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CURE

CITIZENS UNITED FOR RACIAL EQUALITY

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SUIT FILED FOR RACIAL BALANCE OF UNSAFE SCHOOLS

by Keith Robinson

On July 23, 1973, CURE, NAACP, League of Women Voters, and two students, Richard Lopez and Joseph Andaya, filed a petition for a writ of mandate with the Supreme Court of the State of California. The petition asks the Court to (1) require the State Allocation Board not to allocate funds for construction of school buildings if such money and construction is used to promote or perpetuate racial or ethnic segregation; and (2) command the State Allocation Board to take all steps necessary to insure that such funds shall not be used to construct schools which will perpetuate racial or ethnic segregation. In effect, then, the suit is an attempt to prohibit all school districts in the state from preserving the status quo regarding racially or ethnically segregated schools.

That the schools built prior to the Field Act (which contained strucural standards for schools) must be rebuilt is clear to all citizens; what is not acceptable to CURE and others concerned with school desegregation is the idea that funds from the School Housing Aid Act may be used to build new schools on the same sites without any stated program of desegregating those schools which are, by the Department of Education guidelines, racially imbalanced.

On July 27, 1973 San Diego Unified School District's attorney Ralph D. Stern wrote to the Court recommending that the Court not stay the execution of the State Allocation Boards proceedings. The arguments by the district, through Mr. Stern, included the fact that "the lives of thousands of children could be at stake" if pre-Field Act schools are not promptly replaced. While this is undeniable, it is also true that thousand of children have already been irreparably harmed by their experiences in segregated, inferior schools. The obvious solution is to re-build the schools immediately, but only with legally binding assurances that the schools will not be racially or ethnically segregated.

Mr. Stern argues further that Proposition 21, "approved by the People on November 7, 1972," repeals those sections of the Education Code which require high priority to be placed on the desegregation of schools. Since Proposition 21 (the Wakefield Amendment) clearly violates state and federal constitutions, it is only a matter of time until it is struck down by the courts.

But perhaps the most shocking argument against the petition was Schools Attorney Stern's apparently straight-faced assertion that "Petitioners have failed to act in a timely manner. Planning for the replacement of structurally unsafe schools has been going on for a considerable period of time as is evident from the ... document entitled 'Plans for Pre-Field Act Schools, September 12, 1972,' " The members of CURE's Education Committee who have been fighting this battle since long before September 12, 1972, those who have done the drudgery and research, those who have met with and listened to administrators and board members regarding this matter for well over a year, those who have been meeting and conferring, pleading, screaming, and drawing pictures so that the district officials might see the enormity of the problem and the necessity for guarantees along with the rebuilding funds -- these citizens don't know whether to laugh or cry at Mr. Stern's incredible, implication that we should have acted sooner.

Finally, Schools Attorney Stern says that "to slow down or stop this vital program when school districts have acquired sites, demolished buildings, retained architects and awarded contracts, is an irresponsible request on the part of Petitioners."

Joyce Beers, speaking for the League of Women Voters, and Keith Robinson, for CURE, both appeared at the August 14 meeting of the Board of Education to respond to the allegations of irresponsibility. Ms. Beers pointed to the League's record of supporting quality education and

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CURE Elects New Board

We are pleased to announce results of the recent election of CURE Board of Directors. The following people will serve a two year term: Bertha Crowell, Jane Emerson, Helen Halyburton, Vi McKern, Mary Eunice Oliver, Al Pozos, Doug Regin, Shuf Swift.

Current board members to complete the second year in their term of office are: Barbara Collis, Loch Crane, Cal Franklin, Virginia Gilloon, Jean Kelley, Joe McGuire, and Nikki Symington.

BALANCED COMMUNITY PROGRESSES

by Shuf Swift

There is continuing action towards developing a balanced community.

A significant action was the signing in May of a Memorandum of Understanding between the San Diego Building Contractors Association, the Department of Housing and Urban Development, and the Veterans Administration. The Memorandum established a county-wide Affirmative Marketing Program (AMP), whose objectives are to encourage the development of racially balanced communities, in newly developing areas as well as established areas, through advertising and outreach programs to both Anglos and minorities. The county has been divided into four sub-market areas. Specific sales and rental goals appropriate to each area have been agreed on. There will be special outreach efforts to minorities in the North County, and special outreach efforts to Anglos in the San Ysidro, National City and South San Diego City areas.

The builders agreed to develop and sponsor a sustaining advertising campaign to promote the principles of equal opportunity in housing. Each signatory must appoint a qualified Equal Opportunity Officer, and must maintain non-discrimination policies in hiring. The builders must establish Community Housing Resource Boards in each Sub-Market Area composed of representatives from the minority and majority communities and others whose participation would serve to implement the goals of the AMP. Bilingual sales and rental information must be provided as needed.

Since the agreement covers all of the developers projects, they do not need to file detailed affirmative marketing plans for each development. Since a large group of builders are involved, and they have joined together in their advertising efforts related to developing balance in their developments, economies result in advertising costs. Salesman and broker training is coordinated by HUD and the Building Contractors Association. Reports of monthly sales and other reports necessary to determine progress toward goals have been simplified.

