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Never Silent: Examining Chicana/o Community Experiences and Perspectives of School Desegregation Efforts in Crawford v. Los Angeles Board of Education, 1963-1982

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Never Silent:

Examining Chicana/o Community Experiences and Perspectives of School Desegregation Efforts in *Crawford v. Los Angeles Board of* Education, 1963-1982

A dissertation submitted in partial satisfaction of the requirements for the degree Doctor of Philosophy in Education

by

Ryan Edward Santos

2016

ABSTRACT OF THE DISSERTATION

Never Silent:

Examining Chicana/o Community Experiences

and Perspectives of School Desegregation Efforts in

Crawford v. Los Angeles Board of Education, 1963-1982

by

Ryan Edward Santos

Doctor of Philosophy in Education

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Professor Daniel G. Solórzano, Chair

The *Crawford v. Los Angeles Board of Education* (1963-1982) school desegregation lawsuit is a frequently overlooked part of Los Angeles history. Despite a historically large Chicana/o community presence in L.A., traditionally *Crawford* has been framed as a Black-White issue. This dissertation study of *Crawford* seeks to expand the traditional discourse of the lawsuit by better understanding Chicana/o community viewpoints and experiences related to desegregation efforts, as well as placing a special emphasis on the remedy phase of the case (1976-1981). During *Crawford's* nineteen year duration, the contentious development and failed implementation of desegregation plans in LAUSD were affected by the outcomes of increasingly

politicized school board and judicial elections, recall campaigns of elected officials, a successful statewide ballot initiative to alter the California constitution (Prop.1, 1979), and changes in the interpretation of desegregation law by the courts. This review of *Crawford* also provides important historical insight into strategies and policies that were effective/ineffective in the struggle to desegregate Los Angeles schools. A Critical Race History in Education theoretical framework is used to guide this study and underscores the historical importance of identifying and acknowledging intersections between race, gender, class and other forms of oppression (e.g. language, phenotype, immigration status, sexual orientation). Additionally, the closely related concepts of racial realism, interest convergence, and legal indeterminacy were utilized to help us better understand and interpret a history of *Crawford*. Primary source data for this study were found through archival research conducted in special collections from the American Civil Liberties Union (ACLU), Los Angeles Unified School District (LAUSD), National Association for the Advancement of Colored People (NAACP), and Mexican American Legal Defense and Educational Fund (MALDEF). Additionally, two oral interviews have been conducted with educational experts who were involved in *Crawford* litigation. As a result of these two robust forms of data, this research on *Crawford* is able to document and call attention to the ways in which community members, along with socio-cultural and historical context, shape school district educational policy.

The dissertation of Ryan Edward Santos is approved.

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2016

Dedication

To my loving and understanding family.

Thank you for all your support.

We did it!

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Chapter 1: Introduction

Chapter Roadmap

This introductory chapter will begin by establishing some brief context for the *Crawford* case, followed by a review of Chicana/ desegregation litigation as well as other relevant litigation. Next, this chapter will introduce its theoretical framework a critical race history in education analysis and then discuss the closely related concepts of racial realism, interest convergence, and legal indeterminacy. Subsequently, this chapter will examine the objectives for the study, and a rationale for placing a primary focus on the remedy phase of *Crawford* (1976-1981). Finally, the chapter will end with the introduction of this dissertation's guiding research questions.

Introducing *Crawford v. Board of Education of the City of Los Angeles*

Over a period of nineteen years (1963-1982), the city of Los Angeles was home to one of the most contentious education desegregation cases in the nation (*Crawford v. Board of Education of the City of Los Angeles*, 458 U.S. 527, 1982). This case began in August of 1963, when the American Civil Liberties Union (ACLU) filed a lawsuit against the Los Angeles school board in superior court. The ACLU initially argued that the school board had failed to remedy *de facto* segregation, but later amended their complaint to include *de jure* segregation (Clayton, 2008). *Crawford* lingered in multiple levels of the courts for many years, and resulted in a two and a half year period of mandatory busing. Ultimately, the U.S. Supreme Court heard this case in 1982 and ruled in favor of anti-busing supporters. The Court's decision signaled the permanent end of court mandated busing in the Los Angeles Unified School District (LAUSD), and proved to be a disastrous setback to desegregation efforts in Los Angeles.

The hostile and protracted nature of *Crawford* generated a large amount of media attention at the time. As a result, there is an abundance of newspaper articles that document and

describe key events in a history of this lawsuit. Unfortunately, there is a shortage of scholarly works and analysis on *Crawford*. The small amount of research that has been written on the case tends to focus on what legal scholar Juan F. Perea (1997) calls the "Black/White binary paradigm of race". Efforts to desegregate Los Angeles have largely been viewed as a predominantly Black/White issue (e.g. Caughey, 1973; Egly, 2010), despite the large number of Chicana and Chicano[1] students in the LAUSD. This dissertation study seeks to expand the traditional discussion of *Crawford* to include the perspectives of the Chicana and Chicano community.

Chicana and Chicano Desegregation Litigation: Placing *Crawford* in its Proper Context

In order to understand *Crawford's* place amongst desegregation cases, we must first briefly examine some landmark decisions in this legal area. Much has been written on desegregation battles in southern and northeastern states; yet histories of educational desegregation consist of many important legal cases from around the country. Undoubtedly, the most famous school desegregation case in United States history is *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954). The unanimous majority opinion in *Brown* is well known for the compelling statement "We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal". The legal and symbolic significance of *Brown* can often cause researchers to overlook preceding desegregation cases and decisions. Still, it is imperative that we take a holistic approach when examining histories of desegregation.

While a landmark decision like *Brown* can profoundly change the legal landscape, no lawsuit occurs in isolation. Desegregation legal proceedings should be viewed as a tapestry of important events, precedent, individuals, and organizations. There is a long history of

[1] In this dissertation, Chicanas and Chicanos are defined as people of Mexican or Mexican American descent.

educational desegregation litigation involving Chicana and Chicano communities in the southwest, which frequently intersect with better-known desegregation cases. The following is a brief discussion of high-profile desegregation cases involving Chicana and Chicano litigants, and their relevance to *Crawford*.

Alvarez v. Lemon Grove School District (1931) is a historically significant case because it was the "first successful school desegregation court decision in the history of the United States" (Alvarez, 1986). This lawsuit was initiated by Mexican immigrant families in response to the local school boards' decision to bar Mexican students from the primary school in Lemon Grove, California. After a trial in superior court, Judge Claude Chambers ruled in favor of the Mexican American community and called for an end to segregation in the district (*Supra*). This important legal victory for desegregation advocates, demonstrates a Chicana and Chicano community commitment to education and resistance against social injustice. While this case had a great impact on the local educational system, *Lemon Grove*'s impact on legal precedent is somewhat limited. The Lemon Grove school board did not appeal Judge Chambers' decision, and as a result its affect was confined to the local district. Nonetheless, success in this case undoubtedly nurtured hope for change in segregated communities across the nation.

Once again, Mexican Americans in California challenged segregated schooling in court in *Mendez v. Westminster*, 64 F. Supp. 544 (S.D. Cal. 1946). Felicita and Gonzalo Mendez sued the Westminster school district for denying their children entry to the school nearest to their home. The school district was enforcing a strict policy of school segregation based on race, and maintained separate schools for Mexicans and Whites. Unlike *Lemon Grove*, *Mendez* was filed and argued in the federal court system (Valencia, 2008). This distinction is important because this allowed arguments against segregation to be based on the Equal Protection Clause of the 14th

amendment (*Supra*). In 1946, Judge Paul McCormick ruled in favor of the Mendez family, and found the Westminster school district's policy of segregation to be unconstitutional. Judge McCormick's decision stated that segregation was a violation of state law and the Equal Protection Clause of the 14th amendment (*Supra*).

Mendez is a remarkable desegregation case, because it is one of the first to reject the *Plessy v. Ferguson, 163 U.S. 537* (1896) dictum of "separate but equal". *Mendez* did not establish precedent beyond the state of California, but was a precursor to *Brown v. Board.* Additionally, there were two major connections between *Mendez* and *Brown.* First, NAACP lawyers including Thurgood Marshall closely monitored the arguments made in the *Mendez* case (*Supra*). They later applied some of these principles in their arguments for *Brown*. Second, Earl Warren served as governor of California during *Mendez* and subsequently presided as Chief Justice of the Supreme Court during *Brown*. *Mendez* is a landmark desegregation case in California because it led to the statewide desegregation of all schools.

Lemon Grove and *Mendez* are two of the best-known examples of Chicana and Chicano desegregation litigation. They hold this distinction because they were centered on attempts to integrate Mexican American and White students. In contrast, *Crawford* was originally only concerned with integrating Black and White students in LAUSD. As a result, despite the large demographic presence of Chicana and Chicano students, *Crawford* is not traditionally seen as a Chicana and Chicano desegregation case. While, unlike *Lemon Grove* and *Mendez*, the outcome and narrative of *Crawford* is not a victorious one, this case can still offer invaluable historical lessons and insight.

The outcome of *Crawford* had a profound impact on the future of LAUSD, and as a result a large effect on the numerous Chicana and Chicano students in the district. *Lemon Grove*,

Mendez, and *Crawford* all had major ramifications on the educational experiences of Chicana and Chicano students in California. Arguably the legacies of *Lemon Grove* and *Mendez* are generally seen as triumphant affirmations of justice, while *Crawford's legacy* is much more heavily contested. *Crawford* may not fit comfortably into a heroic narrative of Chicana and Chicano desegregation cases; nonetheless, it must be included for its shared struggle for educational equality and impact on students.

Additional Relevant Desegregation Litigation

In addition to *Lemon Grove* (1931), *Mendez* (1946), and *Brown* (1954), *Crawford* is connected to a series of other cases. One of the most significant cases involving Mexican American civil rights is *Hernandez v. Texas*, 347 U.S. 475 (1954). Overlooked by legal scholars for many years, this case has now been the focus of two books. Olivas (2006) is a collection of ten essays that analyze various aspects of *Hernandez*, and Garcia (2009) provides a comprehensive history of the case and key participants. In this case, Pete Hernandez appealed his conviction for murder on the grounds that Mexican Americans were intentionally excluded from participating as jurors in Jackson County, Texas. As a result, Hernandez argued he was denied access to equal protection under the 14th amendment.

One interesting point from this case is that both parties agreed that Mexican American's were legally white, albeit "other white" based on an earlier case called *Independent School District v. Salvatierra 3 S.W.2d 790 (Tex. Civ. App. 1930).* The Supreme Court led by Chief Justice Earl Warren ruled unanimously in favor of *Hernandez,* citing that the equal protection clause applied to Mexican Americans because they were considered a distinct subject to constitutional protection. This Supreme Court decision was significant because the highest court in the land had finally recognized Mexican American as a distinct class of people, as well as

expanding its interpretation of the equal protection clause to incorporate Mexican Americans. This was a momentous decision for future civil rights legal action involving Chicanas/os.

In 1963, California was forbidden from having segregated schooling based on state and federal law. *Brown* (1954) ensured that *de jure* segregation[2] was unconstitutional according to the federal constitution, and a California Supreme Court decision in *Jackson v. Pasadena City School District*, 382 P.2d 878 (Cal. 1963) ruled that the California constitution forbade *de facto* segregation[3]. As attorney David S. Ettinger (2003) notes the *Jackson* decision "stated that school boards had the affirmative constitutional obligation to end segregation" (p.56). Thus, according to the California Supreme Court, school boards could be held accountable for *de jure* or *de facto* school segregation.

The legal precedent established in *Jackson* was a significant moment for California schools. *Jackson* was initiated by the father of Jay R. Jackson, Jr., an African American student who was denied entry into a majority White school in the Pasadena School District (Egly, 2010). The Supreme Court ruled in favor of *Jackson*, and in the process provided California desegregation advocates a "legal opening" for lawsuits (*Supra*). Educational researcher Stephanie Clayton explains "that the California Supreme Court had ruled that the California constitution was stricter in terms of desegregation law than the Federal Constitution and that state districts could be held to higher standards in state courts than in Federal Courts" (2008, p.8). Consequently, in 1963, California was ripe for legal challenges against both forms of segregation. This point is further illustrated when you consider that *Crawford* was initially filed

[2] Valencia, García, Flores, and Juárez (2004) define *de jure* segregation as "segregation directly mandated or intended by law" (p.181).

[3] Valencia, et al. (2004) defines *de facto* segregation as "segregation that is due to economic, social, and other determinants. In theory it is inadvertent, without direct assistance of authorities, and is not caused by any state action, but in reality it is often the result of concomitant *de jure* segregation" (p.181).

six weeks after the *Jackson* decision was announced (Ettinger, 2003). Additionally, the legal precedent in *Jackson* formed a major portion of the ACLU's argument against the Los Angeles school board in *Crawford*.

The validity of *Jackson* was heavily contested in *Crawford*, and subject to additional scrutiny once the U.S. Supreme Court issued a ruling in *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971). The Court ruled that lower courts were allowed to use busing as a remedy for *de jure* school segregation (Orfield, 1978). However, the decision in *Swann* emphasized that this new judicial remedy was limited to *de jure* segregation (Ettinger, 2003). The distinction between *de jure* and *de facto* segregation has always been important for U.S. courts. Decisions similar to *Swann* in the 1970's established the Supreme Court's focus on *de jure* segregation, and effectively disallowed legal challenges on the basis of *de facto* segregation. However, in California civil rights attorneys could cite *Jackson* as precedent and argue for stricter protections afforded by the state constitution. This difference in constitutional protections created tension between federal and state law, and represents one of the central legal issues in *Crawford*.

Another major legal issue relevant to *Crawford* centers on the applicability of the precedent in *Brown* towards Mexican Americans. Essentially, the courts were not sure how to classify Chicanas and Chicanos. The major question being, are they a minority group or White? These issues have come up often in the judicial system (e.g. Hernandez v. Texas), and at various times courts have classified Mexican Americans as White or "other White" (Valencia, 2008). This classification was initially useful to lawyers representing Chicana and Chicano clients in desegregation cases. The legal reasoning being, if Chicanas and Chicanos are an "other White" group they should be allowed to attend White schools. However, as an increasing number of

school districts were ordered to desegregate, many districts sought to undermine these orders in dishonest ways. As Valencia, et al. (2004) describe "school districts claimed to meet integration requirements by combining African Americans and Mexican Americans in a school rather than by integrating racial minorities with whites" (p. 28). This issue was subsequently clarified in two lawsuits, *Cisneros v. Corpus Christi School District*, 324F. Supp. 599 (S.D. Tex. 1970) and *Keyes v. Denver School District*, 413 U.S. 189 (1973).

Cisneros was filed in Corpus Christi, Texas in an attempt to desegregate the school district and apply *Brown* to Mexican Americans. Plaintiffs in this case included both Mexican American and African American families (Valencia, 2008). *Cisneros* was heard in district court by Judge Woodrow Seals, and resulted in a decision in favor of the plaintiffs. Judge Seals ruled that *Brown* was applicable to Mexican Americans, and that they were an "identifiable, ethnic minority" group (*Supra*, p.62). This decision was appealed to the 5th circuit court, but was affirmed (*Supra*). *Cisneros* is a significant case because it stated for the first time that Mexican Americans are an identifiable ethnic minority, and as a result *Brown* is applicable to Chicanas and Chicanos. While this decision is important to Chicana and Chicano desegregation history, its strength as legal precedent was weakened because it was not heard before the U.S. Supreme Court. Similar to *Mendez*, *Cisneros* serves an important precursor to a landmark desegregation case.

The *Keyes* case was initially filed in 1969 on behalf of African American students in Denver, Colorado (Valencia, 2008). Plaintiffs alleged that the school district had instituted a policy of *de jure* segregation. Chicanas and Chicanos did not initiate this case, but they were discussed in court proceedings. In 1973, the U.S. Supreme Court ruled in favor of the plaintiffs and issued an opinion with two significant points. First, this was the Court's first decision to

apply to desegregation in northern and western states (Orfield, 1978). Second, the Court ruled that *Brown* applies to Mexican Americans. The Court's opinion stated:

> "that the District Court erred in separating Negroes and Hispanos for purposes of defining a 'segregated' school. We have held that Hispanos constitute an identifiable class for purposes of the Fourteenth Amendment…though of different origins, Negroes and Hispanos in Denver suffer identical discrimination in treatment when compared with the treatment afforded Anglo students" (*Keyes*, 413 U.S. at 197 (1973)).

This is significant because the Supreme Court had now clarified that Mexican Americans were an identifiable class for the purposes of desegregation, and no longer considered "other White". As a result, the precedent in *Brown* governs any subsequent desegregation case involving Chicana and Chicano students.

Cisneros was the first federal desegregation case to assert that *Brown* applied to Chicanas and Chicanos, but the *Keyes* Supreme Court decision was necessary to definitively settle this legal issue. Despite the fact that both of these cases are applicable to *Crawford*, the question of how to classify Chicanas and Chicanos arose during the remedy phase. *Cisneros* (1970)*, Keyes* (1973)*, and Crawford* (1982) all have a shared connection as desegregation cases involving African Americans and Chicanas and Chicanos. This is a point of departure from cases such as *Lemon Grove* (1931)*, Mendez* (1946)*,* and *Brown* (1954) that only focused on desegregation efforts between two racial groups (i.e. Mexican Americans and Whites or African Americans and Whites).

As previously mentioned in this chapter, one of the recurring issues in desegregation litigation is the distinction between *de jure* and *de facto* segregation. This distinction can further be complicated by historically examining the segregation of Mexican Americans. Educational historians Donato & Hanson (2012) explore this very matter in their article "Legally White, Socially 'Mexican'", and they argue that Mexican Americans were subject to *de jure* segregation

despite the absence of a state law explicitly calling for it. Donato & Hanson point out that throughout the Southwest (e.g. *Lemon Grove, Mendez*), Mexican Americans were segregated for a variety of "pedagogical" reasons, such as "language deficiency" or "academic under preparedness". In reality, these cultural deficit rationales were veiled attempts to justify school segregation. Thus, Donato & Hanson believe that "policies and practices historically implemented by school officials and boards of education should retroactively be considered *de jure* segregation" (2012, p.202). This idea relates well to *Crawford*, as no official law or policy permitted the segregation of any students in LAUSD. However, the intentional actions and inaction of Los Angeles school board members and officials seems to indicate there was a deliberate effort to maintain a segregated school system. Consequently, the line between *de jure* and *de facto segregation* further blurs.

A brief review of relevant cases reveals that *Crawford* took place in a unique state for desegregation litigation. California has a rich history of desegregation legal battles with a special emphasis on cases involving Chicana and Chicano students. It is important to reiterate that *Mendez* (1946) led to the desegregation of California schools eight years before *Brown* (1954), but school segregation still lingered in the state. Arguably, *Crawford* was the biggest test of the promise of *Mendez* and *Brown* in California. While on some levels this case is typical of other desegregation litigation, its large scope and elaborate political maneuvering make *Crawford* distinct. An in-depth examination of *Crawford* can aid in our understanding of histories of school desegregation in California and the city of Los Angeles. More importantly, exploring *Crawford* will help provide a much-needed supplement to histories of Chicana and Chicano school desegregation cases. The story of *Crawford* holds too many insights into past and current educational policy to be ignored.

Theoretical Framework: Framing A Critical Race History in Education Analysis

A Critical Race History in Education (CRHE) analysis will be used to tell a history of the *Crawford* case from the perspective of the Chicana and Chicano community. CRHE is a developing framework which argues that Critical Race Theory in Education (CRT) scholars must move beyond merely placing their research in historical context, and start writing history from a critical race perspective (Aguilar-Hernández, Alonso, Mares-Tamayo, Santos, & Solórzano, 2010). This CRHE framework looks to heed the call of Matsuda, Lawrence, Delgado, & Crenshaw (1993) who state a CRT analysis "Challenges ahistoricism and insists on a contextual/historical analysis of [education]", and "adopts a stance that presumes that racism has contributed to all contemporary manifestations of group advantage and disadvantage along racial lines" (p.6). This statement serves as the primary tenet of a CRHE approach, and places a clear emphasis on history.

A CRHE framework also draws heavily from Solórzano's five tenets of CRT in Education. These tenets are: "1) The centrality and intersectionality of race and racism with other forms of subordination 2) The challenge to dominant ideology, 3) The commitment to social justice, 4) The centrality of experiential knowledge, and 5) The interdisciplinary perspective" (Solórzano and Delgado Bernal, 2001, p.312-314). Solórzano's five tenets provide explicit guidelines for a critical race theory analysis in education, and are an important foundation of a CRHE approach. Figure 1 outlines the preliminary tenets of a Critical Race History in Education framework.

Figure 1: Critical Race History in Education Theoretical Framework

1. "Challenges ahistoricism and insists on a contextual/historical analysis of [education]", and "adopts a stance that presumes that racism has contributed to all contemporary manifestations of group advantage and disadvantage along racial lines" (Matsuda, et al., 1993, p.6).
2. The centrality and intersectionality of race and racism with other forms of subordination.
3. The challenge to dominant ideology.
4. The commitment to social justice.
5. The centrality of experiential knowledge.
6. The interdisciplinary perspective (Solórzano & Delgado Bernal, 2001, p.312-314).

(Aguilar-Hernández, Alonso, Mares-Tamayo, Santos, & Solórzano, 2010).

This dissertation study is important to theory because it will serve as a case study for the still developing Critical Race History in Education theoretical framework. The CRHE framework stems from a collaborative project at UCLA[4] rooted in the scholarship of Critical Race Theory in Education. A CRHE approach encourages CRT in education scholars to ground their work in a historical perspective. While an argument is being made for explicitly writing and analyzing history through a critical race theoretical lens; currently, there are few scholarly examples of an unambiguous CRHE approach[5]. Thus, this dissertation study (and others connected with the larger UCLA CRHE collaborative project) seeks to demonstrate how to apply a critical race history in education analysis. In the process, this dissertation (and others) will continue to build on a CRHE theoretical framework and help identify additional methodological tools that may be utilized by critical race scholars. This study also explores how seriously the courts addressed and listened to the concerns of the Chicana and Chicano community during the remedy phase of the lawsuit (1976-1981); while also critically examining the role race played in the case. This CRHE approach will also be guided by three closely related concepts: 1) racial realism, 2)

[4] The UCLA Critical Race History in Education collective consists of José Aguilar-Hernández, Lluliana Alonso, Michaela López Mares-Tamayo, Ryan Santos, and Daniel Solórzano.

[5] An excellent example of an interdisciplinary historical study guided by a Critical Race Theory framework is Haney-López, I. (2004). *Racism on Trail: The Chicano Fight for Justice*. Cambridge, MA: First Harvard University Press.

interest convergence, and 3) legal indeterminacy. These three concepts are all complementary analytic tools, and align well with the study's larger guiding theoretical framework.

