angeles Times*, 27 February 1980. See also Gary Orfield, *Desegregation Principles for Los Angeles: A Report to the Superior Court of the State of California for the County of Los Angeles*, 1 November 1978, fol. 1, Box 2, BCC/I-UAC/CSUN. According to the *Los Angeles Times*, the educational complexes were supposed to provide “stable integration in 15 areas ... through voluntary exchanges of students between predominantly white and heavily minority schools within each complex.”

<sup>388</sup> Ibid.

<sup>389</sup> Ibid.

<sup>390</sup> Ibid. See also Gary Orfield, *Desegregation Principles for Los Angeles*, 11,12, 15, 96. Foreseeing a protracted legal fight over a metropolitan plan, Orfield testified that there were effective short-term approaches to desegregate. One approach involved all grades (K-12) and some of the most racially segregated minority schools, rather than only fourth through eighth grades and only minority schools in the vicinity of white neighborhoods. See *Los Angeles Times*, 28 February 1980.

<sup>391</sup> Gary Orfield, *Desegregation Principles for Los Angeles*, 44.

<sup>392</sup> Ibid., 44-45. See also *Los Angeles Times*, 28 February 1980.

<sup>393</sup> *Los Angeles Times*, 28 February 1980.

<sup>394</sup> Ibid.

<sup>395</sup> Ibid. See also Gary Orfield, *Desegregation Principles for Los Angeles*, 3, 19, 25-28.

<sup>396</sup> Gary Orfield, *Desegregation Principles for Los Angeles*, 27. Orfield stressed, “Desegregation is a natural and virtually inevitable issue for the black community.” He also reported that the black population in the San Fernando Valley was 3%, and that many lived in “pockets of segregation.” Black presence was even more unlikely in the West Valley area. In 1977, the Black population in the lower West Valley was 1%, and in the upper West Valley it was 2%.

<sup>397</sup> Ibid., 34-40.

<sup>398</sup> *Los Angeles Times*, 28 February 1980.

<sup>399</sup> Gary Orfield, *Desegregation Principles for Los Angeles*, 35.

<sup>400</sup> *Los Angeles Times*, 28 February 1980. Orfield’s testimony on the varying degrees of racial isolation among Hispanics paralleled Judge Egly’s earlier findings on the same issue.

<sup>401</sup> Gary Orfield, *Desegregation Principles for Los Angeles*, 37.

<sup>402</sup> *Los Angeles Times*, 28 February 1980. See also Gary Orfield, *Desegregation Principles for Los Angeles*, 28-32.

<sup>403</sup> Gary Orfield, *Desegregation Principles for Los Angeles*, 28.

<sup>404</sup> *Los Angeles Times*, 28 February 1980.

<sup>405</sup> Gary Orfield, *Desegregation Principles for Los Angeles*, 32.

<sup>406</sup> *Los Angeles Times*, 3 March 1980.

<sup>407</sup> Ibid.

<sup>408</sup> Ibid.

<sup>409</sup> Ibid.

<sup>410</sup> *Los Angeles Times*, 10 and 14 March 1980.

<sup>411</sup> *Los Angeles Times*, 10 March 1980.

<sup>412</sup> Ibid. Dublin parent Vicky McDowell stated, “It’s ironic that a program that is doing so well is going to be done away with just because white parents are afraid to send their kids to this part of the city.”

<sup>413</sup> Ibid.

<sup>414</sup> Ibid.

<sup>415</sup> Ibid.

<sup>416</sup> Ibid. Dublin was in a “well-maintained” neighborhood and violence was not a problem, according to the *Los Angeles Times*.

<sup>417</sup> Ibid.

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<sup>418</sup> Ibid.

<sup>419</sup> Ibid.

<sup>420</sup> Ibid.

<sup>421</sup> Ibid.

<sup>422</sup> Ibid.

<sup>423</sup> Ibid.

<sup>424</sup> Ibid.

<sup>425</sup> Ibid.

<sup>426</sup> Ibid.

<sup>427</sup> Ibid.

<sup>428</sup> Ibid.

<sup>429</sup> Ibid.

<sup>430</sup> Ibid.

<sup>431</sup> Ibid.

<sup>432</sup> Ibid.

<sup>433</sup> Ibid.

<sup>434</sup> *Los Angeles Times*, 19 March 1980. Cardenas' expert testimony corroborated the CRCSC's long-held contention that school desegregation and bilingual education were not mutually exclusive goals and could occur simultaneously.

<sup>435</sup> Ibid.

<sup>436</sup> Ibid.

<sup>437</sup> Ibid.

<sup>438</sup> Ibid.

<sup>439</sup> Ibid. The *Los Angeles Times*' William Trombley wrote in a March 24 column that California's Proposition 1 could lead to more mandatory busing instead of less busing, as its authors intended, because the proposition was "in line" with federal school desegregation standards that called for eliminating *de jure* school segregation "root and branch," while the California Supreme Court called for "reasonable and feasible" methods to desegregate schools regardless of cause. See *Los Angeles Times*, 24 March 1980. Another *Los Angeles Times* columnist Jack McCurdy reported that LACBE member Kathleen Brown Rice was a candidate for the vacancy of Los Angeles county superintendent of schools. Brown Rice had by this time reintroduced the idea of dividing the Los Angeles Unified School District into smaller, distinct districts, an idea approved by the California Legislature in 1970 but vetoed by then Governor Ronald Reagan. See *Los Angeles Times*, 25 March 1980.

<sup>440</sup> *Los Angeles Times*, 10 April 1980.

<sup>441</sup> Ibid.

<sup>442</sup> Ibid.

<sup>443</sup> Ibid.

<sup>444</sup> Ibid.

<sup>445</sup> Ibid. Solkovits took the opportunity to testify that the union opposed mandatory teacher transfers in a future school desegregation plan. She said that if Egly ordered mandatory teacher transfers, they should be based on seniority, with teachers with most seniority being last to be transferred.

<sup>446</sup> *Los Angeles Times*, 17 March 1980.

<sup>447</sup> Ibid.

<sup>448</sup> Ibid.

<sup>449</sup> *Los Angeles Times*, 31 March 1980.

<sup>450</sup> Ibid.

<sup>451</sup> Ibid.

<sup>452</sup> Ibid.

<sup>453</sup> Ibid.

<sup>454</sup> Ibid.

<sup>455</sup> Ibid.

<sup>456</sup> *Los Angeles Times*, 2 April 1980. The *Los Angeles Times* reported, "In testimony and later outside the courtroom, Watson said the decreasing number of white students in the city schools has made cross-boundary, or metropolitan, busing the only effective method of desegregating large numbers of students." Moreover, Watson

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noted that a metropolitan plan would make more white students subject to desegregation programs because the districts surrounding the Los Angeles school district were predominantly white. Watson added that her experience with the school district and knowledge of the current anti-busing LACBE membership convinced her that Egly should place an independent panel to oversee the implementation of a metropolitan plan, consisting of a “master” to run the program and an advisory committee representative of the areas included in the master plan and who would oversee the “master.”

<sup>457</sup> *Los Angeles Times*, 31 March 1980.

<sup>458</sup> *Ibid.* Just as he had authored in his November 1978 report to Judge Egly, Pettigrew testified about the theory of “networking,” which involved the idea that integrated minority children and adults developed associations with whites, who are “hooked in” to or part of the mainstream of society. As a result, minority children who went to integrated elementary schools tended to attend integrated junior high schools, and later high schools, colleges and jobs. Pettigrew added that minority students’ exposure to white students provided “experience at moving in the white world.”

<sup>459</sup> Pettigrew, *Report to the Honorable Judge Paul Egly*, 51.

<sup>460</sup> *Ibid.*

<sup>461</sup> *Ibid.*

<sup>462</sup> *Ibid.*

<sup>463</sup> *Los Angeles Times*, 31 March 1980. Gordon Foster, an education professor at the University of Miami and a court consultant and planner in numerous desegregation cases, later testified that he had worked with about ten school districts where multiethnic plans began to operate or were about to be implemented. Although case studies about the feasibility and success of a multiethnic plan were undoubtedly scarce, Foster suggested that a multiethnic approach represented the extant new trend in school desegregation efforts. The *Los Angeles Times* reported, “He [Foster] testified that multiethnic plans are more desirable because in school districts with several minority groups, multiethnic schools more realistically reflect the actual enrollments in those districts.” Foster referred to a desegregation plan based on a near majority or majority of white students as “counterproductive.” He added that the trend towards a multiethnic approach had the full support of the [federal] courts, and should be considered in a school district where Blacks, Hispanics and Asian Americans were numerous. See *Los Angeles Times*, 8 April 1980.

<sup>464</sup> *Los Angeles Times*, 12 April 1980.

<sup>465</sup> *Ibid.*

<sup>466</sup> *Los Angeles Times*, 24 April 1980. In mid March, Judge Egly informed all attorneys that he would request final arguments in written briefs instead of having the attorneys present final arguments in open court, in order to expedite the proceedings. See *Los Angeles Times*, 17 March 1980.

<sup>467</sup> *Ibid.*

<sup>468</sup> *Ibid.*

<sup>469</sup> *Ibid.*

<sup>470</sup> *Ibid.*

<sup>471</sup> *Ibid.*

<sup>472</sup> *Ibid.* Plaintiffs’ attorneys added, “The program to come out of these hearings need not be and should not be understood as the program intended for all time.”

<sup>473</sup> *Ibid.*

<sup>474</sup> William Trombley, “L.A. Ordered to Integrate Grades 1 Through 9 in Fall: Egly Rejects All-Voluntary Plan of Board,” *Los Angeles Times*, 20 May 1980. In mid February 1980, in response to LACBE’s all-voluntary plan, Judge Egly had indicated that he would develop a desegregation plan with the assistance of experts. See *Los Angeles Times*, 15 February 1980.