Racial Realism

Derrick Bell, esteemed critical race theory scholar and attorney, is the developer of the racial realism theory. It is an adaptation from the legal realist movement, which challenged notions of objectivity in law and who "changed the face of American jurisprudence by exposing the result-oriented, value-laden nature of legal decisionmaking" (Bell, 1992a, p. 368). In his writing, Bell invites civil rights attorneys and in particular Black people to consider accepting the possibility that racism is a permanent feature of U.S. society. Bell makes a compelling argument for this provocative and controversial concept, when he states:

> I would urge that we begin this review with a statement that many will wish to deny, but none can refute. It is this:
>
> Black people will never gain full equality in this country. Even those herculean efforts we hail as successful will produce no more than temporary "'peaks of progress," short-lived victories that slide into irrelevance as racial patterns adapt in ways that maintain white dominance. This is a hard-to-accept fact that all history verifies. We must acknowledge it and move on to adopt policies based on what I call: "Racial Realism." This mind-set or philosophy requires us to acknowledge the permanence of our subordinate status. That acknowledgement enables us to avoid despair, and frees us to imagine and implement racial strategies that can bring fulfillment and even triumph (Bell, 1992a, p. 373-374).

Bell's definition of racial realism is primarily intended for a Black audience, but the principles can be applied generally to all People of Color. This racial realism frame is useful to this study of *Crawford*, because of its recognition that high-profile civil rights gains are at best short-term victories in a racist society. Undoubtedly, these moments of progress will be heavily contested in an attempt to overturn the advancement. Some examples of this include the landmark case *Brown v. Board* and the subsequent systematic dismantling of its promise of integration, along with the continued fight to eliminate affirmative action in university admissions.

This unfortunate truth is also demonstrated in *Crawford* as the plaintiffs used favorable California legal precedent to secure numerous court victories, but in the end were unable to secure meaningful change in LAUSD. While the long-term implications of racial realism can seem discouraging, Derrick Bell notes, "Continued struggle can bring about unexpected benefits and gains that in themselves justify continued endeavor. The fight in itself has meaning and should give us hope for the future (1992a, p. 378)". Thus, racial realism places great emphasis on the importance of struggle and resistance to oppression. The Chicana/o community in *Crawford* nicely exemplifies both of these principles.

Interest Convergence

Interest convergence is another influential concept created by Derrick Bell. In his 1980 study of the *Brown* decision, he argues that the court's unexpected position change on segregation was motivated by social factors. Bell points out that the *Brown* decision emerged while the US was involved in a public relations war with the Soviet Union, and legalized segregation was harmful to the country's reputation as place of freedom (1980, p. 524). Also, after World War II many People of Color who served in the military were increasingly dissatisfied to return home and be subjected to second-class treatment (*Ibid*). As a result of these factors, Bell views the initial *Brown* decision as having benefits for both Whites and People of Color. Interestingly, he also points out that the Supreme Court did not rule in favor of desegregation when White interests were not aligned with those of People of Color. Bell (1980) succinctly describe this process as follows:

> The interest of blacks in achieving racial equality will be accommodated only when it converges with the interests of whites. However, the fourteenth amendment, standing alone, will not authorize a judicial remedy providing effective racial equality for blacks where the remedy sought threatens the superior societal status of middle and upper class whites (p.523).

While interests convergence with Whites could lead to civil rights gains for People of Color, scholars such Alemán & Alemán (2010) caution against viewing this an effective strategy for community empowerment. Specifically, addressing Latina/o community interests, Alemán & Alemán (2010) write:

> We need to stop thinking that by 'simply playing the game' within a traditional American politics paradigm will garner our communities the type of radical, structural, institutional reform that is needed for social transformation. We have to realize that our interests – if we are truly going to advocate for Latina/o interests – will not always converge with White interests (p.13).

This is an important and extremely relevant point in relation to *Crawford*, since some members of the Chicana/o community actively sought to align their community interest with those of the White majority. As we will see in Chapter in 4 and 5, this may not have played out in ways those Chicana/o community members had hoped. Nonetheless, the concept of interest convergence has a major role in the narrative and outcome of *Crawford.*

Legal Indeterminacy

The concept of legal indeterminacy is a view of law from a critical legal scholarship perspective. Like racial realism, legal indeterminacy owes its origins to the legal realist movement. Critical legal scholar James E. Herget (1995) engaged in a thorough intellectual history of the concept, and identified these four key characteristics of legal indeterminacy:

1. The formal legal authorities (legislation, precedent, custom, scholarly doctrine), do not bind the courts in their decisions, and the judicial power may even be exercised to contradict those authorities.

2. The authoritative sources themselves contain ambiguous and contradictory principles.

3. Law is consequently not fixed and objective, but indeterminate and subjective. An illusion to the contrary, i.e., that judges are strictly bound to follow the rules laid down elsewhere, is often perpetuated in orthodox legal thinking.

4. To explain the judicial process it is necessary to go outside the authoritative sources to other social phenomena (p.60).

The most pertinent elements of legal indeterminacy to *Crawford* are characteristics 3 and 4. Contrary to popular belief, the law is not objective and often influenced by social phenomena. *Crawford* is a great case study for this concept because there were some community stakeholders who adhered to a belief that an objective interpretation of the law would aid their cause, while others participants were quite aware that the courts could be influenced by social and political action.

LatCrit legal scholars have also been exploring the concept of legal indeterminacy and how it applies to the Latina/o community. George Martinez (1993) contends that judicial discretion has negatively impacted Mexican American efforts to desegregate schools. In an analysis of Mexican American desegregation cases, Martinez found that "early cases held that Mexican-Americans could not be segregated solely on the basis of race. That right, however, was immediately limited because most courts allowed the segregation of Mexican-Americans for "benign" reasons, and school boards often justified segregation on that basis" (1993, p.612-613). These benign reasons included those addressed by Donato & Hanson (2012), such as language, pedagogical, or curricular issues. Judicial discretion and the introduction of so-called "race neutral" factors enabled Judges to permit the segregation of Mexican Americans, even though they had previously ruled it was inappropriate. Hence, as Cameron (1997) succinctly noted "the law is indeterminate in the sense that legal materials—statutes and court decisions interpreting them—often permit a judge to justify multiple outcomes to lawsuits" (p.299). Legal indeterminacy, along with the complementary analytic tools of racial realism and interest convergence, raise many interesting questions about the nature of the judicial system.

Objectives

A primary inspiration for this dissertation is the fact that many people have little to no knowledge of *Crawford*. It is shocking that a highly controversial desegregation case in the nation's second largest city could be so easily forgotten. Obviously, *Crawford* was only one of many desegregation legal battles fought across the United States. Nonetheless, court, school board, and parental decisions made in this case have had a profound impact on the lives of a tremendous number of students and families. The LAUSD is the second largest school district in the country, and underwent a massive transformation over the course of the *Crawford* case. Factors responsible for this transformation, such as White flight and changes to city demographics are linked with this case. It is for these reasons that *Crawford* merits deep exploration. One of the objectives of this dissertation study is to bring more attention to a case that has been under researched.

A second objective of this dissertation is to construct a historical narrative that provides insight into the perspectives of the Chicana and Chicano community on *Crawford*. The small amount of research on *Crawford* traditionally forms the discussion around a "black/white binary" (Perea, 1997). This is not to say that Chicanas and Chicanos are not included in the conversation, rather their role has been minimized or ignored to a degree. It is important to remember that the initial filing of *Crawford* did not include Chicanas and Chicanos. In August of 1963, the ACLU filed suit on behalf of African American students and focused their efforts on two racially imbalanced schools (L.A. Times, 3/27/1977). It was not until July of 1966 that the ACLU amended their suit to include Chicanas and Chicanos, and then attempted to desegregate the entire district. This illustrates that Chicanas and Chicanos were not involved or considered a

part of the initial *Crawford* litigation. Clearly, this fact cannot be disputed. However, this does not imply that *Crawford* was and is not important to the Chicana and Chicano community.

Crawford's enormous impact on the LAUSD and the court-ordered period of mandatory busing significantly influenced the school experiences of Chicana and Chicano students. Yet, we know little about the feelings, concerns, and interests community members had regarding desegregations efforts in Los Angeles. Obviously, there is no single perspective in any community. Just as community members have different experiences in school, there is diversity in perspectives and ideology. Still, it is important to first learn the needs of the Chicana and Chicano community. Only in understanding these needs can we determine how effectively the courts addressed community concerns. This dissertation study will explore both the Chicana and Chicano communities needs, and the courts response to them. Acquiring an in-depth understanding of the *Crawford* case, from the Chicana and Chicana community perspective, may be helpful to community and institutional stakeholders in future educational policy discussions.

Placing a Primary Focus on the *Crawford* Remedy Phase (1976-1981)

The *Crawford* case took place over a nineteenth year period (1963-1982), which can be broken into five distinct phases. In this dissertation study, the five phases are defined as: 1) Pre-trial phase (1963-1968), 2) Initial trial phase (1968-1970), 3) Appeal phase (1970-1976), 4) Remedy phase (1976-1981), and 5) Resolution phase (1981-1982). The pre-trial phase (1963-1968) consists of events beginning with the initial filing of the lawsuit, ACLU pre-trial settlement negotiations with the Los Angeles school board, and trial preparation. This phase of *Crawford* occurred in Los Angeles, and mostly involved lawyers and school board members. The initial trial phase (1968-1970) relates to the events of the superior court trial overseen by Judge Alfred Gitelson (Ettinger, 2003). During this period of *Crawford*, there was a great deal

of media publicity surrounding the court proceedings. As a result, when Judge Gitelson ruled in favor of the plaintiffs, the city of Los Angeles took notice. However, the Los Angeles school board immediately appealed the decision, thus triggering the uncertain appeal phase (1970-1976).

The California Court of Appeal took five long years to issue a ruling overturning the lower courts decision in 1975. This significant waiting period translated into five years of inaction by the LA school board and courts. Fortunately for desegregation advocates, the California Supreme Court only needed a year to overturn the appeal yet again in 1976. The California Supreme Court found evidence of segregation in LAUSD, and ordered the school board to desegregate the entire district. This set the stage for the remedy phase of the trial, and a return to the city of Los Angeles (1976-1981).

The remedy phase was overseen by Judge Paul Egly, consisted of hearings on school board desegregation plans, the implementation of mandatory busing, and a great deal of political maneuvering. The remedy phase culminated in the passage of Proposition 1 (1979), which led to the end of mandatory LAUSD desegregation efforts in 1981. The resolution phase of *Crawford* (1981-1982) was less eventful. While proponents of voluntary integration had essentially won the battle over desegregation, the case lingered on in the courts. Mandatory desegregation advocates questioned the constitutionality of Proposition 1, but this only led to an unsuccessful hearing before the U.S. Supreme Court in 1982.

This dissertation study will examine the entire history of *Crawford* (1963-1982), but will place a specific focus on the remedy phase of the case (1976-1981). Prior to the remedy phase, the utility of the lawsuit was greatly questioned. During the pre-trial, initial trial, and appeal phases court ordered desegregation was always a contested possibility. However, during the

remedy phase desegregation became a reality. This significant distinction generated new community interest in the case, and sparked many stakeholders into action. Unlike other phases of *Crawford*, decision makers sought community input during the remedy phase. As a result, community member involvement in *Crawford* was at its peak during this time period. Thus, the remedy phase is an ideal period to study for insight into Chicana and Chicano community perspectives on *Crawford*. This dissertation study must examine the bookends of *Crawford* history in order to place the remedy phase in its proper context, and provide a coherent historical narrative. Nonetheless, this study will focus primarily on the events of the remedy phase of *Crawford*.

Research Questions:

The research questions guiding this dissertation study are:

1) With regard to the desegregation efforts in the remedy phase of the *Crawford* case (1976-1981), what were the main concerns and issues of the Chicana and Chicano community?

2) What steps, if any, were taken by the court and other key decision makers to address the concerns and issues of the Chicana and Chicano community in the remedy phase of *Crawford* (1976-1981)?

3) What role did race play in school board responses to desegregation efforts during the remedy phase of *Crawford* (1976-1981)?

Chapter Summary

This chapter has established a rationale for this dissertation study on Chicana/o community perspectives and experiences with the *Crawford v. Los Angeles Board of Education* desegregation case (1963-1982). *Crawford* has been situated in its appropriate legal context, and as a test of the principles and ideals found in *Mendez* (1947) and *Brown* (1954). This historical study guided by a critical race history in education framework and compatible theories (racial

realism, interest convergence, and legal indeterminacy) will explore issues of race and racism in the remedy phase of this case. The next chapter will consist of a review of relevant literature.

Chapter 2: Review of the Literature

Chapter Roadmap

The body of literature on *Crawford* case is minuscule in comparison to the other high profile desegregation cases. The existing literature on *Crawford* is insightful with regard to court action, but largely silent on the topic of community action and involvement. Five major categories of *Crawford* literature have been identified, they are: 1) literature authored by *Crawford* participants, 2) expert reports to the court, 3) doctoral dissertations, 4) case overviews, and 5) literature relevant to Chicana and Chicano community perspectives. These five categories are a mixture of primary and secondary sources, but represent the existing significant works on *Crawford*.

Literature Authored by *Crawford* Participants

Only one major book has been written on the case (Caughey, 1973), and only a few scholarly journal articles published (Egly, 2010; Orfield, 1984). Interestingly, participants in the *Crawford* case have authored each of these scholarly works. John Caughey (1973) already was an accomplished scholar, when he began working with the ACLU as an educational expert on the *Crawford* case. The ACLU relied on early research by Caughey and his wife LaRee to make a case for the desegregation of LAUSD. Consequently, his book on *Crawford* can be viewed as an insider account of the initial superior court trial.

Caughey's historical study discusses a history of segregation in Los Angeles schools, the need for integration, and a review of trial proceedings. Busing and integration reports, *Crawford* court transcripts, newspaper articles, and census information are used as data sources for the book. These sources provide a detailed account of events in the initial trial, as well as great insight into board member responses to the lawsuit. Thus, "To Kill a Child's Spirit: The tragedy

of school segregation in Los Angeles" is a valuable resource for understanding the initial Crawford trial. Still, the focus on institutional factors ignores the voice of community stakeholders. Caughey does briefly mention Chicanas and Chicanos in the context of segregation; however, no exploration of community concerns and interests regarding desegregation occurs. Additionally, this book was released three years prior to the start of the remedy phase of *Crawford*. As a result, Caughey was only able to document a small portion of the case's history. Caughey's book is a significant contribution to the literature on *Crawford*, but does leave a gap in our knowledge of the case.

Gary Orfield wrote an educational expert report for the court in 1978, and briefly wrote about *Crawford* in his book entitled "Must We Bus?" (1978b). Orfield explained the key events in this case's history up to 1978, and the "feasibility of desegregation" in in Los Angeles. One strong point of this work is Orfield's contextualization of *Crawford* vis-á-vis concurrent desegregation cases in the United States. Thus, *Crawford* is explored through its link to a larger struggle for nationwide school desegregation. This helps demonstrate the interconnectivity of litigation and the implications for *Crawford* beyond Los Angeles. Orfield also examines busing remedies as an educational policy issue, with a special emphasis on the potential of metropolitan busing. Another important topic of discussion in the book is the financial cost of desegregation litigation. Orfield points out that organizations like the ACLU and NAACP struggled to match the financial resources afforded to school districts supported by taxpayers. Thus, pro-integration attorneys frequently began legal battles at a tremendous disadvantage. In general, this book provides an excellent albeit brief policy analysis on desegregation efforts in *Crawford*.

After the U.S. Supreme Court issued a ruling in *Crawford*, Orfield (1984) wrote an article that explored "Lessons of the Los Angeles Desegregation Case". This piece examines the legal

and policy history of the case, while also exploring the future of desegregation efforts in Los Angeles in light of the Supreme Court decision. The lessons discussed in this article, nicely highlight pivotal issues in *Crawford.* For example, Orfield notes that a major source of tension in the case was the courts inability to effectively oversee and implement educational policy. Essentially, this article calls attention to the highly political nature of desegregation litigation. Significantly, Orfield's article does include the Chicana and Chicano community in his analysis of events, and states they were "clearly more divided on the issue [of desegregation], less organized for participation in either court or school board deliberations, and only intermittently represented in the court proceedings" (1984, p.344). However, in this article references to Chicanas and Chicanos are general and not grounded in a community voice. Accordingly, this dissertation study will explore to what extent the court listened to and took action on Chicana and Chicano community interests. The courts may have ignored the voice of the community, but educational researchers should not overlook it. One area that could have been further explored in this article relates to the concept of race. Orfield alludes to the impact of *Crawford* on "race relations", but he does not critically examine the role of race or racism in the desegregation process. The concepts of race and racism will be central to the analysis in this dissertation study.

Judge Paul Egly served as the presiding Judge on the case from 1977 to 1981. Egly's article is of particular interest because it is a detailed account of the facts of the case, and also provides some self-reflection from a principal figure in the lawsuit. A particularly noteworthy point in this article is Egly's admission and brief discussion of the "The Ignored Hispanic Community" (2010, p. 265). This statement is somewhat ironic given Judge Egly's position of authority in the case. Since he served as the presiding Judge, one would think he would have the power to recognize the Chicana and Chicano community. Another startling admission in this

article, comes from Judge Egly's statement that "The failure to heed the history of racism in California, and the latent racism within our population, contributed to the shattering of the dream of equality that was a portion of the lawsuit" (2010, p.311). An acknowledgement of the presence of racism in the *Crawford* proceedings is notable, especially coming from a central institutional figure in the case. Furthermore, Egly provides direct insight into his own actions, and background into some behind the scenes politics of the case. This article does not simply rely on self-reflection; Egly draws on data sources such as court briefs and opinions, secondary sources, newspaper articles, interviews, and court exhibits. As a result, this is an invaluable resource to all researchers interested in *Crawford*. However, Judge Egly's account still takes the form of a majoritarian story[6]. Thus, the content and narrative of this text must be read critically and deconstructed carefully. The works authored by Caughey (1973), Egly (2010), and Orfield (1978, 1984) are all unique because each of these pieces benefit from first hand experience and knowledge of *Crawford*. Yet, they could all benefit from exploring the perspectives and concerns of community members related to desegregation efforts in Los Angeles.

Expert Reports to the Court

During the remedy phase of *Crawford* (1976-1981), Judge Egly requested and received numerous expert reports on the subject of desegregation plans and busing. These reports are primary sources that provide tremendous insight into expert opinions and advice given to the court on desegregation efforts in LAUSD. One of the first reports to the court was authored by legal scholar Monroe E. Price (1977), the court appointed referee. Price's reports are a summary of district staff and school board efforts to devise an integration plan for the court. Over the course of the ten reports, some of the reoccurring themes are school board concerns over the

[6] Solórzano and Yosso (2002) state that: "a majoritarian story is one that privileges Whites, men, the middle and/or upper class, and heterosexuals by naming these social locations as natural or normative points of reference" (p.28).

financial feasibility of busing, fear of student flight, and anxiety over compliance issues regarding bilingual-bicultural education requirements. Conversely, Price himself expressed concerns over a lack of alternative desegregation plans, and the need for a compliance monitor. Overall, these reports focus on policy issues and compliance with state and federal law. Given stringent time constraints for the submission of a desegregation plan, it appears community concerns were not a part of the planning process.

Elwood B. Hain Jr., (1978) is a legal scholar who authored a report on the potential legal justification for metropolitan busing. He also examined the role and effectiveness of the Los Angeles school monitoring committee, and offered recommendations for ensuring a quality education at racially isolated schools (RIS). Hain offers one particularly provocative suggestion, when he states:

> "I suggest that the court utilize the political power of the Anglo community to press for speedier action on the promises made to the racially isolated schools…making the delivery of certain popularly demanded services or levels of service in CIS or newly integrated schools contingent upon the prior fulfillment of commitments to the RIS. Once it is clear that a particular benefit is available to schools with heavy Anglo participation only after that or other benefits have been delivered (not promised) to RIS, Anglo leaders will, out of self-interest, join minority communities in pressing for the RIS benefits" (Hain, 1977, p.99).

This suggestion raises interesting questions about the participation of the White community in integration efforts. Hain's argues Whites would seek educational resources for Students of Color, only if their own educational services are dependent on the fulfillment of promises to racially isolated schools. Hain's reports nicely problematize the challenges associated with desegregation efforts. Furthermore, he highlights the importance of policy implementation.

In addition to his previously mentioned works, Gary Orfield (1978a) authored an educational expert report on the feasibility of desegregation efforts in Los Angeles. This report begins with a brief history of Los Angeles, explores the changing nature of city demographics,

and ends with a call for metropolitan busing. Unlike some other expert reports, Orfield addresses issues and concerns of the Chicana and Chicano community. He briefly references and discusses the work of Carlos Manuel Haro (1977) and Beatriz Arias (1978), which at the time were two of the few scholars examining desegregation issues related to Chicanas and Chicanos. Additionally, Orfield recommends "The court should include a directive to the school district to institute at once a strong program of evaluation, in consultation with prominent Hispanic scholars, on the conditions for effective desegregation of Hispanic children" (1978a, p.40). This acknowledgment of the Chicana and Chicano community is significant and rare in the existing *Crawford* literature.

Social psychology scholar Thomas Pettigrew (1978) submitted a report to the court that advocated metropolitan busing. Pettigrew argued that this type of busing would be beneficial in six ways, "1) optimal conditions for genuine integration and quality education, 2) cost efficient, 3) efficient transportation, 4) equity, 5) choice, and 6) stability" (1978,p. 1). Another argument made for metropolitan busing is the decreasing number of White students in LAUSD. Pettigrew's report can be seen as typical of many expert reports of this time, namely they question the effectiveness of the LAUSD's desegregation plan. While scholars like Pettigrew evaluate the logistical feasibility of metropolitan busing, they don't address the political feasibility of such a plan.

In 1979, Education scholar Bernard R. Gifford authored a supplementary report to the court. This report differs greatly in focus from other expert reports submitted to Judge Egly. Gifford (1979) examines the unequal distribution of school resources amongst students in LAUSD. His reports argues for the elimination of resource disparities in schools, extending integration efforts to include school administrators, and improving the quality of instruction at

racially isolated schools. The emphasis on the needs of Students of Color and improving the quality of education at segregated schools is a strength of this report. However, this report falters in providing clear guidelines for the implementation of policy recommendations.

Public policy scholar David Lopez-Lee authored a comprehensive report on school desegregation in Los Angeles for the U.S. Commission on Civil Rights in 1976. This report was designed to inform the commission on desegregation efforts in LAUSD, and as a result the scope of the report is rather large. Lopez-Lee (1976) provides a discussion of a history of Los Angeles demographics, the LAUSD, school integration in California, and the *Crawford* case. He also explores the origin and role of the Citizens Advisory Committee on Student Integration (CACSI), and briefly describes community organizations interested in integration efforts. Thus, this report represents one of the best early secondary sources on desegregation in the city of Los Angeles. Lopez-Lee's report was published shortly after the remedy phase began, so he was not able to document those events. Regardless, this expert report does an excellent job of contextualizing a history of desegregation in the LAUSD. Overall, the quality of the expert reports submitted to the court varied greatly. However, all of these reports offer valuable insight into the views of experts on the best course of action for desegregating LASUD.

Doctoral Dissertations

There were two dissertations written on the case while it was ongoing (Carrillo, 1978; Hopkins, 1978), and two written subsequent to its end (Cooper, 1991; Sosa 2013). Jess Carrillo's (1978) dissertation study begins with a standard examination of the legal proceedings. Some specific contributions from his dissertation are a chapter describing many of the organizations involved in the case, and a chapter of thirty-two survey interviews with various *Crawford* stakeholders. The list of interview participants is quite impressive, and included many

high profile organization leaders and board members. These survey interviews explored stakeholder's opinions and views on specific desegregation policies, but were reported anonymously and by organization types. The need for participant anonymity is understandable, but produces vague accounts of events. Additionally, the reporting of data becomes very technical, lacks an engaging narrative, and contains little discussion of race. Carrillo's interviews with *Crawford* stakeholders would have been more illuminating had the data been reported individually. However, this dissertation does contribute to our understanding of organizations involved in *Crawford* and some insight into their views on desegregation efforts in LAUSD.

Donald Cooper's (1991) dissertation is a large legal and social history covering *Crawford* from 1961 to 1981. Cooper used primary sources such as ACLU records, Judge Paul Egly's papers, Monroe Price's papers, newspapers, three oral history interviews, court briefs, and educational expert reports. Similar to Caughey (1973), Cooper's (1991) dissertation begins with a discussion of segregation in Los Angeles. The study then transitions into a detailed narrative documenting the legal progress of the case. Cooper's dissertation is centered on the court, and as a result its history is limited to the "official record" in *Crawford*. Like many of the other studies on *Crawford*, Cooper's study does not adequately include the voice of Communities of Color. However, Cooper does write about the Chicana/o blowouts and the school board's response to these events. Chicanas and Chicanos are discussed in he narrative, but their actual voice and perspective is missing. Additionally, the impact of race and racism on *Crawford* is not explored in Cooper's history of the case. Nonetheless, Cooper's dissertation must be recognized as a key work in the *Crawford* literature, both for its large scope and quality.

A more recent and extremely comprehensive dissertation was written by Herbert Sosa (2013), his study draws upon a large variety of archival sources to tell a compelling history of *Crawford* and the city of Los Angeles. Sosa places a particular focus on the political interactions of three ethnic groups, Whites, African Americans, and Mexican Americans. This emphasis on intergroup dynamics is a unique contribution to the *Crawford* literature, as Sosa expands the narrative beyond the traditional Black-White binary. Additionally, this study is very well researched and successfully tells a detailed story about a complex case.

Case Overviews

Ettinger (2003) and Clayton (2008) are two non-peer reviewed works on the case, and both offer a nice overview of events. David Ettinger's essay places a focus on the legal history, beginning in 1963 and ending in 1982 with the U.S. Supreme Courts decision. He utilizes court briefs and opinions, and newspaper articles from the *Los Angeles Times* as supporting evidence. This report thoroughly examines the legal arguments of the case, and makes good use of quotes from key figures in the case. The result is a strong legal narrative, albeit with little discussion of schooling conditions or desegregation plans. Ettinger's essay concentrates on the role of the courts in this case, and for this reason is a rich source of judicial information.

Stephanie Clayton's report examines the lack of secondary sources on the case. Her report provides a detailed review of existing literature on *Crawford* and constructs an informative brief history of the case. This report is useful because it succinctly identifies research gaps in the literature, and is an extensive review of the literature *on Crawford*. Clayton's research on desegregation and *Crawford* observed that:

> "It was easy to find articles and texts from the 1950s and 1960s, which argue for or against the Supreme Court's decisions and the oversight of desegregation by federal courts. What is difficult is finding works on specific sites or issues that are not

> commonly linked with desegregation. The two that are pertinent [to *Crawford*] are Los Angeles and non-black minorities" (2008, p.5).

This statement underscores the necessity of re-examining the concerns of the Chicana and Chicano community related to *Crawford*. The work of Ettinger (2003) and Clayton (2008) represent valuable reference tools, but would benefit from broadening their scope on *Crawford*.

Literature Relevant to Chicana and Chicano Community Perspectives

Four sources that are of particular relevance to this study are a monograph by Carlos Manuel Haro (1977), an educational expert report submitted to the court by Beatriz Arias (1978), and two book chapters by Daniel Martinez HoSang (2010, 2014). Haro's monograph is a significant work that examines the *Crawford* case from the perspective of the "Mexicano/Chicano" community. Haro's piece examines educational attainment data, and includes interviews with two Chicano education activists (Grace Montanez Davis and Vahac Mardirosian). This monograph was the first study to specifically focus on the Chicana and Chicano community perspective of *Crawford.* Haro's study produced these major findings: 1) Chicana and Chicano community felt "ignored" by the courts, 2) some viewed desegregation as path to quality education, 3) some preferred to retain control of local barrio schools, 4) bilingual/bicultural education was a top priority, and 5) by and large Chicanas and Chicanos do not have the economic power to leave the public school system. These findings represent a significant contribution to our understanding of the Chicana and Chicano community concerns on school desegregation. It is worth noting that this monograph was published in 1977, which means it was unable to capture significant events in *Crawford's* history such as the implementation of mandatory busing, Proposition 1, and the transition to voluntary desegregation efforts in LAUSD. Thus, we know little about the Chicana and Chicano

community perspective on these events and issues. Despite this limitation, Haro's monograph is an essential part of the literature on *Crawford*.

The expert report submitted by Arias is significant because it's one of the few legal documents that specifically addressed educational issues relevant to the Chicana and Chicano student population. Arias raised questions related to "Limited English Speaking" (LES) and "Non-English Speaking" (NES) students. Arias (1978) begins the report by noting that *Lau v. Nichols*, 414 U.S. 563 (1974) and California's Chacon-Moscone Bilingual-Bicultural Education Act, AB1329 (1976) "mandate[s] special educational services for students identified as Limited or Non-English speakers" (p.4). She then proceeds to discuss the challenge of maintaining bilingual education programs amidst desegregation plan implementation. The report also examines definitions of Hispanic students and potential remedies to segregation. Arias study uses LAUSD student data and literature from the fields of bilingual-bicultural education and desegregation planning. This educational expert report is significant because it problematizes the impact of segregation on bilingual education, which was a major concern for the Chicana and Chicano community. Furthermore, in Judge Egly's (2010) article he stated that Arias was one of "two experts [who] in particular had especially illuminating opinions" (p.301). This illustrates Arias' expert report on bilingual education was highly valued and useful to the court, and by extension it is an important work in the *Crawford* literature.

Martinez HoSang has written two excellent book chapters (2010, 2014) on *Crawford* and the concept of racial innocence. Both pieces are well researched and engaging to read, but what makes them important contributions to the *Crawford* literature is HoSang's analysis of the racial elements in this case. While much of the existing literature acknowledges that race played some role in the *Crawford* proceedings, very few critically engage with the topic. HoSang (2014)

explored the ways in which discussions of education inequality in schools were avoided through the adoption of a racial innocence frame. He defined racial innocence as "disavowing any interest or investment in racial inequality. Only by incorporating the tenets of race neutrality and the norms of liberal anti-racism could opposition to school desegregation be legitimated politically and legally" (HoSang, 2014, p.177). Racial innocence is powerful concept that helps explain how the status quo was upheld in *Crawford*, and betters our understanding of talking points embraced by BUSTOP and Prop. 1 leaders. HoSang's work also expands the Crawford conversation beyond a Black-White binary to examine the experiences of Mexican Americans. In the process, he provides a more nuanced history of the *Crawford*. The respective work of Haro, Arias, and Martinez HoSang are examples of the kind of research this dissertation study looks to build upon.

Chapter Summary

Overall, a review of literature indicates that *Crawford* has not received the same scholarly attention as other high-profile desegregation cases. Much of the research produced on *Crawford* comes from 1973 to 1984, which means this research is dated and was created as the case continued to play out in the courts. Donald Cooper's (1991) dissertation study is the only full-length scholarly study to be produced after the litigation of *Crawford* had come to an end. Still, there is a need for a contemporary comprehensive study of *Crawford*, which examines the long-term effects of the case, investigates the impact of race and racism on the desegregation process, and explores the often-ignored perspectives of the Chicana and Chicano community. Additionally, this dearth of literature has not asked key *Crawford* figures to reflect on their experiences. Many of the major players in this case are still living, and we should capitalize on

their wealth of knowledge and experiences related to *Crawford*. This dissertation study is designed to fill this gap in the literature.

Chapter 3: Methodology

Chapter Roadmap

This dissertation study relies heavily on archival sources and two individual interviews to investigate the *Crawford* case. Various stages of this desegregation battle took place in three major cities: Los Angeles (superior court trial), San Francisco (CA Supreme Court), and Washington D.C. (U.S. Supreme Court). This study will focus primarily on the events and legal proceedings that took place in Los Angeles. As a result, the majority of relevant archives and interview participants were located within the Los Angeles metropolitan area. However, research trips were also made to the Green Library at Stanford University and the Library of Congress in Washington, D.C. This study examined *Crawford* from the years 1963 to 1982, but with a primary focus on the remedy phase of the case (1976 to 1981). During the remedy phase community voices were most emphatic and recognized by the courts, and as a result warranted special attention.

Archival Sources

To answer all three-research questions, it was necessary to study institutional archives and personal papers of important figures and organizations involved in the *Crawford* case. These questions could only be answered by examining primary documents associated with community activists, key institutional decision makers, and educational experts. This study examined primary documents from special collections housed at the University of California, Los Angeles, the Library of Congress, Stanford University, and the Los Angeles Unified School District archives. Below is a list of special collections that were explored in this dissertation study, and a brief description of some types of materials examined in the collection.

UCLA Charles E. Young Research Library Department of Special Collections

American Civil Liberties Union of Southern California records, 1935-.

The ACLU served as the lead organization throughout the protracted legal fight. While they eventually worked in conjunction with the NAACP, the ACLU acted as the primary legal counsel and major driving force of the case. Thus, their special collection contained a large number of relevant materials and provided some appreciation of the effort needed to litigate such a complex case. The collection includes a comprehensive selection of legal briefs from all parties involved, exhibits, depositions, transcripts of trial testimony, lawyer notes, argument ideas, bilingual education files, files on White flight, and correspondence. This collection is the definitive source for information related to petitioner actions in *Crawford*.

Los Angeles Unified School District Board of Education Records, 1875-2009

This collection is quite extensive and was one of the most important sources of information for this study. The LASUD Board of Education contains almost any type of archival materials imaginable, ranging from board minutes, correspondence between board members, correspondence from parents and community residents, legal briefs, desegregation planning materials, internal research files, court report documents, billing receipts for *Crawford* trial related expenses, and many maps. These materials helped provide a better understanding of what Chicana/o community concerns were or were not presented to board of education, and how the board chose to respond. Correspondence from parents and community leaders also showed an assortment of views on mandatory desegregation. Some were really supportive and positive, while other letters were vile and hate filled. The LAUSD special collection was indispensable for this study.

Judge Paul Egly Papers, 1977-1981

Judge Egly was the presiding judge of the remedy phase of *Crawford*, and all of his papers from that period are located in this special collection. Contents of this collection include legal briefs from petitioners and respondents, amicus curiae briefs, pleadings, correspondence, personal notes, newspaper clippings, maps, school data, trial exhibits and expert reports. All of these materials were relevant to Judge Egly as he examined busing plans for the desegregation of LAUSD. Thus, these materials provide insight into his communication with all parties involved in the case and his decision making process.

Los Angeles School Monitoring Committee Records 1978-1981

Judge Egly created the Los Angeles School Monitoring Committee, which consisted of twelve members, on May 3, 1978 to observe and produce reports regarding integration efforts in LAUSD. The committee was designed to observe the implementation of "court-approved desegregation plans", and to provide recommendations for improving the process (Hain, 1978). However, the monitoring committee could not make any direct changes to the desegregation plans. This lack of authority does not diminish the impact of this committee's reports on the court and Judge Egly. Their collection consists of litigation files on respondents, petitioners and intervenors in *Crawford*, observer files of community meetings, LAUSD board meeting materials and agendas, LAUSD reports, newspaper clippings, desegregation and PWT reports, and bilingual education files. This collection had some illuminating materials namely community meeting and bilingual education files. The monitoring committee records provided insight into the Chicana and Chicano community needs that were taken into account or ignored by the courts and school board.

Helene V. Smookler Papers on School Integration 1969-1985

Helene Smookler was the executive director of Los Angeles School Monitoring Committee, and was appointed to this position by Judge Egly. Her special collection includes her personal research files on *Crawford* beginning in 1969, school district data, integration plan materials, maps, legal briefs, reports, racial and ethnic surveys, correspondence and memos, and daily minutes from court proceeding. Smookler's responsibilities as executive director included overseeing the monitoring committee members and staff. Thus, Smookler was a key figure on the committee and had access to variety of internal research materials.

Los Angeles Unified School District Archive

Materials on Desegregation Efforts in the LAUSD

This archive holds internal LAUSD documents and materials related to desegregation in the district. There were no finding aids for this archive, but some relevant holdings were files on desegregation plans, LAUSD desegregation staff documents, and superior court materials. The materials in this archive represent an important institutional perspective, and contribute to our understanding of the LAUSD's position and internal discussions on desegregation efforts. Furthermore, these documents shed additional light on key figures inside of the district and how responsive decision makers were to Chicana and Chicano community interests.

Stanford University Green Library, Department of Special Collections

Mexican American Legal Defense Funds, M0673, Record Group 5. Legal Programs Department Record Group No. 5 Series 2. Litigation files, 1968-1982

The MALDEF records at Stanford University only contained about 5 folders of materials relevant to *Crawford*, but each folder was quite useful. Some materials in this collection were a position statement from the Mexican American Education Commission, correspondence from a MALDEF attorney to Los Angeles board of education members, an amici curiae brief submitted

to the US Supreme court in opposition to Prop.1's constitutionality, and attorney meeting notes. These materials were helpful because they originated from the one legal group involved in *Crawford* that was most concerned with the concerns and interests of Chicana/o families. Additionally, these documents helped to clarify that bilingual education was the most important issue to the Chicana/o community yet people were still willing to engage in conversations of desegregation.

Library of Congress, Manuscript Division

NAACP Records 1842-1999, Part V: Legal Department Files

The NAACP records at the Library of Congress contained a large number of materials related to *Crawford.* While the NAACP was not the lead organization on this case, they dedicated legal resources to following and assisting with *Crawford*. This collection had a large variety of materials ranging from correspondence, research files, board minutes, legal briefs and motions, attorney memos, deposition and court testimony transcripts, newspaper clippings, and maps. These materials revealed that the NAACP and ACLU had an amicable working relationship, but the NAACP would have preferred a larger role in the *Crawford* proceedings. Largely in part because of feedback they received on the ACLU's handling of the case from local NAACP chapters in Los Angeles. The NAACP did not discuss Chicana/o concerns directly in their materials, but attorneys often used inclusive language such as "Black and Brown students" to frame the issue of school segregation.

Online Archives

Los Angeles Times Online Newspaper and Photo Archives

The *Los Angeles Times* online archives were extremely useful to this dissertation study. The newspaper archive allowed the researcher to establish an accurate time line of events by

searching the paper chronologically. Additionally, the *Los Angeles Times* was a good source for quotes and names of individuals involved in *Crawford*. The online photo archive was a nice source for photographs, but not all photos that appeared in the paper are available online. It is also worth noting that very few of the *Crawford* images contain People of Color.

Archival Research Methods

The archival sources listed and discussed above represent a large variety of primary data sources. Given the sheer amount of materials present in each of these collections, the researcher was selective with regards to materials chosen for in-depth examination. During each archival research session detailed field notes were taken via laptop, and whenever possible reproductions or photographs of important documents and maps were made. These combined data sources serve the purpose of representing the "official" and institutional narrative on *Crawford.* While a phase of data analysis takes place after data collection has been completed, archival research requires critical engagement with archival sources. Promising relevant documents, photographs, and maps found in the archives are examined thoroughly and analyzed for a connection to the Chicana and Chicano community. However, silences and gaps in the archives regarding the community were also recorded in archival research notes. Materials housed in institutional archives can offer great insight into a topic, and also speak to what knowledge or perspectives institutions value. Conversely, absences or omissions in the archives speak to what is not valued by an institution.

Interviews

The perspectives and voices of the Chicana and Chicano community are present in small doses in the institutional archives, but in a limited form. Nevertheless, this small presence was not entirely sufficient to adequately address the question of what were the concerns and interests

of the Chicana and Chicano community. In order to supplement archival research data, two individual interviews were conducted with educational experts who testified in this case.

Interview Participant Criteria and Protocol

Crawford educational experts interview participants are defined as scholars who submitted reports or testified to the court during the trial. Their educational expertise and connections to the case make them well qualified to discuss the educational issues related to *Crawford*. Dr. David Lopez-Lee and Dr. Gary Orfield graciously agreed to be interviewed as a part of this study. Both interviews were conducted using a semi-structured protocol, and lasted approximately one hour. For the purpose of data analysis, all interviews were recorded (with participant consent) in order to create written transcripts. After each interview, the researcher reserved time to memo first impressions of the conversation, key observations, and began an initial analysis. This ensured that analysis of interviews would not solely rely on transcripts and the researcher's memory of the past interviews. Memos were also written to reflect on each interview in hopes of improving the effectiveness of future interviews and questions.

Focus of Interviews

A protocol of 9 broad standardized interview questions was created and a copy of the questions can be viewed in Appendix A. Both interviews explored the topics of segregation, integration, mandatory busing, and White flight. Additionally, each participant was asked about their perception of the concerns and interests of the Chicana and Chicano community related to *Crawford*. Participants were also asked about their perception of the courts overall effectiveness and responsiveness to community needs. Interview participants were also asked about their own personal opinions on *Crawford* during the legal fight, and their current feelings towards the case

and its outcomes. This historical study seeks to understand the past, but also hopes to explore the lingering consequences of this dynamic and complicated case.

Data Analysis

Both interviews were transcribed verbatim, and whenever possible photocopies and/or scans of important archival materials (i.e. documents, newspaper articles, maps, photographs) were made. While data analysis began in the archives, once data collection was completed all materials were reread to ensure that no document was overlooked. When reading a document, the researcher scanned for key names (e.g. Judge Egly or ACLU) or subject matter (e.g. Mexican Americans or bilingual education). Once a compelling document was found, its identifying information was logged into an ongoing file. Documents from this file would then be reviewed periodically to determine how they could best be weaved into strong analytic narrative about the *Crawford* case. During data analysis, the guiding critical race history of education theoretical framework was a consistent presence in my thought process. It was at this stage that connections were made between the data and concepts such as racial realism, interest convergence, and legal indeterminacy. These concepts were extremely helpful in extracting greater meaning from the data. As key documents surfaced in the research process, the researcher began to construct short vignettes narratives, which would later be expanded.

Weighing historical evidence

Historian Hayden White has famously argued that when historians construct historical narratives, they are constructing stories in a way that is similar to authors in the literary world. This is not to say that history and literary fiction are one in the same, they are not. Yet all historical narratives follow an "emplotment", essentially a plot structure (White, 1978, p.83). As a result, both history and literature can be written through a romantic, tragic, comic, or satirical

emplotment (*supra*, 1973, p.29). Furthermore, White points out that "narrativity in the representation of real events arises out of a desire to have real events display the coherence, integrity, fullness, and closure of an image of life that is and can only be imaginary" (1987, p.24). Therefore, a historical narrative is not an objective retelling of the past but rather an imagined subjective construction. The narratives historians construct will be subjective, but they can at least be based on "objective" evidence. While we expect a certain amount of subjectivity in history, this does not mean we should not strive for some measure of objectivity. Constructing a historical narrative requires an evaluation of the validity and credibility of historical documents and interviews. In constructing a historical narrative around the interests and concerns of the Chicana and Chicano community related to *Crawford*, this researcher endeavored to be reflective and open about the narrative construction process.

Utilizing a Critical Race History in Education analysis

A CRHE analysis is relevant and helpful to this dissertation study in a variety of ways. First, a CRHE approach places great emphasis on the importance of historicizing events, and putting them in their proper historical context. This serves as a reminder that an examination of *Crawford* from 1963 to 1982, must also take into account historical events such as the Watts rebellion (1965) and Chicana/o "blowouts" (1968). While these events are not the focus of this study, they should be examined for their potential impact on and/or link to *Crawford* proceedings. A Critical Race History in Education analysis also highlights the centrality and intersectionality of race and racism with other forms of oppression, such as "gender, class, immigration status, surname, phenotype, accent, and sexuality" (Solórzano & Yosso, 2002, p.25). The concept of race was central to the analysis of this study, but this does not discount the

significance of other forms of oppression. This dissertation study also actively seeks out those intersections.

Another aspect of CREH is challenging dominant ideologies present in educational discourse, such as notions of "objectivity, meritocracy, color and gender blindness, race and gender neutrality, and equal opportunity" (Solórzano, 1998, p.122). When these ideologies or other coded language were found in archival or interview data, they were examined closely through a historical lens. Further incorporating from a CRT in education analysis, CREH also advocates for a commitment to social justice and experiential knowledge. The catalyst for this dissertation study lies in the absence/marginalization of the Chicana and Chicano community from traditional discussions of *Crawford*. This deficiency in the literature and discourse may subtly imply that the Chicana and Chicano community were not concerned with their children's education or lack a strong community voice. These culturally deficit views must be challenged. Additionally, a CRHE approach promotes the use of an interdisciplinary perspective. The data analysis in this dissertation looks to draw from multiple disciplines and knowledge bases. A broader approach frees the researcher from the limitations of just one discipline. A CRHE analysis has been central to development and data analysis of this dissertation study.

Chapter Summary

This historical dissertation study has examined archival source data from multiple libraries and special collections related to *Crawford*. Collected interview data has been used to supplement the primary archival data. The developing CRHE theoretical framework and the concepts of racial realism, interest convergence, and legal indeterminacy have informed the data analysis process. The next two dissertation chapters (4 & 5) are historical narratives constructed from this methodology.