<sup>475</sup> *Ibid.*

<sup>476</sup> *Ibid.*

<sup>477</sup> *Ibid.* The student body of the LAUSD numbered 540,000 in 1980.

<sup>478</sup> Schools Visited by Judge Egly, n.d., ACLU/SC-DSC/UCLA.

<sup>479</sup> *Los Angeles Times*, 20 May 1980. William Trombley. “L.A. Ordered to Integrate Grades 1 Through 9 in Fall: Egly Rejects All-Voluntary Plan of Board.”

<sup>480</sup> Kevin Roderick and Frank Del Olmo, “Ruling Leaves Both Sides Dissatisfied,” *Los Angeles Times*, 20 May 1980. Even though Egly’s busing plan halted busing over the Santa Monica Mountains, i.e. between the city proper and the San Fernando Valley, Roderick and Del Olmo believed that opponents of busing and comprehensive

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integration would be upset because the order called for more busing with shorter routes but possibly increased transportation time. See also Mimi Ginott and Scott Harris, "Decision Leaves School in Limbo," *Los Angeles Times*, Tuesday 21 May 1980.

<sup>481</sup> Ibid.

<sup>482</sup> William Trombley, "L.A. Ordered to Integrate Grades 1 Through 9 in Fall: Egly Rejects All-Voluntary Plan of Board," *Los Angeles Times*, 20 May 1980. Proposition 1 stated that "courts are to follow recent U.S. Supreme Court decisions in determining whether mandatory busing is required to eliminate segregation."

<sup>483</sup> Ibid.

<sup>484</sup> Kevin Roderick and Frank Del Olmo, "Ruling Leaves Both Sides Dissatisfied," *Los Angeles Times*, 20 May 1980.

<sup>485</sup> William Trombley, "L.A. Ordered to Integrate Grades 1 Through 9 in Fall: Egly Rejects All-Voluntary Plan of Board," *Los Angeles Times*, 20 May 1980.

<sup>486</sup> Ibid.

<sup>487</sup> Jack McCurdy, "Legal Moves May Delay School Order," *Los Angeles Times*, 20 May 1980.

<sup>488</sup> Kevin Roderick and Frank Del Olmo, "Ruling Leaves Both Sides Dissatisfied," *Los Angeles Times*, 20 May 1980.

<sup>489</sup> Ibid.

<sup>490</sup> Ibid.

<sup>491</sup> Ibid.

<sup>492</sup> William Trombley, "L.A. Ordered to Integrate Grades 1 Through 9 in Fall: Egly Rejects All-Voluntary Plan of Board," *Los Angeles Times*, 20 May 1980.

<sup>493</sup> Kevin Roderick and Frank Del Olmo, "Ruling Leaves Both Sides Dissatisfied," *Los Angeles Times*, 20 May 1980.

<sup>494</sup> Ibid.

<sup>495</sup> Ibid.

<sup>496</sup> Ibid.

<sup>497</sup> The other school in the original *Crawford* filing in 1963, South Gate High School, had undergone drastic demographic changes since 1963, when its student population was 99% white. In the 1979-80 academic year, South Gate High School was 80% minority, mostly Hispanic. See Mimi Ginott and Scott Harris, "Decision Leaves School in Limbo," *Los Angeles Times*, 21 May 1980.

<sup>498</sup> Mimi Ginott and Scott Harris, "Decision Leaves School in Limbo," *Los Angeles Times*, 21 May 1980.

<sup>499</sup> Ibid.

<sup>500</sup> Ibid.

<sup>501</sup> Ibid.

<sup>502</sup> Ibid.

<sup>503</sup> Kevin Roderick and Frank Del Olmo, "Ruling Leaves Both Sides Dissatisfied," *Los Angeles Times*, 20 May 1980.

<sup>504</sup> Ibid.

<sup>505</sup> William Trombley, "School Plan Monitor Cites Advisory Role," *Los Angeles Times*, Wednesday 22 May 1980. As part of his plan, Judge Egly appointed two public policy experts, Edward K. Hamilton, a former deputy mayor of New York City, and Francine F. Rabinovitz, a USC professor, as special monitors to "oversee implementation of the new school desegregation plan." Judge Egly called them the "eyes and ears of the court during the planning and implementation period." They did not have enforcement powers, however. Egly stressed that "this role will be advisory, not supervisory." According to the *Los Angeles Times*, Hamilton graduated from the University of Minnesota, served as budget director and later deputy mayor of New York under Mayor John V. Lindsay from 1970 to 1973, served as budget advisor to Governor Jerry Brown, taught at the UCLA School of Management, and belonged to the court-appointed LASMC. Rabinovitz earned a PhD from MIT in political science and was a professor of public administration, urban and regional planning, and political science at USC. She served as deputy director of a commission that "proposed major reform in the Los Angeles County Charter and also was deputy director of the California Citizens on Tort Reform." Hamilton served as a member of the court-appointed SMC. Rabinovitz was one of eight experts chosen by Judge Egly to study school segregation problems in Los Angeles. Hamilton and Rabinovitz were partners in a public policy consulting firm of Hamilton, Rabinovitz, and Szanton. A

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year earlier, Egly had appointed them to conduct computer-based simulations of various mandatory desegregation plans, which “led, indirectly, to the new ‘community area’ plan that Egly has proposed.”

<sup>506</sup> Kevin Roderick and Frank Del Olmo, “Ruling Leaves Both Sides Dissatisfied,” *Los Angeles Times*, 20 May 1980.

<sup>507</sup> Ibid.

<sup>508</sup> Ibid.

<sup>509</sup> Ibid.

<sup>510</sup> Ibid.

<sup>511</sup> Mimi Ginott and Scott Harris, “Decision Leaves School in Limbo,” *Los Angeles Times*, 21 May 1980. See also Kevin Roderick and Frank Del Olmo Kevin Roderick and Frank Del Olmo, “Ruling Leaves Both Sides Dissatisfied,” *Los Angeles Times*, 20 May 1980.

<sup>512</sup> William Trombley, “L.A. Ordered to Integrate Grades 1 Through 9 in Fall: Egly Rejects All-Voluntary Plan of Board,” *Los Angeles Times*, 20 May 1980

<sup>513</sup> Kevin Roderick and Frank Del Olmo, “Ruling Leaves Both Sides Dissatisfied,” *Los Angeles Times*, 20 May 1980.

<sup>514</sup> Ibid.

<sup>515</sup> Ibid.

<sup>516</sup> Mimi Ginott and Scott Harris, “Decision Leaves School in Limbo,” *Los Angeles Times*, 21 May 1980.

<sup>517</sup> H. Rogosin, Statement, 2 June 1980, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD.

<sup>518</sup> LACBE, Minutes, 19, 7 July 1980, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD. The hurdles to achieve desegregation multiplied when LACBE implemented new educational programs. For a detailed list of obstacles the LASMC found and faced in overseeing implementation of desegregation, see Los Angeles School Monitoring Committee, letter to Ed Hamilton and Francine Rabinovitz, 19 June 1980, Los Angeles School Monitoring Committee Records (Collection 1291). Department of Special Collections, Charles E. Young Research Library, University of California, Los Angeles, Los Angeles, California (from now on LASMCR-DSC/UCLA).

<sup>519</sup> Ibid.

<sup>520</sup> Ibid.

<sup>521</sup> Ibid.

<sup>522</sup> LACBE, Minutes, 45, 11 August 1980, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD.

<sup>523</sup> Office of Communications, Los Angeles City Schools, Court Report Memo, “Board Files New Appeals, Court Approves RIMS, PWT Program,” 2 September 1980, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD. The extensive list of compensatory programs included: Bilingual Teachers Program, Language Acquisition Program, RIMS Staff Development, RIMS Administrative Development, Integration Impact Unit, Leadership Training, Schoolwide Projects, Curriculum Alignment Project, Computer Assistance Programs, Project Textbooks, USC Med-Cor Program, Project Ahead, School Readiness Language Development Programs, RIMS Evaluation Unit, RIMS Maintenance Program, “as well as a reduction in class size to a 27:1 pupil-teacher ratio,” and “the restoration of the sixth period, if economically feasible.”

<sup>524</sup> Ibid. Egly also permitted PWT students to attend “naturally desegregated schools as long as their numbers do not change the school’s integrated status.”

<sup>525</sup> Ibid.

<sup>526</sup> At least one school’s P.T.A. demanded an end to its pairing with another school. The Dayton Heights Elementary School P.T.A. asked Judge Egly to terminate its pairing with Riverside Drive Elementary because the Dayton P.T.A. members believed their neighborhood was already desegregated with a local school population of 60% Hispanic, 25% Asian, 5% Native American, 4.5% Black, 5% white, and 5% other white. The P.T.A. also argued the pairing had resulted in two segregated minority schools that failed to meet the “desegregation guidelines as prescribed by the integrated percentages.” See Mrs. Elvira Hill, P.T.A. President, Dayton Heights Elementary, letter to LACBE, 12 January 1981, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD. Dayton’s School Site Council/Bilingual Committee made a similar request with comparable rationales for the dissolution of the pairing. See Zulay Chavez, Chairperson, School Site Council/Bilingual Committee, 24 January 1981. Same location.

<sup>527</sup> *Los Angeles Board of Education v. Superior Court of California, County of Los Angeles*, 448 U.S. 1343 (1980).

<sup>528</sup> Ibid.

<sup>529</sup> Ibid.

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<sup>530</sup> Ibid.

<sup>531</sup> Ibid.

<sup>532</sup> Ibid.

<sup>533</sup> Ibid.