Chapter 4: A Critical Retelling of the "Majoritarian" History of *Crawford v. Los Angeles Board of Education*, 1963-1982

Chapter Roadmap

This chapter presents a critical retelling of the majoritarian history of *Crawford*, while also highlighting the Chicana/o community's presence in this desegregation case. This common narrative of *Crawford* displays the overall trajectory of the case and introduces key institutional figures involved in battle over desegregation in Los Angeles. The chapter is broken down into three sections: 1) *Crawford* pre-trial and trial phase, 1963-1970, 2) *Crawford* remedy phase, 1976-March 1981, and 3) *Crawford* resolution phase, April 1981-1982. Each phase is narrated and analyzed with the intent of understanding the motives and impact of significant *Crawford* events.

The Quest for Institutional Action: *Crawford* Pre-trial and Trial Phase, 1963-1970

Like many other school desegregation cases in the United States, *Crawford* has traditionally been framed within a "Black/White binary paradigm of race"[7]. It is true that originally *Crawford* only involved a small number of Black and White students, but over the course of its 19-year time span *Crawford* grew to impact the lives of a diverse and vast number of Los Angeles students. In August of 1963, the ACLU filed an initial lawsuit in the superior court to integrate two racially imbalanced high schools in the LAUSD[8]. Jordan high school was predominately Black, while South Gate high school was predominately White[9]. The timing of

[7] Perea, J.F. (1997). The Black/White Binary Paradigm of Race: The "Normal Science" of American Racial Thought. *California Law Review,* 85(5), 1213-1258.

[8] Chronology of L.A. School Desegregation (1977, March 27). *Los Angeles Times,* p. C1.

[9] Caughey, J. (1973). *To kill a child's spirit: The tragedy of school segregation in Los Angeles*. Itasca, IL: F.E. Peacock Publishers, Inc.

this lawsuit should be noted, as it is clearly related to the plaintiff friendly *Jackson v. Pasadena*[10]; California Supreme Court decision handed down in 1963.

The *Crawford* case gets its name from lead plaintiff Mary Ellen Crawford, a 10th grade African American student at Jordan high school[11]. The ACLU filed the case preemptively, and first attempted to work directly with the LA Board of Education on an integration plan. The efforts were rather fruitless as the school board was extremely reluctant to take any substantive action. Although in December of 1963, the board did issue a policy statement on "equal education opportunity"[12].

After nearly three years of school board apathy, in July of 1966 the ACLU amended their lawsuit to include Chicana and Chicano students. The Chicana/o plaintiffs were: David Rodriguez (6 years old, guardian Celia Rodriguez), Patricia Ann Sanchez (10 years old, guardian, Josefa Sanchez), twin brothers Ramon Jose Sanchez and Raoul Joaquin Sanchez (both 12 years old, guardian, Josefa Sanchez)[13]. All four children and both guardians were listed in court documents as being of Mexican descent. Their presence in this case demonstrates the importance of education to the Chicana and Chicano community, and brings attention to important yet overlooked historical actors.

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[10] *Jackson v. Pasadena City School District*, 382 P.2d 878 (Cal. 1963) ruled that the California constitution forbade *de facto* segregation. As attorney David S. Ettinger (2003) notes the *Jackson* decision "stated that school boards had the affirmative constitutional obligation to end segregation" (p.56). Thus, according to the California Supreme Court, school boards could be held accountable for *de jure* or *de facto* school segregation.

[11] Oliver, M. (1977, July 9). Shuns Notoriety in Integration Suit: Crawford Case: Title Haunts Plaintiff. *Los Angeles Times*, p. 26.

[12] Caughey, J. (1973); Chronology of L.A. School Desegregation (1977, March 27).

[13] *Crawford v. Board of Education of the City of Los Angeles*, No. 822-854. (1970, February 11). California Superior Court, Findings of Facts and Conclusions of Law.

Since these young students were minors, the decision to participate in this litigation was left up to their parents. Mothers Celia Rodriguez and Josefa Sanchez allowed the ACLU to name their children as parties to the case, and in the process significantly expanded the scope of *Crawford*. Until these plaintiffs were added to the lawsuit in 1966, Chicanas and Chicanos were not officially part of the desegregation conversation in *Crawford*. Despite the long history of Mexicans and Mexican Americans in the city of Los Angeles, Chicanas and Chicanos were not seen as key stakeholders in the process. This all changed with the modification of the suit, as the ACLU now sought to desegregate the entire LAUSD.

In response to these ACLU efforts, in February of 1968, the LA Board of Education Superintendent Jack Crowther announced an integration proposal utilizing voluntary busing[14]. The voluntary plan was extremely limited in scope, and revolved around two primary endeavors. The first involved "Bussing [sic] children from overcrowded schools in the Negro and Mexican-American areas to unused classrooms in White neighborhoods"[15]. The second plan required "Bussing [sic] White children to schools in minority neighborhoods for the purpose of 'integrated educational experiences' "[16]. These proposed integration plans highlight the paradoxical beliefs of the Board of Education that school segregation was not an existing problem, yet efforts to promote cross-cultural exchange would require busing. Unsurprisingly, the burden of integration was placed on Students of Color. Black and Chicana/o students interested in integration for the purposes of improving their educational opportunities were asked to attend schools in White neighborhoods on a full time basis. However, White students

[14] McCurdy, J. (1968, February 27). Limited, Voluntary Bussing [sic] Proposed for City Schools. *Los Angeles Times*, p. 1.

[15] *Ibid*

[16] *Ibid*

interested in the benefits of integration were only temporarily exposed to "integration educational experiences."

Embedded within these two action plans is a quiet acknowledgment of the educational inequality in LAUSD. The Board of Education recognized that neighborhood schools located in Communities of Color were overcrowded, and White students were 'best served' by temporary visits to these schools. In contrast, a small number of Students of Color were going to be permitted to attend under enrolled schools in white neighborhoods, but structurally little would change in the district. Thus, the school board silently identified the differences in segregated educational experiences within LAUSD, and nonetheless chose to ignore their duty to represent the best interests of all students and families in the district.

Due in large part to the school board's continued "passive resistance" to desegregation efforts, *Crawford* went to trial in October of 1968 and finished in May of 1969[17]. During the trial, the ACLU relied heavily on the precedent in *Jackson*, arguing the LA Board of Education was responsible for remedying *de jure* and *de facto* segregation in the district. Judge Alfred Gitelson presided over the first *Crawford* trial, and on February 11, 1970 he ruled in favor of the *Crawford* plaintiffs[18]. Judge Gitelson's decision held the LAUSD accountable for *de jure* and *de facto* segregation.

As a consequence of his initial trial ruling in favor of desegregation efforts, Judge Alfred Gitelson was voted out of office on November 3, 1970[19]. He was labeled a "busing judge" by

[17] Clayton, S. (2008). A Brief History of Efforts to Desegregate the Los Angeles Unified School District. *Claremont Graduate University: Learning in L.A. Project*; Chronology of L.A. School Desegregation (1977, March 27).

[18] *Crawford v. Board of Education of the City of Los Angeles*, No. 822-854. (1970, February 11).

[19] Endicott, W. (1970, November 5). Gitelson Blames Racists for Defeat: Winner of Judge's Seat is School Bussing Opponent. *Los Angeles Times*, p. A1.

anti-busing supporters, and as a result lost a bid for reelection[20]. Gitelson himself attributed his ouster from office to "enough people who are truly racist"[21]. Dismissing or recalling judges for unpopular decisions has serious implications for the legal system and *Crawford* in particular. The court system is supposed to be based on principles of justice and equity. Yet in *Crawford* the dominant majority was able to dismiss a judge for an unfavorable decision. To be clear, Judge Gitelson was removed for a legal opinion that sought to protect the rights of a demographic minority. A CRHE analysis of this situation, points out that any inherent objectivity of the law or judges is simply an illusion. Conceptions of objectivity and meritocracy are fluid, and often change in order to maintain systems of White supremacy, patriarchy, heteronormativity, and class privilege.

Judge Gitelson's reelection loss served as a message to his successor that they too were at risk for being replaced, especially if they became perceived as a "busing judge." This threat of removal was just another disadvantage for ACLU lawyers and Communities of Color looking for a remedy from the court. As Gary Orfield (1978)[22] points out the financial cost of desegregation litigation is quite high. Organizations such as the ACLU, NAACP, and Mexican American Legal Defense and Educational Fund (MALDEF) struggled to match the financial resources afforded to school districts supported by taxpayers. Thus, pro-integration attorneys frequently began legal battles at a tremendous financial disadvantage. Combined with the political pressure some

[20] West, R. (1975, December 30). Ex-Judge Gitelson Dies; Ordered L.A. Integration. *Los Angeles Times*, p. A1.

[21] Ibid

[22] Orfield, G. (1978). *Must We Bus? Segregated Schools and National Policy.* Washington, D.C.: The Brookings Institution.

groups are able to exert on Judges, one can begin to wonder, how imbalanced are the scales of justice?

Preserving Hope: The Crawford Appeal Phase, 1970-1975

While desegregation opponents heavily criticized Judge Gitelson, undoubtedly, the ACLU and supporters of integration were pleased with his decision. This was a clear and emphatic legal victory for their cause, and gave them some momentum going forward. Still, Chicana/o supporters of integration, such as MALDEF staff attorney Joe C. Ortega realized this legal battle was far from over. On February 13, 1970, the day after Judge Gitelson's ruling, Ortega wrote a series of letters to members of the LA Board of Education. Essentially, thanking allies on the board such as Dr. Georgina Hardy and Dr. Robert L. Doctor for their votes in support of desegregation efforts. As well as, writing a letter to Board President Dr. Arthur Gardner to say:

> On behalf of the Mexican American Legal Defense and Educational Fund, Inc. I want to urge you and the members of the Los Angeles School Board to comply with the order of the Superior Court and to start steps to fully integrate the school system with all deliberate speed. I urge you and other board members to reconsider statements that you will appeal the decision and that when the matter comes up for a formal vote by the Board, you vote not to appeal but to carry out the long over-due integration order[23].

Unfortunately, by Monday, February 16, 1970, the school board had voted to appeal the superior court ruling[24]. The school board was then granted a stay of Judge Gitelson's ruling pending appeal by the court of appeal. This school board decision to appeal may have seemed routine at the time, yet with hindsight, it was a critical event in the trajectory of *Crawford*.

[23] Ortega, J.C. (1970, February 13). Letter to Dr. Arthur Gardner. Stanford Green Library, MALDEF Collection, M673, RG#5, Box 1088, Folder 6.

[24] Hardy, G. (1970, February 18). Letter to Joe C. Ortega. Stanford Green Library, MALDEF Collection, M673, RG#5, Box 1088, Folder 6.

Five years passed until the Court of Appeal finally issued a ruling in the case, which translated into five years of inaction and continued white flight in LAUSD. The court of appeal's almost glacial response to Judge Gitelson's *Crawford* decision surely stalled any momentum gained from the initial ruling. In March of 1975, the court of appeal reversed Judge Gitelson's decision based on Supreme Court precedent in *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971)[25]. The appeal court ruled that there was no evidence of *de jure* segregation in *Crawford*, and that *de facto* segregation was not legally remediable. The ACLU immediately appealed this reversal by the court of appeal to the California Supreme Court. Antithetical to the slow paced court of appeal, the California Supreme Court heard and ruled on the *Crawford* case in one year. Monday, June 28, 1976, the California Supreme Court ruled in favor of the ACLU[26], and remanded the *Crawford* case to the Los Angeles Superior Court[27]. The seven justices of the court ruled unanimously in favor of the *Crawford* plaintiff appeal, and ordered the Superior Court to oversee the Los Angeles Unified School District's design and implementation of a district wide desegregation plan. Similar to the California court of appeal, the state Supreme Court found no evidence of *de jure* segregation. However, unlike the court of appeal the California Supreme Court ruled that the state constitution provides more protections then the federal constitution.

Citing *Jackson* (1963), the state Supreme Court ruled that California school districts are mandated by the state constitution to remedy all forms of segregation, including *de facto* segregation. Interestingly, the Los Angeles Board of Education decided not to appeal this

[25] In *Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971)*, the Court ruled that busing was only a permissible judicial remedy to *de jure* desegregation.

[26] Chronology of L.A. School Desegregation (1977, March 27).

[27] Ruling Based on Gitelson Order for L.A. to Integrate. (1976, June 29). *Los Angeles Times*, p. B3.

decision to the U.S. Supreme Court. As a result, the stage was set for the remedy phase of *Crawford* (1976-1981). Judge Alfred Gitelson's removal from judicial office in November 1970 necessitated finding a new presiding judge to begin this remedy phase of *Crawford*. As with many things in *Crawford*, the search for a new judge was a hotly debated and protracted affair.

Transforming Abstract Desegregation into a Reality: The *Crawford* Remedy Phase, 1976-1981

Judge Parks Stillwell was appointed to lead the remedy phase of the case on December 9, 1976[28]. Attorneys representing the American Civil Liberties Union (ACLU) and the Los Angeles Board of Education initially agreed to his appointment. However, by January of 1977, the ACLU had been alerted to concerns over Judge Stillwell's impartiality[29]. According to an oral history interview with ACLU legal director Fred Okrand "there was considerable dissatisfaction in the Black community. Black lawyers who heard about it felt that this judge [Stillwell] was not the one who should have been agreed to"[30]. As a result, the ACLU asked Judge Stillwell to recuse himself and he chose to do so on January 14, 1977.

This delayed recusal request by the ACLU demonstrates a commendable response to community concerns, but this incident also highlights a longstanding problem for the organization in regards to *Crawford*. Namely, ACLU strategic decisions were often isolated from the community members they represented in court. Before agreeing to Judge Stillwell's appointment, the ACLU should have consulted with multiple *Crawford* stakeholders in and outside of the legal community. Until 1977, the ACLU did not closely work with attorneys from

[28] Judge Named for Integration Case. (1976, December 10). *Los Angeles Times*, p. D1.

[29] Trombley, W., & Speich, D. (1977, January 15). School Board Plan for Integration Protested: Judge Withdraws From Case; ACLU'S Attorney Quits; Rights Groups Upset. *Los Angeles Times*, p. 1.

[30] Okrand, F. (1982, September 4, 11; October 9, 16). Interview: Forty Years Defending the Constitution, Attorney for ACLU of Southern California. *University of California, Los Angeles Library, Center for Oral History Research.*

the National Association for the Advancement of Colored People (NAACP) and the Mexican American Bar Association (MABA)[31]. Consequently, the concerns and wishes of the local Black and Chicana/o community were not always emphasized in a lawsuit that explicitly involved them as plaintiffs.

Judge Egly is Appointed

After the false start with Judge Stillwell's appointment, the search for a new courtroom leader continued. Judge Paul Egly emerged as a candidate because of his previous experience with a desegregation lawsuit in the city of San Bernardino[32]. In regards to the selection process, Fred Okrand, a *Crawford* ACLU attorney stated:

> One of the reasons that Bill Shea, [G.] William Shea, who was the private attorney representing, with his firm, the school board, and I sort of agreed on Judge Egly was because he had handled the San Bernardino case and had sat through a hearing on the San Bernardino case…Both of us agreed that it was a wise choice because he'd had experience in desegregation cases; it was a good idea to have somebody who knew at least something about the field. That's how we agreed to him[33].

Paul Egly was appointed the presiding judge over the remedy phase of *Crawford* on February 22, 1977[34]. While other Judges may have balked at being given such a difficult assignment, Judge Egly seemed intrigued by the task. In his own words, "I still do not really know why I took the case at all, except that I believed in the principles of *Brown*. Moreover, I was relieved to have a break from the routine civil calendar, and this case was challenging. It sounded interesting, so I

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[31] *Ibid*.

[32] *NAACP v. San Bernardino City Unified School District*, 187 Cal. Rptr. 646 (Ct. App. 1976).

[33] Okrand, F. (1982, September 4, 11; October 9, 16).

[34] Oliver, M. (1977, February 23). Judge Egly to Hear L.A. School Integration Case: Integration Judge Appointed. *Los Angeles Times*, p. D1.

agreed"[35]. Over the course of the next four years, Judge Egly would have to navigate volatile politics, face fierce public criticism, and carry a heavy burden of responsibility.

As previously mentioned, the June 1976, California Supreme Court ruling in favor of the *Crawford* plaintiffs had two key components[36]. First, the court found that under the state constitution the Los Angeles Board of Education had a duty to remedy both *de jure* and *de facto* segregation. As a result, under the supervision of the Los Angeles Superior Court Judge Paul Egly, the board would be given an opportunity in good faith to design a desegregation plan for the district. This second aspect of the ruling allowed the board to further hinder meaningful change in the district. Court hearings to discuss the board's plan began on March 23rd, 1977[37].

Not long into these court hearings, historical evidence suggests that Judge Egly was acutely aware of the political process that would heavily influence the creation and development of a LAUSD desegregation plan. This sentiment is best exemplified in a letter dated April 18, 1977, when Judge Egly responded to Mr. Felix Castro the Executive Director of the Youth Opportunities Foundation (YOF) in East Los Angeles[38]. The YOF had sent Judge Egly a policy statement against busing, and a petition signed by concerned Chicana/o parents.

Judge Egly's return letter thanked the organization for the "apparent sincerity of the signers of this petition to do the best they can for their children." In addition, the judge asked the Youth Opportunities Foundation to "send copies of this petition and the signatures to all

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[35] Egly, P. (2010). Crawford v. Los Angeles Unified School District; An Unfilled Plea for Racial Justice. *University of La Verne Law Review*, 31 (2), p. 276.

[36] McCurdy, J. (1976, June 29). State High Court Orders L.A. to Integrate Schools. *Los Angeles Times,* p.6.

[37] Chronology of L.A. School Desegregation. (1977, March 27). p. C1.

[38] Egly, P. (1977, April 18). Letter to Mr. Felix Castro, UCLA Young Research Library-Judge Paul Egly Papers, 1977-198, Collection # 1282, Box 17 Mexican American.

attorneys appearing in this case, and more particularly, to the members of the school board." This suggestion from Judge Egly illustrates a tacit understanding of the political process associated with implementing policy through a court mandated desegregation effort. The Judge in this case would be a major, but not sole decision maker on a *Crawford* desegregation plan.

Judge Egly further emphasizes this point when he states, "While I may have the ultimate decision in this matter, the decision in great part will rest on the plans submitted to me by other people and I think it is to those people that you should direct your efforts." This letter to the YOF highlights several important points. First, the desegregation process is highly political and subject to input and pressure from constituency groups. Second, some members of the Chicana/o community were concerned and upset about a desegregation-busing plan. Third, members of the Chicana/o community sought to be included and heard in the desegregation process. These last two points are also salient because they challenge the notion that Chicana/o community members were inactive around issues of school desegregation. The petition and policy's statement sent to Judge Egly, illustrate a commitment to education and active parental and community engagement. Conversely, this letter shows effort by Judge Egly to reach out to various stakeholders. One version of the letter was written in English, but a second version of the letter was produced, translating the first version into Spanish. The decision to translate the second letter shows respect for the parents and community members of the YOF.

This respect for the Chicana and Chicano community was about to be tested in the court of public opinion and the media. Court hearings on the board's proposed plans soon touched upon issues of racial classifications for the purpose of desegregation. On May 3, 1977 a story appeared in the *Los Angeles Times* about comments Judge Egly had made the previous day about

the "Hispanic" community[39]. In the article, the issue of the decreasing number of White students was brought up. Thus, a question arose; if White students keep leaving the district will there be enough students' to properly desegregate LAUSD?

L.A. Times writer William Trombley noted, "Egly suggested that if some of the Hispanics are considered to be in society's mainstream, as Anglo pupils are presumed to be, then the number of minority students would grow smaller and desegregation of the school district would be come simpler." It is ironic that a Judge would suggest this because *Cisneros v. Corpus Christi School District*, 324F. Supp. 599 (S.D. Tex. 1970)[40] and *Keyes v. Denver School District*, 413 U.S. 189 (1973)[41] had settled this matter in the courts. Mexican Americans/Hispanics are an identifiable ethnic minority protected by the precedent of *Brown* (1954). This question over the racial status of Mexican Americans had been settled four years prior to Judge Egly's comments. Still, Judge Egly went on to say:

> If once a minority enters the mainstream…then it seems to me (they have) passed the point of being classified as a minority…Color of Skin I buy. Facility with the language I can buy, but name, to be classified as a minority (on name alone) and therefore to have the disadvantage of the minority in the school district, I think it is not realistic[42].

Judge Egly's comments are steeped in racial and gendered privilege, as a White male his ethnic/cultural identity is rarely if ever questioned. Yet, quickly and broadly he feels comfortable questioning the racial and ethnic identity of a large group of people. In fact he suggested that the LAUSD question "Hispanic" students about their generational status, and to determine if

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[39] Trombley, W. (1977, May 3). School Ethnic Census Challenged by Egly: Judge Suggest Board Separate 'Racially Isolated. *Los Angeles Times*, p. E1.

[40] At the federal level, *Cisneros* stated for the first time that Mexican Americans are an identifiable ethnic minority, and as a result *Brown* is applicable to Chicanas/os.

[41] In *Keyes,* the Supreme Court cleared up that Mexican Americans are an identifiable class for the purposes of desegregation and no longer considered "other White."

[42] Trombley, W. (1977, May 3) p. E1.

"second or third generation Mexican-Americans feel different from recent immigrants"[43]. When a lawyer for the school board stated that the Chicana/o community would be upset with this unreasonable request, Judge Egly replied "It is up to them to convince me, to talk to me about that"[44]. Even in later years, Judge Egly still held questions regarding racial classifications. In a 2010 law journal article, Judge Egly stated:

> I often wondered, during the course of these [*Crawford*] arguments, how it was possible to measure a minority other than by color of skin and/or use of language. Popular opinion was based upon the principle that everybody knew the difference between Caucasian and other races. I was not so sure[45].

Through a Critical Race History in education lens these comments from the presiding judge in *Crawford* highlight the intersectionality of race and racism with other forms of oppression. In this specific case, issues of race intersect with class, immigration status, language, and phenotype. Ultimately, Chicana/o students were classified as a "racial minority" in the district desegregation plan.

The board's first desegregation plan presented to the court only consisted of voluntary efforts, such us continuing the Permits with Transportation (PWT) program[46], expanding magnet schools, and heavily relying on "integrated educational experiences" for high school students[47]. In reviewing the efficacy of the board's plan, Judge Egly bluntly stated, "The plan fails because

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[43] *Ibid*.

[44] *Ibid*.

[45] Egly, P. (2010). p. 294.

[46] The PWT program allows for students to be voluntarily transferred to a new school for the purposes of integration, additionally transportation is provided. This program is still active today.

[47] Integrated educational experiences consisted of busing students for short field trips to other schools. Students of Color and White students would then be able to interact for a fewer hours, but no permanent integration would take place. For more information, please see: McCurdy, J. (1968, February 27). Limited, Voluntary Bussing [sic] Proposed for City Schools. *Los Angeles Times*, p. 1.

it does not desegregate any school in the district"[48]. Further he believed "the plan was hastily contrived…that no effective in-depth study was made of the effect of the plan upon segregated schools of this district, nor any cost/benefit analysis made of the plan, nor any alternative plans seriously considered." In other words, the board's desegregation plan was a poor effort and rife with issues.

The school board's next attempt, entitled Plan II included all of the same voluntary efforts outlined in the original. However, Plan II finally called for physical desegregation of the district via mandatory busing of fourth through eighth grade students. While this new blueprint for desegregation of Los Angeles schools was still limited in scope and vision, it represented a major milestone for *Crawford* proponents. Nearly a year after Judge Egly was appointed to *Crawford,* court hearings dedicated to evaluating the merits of desegregation plans designed by the board came to a temporary end. On February 7, 1978, Judge Egly partially approved the implementation of the board's second halfhearted attempt to comply with a standing court order[49]. Busing was scheduled to begin September 12, 1978, the first day of the new school year.

Up until this point, the compulsory desegregation of LAUSD had been hotly debated for fifteen years in the courts, but Judge Egly's approval of Plan II established a definite date for action. Supporters of the *Crawford* plaintiffs were undoubtedly pleased with this new development, as the district was one step closer toward integration. Conversely, *Crawford* opponents were filled with dread. Anti-busing groups, such as BUSTOP[50], now had a mere seven months to halt the implementation of the court mandated desegregation plan. While approval of

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[48] *Crawford v. Board of Education*, No. 822-854. (1977, July 5) California Superior Court, Minute Order.

[49] Egly, P. (2010), p. 298.

[50] BUSTOP was an organization and court approved intervenor that originated in the San Fernando Valley, and was mostly comprised of conservative White parental activist. As their name implies, BUSTOP was dedicated to thwarting mandatory busing efforts.

Plan II was a major setback, this event proved to have a galvanizing effect for their cause. In a *Los Angeles Times* newspaper quote, BUSTOP founder and member of the Los Angeles Board of Education, Bobbi Fiedler explained: "When I first started talking about this, people said, 'You're crazy, there's not going to be forced busing in Los Angeles', The parents wake up one morning and find that their kids are being reassigned. At that point they panic"[51]. As desegregation plans became more concrete, the ramifications of this policy on affected families began to come into focus. Busing was no longer a theoretical possibility; soon it would be a reality for 85,000 of the nearly 600,000 students in LAUSD[52].

Over the summer of 1978, anti-busing groups continued to gain supporters in their quest to derail mandatory desegregation. However, their options for doing so remained limited. California State Senator Alan Robbins (D) representing North Hollywood proved unsuccessful in his attempt to qualify a ballot initiative that would alter the state's constitution for the purpose of preventing busing[53]. Robbins initiative sought to bring the California constitution inline with the federal constitution on the issue of school desegregation, pupil school assignment and transportation. In effect anti-busing supporters wanted to use the ballot initiative system to overturn the critical precedent of *Jackson v. Pasadena* (1963), which states that the California constitution compels school districts to remedy *de jure* or *de facto* segregation.

Adhering solely to the US Supreme Court's increasingly narrow view of constitutionally permissible desegregation remedies would mean an immediate end to the *Crawford* case and

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[51] McManus, D. (1978, June 26). Time Running Out for Foes of School Busing", *Los Angeles Times*, p. D1.

[52] Trombley, W. (1979, September 11). L.A. Integration Begins Tuesday: Buses Roll for 85,000 Students", *Los Angeles Times*, p. 1; Egly (2010), p. 301.

[53] McManus, D. (1978, June 26). Time Running Out for Foes of School Busing", *Los Angeles Times*, p. D1.

busing plans in LAUSD. Fortunately for the American Civil Liberties Union, Robbins and BUSTOP were unable to secure the number of signatures necessary to qualify the amendment measure for the November 1978 ballot. Due to the initiative's collapse, BUSTOP moved forward with a lawsuit against the LAUSD. *Bustop, Inc. v. Board of Educ. of Los Angeles*, 439 U.S. 1382 (1978) sought a last minute stay of the district's desegregation plan, and set off an unexpected and dramatic chain of fast moving legal proceedings.

The Strange and Winding Road to September 12, 1978

With the first day of school about a month away, BUSTOP was denied a stay of implementation for all mandatory desegregation plans by Judge Egly on August 3rd, 1978[54]. As a result, BUSTOP solicited a stay from the Court of Appeal on Friday, August 25th. Within a week of receiving the request, on Friday, September 1st the Court of Appeal granted BUSTOP a stay to prevent mandatory busing from beginning at the start of the 1978-79 school year. This action by the 2nd Division of the Court of Appeal was not surprising on ideological grounds, since this same division had a conservative reputation and had approved BUSTOP as an intervenor over the objections of Judge Egly[55]. Additionally, as lead attorney for the ACLU Fred Okrand stated, "This case has gone on too long for me to be surprised at anything"[56]. The *Crawford* plaintiffs began the month with an expectation that desegregation efforts would soon take place, now they found themselves in a race to vacate the Court of Appeal stay before the first day of school. There was only eleven days left, and it was becoming increasingly clear that the US Supreme Court would be asked to get involved.

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[54] Oliver, M. (1978, September 2). Mandatory Busing in L.A. Halted by Court of Appeal: Proponents Plan Plea to Justices. *Los Angeles Times,* p. A1.

[55] *Ibid.*

[56] Oliver, M. (1978, September 1). L.A. Busing Halted: Bustop wins Court Order; ACLU Will File Appeal. *Los Angeles Times,* p. A1.

Attorneys for the ACLU quickly appealed to the California Supreme Court, and asked them to vacate the stay issued by the Court of Appeal. Demonstrating astonishing speed the California Supreme Court issued a ruling on Wednesday, September 6th, they decided to allow the LAUSD to go ahead with the approved mandatory desegregation-busing plan. However, they also agreed to permit the Court of Appeal to hear further arguments from BUSTOP on the unconstitutional nature of the proposed plan. Thus, in the short term the desegregation plan could be implemented, but its constitutionality was still in question. Attorneys for the ACLU, LAUSD, and BUSTOP all needed to prepare for another round of laborious litigation in the coming year. Nonetheless, their immediate attention shifted to the US Supreme Court.

BUSTOP looked to secure a stay of desegregation from Justice William Rehnquist, and they were cautiously optimistic, as he had recently issued a stay on August 7th to prevent a busing plan from going into effect in Columbus, Ohio[57]. In a somewhat unexpected move Justice Rehnquist declined to issue a stay in this case on Friday, September 8th, which opened the door to mandatory busing in LAUSD. Justice Rehnquist reasoned that the California Supreme Court was free to interpret the state constitution as offering more protection then the US constitution, as the Court did in *Jackson*. However, he pointedly emphasized "While I have the gravest doubts that the Supreme Court of California was *required* by the United States Constitution to take the action it has taken in this case, I have very little doubt that it was *permitted* by the Constitution to take such action"[58].

His ruling contained a silver lining for to anti-busing supporters because he laid out a long-term path towards victory. Justice Rehnquist indicated that BUSTOP would not be

[57] Oliver, M. (1978, September 7). State High Court Ok's L.A. School Busing: Lifts Stay Pending Further Review; Integration Plan Will Start Tuesday. *Los Angeles Times*, p. B1.

[58] B*ustop, Inc. v. Board of Educ. of Los Angeles*, 439 U.S. 1382, 1383 (1978). Rehnquist, Circuit Judge (Emphasis in original).

successful arguing against the California Supreme Court's interpretation of the constitution, but aligning the state constitution with the US constitution could circumvent this issue[59].

A Shift in Momentum

Fifteen years after *Crawford* began, mandatory desegregation efforts were finally being implemented in Los Angeles schools. On Tuesday, September 12, 1978, 1,200 school buses were used to transport 85,000 students across the district[60]. This tremendous accomplishment speaks to the tireless work and courage of desegregation proponents. Collectively students, parents, community members, supportive school staff, and attorneys worked together to confront the segregationist practices of the Los Angeles Board of Education. While this achievement must be recognized and savored, the implementation of mandatory desegregation was one of the last high points for *Crawford* plaintiffs.

This round of litigation helped permanently shift momentum over to the side of anti-busing supporters in two pivotal ways. First, the implementation of Plan II helped spark *Crawford* opponents into action because busing was now a tangible possibility for their children. Second, the appeal process that occurred over eleven days in September equipped BUSTOP and the school board with new legal advantages. The Court of Appeal would now be responsible for deciding the constitutionality of Plan II, and that panel of judges was much more sympathetic to the anti-busing cause then Judge Paul Egly. Additionally, Justice Rehnquist supplied anti-busing supporters with an alternative strategy for winning this legal battle; change the California constitution to correspond with the US constitution on issues of desegregation. In the fall of

[59] Consequently, leading up to the election of November 1979, qualifying and passing the Proposition 1 ballot initiative sponsored by State Senator Alan Robbins became a primary focus for BUSTOP supporters.

[60] Trombley, W. (1979, September 11). L.A. Integration Begins Tuesday: Buses Roll for 85,000 Students. *Los Angeles Times*, p. 1.

1979, Proposition 1 became the next critical issue in *Crawford*, and it's passage or failure would have a major impact on determining the future of desegregation efforts in LAUSD.

Desegregation supporters felt a renewed sense of urgency due to the impending ballot initiative. Concerns of the Black and Chicana/o community were expressed to Judge Egly in a letter dated September 21, 1979[61]. The Black Leadership Coalition and the Chicano Integration Coalition coauthored an angry and politically charged letter, which seemed to recognize that despite years of struggle hopes for change were beginning to slip away. The letter begins by "writing to express our outrage and indignation over the deplorable educational circumstances of our children in the" LAUSD. Furthermore, they decry the slow pace of judicial intervention and demand action towards the improvement of neighborhood schools.

Still, they declare support for "quality integrated education." The letter then systematically outlines the failure of schools to educate Communities of Color, and ends with a powerful condemnation of Judge Egly. These coalition members state, "The time has come when we can no longer sit idly by and allow the educational genocide of our children to continue. It is your responsibility and constitutional obligation to insure that the rights of our children are vindicated." Essentially, they ask Judge Egly to formulate and implement a desegregation plan and improve the quality of education in the LAUSD. The ire in this letter is palpable and well deserved. The window of opportunity to implement a comprehensive desegregation plan was quickly closing, if not already closed.

These community leaders were upset that the promise of *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954) had not been fulfilled. Communities of Color were being routinely denied access to equal education opportunity. Judge Egly wrote a response letter on September

[61] Black Leadership Coalition & Chicano Integration Coalition (1979, September 21). Letter to Judge Paul Egly. UCLA Young Research Library-Judge Paul Egly Papers, 1977-1981, Collection # 1282, Box 8, Folder Black Leadership Coalition.

26, 1979, and vigorously defended his actions[62]. In his response, he stated "I appreciate the anxiety and frustration which all parties must feel in this case" but also added "My job is to satisfy the law and to satisfy myself that I have done the best job that I can do." From this letter it is clear that Judge Egly was beginning to feel the personal and professional strain of presiding over *Crawford*.

After years of litigation, desegregation opponents had gained the upper hand in the prolonged legal battle. A conservative parent group named BUSTOP successfully registered a ballot initiative entitled Proposition 1[63]. In regards to mandatory busing, this ballot initiative would bring the California constitution in line with the federal constitution. Thus, permanently undermining mandatory desegregation in California. Proposition 1 passed with 68.6% of the vote in November of 1979[64]. Pending a review of the propositions constitutionality, the passage of Proposition 1 prevented any further action by Judge Egly.

During this period, efforts to desegregate the Los Angeles Unified School District (LAUSD) were rapidly collapsing and hope for a positive outcome had dimmed. In December of 1980, the California Court of appeal upheld the validity of Proposition 1. Unless repealed, Proposition 1 (1979) prevented California courts from using mandatory busing as a remedy to school segregation. Surprisingly, on March 11, 1981 "without comment and without a reason, the California Supreme Court refused to rule" on the issue of Prop. 1[65]. The lack of action by the

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[62] Egly, P. (1979, September 26). Letter to the Black Leadership Coalition & Chicano Integration Coalition. UCLA Young Research Library-Judge Paul Egly Papers, 1977-1981, Collection # 1282, Box 8, Folder Black Leadership Coalition.

[63] Fong, M.E. (1979). California Ballot Pamphlet. *California State Archives, Secretary of State.*

[64] School Assignment and Transportation of Pupils California Proposition 1 (1979). http://repository.uchastings.edu/ca_ballot_props/861

[65] Egly P. (2010), p.308.

CA Supreme Court effectively doomed all *Crawford* desegregation efforts. Worst yet, the plaintiff's primary judicial advocate, Judge Egly, was forced to recuse himself from the case due to controversial remarks he made about the school board's recalcitrance to court-ordered desegregation. Reflecting back on comments he made in March of 1981, Judge Egly wrote:

> I was angry that there seemed to be no concern for the nearly 400,000 kids and that the case had been conducted in such a manner as to maintain the barriers separating the Caucasian kids from the rest of the youngsters. I did not think it through very thoroughly. I did know that I could no longer act as a judge on the case. The plight of these children was then left in the hands of a hostile School Board and an ineffective political movement. I pointed out that if there was to be any hope for serious consideration by the School Board of these youngsters, it would have to come through a change in the composition of the School Board. The plight of the minority children was foremost on my mind. I was certain that effective help had to come from the minority population. I know I expressed some sympathy for those children. I do not know whether I acted as a judge or a citizen. I think it was both[66].

His remarks highlight the fact that children were forced to pay the consequences for the inflexible and unsympathetic attitudes of adults. After years of litigation and limited implementation of mandatory desegregation policies, the LAUSD remained segregated and educational opportunities for Students of Color had not substantively improved. Judge Egly's departure signaled the end of the remedy phase of *Crawford*, and the beginning of the resolution phase for this now eighteen-year-old case.

The California Supreme Court's refusal to rule particularly wounded Judge Egly, and years later he acknowledged being "ashamed of the court" for both their failure to intervene and the absence of an explanation[67]. Rather unexpectedly, Judge Egly's anger towards the court and LA Board of Education soon revealed itself in public forums. The judge was scheduled to speak to an African American community organization called Interchange for Community Action on

[66] *Ibid,* p. 309.

[67] *Ibid*, p. 310.

March 14, 1981[68]. During his speech, Judge Egly proceeded to express his cumulative frustration and outrage towards the conduct of the school board. As attorney Fred Okrand recalls:

> [Judge Egly] excoriated the board of education for its conduct all the way through. He made the kind of a speech which would tickle the cockles of the hearts of most of our friends if somebody else had done it, because what he said was true, accurate: the board had dragged its feet, the board was recalcitrant, the board had contributed to the white flight, the board had contributed to, in fact had almost designed, the failure of the plan, to the extent that people said that it failed--rather the second plan, Plan 2. He said all the right things, all the true things, except that he was the judge in the case. And I think I expressed it to him afterwards that he shouldn't have done it[69].

This outburst from the judge can be viewed as a moment of truth telling from a person who was genuinely disappointed with their own inability to create positive change for school children. An educational expert in *Crawford* described Judge Egly as "a nice man. He cared and believed the city [of Los Angeles] was better then it was"[70]. While Judge Egly's comments may be authentic, one does wonder why he did not use more of his judicial power to combat the recalcitrant school board. Perhaps, he was slow to recognize the problem or felt the issue was too large for him to take on alone.

Dismantling Desegregation Efforts: *Crawford* Resolution Phase, April 1981-1982

On April 9, 1981, Superior Court Presiding Judge David N. Eagleson ruled that the school board could terminate mandatory desegregation policies[71]. Proponents of integration had labored for fifteen years (1963-1978) to secure a two and half-year period of mandatory busing

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[68] *Ibid*, p. 309

[69] Okrand, F. (1982, September 4, 11; October 9, 16).

[70] Orfield, G. (2013, September 11). Interview.

[71] Court Report: Mandatory Integration Ended (1981, April 10). UCLA Young Research Library, Los Angeles Unified School District Board of Education Records, 1875-2009. Special Collection #1923, Box 1168, Folder 2.

(Sept. 1978-April 1981), but desegregation opponents needed less then a year and half (Nov. 1979-April 1981) to undo those considerable efforts. While the school board was no longer required to utilize mandatory integration methods, they were still expected to address segregation concerns as mandated by the original court order from 1970.

In another series of public comments Judge Egly addressed the issue of whiteness on September 5, 1981, while speaking to teachers at the Santa Monica-Malibu Unified School District[72]. His comments focused on impediments to successful desegregation programs with an emphasis on parental attitudes. Essentially, reassure White parents that their children's quality of education will not be affected by integration efforts. Pointedly, Egly argues:

> You have to recognize that the people who run the district, the people who run the state, are white. That whiteness can't be threatened. I don't think you're going to have a successful desegregation program in Southern California where the white structure is threatened and where the white children appear to be engulfed by minority children in numbers. I see that in Los Angeles and I'm sorry, but I think that is a fact of life, and whether it's morally right or legally right doesn't make any difference. It's a fact that has to be recognized…[73].

These blunt comments don't sound like those of a former superior court judge. In fact, Judge Egly's comments seem to echo Derrick Bell's concept of racial realism[74]. Seemingly warning us that efforts to improve the integrated educational experiences of Students of Color will only be successful if the fears of white parents are first assuaged. Troubling and thought provoking comments, especially considering these are the lessons Judge Egly learned from *Crawford*.

Judge Robert B. López was the next and last jurist appointed to oversee the *Crawford* case. Since the validity of Proposition 1 remained, on September 10, 1981 Judge López

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[72] Holley, D. (1981, September 6). Ex-Judge Calls It Key to Desegregation: Don't Threaten Whites, Egly Advises. *Los Angeles Times*, p. 1.

[73] *Ibid*.

[74] See Bell, D. (1992). *Faces at the Bottom of the Well: The Permanence of Racism*. New York: Basic books.

approved of LAUSD's "all-voluntary desegregation plan" and vacated the court order presiding over the case[75]. This ruling by Judge López effectively handed over all control of desegregation efforts to the Los Angeles Board of Education. One interesting condition of Judge López's decision was his insistence that the LAUSD no longer use the term "minority" students. Judge López stated:

> 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. This usage is factually incorrect. These students in fact comprise the vast majority of the school population. To label a group minority when it is a majority is harmful to those children. Facts, as opposed to labels, are not harmful to children…The facts are that students previously called "minority' are actually the 'majority.' Therefore, these students will hereinafter be refereed to as 'Black', 'Hispanic', or 'Asian and Other', as appropriate. History does change, and when it does it must be reported accurately[76].

This change in terminology was an important institutional acknowledgment of the demographic changes that had taken place in LAUSD, and conveyed some respect for Students of Color. Still, Judge López's ruling was a major setback to supporters of mandatory desegregation efforts. American Civil Liberties Union (ACLU) attorneys could no longer leverage the local courts to secure cooperation from the Los Angeles Board of Education. Although, given the board's consistent defiance in preceding years, it could be argued that the plaintiff's leverage was always tenuous at best.

Busing opponents and the LAUSD seemingly secured a comprehensive legal victory from Judge López, but desegregation supporters had one last opportunity to revive *Crawford*. The U.S. Supreme court agreed to hear oral arguments on the constitutionality of Proposition 1. If the Court deemed the proposition unconstitutional, *Crawford* plaintiffs could seek a

[75] Court Report: Voluntary Plan Approved (1981, September 11). Los Angeles Unified School District Archive.

[76] *Crawford v. Board of Education of the City of Los Angeles*, No.822 854. (1981, September 10). Order Re Final Approval of School Board Desegregation Plan and Discharge of Writ of Mandate.

reinstatement of mandatory desegregation efforts. However, if the proposition was considered constitutional, no further legal action could take place in this case. The Supreme Court's ruling would be pivotal in deciding *Crawford's* final fate; as a result, anxiety was high for both supporters and opponents of desegregation.

Prior to oral arguments in March 1982, LAUSD Board Member Roberta Weintraub expressed an interesting perspective on the significance of the pending legal decision. She 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?"[77]. Through the clever use of framing, Weintraub positions Proposition 1 supporters as the party most concerned with preventing segregation in LAUSD. She also invokes a threat of further white flight, and carefully avoids any mentions of race while discussing a racialized issue. This type of statement was typical from desegregation opponents and allowed them to rally like-minded supporters, while side stepping the vital issue of educational equity for "racially isolated minorities."

The death knell for *Crawford* came on June 30, 1982 when the U.S. Supreme Court upheld Proposition 1 as constitutional in an 8 to 1 vote[78], with Justice Thurgood Marshall being the lone dissenting voice. Justice Lewis Powell delivered the opinion of the Court, which ruled that the citizens of California were allowed to repeal protections in the state constitution that exceed the U.S. constitution. Thus, the "majority" of California was permitted to circumvent the

[77] Court Report No. 223: Future of Proposition 1 and Busing Rests with U.S. Supreme Court (1982, March 23). UCLA Young Research Library, Los Angeles Unified School District Board of Education Records, 1875-2009. Special Collection #1923, Box 1169, Folder 3.

[78] *Crawford v. Board of Education of the City of Los Angeles*, 458 U.S. 527 (1982).

precedent found in *Jackson v. Pasadena* (1963)[79], despite its importance in protecting the rights of the "minority" in California.

Justice Marshall the former lead attorney for the National Association for the Advancement of Colored People (NAACP) in *Brown v. Board* (1954)[80] viewed the constitutionality of Proposition 1 in a different light. In his dissent, Justice Marshall argued that Proposition 1 was unconstitutional because it impeded the ability of minority groups to seek remedy from state courts for violations of their civil rights as related to mandatory busing. Justice Marshall wrote:

> That this repeal drastically alters the substantive rights granted by existing policy is patently obvious from the facts of this litigation. By prohibiting California courts from ordering mandatory student assignment when necessary to eliminate racially isolated schools, Proposition 1 has placed an enormous barrier between minority children and the effective enjoyment of their constitutional rights, a barrier that is not placed in the path of those who seek to vindicate other rights granted by state law…The fact that California attempts to cloak its discrimination in the mantle of the Fourteenth Amendment does not alter this result[81].

Justice Marshall's powerful dissent points out that Proposition 1 had a large detrimental effect on Students of Color in California by closing a door to judicial remedy. Not only was the *Crawford* case defeated due to this decision, future desegregation lawsuits are hampered by this proposition. With all due respect to the legal knowledge and experiences of the other eight justices of the Supreme Court, as a Person of Color and former litigator of seminal desegregation lawsuits, it would seem that Justice Marshall was best positioned to understand the issues in this case. After all, *Crawford* was a test of the principles and promise outlined in *Brown.*

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[79] *Jackson v. Pasadena City School District*, 382 P.2d 878 (Cal. 1963).

[80] *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

[81] *Crawford v. Board of Education of the City of Los Angeles, 458 U.S. 527 (1982)*, p. 12-13.