<sup>534</sup> LACBE, Minutes, 165, 17 November 1980, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD.

<sup>535</sup> Ibid.

<sup>536</sup> Ibid. Cognizant of LACBE proceedings, and in response to a recent report by special monitors Francine Rabinovitz and Edward Hamilton documenting the board's lack of progress in planning school desegregation, Judge Egly instructed the monitors to initiate a "more precise monitoring process" over LACBE and the district. Egly called for weekly meetings with "responsible members" of LAUSD staff and, if necessary, board members, and reports "to determine the compliance, preparation thereof, or noncompliance as to the executory and administrative provisions" of the July 7, 1980 and pendent elite order of August 28, 1980. See Judge Paul Egly, letter to Francine Rabinovitz and Ed Hamilton, 25 November 1980, LASMCR-DSC/UCLA, and Edward K. Hamilton and Francine F. Rabinovitz, Memo to Judge Egly, 21 November 1981, same location.

<sup>537</sup> *Los Angeles Times*, 20 December 1980.

<sup>538</sup> *Los Angeles Times*, 9 December 1980.

<sup>539</sup> Ibid.

<sup>540</sup> Ibid.

<sup>541</sup> *Crawford v. Los Angeles Board of Education*, 113 Cal. App. 3d 633 (1980). See also *Los Angeles Times*, 20 December 1980. The three judge appeals panel included Justices Lester William Roth, Macklin Fleming, and Lynn D. Compton. Senator Alan Robbins' office released this statement after the appeals court ruling: "We are positively delighted that our proposition has been held constitutional and we are pleased that the initial appellate ruling is against forced busing."

<sup>542</sup> Ibid.

<sup>543</sup> *Los Angeles Times*, 20 December 1980.

<sup>544</sup> Ibid.

<sup>545</sup> Ibid.

<sup>546</sup> Ibid.

<sup>547</sup> Ibid.

<sup>548</sup> Ibid.

<sup>549</sup> Ibid.

<sup>550</sup> Ibid.

<sup>551</sup> Ibid.

<sup>552</sup> Ibid.

<sup>553</sup> Ibid.

<sup>554</sup> Ibid.

<sup>555</sup> Ibid.

<sup>556</sup> Ibid.

<sup>557</sup> Ibid.

<sup>558</sup> Ibid.

<sup>559</sup> Ibid. Duff called the appellate court's opinion "a sterilized view of the world."

<sup>560</sup> Ibid.

<sup>561</sup> Ibid.

<sup>562</sup> Ibid. Roderick reported that the ongoing mandatory integration plan involved about 60,000 students in grades one through nine in mandatory busing, plus 30,000 other students in magnet schools and other voluntary programs. The total district student enrollment was 535,000, with more than 300,000 students relegated to racially segregated minority schools.

<sup>563</sup> Whereas LACBE stalled in planning and implementing mandatory and involuntary integration strategies and appealed and re-appealed Gitelson's and Egly's orders for nearly two decades, the board *preemptively* passed a motion to plan the dismantling of all mandatory integration programs because it anticipated a final court order that would uphold the constitutionality of Proposition 1.

<sup>564</sup> LACBE, Minutes, 232, 12 January 1981, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD. Board member Bartman perceptively noticed Ferraro's presumption that Egly's order would be overturned on

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appeal. Bartman revised part of the motion to read: “the Board of Education [will] terminate such busing immediately after the final appellate decision in the Crawford case allowing such termination.”

<sup>565</sup> Ibid. Ferraro’s motion also requested the following: 1) that the district’s legal counsel keep the board informed of the appellate proceedings; 2) that money allotted to mandatory busing now be used to increase nurse positions; and 3) that these same funds could be used for help reduce the student-teacher ratio from 35:1 to 27:1, “or as close thereto as funds permit.”

<sup>566</sup> Ibid. Ferraro, Bartman, Greenwood, Trias, and President Weintraub voted for this motion. Walters cast the lone vote in opposition.

<sup>567</sup> LACBE, Minutes, 260, 2 February 1981, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD.

<sup>568</sup> LAUSD, *Proposed Plan for Senior High School Desegregation*, 24 February 1980, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD, 43. The district’s plan included the following: 1) implementing voluntary desegregation programs, including PWT and magnet schools; 2) designating magnet schools in the city proper and the Valley; 3) designating and developing educational strategies for RIMS; 4) confronting overcrowding, including contemplating the year-round-system; 5) and implementing what amounted to one-way busing of minority students in Los Angeles proper *and* the Valley to overwhelmingly white schools. The district relied to a great extent on Judge Egly’s August 28, 1980 order to develop compensatory education strategies for RIMS. Overcrowding was increasing becoming one of the most pressing problems in the district. Top district officials specifically mentioned overcrowding in Hoover and Union Elementary Schools, which were converting to year-round status, and called the year-round schedule “at best a temporary solution.” Two top district officials described to the LASMC “the games being played between and among principals with varying degrees of overcrowding.” The officials claimed, “There are situations in which principals will call other principals and tell them, ‘Look, if you don’t take some kids back now, the next time your overcrowding gets worse, I won’t take any of yours.’” The LAUSD did not track these transfers. See Los Angeles School Monitoring Subcommittee on NDS, PWT, and Feeder Patterns Monitors, letter to Los Angeles School Monitoring Committee and Special Monitors, 3 March 1981, LASMC-R-DSC/UCLA.

<sup>569</sup> Ibid., 44.

<sup>570</sup> Office of Communications, Los Angeles City Schools, “Anti-Busing Decision Upheld,” 13 March 1981, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD. The district court also ruled that LACBE could recover court costs that Egly had awarded to petitioner’s counsel.

<sup>571</sup> Ibid.

<sup>572</sup> Paul Egly, “Crawford v. Los Angeles Unified School District: An Unfulfilled Plea for Racial Equality,” *University of La Verne Law Review* 31, no. 2 (2010): 308-309.

## Conclusion

On March 16, 1981, Superior Court Judge Paul Egly, in light of the negative response to his integration order and the recent decisions by the Second District Court of Appeals and the California Supreme Court, formally removed himself from the case. “I hereby recuse myself from the above entitled,” Judge Egly wrote in a proceedings document.<sup>1</sup> After several years on the case engaging in painstaking legal analysis, contending with several stays and appeals by LACBE and intervenors, calls for his recall from the bench and dismissal from the case, an angry public, and an uncooperative board, Judge Egly ended his relationship with *Crawford*. On the very same day, LACBE voted to dismantle the mandatory integration strategies that would have gone into effect under the supervision of Judge Egly. On April 8, LACBE attorneys asked the Superior Court to dismantle the existing desegregation plan.<sup>2</sup>

*Crawford* began in 1963. Almost two decades later, the California Supreme Court that previously had ruled in favor of the civil rights litigants, now held an anti-busing law constitutional. For the anti-busers, the legal victory represented a manifestation of hard work and dedication. For integrationists, the rulings by Second Court of Appeals and the California Supreme Court signified almost certain defeat, as LACBE engaged in a swift and predetermined campaign to terminate all mandatory components of the desegregation program, whereas it almost always appealed rulings that called for mandatory integration. On behalf of President Weintraub and Bartman, Ferraro introduced a motion that, as of April 18, 1981, permitted “parents who desire may cause their children to be reassigned from the mandatorily paired and clustered schools back to their respective neighborhood schools.”<sup>3</sup> The motion included directing the superintendent to “ensure that the necessary actions and procedures are available to students, parents and teachers which will provide for the most orderly transition back to a neighborhood school plan to be implemented immediately following the termination” of spring recess on April 20, 1981.<sup>4</sup> In order to avoid charges of interrupting the children’s education while it dismantled mandatory integration, LACBE voted to “permit any student who so desires

to remain voluntarily in the currently assigned paired and clustered school until the conclusion of this school year.”<sup>5</sup> Moreover, to avoid charges of racism, LACBE voted to reaffirm “its commitment to the goal of an integrated school district and to the utilization of all effective voluntary desegregation programs.”<sup>6</sup> The motion passed with 5 votes. The process to end mandatory integration strategies after Proposition 1 became law continued at a rapid pace.

By the following LACBE meeting, the board members scrambled to reach a conclusive decision on whether to permit parents to allow their children in mandatory pairs and clusters to return to their neighborhood school in the middle of the semester, though the board members were aware that interruption would be disruptive and would have “negative effects.”<sup>7</sup> Greenwood suggested that the district could “strongly encourage parents of students in mandatory pairs and clusters...to elect to remain in the present program for the remainder of the school year.”<sup>8</sup> Bartman offered a substitute motion that “strongly” encouraged parents to make an informed decision on whether to remove their children away from mandatory pairs and clusters and into their neighborhood school.<sup>9</sup> At first *both* motions went down to defeat by a 3-3 vote. After a five-minute recess, board member Trias changed his vote to support Bartman’s substitute motion.

On March 27, a federal district court in Sacramento dismissed a civil rights group’s request for a restraining order against the termination of the mandatory integration programs in conjunction with a suit against Proposition 1.<sup>10</sup> On March 30, the Second District Court of Appeals “rejected a UTLA request for reconsideration of its Dec. 19 ruling against the mandatory integration programs.”<sup>11</sup> In the meantime, as civil rights groups and the UTLA failed to secure injunctions to halt ending the mandatory aspects of the integration plan, the search for Egly’s replacement continued. Judge Egly’s exit prompted a frantic search for a new judge to take over the case. By Wednesday April 8, Presiding Judge David Eagleson had appointed Superior Court Judge Richard F. C. Hayden, 63.<sup>12</sup> Later, Eagleson met with ACLU, NAACP and UTLA representatives who sought injunctions to “halt the board’s termination of the mandatory integration program April 20.”<sup>13</sup>

The NAACP’s Joseph Duff argued that allowing parents “to opt out of the mandatory integration program and return their children to neighborhood schools April 20, constituted an intentional segregative act prohibited by all court decisions in the case,” a “backward step,” and “an end run around the legal process” that would permit schools desegregated over the past three

years to “slide back into segregation.”<sup>14</sup> After a two-hour hearing, Judge Eagleson denied the NAACP’s injunction request. “Hewing closely to the Dec. 19 Court of Appeal ruling that overturned the mandatory plan,” LACBE’s Office of Communications reported, Judge Eagleson “rejected the civil rights group argument.”<sup>15</sup> Judge Eagleson added that the board could end the court-ordered mandatory program because it was “an order that shouldn’t have been made.”<sup>16</sup> He also opted not to rule on “whether the board’s action constituted a specific intent to discriminate.”<sup>17</sup> UTLA attorney Larry Trygstad called the termination of mandatory integration programs “a serious and needless disruption of the educational process for both students and teachers,” an act “practically criminal in nature.”<sup>18</sup> Judge Eagleson ruled against UTLA’s standing because the union “had not demonstrated sufficient injury” to merit an injunction against LACBE.<sup>19</sup> The rulings against the mandatory desegregation plan did not mean that the debate ended. The question over the constitutionality of Proposition 1 continued, with the United States Supreme Court yet to answer this question.

On April 10, Judge Presiding Judge David N. Eagleson removed Superior Court Judge Richard F.C. Hayden within a week after his appointment. The district’s Office of Communication reported that BUSTOP had leveled a peremptory challenge against Judge Hayden, and that Judge Eagleson deemed the challenge “legally proper.”<sup>20</sup> On April 17, presiding Judge Eagleson selected Superior Court Judge Robert B. Lopez by way of lottery, though the ACLU and the NAACP objected to Hayden’s removal.<sup>21</sup> BUSTOP challenged Lopez’s selection, while civil rights attorneys objected to selecting another judge.<sup>22</sup> BUSTOP later withdrew its challenge. Moreover, BUSTOP also had requested the dismissal of the case, which it also later withdrew.<sup>23</sup>

The legal skirmishing continued, as the NAACP successfully obtained a temporary restraining order against ending the mandatory components of the integration plan. On April 17, United States District Judge A. Wallace Tashima, “in a surprise move Friday,” issued a temporary restraining order to ending mandatory integration strategies, but “stayed its effect until late Saturday afternoon to allow board lawyers time to file an appeal in the 9<sup>th</sup> Circuit Court of Appeals.”<sup>24</sup> On Saturday evening, a three-member appeals panel overturned Judge Tashima’s order by a 2 to 1 vote, “largely on the basis that the issue was still pending in the state Supreme Court.”<sup>25</sup> The ACLU and the NAACP had filed that restraining order request on April 8. On Sunday, April 19, the California State Supreme Court rejected the civil rights groups’ request

*without comment.* On the same day, an NAACP appeal had reached the United States Supreme Court as a result of the group's successful request for a temporary restraining order from United States District Court Judge Tashima. United States Supreme Court Associate Justice William Rehnquist was in charge of desegregation cases and "declined to rule on the NAACP appeal" until he received a brief from school board attorneys.

### *Case Closed*

After rejecting civil rights attorneys' pleas for a restraining order against the dismantling of the existing mandatory desegregation strategies and opening hearings for oral testimony on LACBE's recent *voluntary* desegregation plan,<sup>26</sup> on September 10, 1981, Judge Lopez made a final ruling on *Crawford*. He accepted LACBE's July 2, 1981 all-voluntary desegregation plan that involved approximately 50,000 students out of a student population of about half million. He claimed that "facts material to the case have changed since the case was filed in 1963," and that "the nomenclature employed has become outdated, misleading and harmful to innocent children."<sup>27</sup> He opined that the case needed a final resolution, a "finality in the law so that the people may plan their everyday lives to conform to the requirements of the law."<sup>28</sup> According to Lopez, he based his decision on the California Supreme Court decision from June 1976, when the court ordered the board to employ "reasonably feasible steps to alleviate school segregation, regardless of cause."<sup>29</sup> Lopez claimed that the California Supreme Court's decision "precludes judicial intervention in the planning and/or implementation process."<sup>30</sup>

In accordance with LACBE's voluntary integration plan, Judge Lopez ordered the district to "proceed to construct new schools and to build additions to existing schools as overcrowding and other needs require."<sup>31</sup> Believing that the "nomenclature" of students in the district had changed since 1963, Judge Lopez claimed the term "minority" was anachronistic, a term applicable to *Brown* but not *Crawford*. He declared: "The definition of groups used in the plan is ordered changed forthwith to end the use of terminology classifying Black, Hispanic, and Asian children, as well as those of other non-Anglo ancestries, as 'Minority' students." "History does change, and when it does it must be reported accurately," he added.<sup>32</sup> He alleged that referring to non-Anglo students as "minority" was "factually incorrect" because these students in fact comprised "the vast majority of the school population."<sup>33</sup> Judge Lopez's used the term "majority" in terms of numerical representation, but not in terms of exercising political power

and clout.<sup>34</sup> He claimed that labeling a group “a minority when it is a majority is harmful to those students.”<sup>35</sup> “Facts, as opposed to labels, are not harmful to children,” he contended.<sup>36</sup> He also ordered LACBE to cease using the term “Racially Isolated Minority Schools” to describe *racially isolated minority schools*, calling the term “deceptive, demeaning, and inaccurate,” and to instead use a neutral term not to include the word “minority.”<sup>37</sup> Referencing the Court of Appeals, he wrote, “The old labels are harmful to the self esteem of the very children this action purports to protect.”<sup>38</sup>

Judge Lopez’s order included other components. He ordered all new elementary and junior high school magnet schools and programs established under the board’s plan to be located “in the areas of predominantly Hispanic, Black, or Asian and Other enrollment.”<sup>39</sup> He also ordered LACBE to maintain a student-teacher ratio of 27:1 or less in predominantly Hispanic, Black and “Asian and Other” schools. He backed the continuation of the district’s voluntary integration programs claiming, “All Hispanic, Black, Asian and Other pupils who volunteer are entitled to access to all programs involving the voluntary transfer of students.”<sup>40</sup>

Judge Lopez repeatedly emphasized the idea of “under present conditions,” which influenced his interpretation of the terms “majority” and “minority.” He ruled, “The Court finds that the Board has embarked on a course of action that under present conditions seeks to realize the hope of society and alleviate the various harms to the children in the District.”<sup>41</sup> Judge Lopez’s support of the district plan ensured that it would go into effect. As the author of the plan, the district did not appeal the ruling. Lopez maintained that the board of education satisfied Judge Gitelson’s May 19, 1970 decision. Lopez explained:

The Court finds that respondent Board of Education has satisfied the mandate of the Court issued May 19, 1970, interpreted in light of the opinions by the [California] Supreme Court in Crawford v. Board of Education (Crawford I), supra, and the Court of Appeal in Crawford v. Board of Education (Crawford II), supra, and each of them, and so finding, orders the writ discharged.<sup>42</sup>

The saga of *Crawford* in Superior Court ended on September 10, 1981, just over eighteen years after it began. The board now contended with overcrowding, ironically contemplating boundary changes, a strategy which it eschewed as part of a desegregation plan, but now seemed a necessary strategy to combat overcrowding. The legal fight seemingly over in Superior Court

continued, as the NAACP's appeal on the constitutionality of Proposition 1 had reached the United States Supreme Court.<sup>43</sup>

On December 2, 1981, Judge Lopez awarded attorneys' fees and court costs in the amount of \$1.3 million. He ordered the board to pay \$118,970 in court costs and attorneys' fees of \$650,000 to the ACLU; \$450,000 to the legal firm representing the NAACP; and \$100,000 to the Los Angeles Center for Law and Justice.<sup>44</sup> He declared intervenors The Integration Project, UTLA, BUSTOP, BEST, and Loveland and Keipp (representing CACSI) ineligible.<sup>45</sup> The award covered costs and attorneys' fees from February 1977 through August 1981.<sup>46</sup>

### *The United States Supreme Court Rules on Proposition 1*

On March 16, 1982, LACBE formally voted to end the mandatory busing program<sup>47</sup> just before the United State Supreme Court ruled on Proposition 1. On Monday, March 22, the United States Supreme Court heard arguments on Proposition 1.<sup>48</sup> Harvard Law Professor Laurence H. Tribe replaced long-time petitioners' counsel Fred Okrand who could not attend due to pending heart surgery. Tribe argued that "Proposition 1 effectively prohibits minority groups from using state courts to obtain relief from violations of their constitutional rights to equal education."<sup>49</sup> The LAUSD's Office of Communications quoted Tribe: "The issue in this case ... is whether California can relegate minorities to a different, more restricted form of judicial protection of their rights than other groups. It's about shoving people to the back of the courthouse."<sup>50</sup> Tribe added that Proposition 1 was "defective" because it limited "the treatment of a racial category and therefore is unconstitutional on its face."<sup>51</sup> He surmised that it was unnecessary "to show the racial bias implicit in the measure beyond that."<sup>52</sup>

Attorney G. William Shea represented the LAUSD, countered Tribe on the "race specificity" argument as a "new argument," and claimed, "Nowhere in the proposition is there any such limitation."<sup>53</sup> Shea faulted petitioners' counsel for not challenging Proposition 1 "during the 1980 Crawford trial, shortly after it was passed by voters of the state."<sup>54</sup> The LAUSD had an ally in Justice Department Solicitor General Rex E. Lee, who appeared on behalf of the LAUSD as a friend of the court. Lee argued that "Proposition 1 was carefully structured, not race specific."<sup>55</sup> "If California loses this case," Lee stated, "the real losers will be efforts by states across the country to achieve desegregation. This would be a great disservice to

federalism generally and the states in particular.”<sup>56</sup> Lee’s argument focused on states’ rights.