Unfortunately, the city of Los Angeles was unable and at times unwilling to implement those ideals of justice.

Chapter Summary

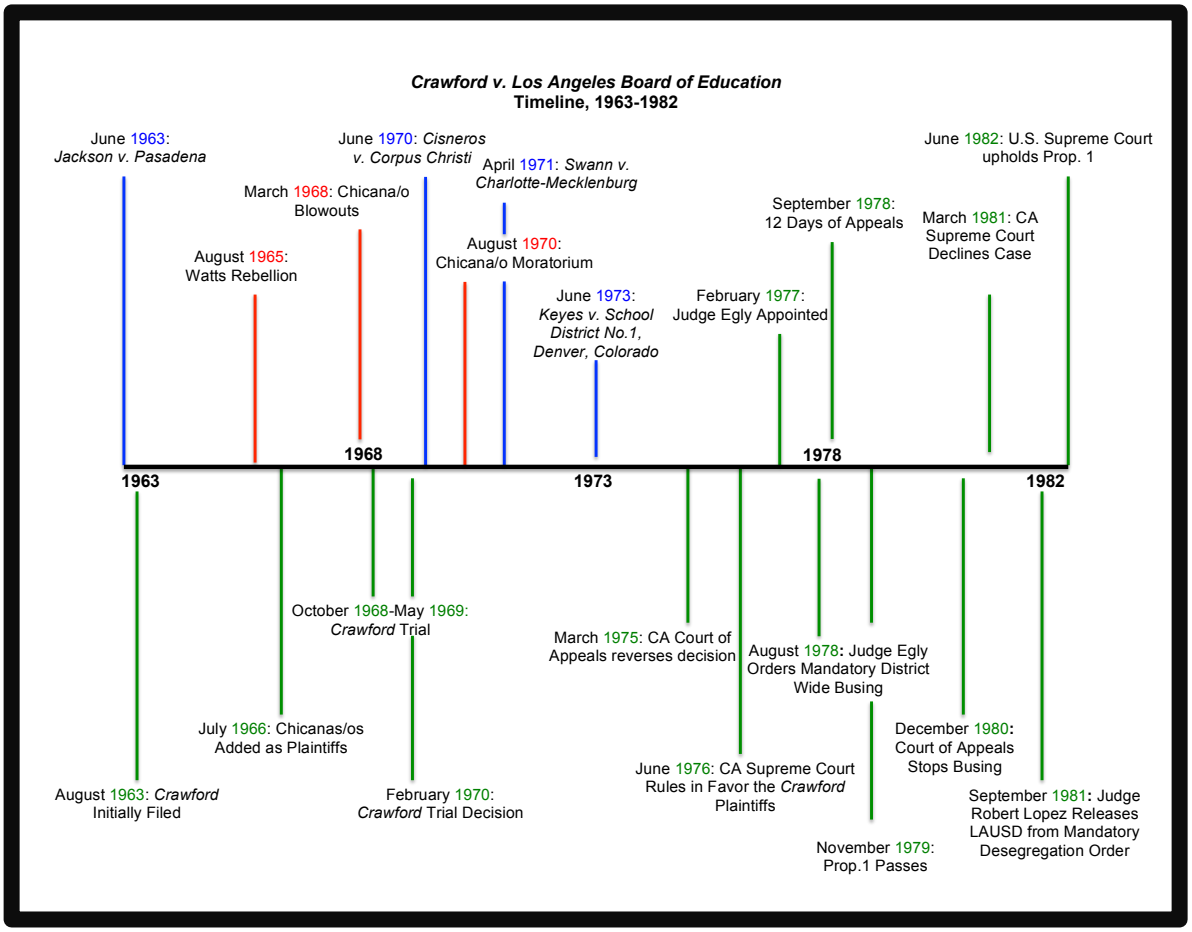

Figure 2: *Crawford v. Los Angeles Board of Education* Timeline, 1963-1982. Items outlined in the color green represent key events in *Crawford*'s history. Items outlined in the color blue represent the timing of relevant legal precedent. Items outlined in the color red represent important social events, which took place in the city of Los Angeles.

This chapter has been a critical retelling of the majoritarian history of *Crawford*. Please refer to Figure 2 for a visual representation of pivotal events discussed in this chapter. Some important issues that arise in this narrative are racial realism and legal indeterminacy. Racial realism is prominent in Judge Egly's comments on whiteness, but is also apparent in the passage of Prop.1 by opponents of mandatory busing. While the school board and organizations like

BUSTOP had been unsuccessful in the courts, their supporters were able to circumvent the *Jackson v. Pasadena* precedent through a ballot initiative. Consequently, legal victories earned by the ACLU and supporters of mandatory desegregation were short lived.

Examples of the concept of legal indeterminacy were also present in this chapter. Letters from Mr. Felix Castro and the Black Leadership Coalition-Chicano Integration Coalition show a faith and expectation that courts are objective arbitrators of justice. But judicial elections like the one that cost Judge Gitelson his position on the bench, hint at the influence that external factors can have on a Judge's reasoning. In fact, Judge Egly's response letter to Felix Castro openly acknowledges that the court's decision on mandatory busing is based on recommendations from the school board and therefore subject to social phenomena. The rule of law was not the sole authority in deciding *Crawford,* ultimately politics and a public vote on Prop. 1 determined *Crawford's* final outcome.

Chapter 5: Making Sense of Chicana/o Community Perspectives of *Crawford*

Chapter Roadmap

This chapter examines Chicana/o community perspectives and actions related to the *Crawford* desegregation efforts, while also exploring the responses of the Los Angeles Board of Education and the courts to community interests and involvement in this case. The chapter begins by scrutinizing the notion that the Chicana/o community was not interested or highly involved in *Crawford*. This apathetic perception justified the diminishment of Chicana/o community influence and participation throughout *Crawford.* Next, this chapter will look at Chicana/o community responses to questions of identity and the contributions of Chicana/o educational experts to Judge Egly's understanding of the case.

Issues of ethnic identity, culture, and language also played an important role in the formation of community positions in favor or against desegregation. A reality best understood by reviewing the importance of maintaining and expanding bilingual education for the Chicana/o community. This chapter also probes ways in which Chicana/o community positions toward desegregation plans were impacted by threats made against bilingual education, and the influence of disrespectful comments from the President of the Board of Education. The chapter ends by investigating the manner in which the pivotal Prop.1 ballot initiative was marketed to the Chicana/o community.

Disinterested or Disregarded? Chicana/o Community Involvement in *Crawford*

A common and dominant narrative of *Crawford* portrays the Chicana/o community as an uninterested and detached party to desegregation efforts in Los Angeles. This chapter looks to challenge this account, and highlight the complexity of Chicana/o community views of *Crawford*. It is unreasonable to depict community beliefs as one monolithic entity because of the

variance of opinions within all groups. However, historical evidence suggests there were some common sentiments shared by Chicana/o community members. First and foremost, a tremendous desire existed for vast improvement of educational opportunities for their children, but a considerable distrust of the school board and courts remained throughout *Crawford's* duration. This suspicion arose from the consistently inadequate response from institutional figures to community concerns and input. Unfortunately, Chicana/o community wariness of the desegregation process has been mischaracterized as a complete lack of interest. This in turn justified the exclusion of Chicana/o community concerns from planning and decision making activities.

In Judge Paul Egly's written recollections of the school board hearings for the formation of desegregation plan II (1978), he mentioned that the predominantly white communities of West LA and the San Fernando Valley advocated loudly and strongly for their positions on the matter. He also pointed out that "an equally vocal call for reform from the African-American community but not from the growing Hispanic population of the city"[82]. This characterization of Chicana/o community implies that the absence of any group input into desegregation "reforms" is due to a lack of interest. However, it is hard to reconcile this notion when you consider comments made in 1977 to the *Los Angeles Times* by María Montes, an East Los Angeles resident and member of Parents Involved in Community Action (PICA). Discussing her time as a Chicana/o community representative in the school board sponsored Citizen Advisory Committee on Student Integration (CACSI), Montes stated, "I was going to say they showed a lack of consideration for us. But it was really a lack of respect. We constantly had to remind them, 'Hey we're here!' We're the

[82] Egly, P. (2010). Crawford v. Los Angeles Unified School District; An Unfilled Plea for Racial Justice. *University of La Verne Law Review*, 31 (2), 257-322. p.293.

largest minority in this district. How many time do we have to say that?"[83]. Clearly there are some substantial institutional structure and culture issues, when a committee designed to solicit community feedback primarily succeeds in belittling and alienating community representatives.

Even a sympathetic description of Chicana/o involvement in *Crawford*, as written by integration scholar Gary Orfield, paints a discouraging picture of community action. Orfield states "The Chicano community was clearly more divided on the issue [of desegregation], less organized for participation in either court or school board deliberations, and only intermittently represented in the court proceedings"[84]. While it is accurate to say that Chicanas/os were divided on the issue of integration, there should be little question of the organizational ability of the community. The massive and collective coordination of the 1968 walkouts demonstrated a community-wide commitment to education and helped articulate the importance of bilingual and culturally relevant courses. Bilingual education, in particular, would later factor into community discussions over the pros and cons of desegregation.

Generally, Chicanas/os opposed the idea of mandatory desegregation, but they were not opposed to integration. As board member Julian Nava argued at a Los Angeles school board meeting on February 22, 1979:

> "Indeed massive, voluntary school and residential integration taking place in this School District is the movement of Hispanic people into the inner city—previously occupied almost exclusively by Black citizen's. Therefore, in opposing mandatory reassignments, the overwhelming majority of Hispanics in our School District are not opposed to integration"[85].

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[83] Del Olmo, F. (1977, February 10). Latins Hit School Integration Planning: Students in Largest Ethnic Bloc Overlooked, Hearing Told. *Los Angeles Times*, D1.

[84] Orfield, G. (1984). Lessons of the Los Angeles Desegregation Case. *Education and Urban Society*, 16, 338-353. p.344.

[85] Los Angeles Unified School District Board of Education (1979, February 22). Board Minutes. UCLA Young Research Library, Los Angeles Unified School District Board of Education Records, 1875-2009. Special Collection#1923, Box 1168, Folder 4.

While Nava's comment does not take into account the shared socio-economic conditions of Black and Chicana/o communities, his larger point is valid. Many Chicanas/os were hesitant to support mandatory desegregation because they believed it would endanger their children's access to existing bilingual education programs.

This idea became so prominent that on Sunday, February 6, 1977, *The New York Times* featured a story entitled "Los Angeles Chicanos Fear School System's Proposed Busing Integration Plan Will Hurt Bilingual Program"[86]. The higher transportation costs associated with mandatory busing sparked a fear that bilingual education funding could be cut or eliminated altogether. Although it was a threat that never came to fruition, it was one the school board was all too happy to promote. As a result, Chicana/o opposition to mandatory busing was also motivated by a desire to maintain programs previously secured through community activism. Bilingual education's role in determining support for broader integration efforts is nicely summarized by Raul Arreola, secretary of the Mexican American Education Commission (MAEC). In March of 1977, Arreola was quoted in the *L.A. Times* as saying "Integration has always been down on our list of priorities. We want bilingual education, more personnel and better school facilities first"[87]. This declaration of educational concerns was not a recent development; in fact the MAEC had expressed similar feelings at least seven years earlier.

Three days after Judge Gitelson's initial ruling in favor of the *Crawford* plaintiffs, on February 16, 1970 the MAEC released an adopted statement on integration. In part the statement read:

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[86] (1977, February 6). Los Angeles Chicanos Fear School System's Proposed Busing Integration Plan Will Hurt Bilingual Program. *The New York Times*, p. 25

[87] Del Olmo, F. (1977, March 21). School Desegregation: Its Reception in the Barrios. *Los Angeles Times*, C1.

> "The Mexican American Education Commission is in support of the court's effort to promote quality education for all children. We support the integration of schools as a step to achieve quality education…In supporting the court's decision for integration we insist, however, that the values of ethnic identity of the Chicano student be constantly fostered and that his bilinguality and biculturality be cherished and developed for his own benefit and for the benefit of the Anglo child. The Mexican American Education Commission is prepared to assist staff and Board Members in developing plans and implementation of an integrated curriculum"[88].

This statement appears to be directed towards the LAUSD board members and is a significant expression of Chicana/o community views for three reasons. First, the statement highlights the importance of improving education quality for all students in the district, thus calling attention to the inequities in educational experiences and opportunities present in Los Angeles schools. Second, the MAEC supports the idea of integration, provided the district takes steps to promote bilingual and bicultural education for Chicana/o students. Third, the MAEC sought to be actively involved in the design and implementation of integration curriculum.

It is clear from this statement that the Chicana/o community, as represented by the commission, was indeed receptive to integration efforts and hoped to engage in conversation over desegregation plans with the district. However, access to bilingual and bicultural programs would be a necessary component to any proposed desegregation plan. The MAEC adopted statement corroborates the notion that the Chicana/o community had been vocal in expressing common needs and a desire to participate in the development of a desegregation plan. The board of education were presented with an opportunity to collaborate with Chicana/o community members open to supporting integration efforts, yet the board chose not to seize this opportunity. Instead, they board chose to continue fighting the desegregation order in court, which only

[88] Mexican American Education Commission (1970, February 16). Statement Adopted by the Mexican American Education Commission. Stanford University Department of Special Collections, Mexican American Legal Defense and Education Fund records. M0673, Research Group 5, Box 1088, Folder 6.

served to weaken the Chicana/o community faith in the board's commitment to protect their interests.

Despite the board's disinterest in responding to Chicana/o community needs, some community activists continued to closely monitor *Crawford*. Chicana/o supporters of mandatory busing were largely motivated by the potential for securing improvements in educational opportunity and equity. While even they had concerns and misgivings about wide-scale mandatory desegregation, this did not stop Chicana/o community activists from trying to engage with the school board during the planning stages. Rose Lopez the director of PICA noted, "The Mexican-American community must realize that they are part of the integration picture"[89]. As the largest ethnic group in the LAUSD that continued to grow in numbers, Chicanas/os would undeniably be impacted by any proposed desegregation plan.

Prior to the implementation of a mandatory desegregation-busing plan, PICA worked to educate Chicana/o families on the details and procedures established by the school board. These efforts were extremely important because they helped make the transition easier for many students and families. Community groups such as PICA can be seen as attempting to work within the system to promote change, yet it would be unfair to label them conformist. Lopez lent her support to integration, but it was not unconditional. She stated "I'm pro-integrationist, but I'm pro-integration only with guarantees for the largest student population in Los Angeles"[90]. Her actions remained motivated by an obligation to her community. The efforts of Rose Lopez and her PICA colleagues have been tremendously under valued. While the board of education and courts may have been unresponsive to Chicana/o community needs, unacknowledged individuals and organizations emerged to advocate for and assist their communities. The individual agency

[89] *Ibid*

[90] *Ibid*

shown by these community members is linked to a larger historical legacy of struggle for social justice, as exemplified in *Lemon Grove*, *Mendez*, and the Chicana/o blowouts[91].

Chicana/o Responses to Questions of Identity and Participation

As discussed in Chapter 4, Judge Egly's uncertainty over the racial/ethnic classification of Chicanas/os as a "minority", and his public call for additional evidence did not go unnoticed by the press or community members. In fact, members of the Chicana/o community obliged Judge Egly's request for feedback with fervor. Some letters were worded firmly but politely. For example, a letter from Mrs. Ruby Aguilar to Judge Egly, offered the services of the Mexican American Education commission. In a letter dated May 9, 1977, Aguilar states the commission "was highly surprised at your comments on May 2, 1977, in reference to the assimilation of first and second generation Mexican Americans in the educational system. Surprised as we were, we find this to be a very intriguing question"[92]. She then proceeds to provide information regarding the racial and ethnic status of Mexican Americans, and asserts that Judge Egly's question should be directed at all ethnic and racial groups in the LAUSD. The tone of this letter seems to imply a desire to work with Judge Egly on a long-term basis, and is overall friendly. Aguilar closes the letter with the line, "We urge you to consult with us". There is no evidence in the archive to suggest that Judge Egly responded to this letter, or consulted with the Mexican American Education commission.

[91] Additional information on the understudied and under acknowledged roles of Chicana women in Mendez and the Chicana blowouts can be found in Bermudez, N. (2014). Mendez et al v Westminster School District et al: Mexican American Female Activism in the Age of De Jure Segregation. UCLA: Education 0249. Retrieved from: http://escholarship.org/uc/item/3ht8z29r and Delgado Bernal, D. D. (1998). Grassroots leadership reconceptualized: Chicana oral histories and the 1968 East Los Angeles school blowouts. Frontiers: A Journal of Women Studies, 113-142.

[92] Aguilar, R. (1977, May 9). Letter to Judge Paul Egly. UCLA Young Research Library, Judge Paul Egly Papers, 1977-1981. Collection # 1282, Box 8, Folder Board of Education Correspondence, articles, etc.

However, there is evidence to suggest that Judge Egly ignored letters from the commission. Aguilar wrote a second letter dated July 1, 1977 to the Judge, regarding the need for integration between White, Black, and Hispanic students. In contrast to proposed integration plans between "White and Hispanic" students or "White and Black" students. The letter begins with the line, "As Chairperson of the Mexican American Education Commission, I am again writing you on our concerns in reference to integration" and ends with "We would appreciate very much your replying[93]. We offer you our cooperation and would like to speak to you in reference to our feelings about integration". This second letter suggests some frustration about being ignored or kept out of the desegregation planning process. This feeling was not uncommon among Chicana/o community members.

A letter from Henry A. Quevedo to Judge Egly is worded quite differently then Aguilar's first letter, and was answered by the Judge. Quevedo a Republican activist who had previously campaigned on behalf of President Richard Nixon[94], and now the President of Az-tech Inc. wrote a sharply worded letter to the Judge on May 26, 1977, regarding Judge Egly's controversial comments. The letter begins with a brief list of Quevedo's professional accomplishments in attempt to establish his credibility to the Judge. Quevedo then proceeds to point out that Mexican American, Puerto Rican, and Cuban Children are protected by law under the *Brown* (1954) decision[95]. He also makes an argument for the importance of education for "social survival" and society at large. Quevedo contends that schools must adapt to the cultural traits of

[93] Aguilar, R. (1977, July, 1). Letter to Judge Paul Egly, UCLA Young Research Library, Judge Paul Egly Papers, 1977-1981. Collection # 1282, Box 8, Folder Board of Education Correspondence, articles, etc.

[94] Burt, K. (2007, October 29). The Tangled Political Roots of Hispanics. *Hispanic Link Weekly Report,* 25(43).

[95] Quevedo, H.A. (1977, May 26). Letter to Paul Egly, UCLA Young Research Library, Judge Paul Egly Papers, 1977-1981. Collection # 1282, Box 17, Folder Mexican Americans.

their students, in other words provide a culturally relevant education. When a student fails in a non-culturally relevant environment, he states, "a learning disability is said to have occurred when in fact there emerges an institutional teaching disability". The main point of Quevedo' letter was written all in caps:

> "THERFORE, ANY CHILD WHO HAS HAD ONE SET OF EXPERIENCES WITH ANY CULTURE OTHER THAN THE MAJORITY CULTURE, WHERE THOSE EXPERIENCES ARE ORIGINAL EXPERIENCES, WILL BE IN EDUCATIONAL PERPETUITY A MINORITY CHILD FOR LEARNING PURPOSES…As to whether the Mexican-American child is a minority child, the case is sound, inevitable and not subject to successful educational challenge" [Emphasis in original][96].

Quevedo's letter is very persuasive in regards to the precedent of *Brown* and the need for a culturally relevant education. This should not be surprising given Quevedo's legal background as an attorney[97], and his professional involvement in education. However, his main point can be interpreted as a very culturally deficit statement. It can be understood as implying that a student's culture can be permanently limiting.

Overall, the letter is a strong rebuke of Judge Egly's insensitive and precedent ignoring comments. Judge Egly briefly replied to Quevedo in an undated letter, although presumably written in 1977. The Judge thanked Quevedo for his "letter and the argument presented regarding Spanish-Surnamed Students"[98]. Additionally, he forwarded this letter to counsel of record for both parties in the *Crawford* case. It is interesting that Judge Egly's chose not to say Hispanic or Mexican American students, he stuck with his assertion that these students only share Spanish surnames.

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[96] *Ibid*

[97] Simpsons, P. (1970, December 4). Nixon Fires Two More Spanish-Speaking Execs. *The Day* (New London, CT), p.19.

[98] Egly, P. (1977). Letter to Dr. Henry A. Quevedo, UCLA Young Research Library, Judge Paul Egly Papers, 1977-1981. Collection # 1282, Box 17, Folder Mexican Americans.

Surveying Attitudes Towards Desegregation

In an attempt to sway the court and public opinion, the LAUSD commissioned a survey regarding individual attitudes towards integration. Howard E. Freeman, founding director of the UCLA Institute of Social Science[99] and David J. Armor, senior social scientist at the Rand Corporation conducted this survey. They surveyed 1,600 parents or guardians of LAUSD students in order to determine the level of ethnic group support for integration. The results of this survey were released by the LAUSD and widely publicized by members of the media. *Los Angeles Times* reporter William Trombley wrote about the result of this controversial and sensationalistic survey. The Rand produced survey found that 49% of whites favored or strongly favored desegregation, 45% were opposed or strongly opposed to desegregation, and 6% were unsure of their feelings. [100]. Conversely, African Americans polled were largely in favor of integration efforts with 73% favoring or strongly favoring desegregation, 22% opposing or strongly opposing, and 5% unsure.

According to this survey the Chicana/o community was more closely divided. It was reported that 53% of Mexican-Americans were in favor of or strongly favored desegregation, 39% were opposed or strongly opposed, and 11% were undecided. However, this survey is noteworthy because it claims a majority of Chicana/o community members in favor of the idea of desegregation. This is counter to the conventional wisdom and large amounts of historical evidence. This survey may support the argument that the Chicana/o community could consider desegregation under the right circumstances. Still, this survey also shows that the Chicana/o

[99] Levine, S. (1993). Tribute to Howard E. Freeman. *Health Services Research*, *28*(5), 527–529.

[100] Trombley, W. (1977, June 7). Half of White Parents Opposed integration: Mandatory Plan Would Trigger Flight, Poll Hints. Los Angeles Times, p. D1.

community had the largest number of respondents who remained undecided on the issue of desegregation.

This survey's results while interesting are certainly not definitive. Both the ACLU and Judge Egly argued the motivations of such a survey were suspicious. Why had the LASUD waited until after the creation of the first integration plan to empirically investigate community concerns and feedback? In fact Judge Egly, was quoted as saying that the survey was a "cynical" attempt to justify the board's previous action. In light of the board's history of ignoring community feedback, this point should not go unnoticed. The board was engaged in a battle of public opinion, and looking to control the narrative. An issue of the district's own newsletter, *Court Report*, described the board's intentions to have expert Howard Freeman testify in court prior to finalized survey results. This would have been incredibly unfair to attorneys for the ACLU, and illustrated a commitment to obstructing the process of integration, rather then attempting to operate in good faith and compliance of a desegregation order.