Roberta Weintraub travelled to Washington D.C. for the hearing and stated:

If Proposition 1 is overturned by this court system, I guarantee you we will have the most segregated school system in the entire United States of America, because people will withdraw from our schools as they did when busing was prevalent. They are now coming back, they are reappearing, and this is an important thing. Do you want segregation or desegregation?<sup>57</sup>

LACBE member Ferraro stated, “Forced busing clearly failed in Los Angeles. I hope the Supreme Court in its wise counsel is going to note that, as was presented very eloquently by our attorney. And if you care about young people, Proposition 1 needs to be reaffirmed.”<sup>58</sup> Another LACBE member, Trias said, “If Proposition 1 is overturned, it is going to create a lot of resegregation. The eighty percent minority group in my district does not want forced busing.”<sup>59</sup>

On Wednesday June 30, 1982, the United States Supreme Court ruled on the constitutionality of California’s Proposition 1, and concurred with the 1970 trial court’s finding of “segregation of *de jure* in nature” in the Los Angeles school district.<sup>60</sup> The LAUSD’s Office of Communications reported: “In a near-unanimous decision Wednesday, the U.S. Supreme Court upheld the constitutionality of Proposition 1, the anti-busing amendment to the state constitution passed by in 1979.”<sup>61</sup> It added:

By an 8-1 voted [*sic*] ending the 19-year-old Crawford case, the Court agreed that the proposition can restrict state courts to ordering mandatory busing only when there is clear evidence of deliberate segregation or discrimination by school districts.<sup>62</sup>

The United States Supreme Court held, “Proposition 1 does not violate the Fourteenth Amendment.”<sup>63</sup> The United States Supreme Court accepted the idea that neighborhood schools possessed inherent educational benefits. The Court elaborated:

The purpose of the Proposition – chief among them the educational benefits of neighborhood schooling – are legitimate, nondiscriminatory objectives, and the state court [of appeal] characterized the claim of discriminatory intent on the part of millions of voters as but ‘pure speculation.’<sup>64</sup>

Though restricting efforts to desegregate school districts, the court ruling reaffirmed “the principle that school districts must remedy segregation wherever it exists.”<sup>65</sup> The Office of Communications quoted the Court:

Moreover, the Proposition simply removes one means of achieving the state-created right to desegregated education. School districts retain the obligation to alleviate segregation regardless of cause. And the courts still may order desegregation measures *other than pupil school assignment or pupil transportation* (emphasis mine).<sup>66</sup>

In response to civil rights groups' concerns of the proposition's discriminatory intent, the United States Supreme Court ruled, "Even if it could be assumed that Proposition 1 had a disproportionate adverse effect on racial minorities, there is no reason to differ with the state appellate court's conclusion that Proposition 1 was not enacted with a discriminatory purpose."<sup>67</sup>

The Court asserted:

In this case the Proposition was approved by an overwhelming majority of the electorate. The purposes of the Proposition are stated in its text and are legitimate nondiscriminatory objectives. In these circumstances we will not dispute the judgment of the Court of Appeal or impugn the motives of the State electorate.<sup>68</sup>

The United States Supreme Court decision effectively ended mandatory busing for integration in California, though the NAACP continued its suit against LACBE for "segregative acts dating back to 1950" before Judge Tashima.<sup>69</sup> Additionally, the Court granted the state electorate to dictate desegregation policy, reflecting a states' rights doctrine. And, it effectively permitted state laws that could have a "disproportionate adverse effect on racial minorities" as long as the state laws were written in race-neutral, "nondiscriminatory" language.

Supreme Court Justice Thurgood Marshall represented the lone dissenting vote on Proposition 1. He readily stated that California's Proposition 1 and a statutory initiative pertaining to the Seattle School District (Washington State's Initiative 350) were both designed to "substantially curtail, if not eliminate, the use of mandatory busing or transportation as a remedy for *de facto* segregation."<sup>70</sup> Although both ballot measures would severely constrict the use of mandatory busing to desegregate public schools, the United States Supreme Court handed down conflicting findings strictly structured and tailored according to whether the Justices believed the ballot initiatives, in spite of their race-neutral language, in effect constituted racially neutral legislation.<sup>71</sup> The United States Supreme Court found that California "Proposition 1 does not violate the Fourteenth Amendment," but declared that "Initiative 350 violates the Equal Protection Clause" under the Fourteenth Amendment.<sup>72</sup>

These contrasting ideas behind the rulings in the two cases served as the basis for Justice Marshall's dissent on the Proposition 1 ruling in *Crawford*. He declared that in *Washington v. Seattle School District No. 1*, the United States Supreme Court concluded that Washington's Initiative 350 was unconstitutional because it used "the racial nature of an issue to define the governmental decisionmaking structure, and thus imposes substantial and unique burdens on racial minorities."<sup>73</sup> Justice Marshall explained:

Inexplicably, the Court simultaneously concludes that California's Proposition 1, which effectively prevents a state court from ordering the same mandatory remedies in the absence of a finding of *de jure* segregation, is constitutional because, "having gone beyond the requirements of the Federal Constitution, the State was free to return to the standard prevailing generally throughout the United States."<sup>74</sup>

He concluded:

Because I fail to see how a fundamental redefinition of the governmental decisionmaking structure with respect to the same racial issue can be unconstitutional when the State seeks to remove the authority from local school boards, yet constitutional when the State attempts to achieve the same result by limiting the power of the courts, I must dissent from the Court's decision to uphold Proposition 1.<sup>75</sup>

Both Proposition 1 and Initiative 350 sought to restrict mandatory busing for integration. The United States Supreme Court readily acquiesced to the race-neutral language and the argument within California's Proposition 1. In contrast, the race-neutral language in the anti-busing Initiative 350 did not convince the United States Supreme Court that the initiative was not race-specific legislation. As a result, the United States Supreme Court found Initiative 350 unconstitutional.

### *Crawford Ends*

Almost a year after the United States Supreme Court ruled Proposition 1 constitutional, on May 5, 1983, the ACLU's Fred Okrand and the rest of the plaintiff's attorneys filed with the Second District Court of Appeal a petition to dismiss their appeal of Judge Lopez's September 10, 1981 order.<sup>76</sup> Nearly six years later, on March 27, 1989, U.S. District Court Judge A. Wallace Tashima dismissed the last remaining defendant in the twenty-six-year old *Crawford* case at the request of the NAACP, which had pursued desegregating the district long after the United States Supreme Court upheld the constitutionality of Proposition 1.<sup>77</sup> *The Los Angeles Times* reported, "U.S. District Judge A. Wallace Tashima dropped the state Department of

Education and Supt. of Public Instruction Bill Honig from the suit at the request of the [NAACP], which said it could not afford to continue pressing the case.”<sup>78</sup> The dismissal included strict parameters. For example, because the NAACP agreed to the dismissal, it could not appeal the dismissal.<sup>79</sup> Additionally, the dismissal “effectively barred [the NAACP] from legally renewing its charges that the district caused the intentional segregation of black students from 1963, when the original desegregation suit was filed, *to the present*” (emphasis mine).<sup>80</sup> Yet, the dismissal did not “preclude the NAACP from suing the district for discrimination against ethnic minority students if it finds evidence of such discrimination in the future.”<sup>81</sup>

A class-action lawsuit of this type in the future was unlikely because it was “doubtful that any civil rights organization could afford the monumental costs of litigating a major school desegregation lawsuit in the future,” explained the *Los Angeles Times*.<sup>82</sup> Desegregation expert Gary Orfield, then professor at the University of Chicago, said that “the end of the Los Angeles desegregation case focuses attention on the ‘special problems in the very largest cities—Chicago, New York, and Los Angeles—that have patterns of segregation no one can afford to litigate.”<sup>83</sup> “It would cost so many millions of dollars, beyond the capacity of any minority group in the country to pay ... so we may have a situation where justice exists, but no one can afford to obtain it,” Orfield asserted.<sup>84</sup> NAACP attorney and recent president-elect of the L.A. NAACP Joseph H. Duff reflected, “That’s essentially the lesson we learned—the hard way.”<sup>85</sup> Duff believed the NAACP lacked “the manpower and the money to adequately research the case.”<sup>86</sup> Instead of the courts, Duff indicated the NAACP would be “working politically” to effect changes in the LAUSD “that will improve education for minorities, particularly for black youngsters.”<sup>87</sup> In other words, Duff now relied on focusing on compensatory education, a longtime alternative to desegregation and concern of the most fervent integrationists.

Although much of the impetus behind *Crawford* eroded as the ACLU and the NAACP no longer sought to desegregate the LAUSD through the courts, accusations of unequal treatment of minority students by the district continued. The accusations came this time from the Mexican American Legal Defense and Education Fund (MALDEF) in a suit filed in 1986.<sup>88</sup> Representatives from the Mexican American community, a community that rejected an invitation to join African Americans in the original filing of *Crawford*, now challenged the board in the courts to improve education for Mexican American students and by extension Latino students.

The dismissal of *Crawford* prompted LAUSD to direct efforts to improve education for minority students without integration. The *Los Angeles Times* reported, “The dismissal came as the Los Angeles Board of Education was scheduled to vote on a massive plan to raise achievement levels of minority students.”<sup>89</sup> “The proposed plan,” it continued, “is not related to the NAACP suit, but addresses some of the same issues and acknowledges that ‘institutional racism’ contributes to inferior education for minorities.”<sup>90</sup> “School district officials say, however, that the district’s voluntary desegregation efforts have achieved as much integration as possible in a district with fewer than 100,000 white students.”<sup>91</sup>

Behind the scenes, an important story took place the year before the dismissal of *Crawford* in 1989. NAACP officials sought to settle with the district by asking it to tailor compensatory education programs for the *lowest achieving minority schools* “that would reverse years of academic failure.”<sup>92</sup> Two of the NAACP’s proposals included expanding the district’s “10 Schools Program,” “in which 10 of the district’s lowest achieving black schools were reorganized and given special aid,” and “reduction class sizes in predominately black and Latino schools to a maximum of 18 students each.”<sup>93</sup> The state of California funded many of the integration programs, but rejected funding the NAACP’s proposed plans.<sup>94</sup> This made a settlement between the NAACP and the LAUSD impossible, and talks broke down.

Attorney Duff offered opinions about the proposed LAUSD compensatory education plan, which called for smaller class size and more pre-kindergarten programs. He was critical of the district’s ten-year plan to end low achievement because “it failed to adequately focus on the specific needs of black youngsters.”<sup>95</sup> Quoting Duff, the *Los Angeles Times* reported: “In this district, the achievement problem is essentially a black problem, and until they deal with that the other problems are not going to get solved.”<sup>96</sup> Yet Duff acknowledged that the desegregation fights “produced some benefits for minority children, noting that the district’s magnet and voluntary busing programs” had resulted in an “opening of white schools to minority children.”<sup>97</sup> Overall, Duff concluded that “the solutions offered by the district ‘haven’t matched the problems.’”<sup>98</sup>

### *Looking Forward, Looking Back*

Just over a week later, *Los Angeles Times*’ Carol McGraw published “Integration Fight – No Victor Seen,” an overview of the origins of *Crawford* as well as the effects of the case on

some its most famous personalities. In 1963, when Elnora Crowder went to Watts and approached some teenagers at a park, they recoiled, she recalled, and said to her, “Blacks go to a white school?” Crowder joked about their response: “It was like I was asking them to go to the moon.”<sup>99</sup> After going house-to-house and ringing doorbells “like an Avon lady” she found a willing participant in Jordan High School student Mary Ellen Crawford.<sup>100</sup> Elnora Crowder later became a librarian.

The case ended after twenty-six years with casualties at different stages of the case from both sides of the debate. Of Mary Ellen Crawford, friends said “she has kept a low profile for a number of years and prefers to stay out of the public spotlight.”<sup>101</sup> Of the desegregation lawsuit’s demise, the *Los Angeles Times* reported that Marnesba Tackett stated, “It’s the same kind of thing. People who have the money outlasted the people with limited funds. They [the anti-busers] won by default. The schools are more segregated than they have ever been.”<sup>102</sup>

Judge Alfred Gitelson, who ordered LACBE to integrate and whom anti-integrationists labeled “the busing judge,” lost his reelection in a runoff. He passed away from a heart attack years later. Howard Miller lost his board seat to Roberta Weintraub in a recall election. Judge Paul Egly, who took over the case in 1977, left the case after the California Supreme Court permitted the Court of Appeals’ stay of the mandatory desegregation plan strategies. “Like others in the case,” the *Los Angeles Times* reported, “Egly was the target of recall attempts, hate mail, and death threats, worked long exhausting hours and was ignored by former friends who differed with him on the issue.”<sup>103</sup> Speaking about Judge Egly during and after *Crawford*, Bobbi Fiedler recalled, “So we were in a constant state of attacking him ... you know, in the courtroom as well as in public view and press, and he was damaged irreversibly and eventually took off the case and left, fairly traumatized from what I understand, from the report.”<sup>104</sup> Although not a target of recall efforts, pro-busing, ten-term Democratic Congressman of Van Nuys James C. Corman, who had challenged President Richard Nixon’s anti-busing efforts in the early 1970s, lost his Congressional seat to Bobbie Fiedler by a narrow margin. He moved to Washington D.C. and continued his legal practice. Fred Okrand, a Pasadena lawyer and lead counsel for the ACLU during *Crawford*’s remedy phase, reminisced, “The lawsuit focused the board’s attention on the evils of segregation. But the board failed to provide the psychological frame of mind that was necessary for successful desegregation.”<sup>105</sup> “In later years,” he lamented, “they tried, but

then the demographics changed.”<sup>106</sup> Okrand called *Crawford* one of his “biggest cases and biggest disappointments.”<sup>107</sup>

Sal Castro, a “foe of busing” according to the *Los Angeles Times*, temporarily lost his teaching position in 1968 when he helped high school students plan the East L.A. Blowouts.<sup>108</sup> He believed busing was “not the answer.” “The answer was quality education wherever you found it. We didn’t care if we got it in a tent or vacant lot in East Los Angeles,” Castro told the *Los Angeles Times*.<sup>109</sup> Forty years after the Blowouts, Sal Castro and key student demonstrators received commendations from LACBE for their calls to improve education in minority communities and, in 2009, LACBE named a middle school after Castro. Reverend Vahac Mardirosian, education activist from East L.A., supporter of the 1968 East L.A. student demonstrations, and a candidate for LACBE who lost a bitter election to Richard Ferraro, relocated to San Diego, and co-founded Parent Institute for Quality Education (PIQE) with Dr. Alberto Ochoa, Professor Emeritus, College of Education, San Diego State University.<sup>110</sup> Originally founded to assist parents of Mexican youth, PIQE’s parent education program has been translated into sixteen languages.<sup>111</sup> As of 2010, PIQE had ten offices in California and had expanded its efforts into other states including Arizona and Texas.<sup>112</sup> In May 1998, Reverend Mardirosian received an honorary doctorate in Humane Letters from San Diego State University “in recognition of the significant contributions he made to children of California.”<sup>113</sup>

After serving in LACBE, Bobbie Fiedler, the San Fernando housewife who founded BUSTOP and believed her organization’s anti-mandatory busing stance was “not racist, but one supporting individual freedom,” served in the United States House of Representatives for one term.<sup>114</sup> She left the public and political arena after she ran for the United States Senate “but a grand jury accused her and an aide of trying to bribe another candidate to stay out of the race.”<sup>115</sup> Fervent anti-buser Alan Robbins, the author of Proposition 1, pled guilty to federal racketeering charges and served two years in prison “after accepting bribes from insurance companies while serving as chair of the Senate Insurance Committee” in late 1991.<sup>116</sup>

In 1989, newly elected NAACP President Joseph H. Duff said that “the NAACP’s enthusiasm began to falter in 1984 after internal personnel changes and after grants from private foundations dried up.”<sup>117</sup> He lamented:

I feel very bad about the case because I have a strong conviction that this kind of an action drives the train of civil rights. And the degree with which you treat the children

is a ... measure of what you think about your future and who's who in the community. These cases have significance far beyond just school integration. What we had here was a lesson in civics.<sup>118</sup>

In addition to overwhelming white opposition to mandatory busing for integration, uncooperative federal and state governments, departments, and educational offices, and a school board opposed to affirmative, comprehensive integration for decades, *Crawford* faced another daunting obstacle. By the late 1970s and early 1980s, Los Angeles had become more diverse – more multiracial, more multiethnic, and more multicultural in its makeup – creating the illusion that racial segregation had ended. However, diversity and segregation co-existed and continue to co-exist in Los Angeles. Increasing numbers of immigrants from Mexico, Central America, Asia, and Southeast Asia compounded the complexities *Crawford* had previously attempted to resolve. In a sense, *Crawford* collapsed under the weight of this more complex reality, as more groups in diverse Los Angeles asked the courts and the school board to cater to their needs and to answer their particular concerns.

In a Race Contours 2000 Study collaborative project between the University of Southern California and the University of Michigan titled “The Racial Resegregation of Los Angeles County, 1940-2000,” Philip J. Ethington, William J. Frey, Dowell Myers, and Angela James asserted finding a “clear pattern of resegregation” in Los Angeles County. They emphasized that “*segregation has been increasing faster than integration since the 1960s.*”<sup>119</sup> They outlined three “distinct” patterns of resegregation: 1) “Whites have retreated to a periphery and the other principal ethnic groups are less and less likely to have them as neighbors”; 2) “Blacks are the most isolated racial group”; and 3) “Hispanics and Asians are becoming more isolated even as they cause the country as a whole to be more diverse.”<sup>120</sup>

In a September 2000 report, commissioned by The John Randolph Haynes and Dora Haynes Foundation, “Segregated Diversity: Race-Ethnicity, Space, and Political Fragmentation in Los Angeles County, 1940-1994,” Philip J. Ethington illustrated how the intersection of race and space in Los Angeles translated to political “fragmentation” and polarization. His major findings included: 1) that white isolation had become “entrenched in socioeconomic stratification”; 2) that class stratification replaced Jim Crow “to preserve segregation”; and 3) that “physical distances have powered race politics.”<sup>121</sup> In addition, by using census tract data, Ethington showed how decade by decade whites moved farther out from the city as Black and

Hispanic populations became more racially isolated. Moreover, he detailed how this spatial isolation among racial/ethnic groups affected voting patterns in three of California's most racially and politically charged propositions: Proposition 14, which repealed the Fair Housing Law (the Rumford Act) in 1964, Proposition 13 of 1978, which limited property taxes, and Proposition 187 of 1994, which denied government services to undocumented immigrants.<sup>122</sup> His work forced readers to rethink racial/spatial segregation, housing, and white flight, and how racial isolation affected voting patterns.