Chicana/o Educational Experts Counsel Judge Egly

During the remedy phase of *Crawford* (1976-1981), the court was responsible for monitoring and approving the board of education's plans for integration. Judge Egly, who presided over the case from 1977 to 1981, sought and received expert opinions from a number of academic researchers. Two of the researchers were from the Chicana/o community, Dr. Beatriz Arias and Dr. David Lopez-Lee. Dr. Arias, at the time an Assistant Professor at UCLA Graduate School of Education, was asked to submit an educational expert opinion report on the impact of desegregation on LAUSD's bilingual education program. Dr. Lopez-Lee, then an Associate Professor of Public Administration at the University of Southern California, was brought into court to testify on bilingual education and to rebut the testimony of another educational expert.

These two local experts were afforded a rare and important opportunity to influence Judge Egly's understanding of issues that were critical to the Chicana/o community in Los Angeles.

A bilingual education and multiculturalism expert, Arias entitled her report "The Desegregation Plan's Impact on Services to Limited and Non-English Speaking Students and Hispanic Students"[101]. She alerted the court and school board to a variety of logistical issues that needed to be addressed in order to ensure quality bilingual education throughout an integrated district. Chief among her concerns were the lack of "curricular planning between sending and receiving schools" and the shortage of qualified bilingual educators[102]. Existing bilingual education programs were largely located in Communities of Color; as a result, meaningful integration would require a disbursement of bilingual of teachers and staff. In Judge Egly's written reflection of *Crawford*, he noted that:

> Dr. Beatriz Arias from UCLA submitted the most interesting of the experts' reports. Her report addressed something that had never been taken into account by either Petitioners or Respondents; namely, the effect of Plan II upon a partially successful ESL program and other programs for the benefit of non-English speaking children[103].

It is troubling that bilingual education's role in the integration proceedings was overlooked until Dr. Arias submitted her report. Although in fairness, Judge Egly mentioned that the Board "took this report seriously, recognized this as being necessary, and increased the program and salary of ESL teacher classifications"[104]. Dr. Arias' report and Judge Egly's statement confirm that institutional figures involved with *Crawford* were aware of the educational necessity of bilingual

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[101] Arias, B. (1978). The Desegregation Plan's Impact on Services to Limited and Non-English Speaking Students and Hispanic Students. A Report to the Honorable Judge Paul Egly.

[102] *Ibid,* p. 21-30.

[103] Egly, P. (2010). Crawford v. Los Angeles Unified School District; An Unfilled Plea for Racial Justice. *University of La Verne Law Review*, 31 (2), 257-322. p.301.

[104] *Ibid*, p. 302.

curriculum and instruction as a component of desegregation. In conjunction with Chicanas/os consistent messaging on the value and importance of bilingual education, the board of education could not claim to be unaware of the community's chief concern.

Dr. David Lopez-Lee was involved in *Crawford* in several capacities. He authored a 1976 staff report entitled "School Desegregation in the Los Angeles Unified School District" for a hearing of the U.S. Commission on Civil Rights in Los Angeles, California[105]. In addition, he drafted the December 22, 1976 "Position and Policy Statement of the Chicano Subcommittee of the Citizens' Advisory Committee on Student Integration"[106]. As a result of his involvement with both documents, Lopez-Lee had a unique understanding of the educational, legal, and community history of the desegregation efforts in Los Angeles. In an oral history interview conducted with Dr. Lopez-Lee, he remembered that he was the last expert witness called to court. His testimony focused more on the subject of bilingual education but he was also asked to rebut another expert witness. Lopez-Lee recalled:

> But I was also there to undercut this charlatan, I call him. His name is David Armor. Anytime there was an integration case going on, they paraded him around. Because he would come up with testimony and quote his research showing that integration is detrimental to those participating….The famous sociologist [Thomas] Pettigrew out of Harvard, got his entire team of doctoral students to pour over his data[107]. And a lot of people in his data, what he called the experimentals and controls, there was crossover[108] and I ask my doctoral students. If you saw that happened what would you conclude about that data? "Hopelessly confounded". Correct, and what else would you do? "Flunk

[105] Lopez-Lee, D. (1976). School Desegregation in the Los Angeles Unified School District. A staff report prepared for the earing of the U.S. Commission on Civil Rights in Los Angeles, California, December 1976.

[106] Haro, C.M. (1977). *Mexicano/Chicano Concerns and School Desegregation in Los Angeles.* Monograph No. 9, Chicano Studies Center Publications, University of California, Los Angeles, p.65-70.

[107] Pettigrew, T. F. (1973). Busing: A Review of" the Evidence.". *Public Interest*, *30*, 88-118.

[108] Crossover occurs when members of the control group get mixed up with member of the experimental group.

> them". That's right, and that's what I told the Judge [Egly], he understood that his [Armor] testimony should be taken with a grain of salt[109].

It is clear that Dr. Lopez-Lee testified in favor of integration, however like many members of the Chicana/o community his views were tempered. Believing there are benefits to integration, but also recognizing the need to understand and value one's own culture. He stated, "Yeah, we want to be among our own to reinforce who we are, but we also have things in common with other people and we need to connect on that basis as well"[110]. Lopez-Lee's comments express a willingness to integrate or connect with others, but also placed an emphasis on cultivating a strong cultural identity. Further supporting the idea that Chicanas/os were open to participating in Los Angeles desegregation efforts under the right conditions.

Threats Against Bilingual Education

Less then a week after Judge Gitelson's initial decision in favor of the *Crawford* plaintiffs, California Governor Ronald Reagan issued a condemnation of the ruling via a press release. His statement was made public on February 17, 1970, and framed the court's decision as an "utterly ridiculous judicial decision, which is questionable as to its legality" and "a serious threat to the preservation of educational quality in our public school"[111]. In an attempt to dissuade public support for the ruling, Governor Reagan warned of the immense costs to implement mandatory busing. From his perspective, busing would waste taxpayer funds that could be used for other pressing educational needs. This argument was designed to resonate with all taxpayers, and indeed Governor Reagan was concerned with "…real needs of our children

[109] Interview with Dr. David Lopez-Lee on September 12, 2013.
[110] *Ibid.*

[111] Reagan, R. (1970, February 17). Office of the Governor Release. UCLA Young Research Library, Los Angeles Unified School District Board of Education Records, 1875-2009. Special Collection#1923, Box 1168, Folder 5.

whatever their race or ethnic background"[112]. Interestingly, Governor Reagan's press release did choose to address one ethnic group by name, youth and parents of Mexican descent.

Providing an example of the potential dangers of mandatory busing to the status quo, Governor Reagan stated:

> "The fact is, some of the most innovative and forward looking projects for minority children in our public schools would be imperiled if bussing [sic] becomes mandatory. For example, what would happen to the vital teaching program for youngsters of Mexican descent in Los Angeles schools which is now underway? More 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 education lives. It is no wonder that so many parents of Mexican descent are opposed to bussing [sic] "[113].

The Governor's statement functions as a not so veiled threat against bilingual education programs that were of great priority and value to the Chicana/o community. A clear insinuation is being made; mandatory desegregation via busing will result in a loss or reduction of bilingual education programs. As a result, these two issues have now been positioned as oppositional choices. Thus, the Chicana/o community must choose wisely in order to insure the continuation of bilingual education. Curiously, the Governor's attempt to reach out to parents of Mexican descent sheds light on his own misunderstanding of bilingual education.

First, theses "vital teaching programs" were not simply afforded by the school district out of goodwill. Through the Chicana/o blowouts and previous community activism, Chicana/o community members had placed consistent pressure on the school board to invest and expand these programs. Secondly, Chicanas/os didn't see bilingual education as a way of "resolving these youngsters' language problems". Instead of "fixing" a deficit, bilingual and bicultural education was viewed as way to maintain and build upon the linguistic capital present in

[112] *Ibid.*

[113] *Ibid.*

communities and households. Bilingual education was seen as a cornerstone of the Chicana/o educational agenda, and unlike desegregation was a unifying issue for the community.

Over the years, Chicana/o activists had routinely informed the school board of the community's largest educational priorities. An example of this comes from an updated report entitled "Information Regarding schools and programs serving predominantly Mexican American Populations" which is dated September 24, 1968[114]. This report was authored after the Chicana/o blowouts (March 1968), and prior to the start of the initial *Crawford* trial (October 1968 to May 1969). This report provided an overview of educational issues and programs that were pertinent to the Chicana/o community during an early portion of the *Crawford* case. In a memo to the board members, Superintendent Dr. Jack P. Crowther described the purpose of the report as follows:

> "From time to time Board members are called upon to respond to questions which are of concern to certain of our Spanish surnamed population. Usually such questions are related to either schools, staff, or programs. The enclosed report represents an updating of data previously given to the Board, and is indexed for ready reference"[115].

Within Dr. Crowther's statement is an acknowledgement of responsibility to answer to community interests. This raises questions as to why the school board later chose to ignore clear and persistent calls for Chicana/o community input into the development of integration plans.

Some highlighted issues within the 1968 report were staffing, bi-lingual personnel, bilingual instruction, community orientation, community involvement, expanding understanding of Mexican America history and culture, reading programs, counseling, library facilities, food services, and food service facilities. Noticeably absent from this list of concerns is desegregation,

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[114] Los Angeles Unified School District (September 24, 1968). Updated Report. UCLA Young Research Library, Los Angeles Unified School District Board of Education Records, 1875-2009. Special Collection #1923, box 1602, Folder 1: Race Question-General Part XII.

[115] *Ibid.*

which is not to say that the issue was completely irrelevant to the Chicana/o community. Rather, a large amount of evidence indicates that desegregation was a much lower priority. For example on February 13, 1969, Reynaldo Macias and Mike De La Pena, student leaders from the United Mexican- American Students (UMAS), spoke to board members about issues of institutional racism and the need for additional Mexican American administrators and teachers in schools[116]. They were urging the school board to improve educational conditions and opportunity for Chicana/o students in neighborhood schools. While they were concerned with issues of institutional racism, they were not advocating for integration as a primary remedy to the inequalities facing the Chicana/o community.

Despite well-worn claims that the Chicana/o community was less active politically then other ethnic groups involved in *Crawford*, it is clear the Chicana/o community had routinely expressed its voice to the Los Angeles Board of Education. In fact, the board of education was well aware of the primary community concerns, namely bilingual education and overall improvements in educational opportunity. As a result, the board's failure to effectively act in these areas should be considered willful. Furthermore, attempts by then Governor Reagan to position desegregation in direct opposition to bilingual education demonstrates an institutional desire to create division among the Chicana/o and African American communities.

Potential existed for Chicana/o community support of mandatory desegregation as a critique of institutional racism and oppression was highly prevalent amongst community leaders. Still, the gateway issue remained the retention and expansion of bilingual education throughout the school district. Opponents of desegregation understood this position, and actively worked to undermine the stability of bilingual education funding during the development of district wide

[116] Macias, R. & De La Pena, M. (February 13, 1969). Request to Address the Board. UCLA Young Research Library, Los Angeles Unified School District Board of Education Records, 1875-2009. Special Collection #1923, Box 1602, Folder 1: Race Question-General Part XII.

integration plans. Supporters of integration such as the ACLU, NAACP, and MALDEF should have done a better job of recognizing this potential fracture, and taken additional steps to promote intergroup dialogue.

School Board President Disrespects Communities of Color

While the *Crawford* plaintiffs struggled to exhibit a cohesive group message, opponents of mandatory desegregation were much more effective in cultivating a dissenting narrative. Part of this success is due to the institutional platforms afforded to members of the school board. Some of the most vocal and vitriolic criticism came from conservative board members Bobbi Fiedler, Roberta Weintraub, and Richard Ferraro. Before being elected to the board, Fiedler and Weintraub had been affiliated with the anti-busing and desegregation group BUSTOP. In 1979, Weintraub was elected to the school board and nearly one month into her tenure was named school board president[117]. Largely a political maneuver, liberal and moderate members of the school board Kathleen Brown-Rice, Rita Walters, and John Greenwood were attempting to prevent the election of Fiedler or Ferraro to the position of president[118]. Weintraub was seen as a potential moderate alternative for the school board, whose majority opposed mandatory desegregation (i.e. Ferraro, Fiedler, Greenwood, Weintraub).

Weintraub's selection as president was significant for two key reasons. First, the board now had a consistent voting bloc opposed to desegregation efforts. Previously, the board included members such as Howard Miller and Robert Docter who were more agreeable to busing plans. Second, this 1979 period was crucial to the ultimate outcome of the Crawford case. During this year, Prop. 1 was publicly debated and subsequently voted on by the California electorate. Thus, the school board president's position and comments on this issue were highlighted in the

[117] Roderick, K. (1979, Jul 03). Mrs. Weintraub elected school board president. *Los Angeles Times,* p. B1.

[118] *Ibid.*

media. President Weintraub was given a platform to try and influence public opinion, and she did not hesitate to do so.

In a July 22, 1981 court deposition, Weintruab was questioned under oath by ACLU attorney Mark Rosenbaum regarding comments she made to the media during her first year as school board president[119]. In the May 20, 1980 edition of the *Los Angeles Times*, reporters Kevin Roderick and Frank Del Olmo documented remarks Weintraub made in reaction to a Judge Egly order for additional mandatory desegregation in the school districts integration plan[120]. Weintraub was quoted as saying the ruling would "totally destroy the neighborhood school…There will be no education system left in Los Angeles…If I were a white parent, I'd be looking for a private school or a new home outside the district"[121]. On the surface, these comments demonstrate how passionate and personalized the issue of desegregation could be. Yet, a critical race history in education analysis allows us to delve deeper into the meaning and purpose of these comments.

Weintraub's comments can be seen as a rallying call for opponents of mandatory desegregation and hints at an "apocalyptic" future for LAUSD. According to Weintraub's vision, the implementation of further mandatory desegregation will cause parents to abandon the school district. It's also noteworthy that Weintraub only advises white parents to consider leaving the district. Given her position as school board president, one would think that Weintraub would be hesitant to advocate for families to leave the district. Her comments highlight an important

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[119] American Civil Liberties Union of Southern California. (1981, July 22). Deposition of Roberta Weintraub. UCLA Young Research Library, American Civil Liberties Union of Southern California records, ca. 1935-. Special Collection #900, box 329, Folder #5: Crawford Deposition of Roberta Weintraub 7/22/1981, p.34.

[120] Roderick, K., & Del Olmo, F. (1980, May 20). Ruling leaves both sides dissatisfied. *Los Angeles Times*, p. B3.

[121] *Ibid*

racialized and class distinction. Middle class and wealthy families had the option of abandoning the LASUD because they could afford to move to a more exclusive district or enroll their children in private school. This was not an option for poor and working class families.

Culturally deficit comments from the school board President were not a singular occurrence. Indeed, in a *LA Weekly* article dated June 6-12, 1980, Weintraub spoke out on her perception of differences between white and black communities. She was quoted as saying:

> No [white] parent in their right mind is going to put a child on a bus to go into an area which is all black. You can't do that because they've been raised in a different atmosphere…Street fighting is one way of getting along and…our kids…are simply not prepared for what's going to happen. There is no way that a white upper middle-class parent can prepare a child to handle that because we don't prepare our children in that direction. Our survival techniques are verbal. Their survival techniques are physical. This doesn't mean they're smarter or dumber it's just a different way of looking at things "[122].

The majority of public comments in opposition to desegregation centered on issues of neighborhood proximity and parental freedom of choice, and largely shunned opportunities to discuss the obvious racial implications of integration. In stark contrast, Weintraub's comments place a spotlight on the racial fears of White upper middle class parents. She seems to indicate that some parental opposition towards busing was based on a reluctance to send white children into predominately Black communities. This trepidation is apparently grounded in the belief that Black children are raised in an environment and culture that promotes violence as way to solve conflict, instead of the more civilized use of words. Weintraub's comments reflect and tap into a majoritarian narrative that dehumanizes Communities of Color as wild, violent, and criminal[123].

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[122] American Civil Liberties Union of Southern California. (1981, July 22). Deposition of Roberta Weintraub. UCLA Young Research Library, American Civil Liberties Union of Southern California records, ca. 1935-. Special Collection #900, Box 329, Folder #5: Crawford Deposition of Roberta Weintraub 7/22/1981, p.57.

[123] Historical examples of attempts to portray South Central Chicana/o youth as delinquent and criminal can be found in Lluliana Alonso's 2016 dissertation entitled *Reclaiming our Past: Critical Race History of Chicana/o Education In South Central Los Angeles, 1930-1949*.

Also embedded in her comments was a belief that white and black children have fundamental differences in their "survival techniques", which would imply the potential exists for other cultural differences between the races. While Weintruab tries to frame this contrast as "just a different way of looking at things", it is clear that the Black community and by extension the Chicana/o community are being portrayed in a negative light. Weintraub's statement exploits racial fears and anxiety towards the "other" and also panders to racist elements of the desegregation opposition movement.

In a May 29, 1980, *Los Angeles Times* interview, Weintraub was very forthcoming on her views of the chief motivating factors for White opposition to integration. When asked by reporter Beverly Beyette what message White parents convey by removing their children from the school district, Weintraub responded "There is a lot of fear for safety, and it's genuine fear"[124]. That response led to illuminating exchange between Beyette and Weintraub:

> Q: But isn't there racism underlying all of this? Isn't that what they're really saying?
> A: Sure. Yeah. Ok, that's too quick an answer off the top of my head. I don't think there's racism as much as there is an economic worry. Or maybe there is racism. I don't know. I don't want to give you a flip answer. I think there's a lot of fear that the schools can't control the situation. If the parents honestly felt that strict standards of behavior applied, no, I don't think they would have those fears…I think that there is a certain element of racism. That's maybe 10% of it. Maybe a little fear about associating with people they've never associated with before"[125].

This admission by the school board president and a leader of the anti-busing movement is quite astonishing. Weintraub downplayed her estimate of a racist element in the proceedings to 10%, but nonetheless, she acknowledged that race and racism were a contributing factor in the fight to resist mandatory desegregation of Los Angeles schools. Her statement could be viewed as a simple acknowledgment of societal views, which is completely disconnected from the actions of

[124] Beyette, B. (1980, May 29). Weintraub: Summing Up Issues. *Los Angeles Times*, p. C10.

[125] *Ibid*, p. C14

the school board. However, comments and inaction by board members only served to further strain racial relations in the school district.

For example, Weintraub routinely commented on the supposed cultural mismatch between students from different communities. In the same *LA Times* interview, she stated, "Let's take a typical mid-Valley junior high school. They bused in students from the inner city with a different values system, a different culture system, and nobody, but nobody, prepared the teachers, so chaos resulted. Schools that had gone overnight from 89% white to 20% white did not adjust very easily"[126]. According to Weintraub, in this scenario mandatory desegregation resulted in chaos because the student populations were so different culturally and teachers were not prepared to deal with the changes brought upon by integration. While one can easily appreciate the challenge presented to schools by the introduction of an ambitious integration plan, it is the responsibility of the school district and board members to ensure that individual schools and teachers are prepared to implement the plan as needed. Thus, failure to successfully prepare teachers lies with the school board and district itself. Weintraub and her supporters try to assign blame to both Communities of Color and the idea of desegregation, as if there are no conditions in which integration could take place. This is merely a smokescreen for their persistent attempts to obstruct the process of meaningful desegregation planning.

After exploring Weintraub's consistently negative views of Students of Color and mandatory desegregation, there is little wonder why the Chicana/o community had little trust in working with the school board. The board president frequently made disrespectful comments towards their community and was not visibly bothered by racist elements involved in *Crawford*. On the contrary, many of Weintraub's public quotes appear to be directed at acknowledging the

[126] *Ibid,* p. C13

viewpoint of those racist constituents. Simply put the school board president acted in a divisive manner, instead of serving as a unifying force, which *Crawford* desperately needed.

The Chicano Face of Prop. 1 (1979)

As discussed in Chapter 4, Prop.1 was major turning point for the *Crawford* case. The passage of Prop. 1 in 1979 brought the California constitution in alignment with the federal constitution on the issue of mandatory desegregation busing. The chief legislative supporter of the Prop. 1 initiative was California State Senator Alan Robbins (D-Van Nuys). Robbins originally sought to place Prop. 1 on the November 1978 ballot by obtaining the required number of public signatures. Towards this goal he enlisted the help of two men, Rev. William Jackson and John Serrano. Rev. Jackson was a Black church leader, and Serrano is best known as the lead plaintiff in the important school finance case *Serrano v. Priest, 5 Cal.3d 584* (1971). Both of these men were brought into the fold to serve as visible community representatives for the ballot initiative. Rev. Jackson would represent the Black community, while John Serrano would serve as representative for the Chicana/o community. Neither man could claim to speak authoritatively for either community, but it was important for Robbins to demonstrate some support for his initiative from both the Black and Chicana/o community.

John Serrano was a psychiatric social worker that had grown up in East Los Angeles. He rose to prominence after the father of the lead plaintiff in the lawsuit that shares his name. After *Serrano v. Priest* was decided in 1971, he had a realization about his newfound fame courtesy of his wife. In the October 9, 1977 edition of the Los Angeles Times, he stated "My wife shook me up…She told me that 'for you it might not be a big thing, but there are lot of people who see you as figurehead. You better take it seriously'…I've been given a tremendous amount of political

clout"[127]. Serrano would go on to use this clout in the campaign for Prop.1, and he became the prominent Chicana/o voice featured by Alan Robbins in a ballot pamphlet argument in favor of the initiative.

In the ballot pamphlet, John Serrano implored voters to pass Prop. 1 because of the negative impact of busing. He stated:

> As the plaintiff in *Serrano v. Priest*, I have worked to insure equal educational opportunity for all California children. The excessive use of court-ordered forced busing, will not guarantee this result. Forced busing to achieve integration is a sham. To force a child to spend three hours on a bus and five hours in a class does nothing more than change the color balance for a few hours. Children would be better off if we spent these dollars on teachers and buildings rather than wasting it on compulsory busing. On November 6, I WILL CAST MY VOTE IN FAVOR OF EQUAL QUALITY EDUCATION—I WILL VOTE YES ON PROPOSITION 1[128] [*Emphasis in original*].

Serrano's opinion of busing was not uncommon among Chicana/o community members, but certainly was not definitive. What was unique about Serrano's opinions was that he publicly joined forces with a pro-Prop. 1 organization, which meant he was indirectly aligned with groups like BUSTOP and the conservative bloc of the school board. His reasoning and intent for supporting Prop. 1 may have been different, but ultimately his goal was the same. As a result, John Serrano became the public face of the Chicana/o pro-prop 1 movement.

In addition to courting support from Communities of Color through selected figureheads, Robbins' Prop. 1 campaign attempted to frame mandatory busing as a social ill that contributed to racial conflict for all California residents. Instead of directly focusing on issues of racial inequality and segregation, the prop 1 campaign asked statewide voters to concentrate on the

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[127] *Los Angeles Times* (1977, October 9). John Serrano-All He Wanted Was a Good School. *Los Angeles Times,* p, SG1.

[128] Robbins, A., & Serrano, J. (1979). [Ballot Pamphlet]. UCLA Young Research Library, Helene V. Smookler collection of Material about the Desegregation of the Los Angeles Unified School District. Collection #1547, Box 14, Folder 4 Busing Proposition 1 (1980).

troublesome nature of the chosen remedy. This sentiment is best exemplified in a 1979 campaign advertisement, in which Robbins contends:

> Court-ordered compulsory busing has become part of the problem rather than part of the solution. The racial tension and strife of compulsory busing is counterproductive to our goal of maximum racial harmony and the furor over compulsory busing stands in the way of community support for voluntary integration. By adopting this amendment, we will allow our courts and local school officials to turn to other more appropriate solutions[129].

Robbins statement acknowledges the existence of an unmentioned problem, i.e. school segregation, which should be addressed by unnamed "appropriate solutions". However, mandatory busing is identified as an impediment to improving relationships between racial groups in the state. This implies that the court's decision to implement mandatory busing has worsened racial relations, and that an entirely voluntary integration approach would better promote racial unity. This reasoning is highly suspect and ahistorical. A critical race history in education analysis draws our attention to the historical fact that no major civil rights advancements has ever occurred on a purely voluntary basis. The abolishment of slavery was brought upon by the Civil War, the end of *Plessy v. Ferguson*, 63 U.S. 537 (1896) required a legal mandate in the form of *Brown v. Board* (1954), and the affirmative action policy was created through a Presidential Executive Order 10925[130].

As noted critical race theorist Derrick Bell points out from his interest convergence study of the *Brown* decision, "Racial remedies may instead be the outward manifestations of unspoken and perhaps sub-conscious judicial conclusions that the remedies, if granted, will secure, advance, or at least not harm societal interests deemed important by middle and upper class

[129] *Ibid.*

[130] U.S. Equal Employment Opportunity Commission. http://www.eeoc.gov/eeoc/history/35th/thelaw/eo-10925.html Last accessed November 2, 2015.

whites"[131]. Consequently, even the civil rights progress gained through legal mandates ultimately serves the interests of whites. Thus, the Prop. 1 campaign can be seen as a rejection of a policy that does not further middle and upper class white interests. Additionally, the switch from a mandatory to voluntary desegregation program removed the incentive required to necessitate change within the schools.

Current data suggests that California schools have become increasingly segregated since the civil rights era of the 1960's with a 2014 study by the UCLA Civil Rights Project describing the state "among the nation's most segregated"[132]. Orfield and Ee report that as of the 2012-2013 school year, 90% of Black and Latina/o students attend majority non-white schools (50-100% Students of Color), 39% of Blacks and 51 % of Latinas/os attend intensely segregated schools (90-100% Students of Color), 9% of Blacks and 12% of Latinas/os attend apartheid schools (99-100% Students of Color[133]. While Robbins campaign statement insinuates that mandatory desegregation is a social experiment that does not work, it seems that California's decision to address the problem of school segregation through appropriate voluntary solutions was ultimately unsuccessful as well. Clearly, the short-term interest convergence alliance between Robbins, Serrano, and Jackson did not have long-term benefits for Blacks and Chicana/os.

Chapter Summary

This chapter has sought out to better understand Chicana/o community perspectives of *Crawford* and desegregation proceedings. What has been revealed is a wide range opinions and positions, yet a consistent theme has emerged. Unsurprisingly, the impact of desegregation on

[131] Bell, D.A. 1980. Brown v. Board of Education and the interest-convergence dilemma. *Harvard Law Review* 93: 518–33.

[132] Orfield, G., & Ee, J. (2014). *Segregating California's Future:* Inequality and Its Alternative 60 Years after *Brown v. Board of Education*. UCLA Civil Rights Project/Proyecto Derechos Civiles, p.33.

[133] *Ibid,* p.33.

bilingual and bicultural education was the most significant issue to the Chicana/o community. The importance of bilingual education motivated many members of the community to voice their concerns to the school board and courts. Thus, contrary to the dominant narrative Chicanas/os were involved in the fight to desegregate Los Angeles schools. Unfortunately, key institutional decision makers largely ignored or actively worked to undermine these efforts. While the Chicana/o community may have struggled to be heard in *Crawford*, historical evidence demonstrates they were never silent.

Chapter 6 Discussion/Conclusion

Chapter Roadmap

This final chapter will bring the narratives explored in Chapters 4 & 5 to a close and will discuss two lessons of *Crawford*. These lessons being the importance of struggle and essential yet overlooked community activists. This chapter will also review and summarize answers to the study's guiding research questions, and examine the implications of *Crawford*. Limitations of this study and areas for future research will be reviewed as well. This dissertation will close with some final thoughts on the legacy of *Crawford*.

Bringing the *Crawford* Story to a Close

The end of any story is rife with expectations, will there be a happy ending or at the very least a satisfactory conclusion? In the case of tragic narratives, can the reader leave the account behind with a sense that a favorable lesson has been learned and no one will dare repeat this mistake again? As with fiction, Hayden White (1973) reminds us that historical narratives mirror their literary counterparts. While history is a scholarly pursuit that requires the use of primary and second sources to substantiate all claims, nevertheless, historical narratives are built through a process of interpretative analysis. Thus, historians and literary writers share a common responsibility for the tone of their storytelling.

When contemplating the conclusion of *Crawford*, many questions arose as how to appropriately frame the end of the story in this complex and drawn out case. In an effort to end on a positive note, there was a natural inclination to search for some type of silver lining to this contentious lawsuit. Unfortunately, the facts of this case largely don't lend themselves to this type of ending. Indeed, an in-depth analysis of *Crawford* consistently pointed to a disappointing yet stark reality. *Crawford*, like many other civil rights cases, resulted in some short-term

progress but was ultimately subverted through an institutional ideology of white supremacy. Through the efforts of the ACLU, concerned parents, community activists, and community leaders, *Crawford* was able to shed light on problems of school segregation and inequality in educational opportunities. Certainly, their initial success in the courts and the 3-year period of mandatory busing should be viewed as a triumph over individual and institutional figures resistant to act on these social justice issues. Nonetheless in the long-term through the passage of Prop.1 (1978), opponents of mandatory integration efforts were successful in upholding the status quo and succeeded in minimizing opportunities to further explore these important equity issues.

During the data analysis portion of this study and upon further reflection on the overall trajectory of *Crawford,* it became increasingly clear that Derrick Bell's (1992) racial realism theory was being exemplified by the cumulative events of this case. As a result of the legal proceedings, the pro-integration groups in *Crawford* had successfully used precedent from *Jackson v. Pasadena* (1963)[134] to win favorable decisions from the Los Angeles Superior court and the California Supreme Court. As discussed in Chapter 4, these rulings set the groundwork for the implementation of a mandatory desegregation program in LAUSD. Ostensibly, the plaintiffs as represented by the ACLU had won in court and had California legal precedent on their side. Yet, as Bell's discussion of racial realism asserts civil rights gains made in a White supremacist society will invariably be contested and compromised.

In the case of *Crawford*, opponents of mandatory desegregation dissatisfied with the court's rulings were able to skirt the precedent of *Jackson*. Certainly not all opponents of mandatory desegregation were White, and there were a number of Whites who supported

[134] In *Jackson v. Pasadena* (1963), the California Supreme Court ruled that California constitution compelled school boards to remedy both *de jure* and *de facto* segregation. A more in depth discussion of *Jackson* and other relevant legal precedent can be found in Chapter 1.

integration. Nevertheless, Prop. 1's passage upheld the inequitable status quo in California schools. Supporters of mandatory integration were successful in advocating their case using existing California law, however, desegregation opponents aided by their alignment with White interests were ultimately triumphant by changing the state constitution. Thus, opponents of mandatory desegregation backed by institutional power were able to change the rules of the game.

While I take care to avoid the silver lining frame often applied to tragic events, there are certainly positive lessons to be learned from a close examination of *Crawford's* history. Two examples I would like to focus on are the historical importance of struggle and essential yet overlooked community activists. Both of these vital elements emerged during the data analysis and narrative construction process. Understanding these two ideas allows us to better contextualize *Crawford's* historical value and relationship to other school desegregation battles in the United States.

The Importance of Struggle

The overall trajectory of *Crawford* as viewed through a racial realism lens can be quite disheartening. Likewise, coming to terms with the idea that racism is permanent and that all civil rights gains are temporary is easier said then done. Still, we must never lose sight of the importance of struggle against oppression in all its forms. In fact, Derrick Bell's (1992a) conceptualization of racial realism places a great deal of emphasis on struggle for a few reasons. The first being quite pragmatic, struggle is necessary to prevent further "erosion" of the civil rights of People of Color. Racial realism posits that Communities of Color will never gain equal rights in the U.S. due to how deeply the principles of racism and white supremacy are ingrained

in our institutions and society. Thus, one can only imagine what the future may hold for Communities of Color in the absence of resistance against oppression.

The second reason according to Bell is "that the struggle for freedom is, at bottom, a manifestation of our humanity that survives and grows stronger through resistance to oppression, even if that oppression is never overcome" (1992a, p.378). Keeping Bell's words in mind, the Chicana/o community's struggle for improved educational opportunities is not just about achieving a goal, rather the act of resistance itself is life affirming. In his book *Faces at the Bottom of the Well*, Bell (1992b) refines this notation in a nicely worded passage "we believe in fulfillment—some might call it salvation—through struggle. We reject any philosophy that insists on measuring life's success on the achieving of specific goals—overlooking the process of living…despite the lack of linear progress, there is satisfaction in the struggle itself" (p.98). Thus, the worthiness of efforts by desegregation supporters should not simply be evaluated on the basis of their long-term success. Although, it should be reiterated that the plaintiffs in *Crawford* were able to secures legal victories which led to a period of mandatory busing in Los Angeles. The decision to challenge school segregation in LAUSD and the subsequent fight to improve educational opportunities for all students is what is notable in this case. These efforts should not be dismissed because of *Crawford's* unfortunate end.

The struggle exhibited in this case and others such as *Lemon Grove*, *Mendez*, and *Brown* is truly remarkable. In the face of considerable odds and fluctuating results, Communities of Color and allies have consistently fought to improve their lives and those of future generations. The ability to cultivate hope and resistance in spite of fierce opposition is a testament to the collective strength and resiliency found in these communities. The actions of Chicana/o community members in *Crawford* are no different and connect this case to a larger historical

legacy of struggle. Regardless of the lamentable outcome in *Crawford*, this case serves as a reminder that opposition towards racism and other forms of oppression should always be acknowledged with appreciation. History provides ample evidence to support the theory of racial realism, but it also contains numerous examples of resistance. *Crawford* is yet another example, and the collective and individual contributions to this struggle should not be forgotten. It is difficult but indispensable work.

Essential Yet Overlooked Community Activists

When documenting and analyzing significant historical events, we can sometimes overlook the contributions of unsung hero's. This could be due to a focus on "key" leaders or figures, but as Delgado Bernal (1998) reminds us this is a limiting approach. In her article entitled "Grassroots Leadership Reconceptualized", Delgado Bernal is able to shed new light on the Chicana/o Blowouts of 1968 by expanding the definition of "leadership" in social movements beyond merely holding office or acting as spokesperson to also emphasize organizing, developing consciousness, and networking (1998, p.124). This paradigm shift allowed her to recognize the participation and grassroots leadership of Chicana activists, which had been previously overlooked.

Similarly in *Crawford*, much emphasis is placed on institutional or political figures like judges, school board members, attorneys, and other elected officials. Without question, there is good reason to examine and discuss these individuals because of their public role in determining the outcome of this case. However, there are many other role players in this case, some of whom had a more direct impact on their local community. For example, Chicana/o students were included as plaintiffs in *Crawford* because mothers like Celia Rodriguez and Josefa Sanchez volunteered their children's names as parties to this case. When the courts and school board

failed to address Chicana/o concerns or adequately inform the community of the latest developments in the case, groups like the Mexican American Education Commission or Parents Involved in Community Action stepped in to fill the void. Individuals such as Rose Lopez, María Montes, Ruby Aguilar, and Raul Arreola may have had differing views on mandatory desegregation but each was committed to representing and advocating on the behalf of the rapidly growing Chicana/o community in *Crawford*. Just to be clear, this list is not exhaustive and there are certainly many other Chicana/o community leaders who could be included in this list.

Community activist are at the core of social movements because they are often embedded within communities, and as a result are well positioned to understand their primary concerns and interests. Additionally, community activists embody the spirit of struggle, which is needed in the face of oppression. Throughout *Crawford* and during overlapping events such as the Chicana/o blowouts and Chicana/o moratorium, community members mobilized and engaged in resistance related to various social and educational issues. Invariably, some Chicana/o community members participated in multiple actions, while others may have only taken part in one cause. In either case the participants should be considered community activists because they chose to take a stand against oppression, and in the process have connected themselves to a larger legacy of struggle.

Delgado Bernal's (1998) study of the Chicana/o blowouts resulted in a call for an expanded definition of grassroots leadership. Likewise, this study of *Crawford* reminds us that small deeds in the pursuit of social justice matter and definitions of community activists should remain broad. Even little gestures like attending an organizing meeting or speaking out in public require courage, sacrifice, and can inspire action in others. When reflecting back on *Crawford*

related activism we should not solely focus on the final outcome of the case. Instead, we should honor the time and labor that went into the fight for desegregation in Los Angeles. As Derrick Bell's theory of racial realism informs us, the struggle against racism and other forms of oppression is everlasting. For this reason we should not only celebrate civil rights victories, we must also document and show appreciation for community effort exerted in defeat.

Answering the Research Questions

This educational history dissertation has sought to expand the traditional discourse and narrative around *Crawford* by focusing on Chicana/o community perspectives of the case. Primarily using archival materials as data and two oral history interviews, the findings chapters of this dissertation have introduced two new narratives on Chicana/o experiences within this complex case. Three research questions have guided this study from the beginning, and each is listed below with a short answer summary.

1) With regard to the desegregation efforts in the remedy phase of the *Crawford* case (1976-1981), what were the main concerns and issues of the Chicana and Chicano community?

The biggest Chicana/o community priorities were improving educational opportunities for marginalized students, as well as preserving and expanding bilingual and bicultural education. The school board and court's mishandling of these issues greatly influenced the Chicana/o community's capacity to support desegregation. Access to and autonomy over neighborhood schools were also important concerns during this period, but bilingual education was the central issue. Desegregation as a stand-alone issue was not at the top of the agenda for the Chicana/o community. However, this did not stop Chicana/o community members from making attempts to engage with the school board and court on issues of desegregation, especially in regards to it's impact on bilingual and bicultural education.

2) What steps, if any, were taken by the court and other key decision makers to address the concerns and issues of the Chicana and Chicano community in the remedy phase of *Crawford* (1976-1981)?

The court and school board made some efforts to receive feedback from the Chicana/o community, yet actively and routinely ignored this information. The courts heard testimony from Chicana/o educational experts (Dr. Beatriz Arias and Dr. David Lopez-Lee), and Judge Egly deemed this information enlightening. Still, the courts relied on the school board to design and implement the integration plan. As a result, the school board chose to ignore feedback provided by outside sources. Instead, the LAUSD centered its plans on reducing white flight and minimizing the scope of mandatory integration. In the process the primary concerns of the Chicana/o community were ignored.

3) What role did race play in school board responses to desegregation efforts during the remedy phase of *Crawford* (1976-1981)?

Race was a major factor in school board efforts to sabotage meaningful attempts to desegregate. The board of education paid little attention to improving educational opportunities for Students of Color. The school board avoided issues of educational inequity by framing desegregation as a matter of individual freedom. School board members tried to avoid or minimize discussions of racial discrimination in LAUSD, but routinely discussed the impact of desegregation on the number of white families and students. The school board was also active in dissuading Chicana/o community support for desegregation by linking busing spending to a reduction of funds for bilingual education programs.

Implications of Crawford

This study of *Crawford* is able to call attention to the ways in which community members, along with socio-cultural and historical context, shape school district educational policy. Thus, *Crawford* can be comfortably situated within a legal indeterminacy frame.

Specifically, highlighting the influence of social phenomena in law (Herget, 1995). The momentum of the civil rights movement of the 1960's and the local Chicana/o movement created moments of opportunity for change, which is well exemplified in *Crawford.* However, resistance to civil rights and the legal and political pushback of the 1970's is also present in this case. The conservative political movement in California efficiently used the possibility of judicial recall and the ballot initiative system to overturn an "undesirable" educational policy (Prop 1).

This study also provides another example of Derrick Bell's (1980) theory of "interest convergence". During this time period, there was some White support for bilingual education and bicultural programs in the state of California. This support allowed for a short-term alliance of interests with the Chicana/o community on the issue of mandatory desegregation, as best exemplified in the passage of Prop.1 in 1978. While many factors may have influenced Chicana/o support for Prop. 1, one critical component was the implied threat that mandatory busing costs would come at the expense of bilingual education program funding. Interestingly, as the Chicana/o population in California continued to grow, White support for bilingual education eroded. In fact, 20-years later bilingual education was banned with the passage of Prop. 227 in 1998.

This analysis of *Crawford* viewed through a Critical Race History in Education and racial realism lenses, supports the view that racial segregation is simply a symptom of the larger disease White supremacy (Carter, 1979). As a result, from the start the *Crawford* lawsuit was unlikely to be successful. The plaintiffs did enjoy some legal victories and were able to enact some short-term changes in the district. However, long term the school board and opponents of desegregation were able to uphold the status quo. White supremacy and institutional power helped ensure this regrettable fact.

Crawford should be remembered as an important example of resistance in the post-*Brown* era of school segregation. After a protracted legal battle, *Crawford* supporters forced the LAUSD to undergo a period of mandatory busing. Initially, the LASUD board of education refused to accept the social science findings from *Brown.* This history of *Crawford* may not match the triumphant narrative found in histories of *Brown* and *Mendez*, but this case helps inform their legacy. *Crawford* calls to question the commitment to justice of institutional powers, while also demonstrating the resolute commitment to social justice displayed by individuals and communities in this case.

Limitations

Like all studies, this dissertation is subject to some limitations. While this study draws on a large number of archival sources, institutional archives are not the most representative of Chicana/o community voices. Two oral history interviews were conducted with educational experts involved in *Crawford* to supplement the archival materials, but additional oral history interviews would increase the richness of the data. Even though the emphasis on the Chicana/o community was intentional from the start of this project for both scholarly and personal reasons, an analysis of *Crawford* could benefit from a relational history approach as advocated by Natalia Molina (2013)[135]. Further connecting the Chicana/o experience in *Crawford* to those of African Americans, Asian Americans, and Indigenous Peoples could unlock additional insights into inter-group relationships in the midst of desegregation proceedings. As well as, illuminating differences in concerns and interests between Communities of Color.

[135] Molina defines a relation history lens as: "recognize[ing] that the construction of race is a mutually constitutive process and demonstrates how race is socially constructed, hence fighting against essentialist notions. Furthermore, it attends to how, when, where, and to what extent groups intersect. It recognizes that there are limits to examining racialized groups in isolation" (2013, p.522).

Areas for Future Research

I hope to address the limitations of this dissertation by engaging in additional oral history interviews with community activists, decision makers, and/or educational experts who were involved with *Crawford*, and expand my analysis of this case to include the experiences of other Communities of Color. This dissertation study has shown that bilingual education was an important component of *Crawford* and the most important educational issue to the Chicana/o community. As a result of this overlap, I would also like to develop a social and legal history of bilingual education with an emphasis on *Lau v. Nichols* (1974), *Castaneda v. Pickard* (1981), and bilingual education bans in states such as California, Arizona, and Massachusetts. *Crawford* was first and foremost a desegregation case, but had many intricate layers. Consequently, there remains many research areas ripe for further exploration.

Final Thoughts

I was first drawn to *Crawford* because of the complexity of events and issues associated with the lawsuit. Additionally, I wanted my dissertation to explore a legal case with a connection to the Chicana/o community. Luckily for me (from a research perspective), *Crawford* took place in my own backyard and I was able to quickly identify possible data sources. When I first began to explore *Crawford*, I was intrigued by its many plot twists and turns. But I grew increasingly troubled by its tragic ending and how it has been seemingly forgotten in the city of Los Angeles. Throughout out the research process, I have grappled with making sense of *Crawford*'s legacy and how to best frame it. As mentioned at the beginning of this chapter, I initially sought a sliver lining to this case. Yet, I never felt comfortable with that approach because *Crawford* was not successful in minimizing racial segregation or improving educational opportunities for marginalized students.

The "winners" in this prolonged legal fight were the individuals and organizations dedicated to upholding the institutional status quo. Unfortunately, this is an all too common result throughout history. Still, an unsatisfactory result should not diminish our appreciation for people and communities who push back against oppression. Civil rights gains cannot occur or be maintained without struggle, and in reality many of these endeavors will be stymied. Thus, we must honor the efforts and sacrifices of individuals willing to challenge institutional power. My hope is that readers of this dissertation will remember *Crawford* as a strong and worthy link in the permanent struggle for civil rights.

Appendix A: Interview Protocol

"Never Silent: Examining Chicana/o Community Experiences and Perspectives of School Desegregation Efforts in *Crawford v. Los Angeles Board of Education* (1963-1982)"

Interview Questions:

1) Can you tell me a little more about your background?
(Explore: occupation, educational background, where they grew up)

2) Can you tell me about what were you doing in the early 1960's (1960 to 1965)?
(Explore: working, school)

3) When and how did you get involved with the *Crawford* case?

4) What were your thoughts on the topic of busing?
(Explore: pro-busing, anti-busing, undecided)

5) What do you think were some of the critical events in the *Crawford* case?
(Explore: implications, organizations or individuals involved)

6) Who do you think most successfully influenced policy discussions related to *Crawford*?
(Explore: courts, school board, community groups, parents)

7) Looking back at your personal involvement in *Crawford*, are there any actions or decisions you are particularly proud of?
(Explore: any actions or decisions they wish they could change)

8) What do you think is *Crawford's* lasting legacy?
(Explore: city of Los Angeles, Los Angeles Unified School District, Chicana and Chicano community)

9) Are there any people you can recommend I speak to regarding the *Crawford* case?

10) Would it be okay to recontact you for clarifying questions?
This is completely optional, and you have no obligation to do so.

Thank you for your time and participation.

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