In 2003, the Civil Rights Project at Harvard University commissioned a study about growing racial segregation in the country's public schools at the beginning of the twenty-first century. Erica Frankenberg, Chungmei Lee, and Gary Orfield completed *A Multiracial Society with Segregated Schools: Are We Losing the Dream?* with an unambiguous conclusion. They wrote:

At the beginning of the twenty-first century, American public schools are now twelve years into the process of continuous resegregation. The desegregation of black students, which increased continuously from the 1950s to the 1980s, has now receded to levels not seen in three decades. Although the South remains the nation's most integrated for both blacks and whites, it is the region that is most rapidly going backwards as the courts terminate many major and successful desegregation orders.<sup>123</sup>

The story of *Crawford* offers an alternate local interpretation behind school resegregation. The saga of *Crawford* and the intervention of the 1968 South-Central and East L.A. student demonstrators highlighted the division among and within racial groups in the highly racially and ethnically diverse city on the issue of school integration, and the challenges civil rights groups and minority communities faced to improve the educational opportunities of minority students. Yet, this fragmentation created the atmosphere for unexpected, and sometimes unusual, cross-racial alliances to develop out of these fissures. In the late 1970s, leading anti-busing politicians collaborated with African American politicians who clamored for more compensatory education and community control in their racially isolated neighborhood schools. By the early 1980s, recent immigrants from Central and South America opposed busing, and concurred with middle-class white Valleyites who wanted the very same recent immigrants to "go back where they came from." In the twenty-first century, these issues will be more complex. The story of *Crawford* symbolized a racial politics of the twenty-first century, a new era of racial compromise in which the contours of racial segregation and racial diversity

coexist in a state of constant tension and flux. The American dilemma of the twenty-first century centers on whether American society tacitly accepts the co-existence of racial (re)segregation and diversity or chooses again to pursue the ideal of racial integration.

During the *Crawford* saga, the meaning of some key terms crucial to the school integration debate changed. The meaning of the concept of “equal educational opportunity” provided a contested terrain. For integrationists, integration was the foundation of the best opportunity for equal educational opportunity for all students, and they began their fight against segregation in Los Angeles in earnest in 1963. For others, including many in minority communities and anti-busers, compensatory education represented a plausible mechanism to attain equal educational opportunity without integration.

The United States Supreme Court ruling in *Crawford* upholding the constitutionality of Proposition 1 radically transformed and set a high standard for a mandatory busing remedy by asking petitioners not only to prove *de jure* segregation but also adding the criteria of intentionality behind *de jure* segregation. By setting such a high standard, the United States Supreme Court in essence permitted *de jure* school segregation to exist and disallowed mandatory busing for desegregation as a remedy as long as there were no findings of intent to segregate schools. In other words, if school segregation was *de jure* but there was no finding of intent to segregate, such segregation was not illegal and therefore and not subject to the remedy of mandatory busing. The criteria of intentionality undermined key tenets of *Brown*, including the idea that “separate but equal” was unconstitutional. Moreover, by creating a high standard for illegal *de jure* segregation, and by allowing what it deemed unintentional forms of *de jure* segregation under its strict intentionality standard, the court prescribed ways to circumvent *Brown*. Today *de facto* and *de jure* segregation combine in ways that permit statistical segregation at varying degrees (70% to 100% minority or white school in the Los Angeles case for example) to exist without much resistance from the general public, civil rights groups, and the courts.

Nonetheless, the final desegregation plan in Los Angeles represented a precarious example of racial compromise in which the city’s largest racial and ethnic groups all influenced the plan in important ways and prepared the school district for increased immigration that drastically altered the demographics of the city. The tentative hybrid agreement provided different ways to pursue equal educational opportunity, including the PWT, compensatory

education programs in RIMS, bilingual/bicultural education programs in minority neighborhood schools for NES and LES students, and magnet schools in *both* minority and white neighborhoods with voluntary busing provided by the district. However, the key exclusion in the tentative agreement was mandatory busing.

In 1980, African American and Hispanic students comprised about two-thirds of the student population in the district, while white students comprised fewer than 30%. By comparison, in the district's first racial and ethnic student census of 1966, African American and Hispanic students comprised roughly 40% of the population, while white students comprised the majority at 56%. Although researchers pointed to increasing racial and class segregation, the final order granted L.A.'s diverse communities several educational programs that satisfied some of their needs. Although integrationists perceived Proposition 1 as a defeat for them and minority populations, the integrationists provided in *Crawford* the long-term legal and political pressure to ensure the implementation of compensatory education programs in minority communities. Civil rights groups and many of the city's racial and ethnic communities influenced the final all-voluntary busing plan in significant and tangible ways.

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<sup>1</sup> Judge Paul Egly, Superior Court of California, County of Los Angeles, Minutes, 16 March 1981, American Civil Liberties Union of Southern California Records, ca. 1935- (Collection 900). Department of Special Collections, Charles E. Young Research Library, University of California, Los Angeles (from now on ACLU/SC-DSC/UCLA).

<sup>2</sup> Superior Court of California, County of Los Angeles, Petitioner's Motion to Enjoin the Dismantling of the Existing Desegregation Plan in the Los Angeles Unified Schools District, 8 April 1981, ACLU/SC-DSC/UCLA.

<sup>3</sup> LACBE, Minutes, 327, 16 March 1981, *Crawford* Case Files Part Three 1/15/79-4/21/81, *Crawford* Case Files, Board Secretariat, Los Angeles Unified School District, Los Angeles, California (from now on CCF-BdS/LAUSD). During the same board meeting, Ferraro offered a substitute motion, which the board rejected. In it, he called mandatory busing "illegal," which was untrue. He also called for returning students to their neighborhood schools in the middle of the semester, which could have been very disruptive.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> LACBE, Minutes, 337, 23 March 1981, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> Office of Communications, Los Angeles City Schools, Court Report Memo, "Mandatory Integration Ended," 10 April 1981, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD.

<sup>11</sup> *Ibid.*

<sup>12</sup> Office of Communications, Los Angeles City Schools, Court Report Memo, "New Judge Appointed," 9 April 1981, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD. Judge Eagleson selected Judges Diane Wayne and Nance Watson. Wayne's friendship with the wife of Harvey Safenstein, an attorney from BEST, disqualified her. Attorneys from the ACLU and the NAACP "peremptorily" challenged Watson's appointment. The memo is dated Wednesday April 9, when in fact it was likely authored on April 8.

<sup>13</sup> *Ibid.*

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<sup>14</sup> Office of Communications, Los Angeles City Schools, Court Report Memo, “Mandatory Integration Ended,” 10 April 1981, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.* The Mayor’s City Education Advisory Committee opposed children returning to their neighborhood schools mid-semester. However, Board President Weintraub estimated that only 31% of the parents would choose to have their children return to neighborhood schools. See Roberta Weintraub, LACBE President, Letter Mayor’s City Education Advisory Committee, 10 April 1981. Same location.

<sup>19</sup> *Ibid.*

<sup>20</sup> Office of Communications, Los Angeles City Schools, Court Report Memo, “Judge Hayden Removed,” 13 April 1981, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD. Each party in the case, including intervenors, had one opportunity to reject any candidate without stating a reason. Judge Hayden was an active member of the ACLU and the NAACP, though he stated his membership in the organizations “would not affect his impartiality.”

<sup>21</sup> Superior Court of California, County of Los Angeles, Selection of Judge, 17 April 1981, ACLU/SC-DSC/UCLA. Selected by lottery, Lopez was a graduate of UCLA and USC Law Center. He previously served in the Alhambra Municipal Court and the Inglewood Juvenile Court. In 1976, Governor Gerry Brown appointed him to Superior Court. See Office of Communications, Los Angeles City Schools, Court Report Memo, “Busing Ends; Legal Battle Continues,” 21 April 1981, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD. Lopez was a member of the Republican State Central Committee. See *Los Angeles Times*, 8 August 1974.

<sup>22</sup> *Ibid.*

<sup>23</sup> Superior Court of California, County of Los Angeles, Proceedings, 3 August 1981, ACLU/SC-DSC/UCLA.

<sup>24</sup> Office of Communications, Los Angeles City Schools, Court Report Memo, “Busing Ends; Legal Battle Continues,” 21 April 1981, *Crawford* Case Files Part Three 1/15/79-4/21/81, CCF-BdS/LAUSD.

<sup>25</sup> *Ibid.*

<sup>26</sup> Superior Court of California, County of Los Angeles, Selection of Judge, Petitioner’s Motion for Temporary Restraining Order and Cross-Examinations, R.I.M.S. Trial of March 1981, 17 June and 31 July, 1981 respectively, ACLU/SC-DSC/UCLA.

<sup>27</sup> *Mary Ellen Crawford, a minor etc., et al., vs. Board of Education of the City of Los Angeles*, No. 822 854, Cal. Super. Ct. filed September 10, 1981 (Order Re Final Approval of School Board Desegregation Plan and Discharge of Writ of Mandate), *Crawford* Case Files Part Four, 4/30/81-4/30/84, CCF-BdS/LAUSD.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

<sup>38</sup> The Court of Appeals’ ruling (*Crawford II*), on which Judge Lopez relied for his order, challenged the term “minority.” The Court ruled, “In effect, it implies that ethnic ‘minority’ children, even when they constitute a numerical majority and thus do not suffer the psychological trauma of deliberate isolation, cannot achieve best results except in the presence of a token number of white students.” The court’s assumption is that the negative effects of racial isolation do not exist when a numerical majority of minority students reside in a given area and attend a given school.

<sup>39</sup> *Mary Ellen Crawford, a minor etc., et al., vs. Board of Education of the City of Los Angeles*, No. 822 854, Cal. Super. Ct. filed September 10, 1981 (Order Re Final Approval of School Board Desegregation Plan and Discharge of Writ of Mandate), *Crawford* Case Files Part Four, 4/30/81-4/30/84, CCF-BdS/LAUSD.

<sup>40</sup> Judge Lopez ordered LACBE to publicize the voluntary transfer options “in areas where most Hispanic, Black, or Asian and Other families reside; ordered the district to issue annual reports on educational conditions and

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achievement in predominantly Hispanic, Black, or Asian schools and distribute the reports to parents and students; ordered that the “share of desegregation expenditures allocated to payments of administrative expenses shall not exceed the administrative expense ratio characteristic of the District’s overall budget”; and ordered the district to prepare publicize on or before July 15, 1983, “a full report of the measures taken and results achieved under it Plan.” He added, “The report shall focus on whether the Plan has achieved meaningful progress toward the goals set forth in *Crawford* I and II, and each of them, within the constraints exerted by present conditions.”

<sup>41</sup> *Mary Ellen Crawford, a minor etc., et al., vs. Board of Education of the City of Los Angeles*, No. 822 854, Cal. Super. Ct. filed September 10, 1981 (Order Re Final Approval of School Board Desegregation Plan and Discharge of Writ of Mandate), *Crawford* Case Files Part Four, 4/30/81-4/30/84, CCF-BdS/LAUSD.

<sup>42</sup> *Ibid.* The Court retained jurisdiction on the matter of attorneys’ fees.

<sup>43</sup> In early October, Judge Lopez rejected civil rights’ attorneys request for findings of fact and conclusion of law in relation to his September 10 ruling. See Superior Court of California, County of Los Angeles, Ruling on Petitioner’s Request for Findings of Fact and Conclusions of Law, 2 October 1981, ACLU/SC-DSC/UCLA.

<sup>44</sup> Office of Communications, Los Angeles City Schools, Court Report Memo, “Petitioners Awarded Fees; Crawford Case Terminated,” 2 December 1981, *Crawford* Case Files Part Four, 5/3/81-4/30/84, CCF-BdS/LAUSD.

<sup>45</sup> *Ibid.*

<sup>46</sup> In a closed, executive session LACBE voted to appeal Judge Lopez’s order awarding court costs and attorneys’ fees to petitioners’ counsel.

<sup>47</sup> Office of Communications, Los Angeles City Schools, Court Report Memo, “U.S. Supreme Court Upholds Proposition 1 and Ends Crawford Case,” 1 July 1982, *Crawford* Case Files Part Four, 5/3/81-4/30/84, CCF-BdS/LAUSD.

<sup>48</sup> Office of Communications, Los Angeles City Schools, Court Report Memo, “Future of Proposition 1 and Busing Rests With U.S. Supreme Court,” 23 March 1982, *Crawford* Case Files Part Four, 5/3/81-4/30/84, CCF-BdS/LAUSD.

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*

<sup>56</sup> *Ibid.*

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

<sup>60</sup> *Crawford v. Los Angeles Board of Education*, 458 U.S. 527 (1982).

<sup>61</sup> Office of Communications, Los Angeles City Schools, Court Report Memo, “U.S. Supreme Court Upholds Proposition 1 and Ends Crawford Case,” 1 July 1982, *Crawford* Case Files Part Four, 5/3/81-4/30/84, CCF-BdS/LAUSD.

<sup>62</sup> *Ibid.*

<sup>63</sup> *Crawford v. Los Angeles Board of Education*, 458 U.S. 527 (1982).

<sup>64</sup> *Ibid.*

<sup>65</sup> Office of Communications, Los Angeles City Schools, Court Report Memo, “U.S. Supreme Court Upholds Proposition 1 and Ends Crawford Case,” 1 July 1982, *Crawford* Case Files Part Four, 5/3/81-4/30/84, CCF-BdS/LAUSD.

<sup>66</sup> *Crawford v. Los Angeles Board of Education*, 458 U.S. 527 (1982). See also Office of Communications, Los Angeles City Schools, Court Report Memo, “U.S. Supreme Court Upholds Proposition 1 and Ends Crawford Case,” 1 July 1982, *Crawford* Case Files Part Four, 5/3/81-4/30/84, CCF-BdS/LAUSD.

<sup>67</sup> *Ibid.*

<sup>68</sup> Office of Communications, Los Angeles City Schools, Court Report Memo, “U.S. Supreme Court Upholds Proposition 1 and Ends Crawford Case,” 1 July 1982, *Crawford* Case Files Part Four, 5/3/81-4/30/84, CCF-BdS/LAUSD. See also *Crawford v. Los Angeles Board of Education*, 458 U.S. 527 (1982).

<sup>69</sup> *Ibid.*

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<sup>70</sup> *Crawford v. Los Angeles Board of Education*, 458 U.S. 527 (1982) and *Washington v. Seattle School District No. 1*, 458 U.S. 457 (1982). Washington Initiative 350 prevented courts from ordering mandatory busing unless there was a finding of *de jure* segregation within the meaning of the Fourteenth Amendment of the United States Constitution. Moreover, Initiative 350 largely permitted busing for “most if not all” other “nonintegrative” purposes, except busing for desegregation.

<sup>71</sup> *Ibid.* In *Washington v. Seattle*, the United States Supreme Court declared, “We find it difficult to believe that appellants’ analysis [that Initiative 350 has no racial overtones] is seriously advanced, however, for, despite its facial neutrality, there is little doubt that the initiative was effectively drawn for racial purposes.” “Thus,” the Court surmised, “the District Court found that the text of the initiative was carefully tailored to interfere only with desegregative busing.”

<sup>72</sup> *Ibid.* The United States Supreme Court held Initiative 350 unconstitutional by a 5-4 vote.

<sup>73</sup> *Crawford v. Los Angeles Board of Education*, 458 U.S. 527 (1982).

<sup>74</sup> *Ibid.*

<sup>75</sup> *Ibid.*

<sup>76</sup> Fred Okrand, *Mary Crawford, etc., et al., Petitioners – Appellants, v. Board of Education of the City of Los Angeles*, 2d Civil No. 66706 (Superior Court No. C 822 854), in the Court of Appeal of the State of California, Second Appellate District, 5 May 1983 (Request for Dismissal), *Crawford* Case Files Part Four, 5/3/81-4/30/84, CCF-BdS/LAUSD.

<sup>77</sup> *Los Angeles Times*, 28 March 1989.

<sup>78</sup> *Ibid.* Judge Tashima dismissed the LAUSD from the case in January

<sup>79</sup> *Ibid.*

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.* According to the *Los Angeles Times*, school officials estimated district expenses for *Crawford* at more than four million dollars since 1963.

<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*

<sup>89</sup> *Ibid.*

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.* The *Los Angeles Times* reported that in the mid-1960s the school district was more than 55% white, whereas in 1989, white students accounted for 15.8%, while Latino students were 59%, Black students were 16.7%, Asian and Pacific Islander students were 6.4%, Filipino students were 1.9%, and Native American students were 0.2%. The *Times* reported the district’s student enrollment at 595,000. In 1989, the *Times* reported that “the district spends about \$260 million a year on integration programs, including voluntary busing—chiefly of black students to predominantly Anglo schools—and magnet schools which offer specialized or accelerated learning to about \$25,000 ... students.”

<sup>92</sup> *Ibid.*

<sup>93</sup> *Ibid.* The district estimated that the programs would cost \$80 million or more.

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.*

<sup>97</sup> *Ibid.*

<sup>98</sup> *Ibid.*

<sup>99</sup> *Los Angeles Times*, 6 April 1989.

<sup>100</sup> *Ibid.*

<sup>101</sup> *Ibid.*

<sup>102</sup> *Ibid.*

<sup>103</sup> *Ibid.*

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<sup>104</sup> Bobbi Fiedler, interview by Richard McMillan, tape recording, 17 November 1988, California State University, Northridge, Department of History and University Library's Urban Archives Center, Northridge, California.

<sup>105</sup> *Los Angeles Times*, 6 April 1989.

<sup>106</sup> *Ibid.*

<sup>107</sup> *Ibid.*

<sup>108</sup> *Ibid.*

<sup>109</sup> *Ibid.*

<sup>110</sup> PIQE website, "Rev. Vahac Mardirosian – Founder," [http://www.piqe.org/about\\_bio\\_vahac.php](http://www.piqe.org/about_bio_vahac.php)

<sup>111</sup> *Ibid.*

<sup>112</sup> *Ibid.*

<sup>113</sup> *Ibid.*

<sup>114</sup> *Los Angeles Times*, 6 April 1989.

<sup>115</sup> *Ibid.* "While a judge ruled the indictment groundless, the publicity dashed her chances," reported the *Los Angeles Times*.

<sup>116</sup> Daniel HoSang, *Racial Propositions: Ballot Initiatives and the Making of Postwar California* (Berkeley: University of California Press, 2010), 129.

<sup>117</sup> *Los Angeles Times*, 6 April 1989.

<sup>118</sup> *Ibid.*

<sup>119</sup> Philip J. Ethington, William J. Frey, Dowell Myers, and Angela James, Public Research Report No. 2001-04, *The Racial Resegregation of Los Angeles County, 1940-2000*, A University of Southern California and University of Michigan Collaborative Project, 2001, 1.

<sup>120</sup> *Ibid.*

<sup>121</sup> Philip J. Ethington, Report to the John Randolph Haynes and Dora Haynes Foundation, *Segregated Diversity: Race-Ethnicity, Space, and Political Fragmentation in Los Angeles County, 1940-1994*, 2000, 4-5 and 56-57.

<sup>122</sup> *Ibid.*, 40-55.

<sup>123</sup> Erica Frankenberg, Chungmei Lee, and Gary Orfield, *A Multiracial Society With Segregated Schools: Are We Losing the Dream?*, The Civil Rights Project, Harvard University, January 2003, 4.

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