Of great importance is the fact that the agreement applies to a signatory's developments county -wide The present city policy stops at the city limits, of course. The agreement covers all sale and rental housing developed by the signatories, and not just those marketed under a FHA or VA program. As of August 13, fourteen firms had signed the Apreement of Understanding.

Equally important has been the work of the Mayor's Balanced Community Task Force. The Balanced Community Policy of December 1972 was amended to include the phrase "to do what is reasonably and practically possible in all parts of the city " (to promote balance). The Balanced Community Coalition of which CURE was a member, requested that a committee be appointed to develop ways of implementing the amended policy. The Mayor appointed a committee and it has been meeting regularly and productively. The committee is broadly representative, with members from the building industry, lending institutions, realtors, government, and the majority and minority community.

The initial effort of the committee has been to develop an affirmative marketing plan. Such a proposal has now been completed, and the committee will be considering other problems that interfere with the development of a balanced community. They will explore ways that local government can help reduce the cost of housing, problems of financing low income housing, how increased employment opportunities might affect the ability of lower income citizens to become homeowners, and how attitudes affect community racial and ethnic balance.

Speaking of attitude, one of the most encouraging aspects of the committee's work has been its own attitude. Members have acknowledged the problem, accepted their charge, and moved ahead positively and cooperatively.

Much needs to be done, and the areas the Committee plans to investigate are appropriate, as the following random facts and comments indicate. Nearly two of every three majority group families are homeowners, but less than two of every five nonwhite families own their homes.

The legacy of past attitudes on property values of mixed neighborhoods are hard to eradicate. Despite the fact that studies within the past few years of neighborhoods that have undergone racial change in a wide range of cities all across the country have shown the same upward trend in prices as comparable all-white neighborhoods, the myth that minoirty families moving into a neighborhood cause property values to decline continues to be heard.

Another argument is that the government cannot regulate balance. Yet the government regulates many other aspects of housing. It regulates zoning, which often has a direct effect on balance. It regulates building codes which directly affect the cost of housing. And government policies demonstrably affect marketing

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CURE

Office 295-5800

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The purpose of this newsletter is to provide a forum for the dissemination of information and the expression of opinions among those concerned with combating racism. CURE believes the opinions herein need to be expressed, although they may not represent official policy of CURE.

Board of Directors

Barbara Collis, Loch Crane, Bertha Crowell, Jane Emerson, Calvin Franklin, Virginia Gilloon, Helen Halyburton, Jean Kelley, Joe McGuire, Vi McKern, Mary Eunice Oliver, Alphonse Pozos, Doug Regin, Shuf Swift, Nikki Symington.

August 1973

CHRONOLOGY OF IMPORTANT EVENTS REGARDING SCHOOL DESEGREGATION
San Diego Unified School District

1933 Field Act passed by California State Legislature to establish certain standards pertaining to structures of public school buildings.

1954 Supreme Court decision Brown v. Bd. of Ed. ...Separate education facilities are inherently unequal... and thus unconstitutional

1954 Cooper v. Aaron (Little Rock) court decision that ...school boards... may not maintain segregated schools or permit educational decisions to be influenced by community sentiment or majority of voters...

1963 NAACP submitted recommendations to SDUSD to reduce school segregation

1964 Civil Rights Act passed by U. S. Congress

1965 U. S. Civil Rights Committee called attention to segregation in SDUSD

1965 San Diego School Board adopted a resolution to exert all efforts to avoid and eliminate segregation

1966 Citizens Committee on Equal Educational Opportunity confirmed racial imbalance in San Diego schools

1966 League of Women Voters statement to the Bd. of Ed. commending the Citizen Committee's report

1967 Grand Jury presented findings that showed segregation and unequal educational opportunity, and recommended reducing racial imbalance in San Diego schools

1967 League of Women Voters and various other community groups spoke to the Bd. of Ed. to implement report of Citizen's Committee to end segregation

1967 Bd. of Ed. approved voluntary integration schools Freemont and Silvergate

1967 Carlin v San Diego Bd. of Ed. class action lawsuit charging that children in San Diego were not receiving an equal educational opportunity because the schools were not integrated

1968 Lincoln High School principal's advisory committee reported to Bd. of Ed. on problems related to segregation

1968 League of Women Voters made statements to Bd. of Ed. to support transportation funds for permissive transfer students and support for a comprehensive plan for desegregation

1968 Greene v. Bd. of Ed. court decision ...freedom of choice plans could not be acceptable, "mere deliberate speed" not enough... NOW... school boards have affirmative duty to eradicate past discrimination

1968 Incorporation of Citizens United for Racial Equality (CURE)

1969 State Attorney General brought suit against SDUSD for racial imbalance. Suit later dropped

1969 State Board of Education adopted guidelines defining racial imbalance and required districts to move against segregation of students

1969 League of Women Voters supported the State Bd. of Ed. action strengthening the Administrative code

1969 League of Women Voters did not support and CURE opposed school bonds for pre-Field Act schools because no criteria was included to eliminate racial and ethnic imbalance

1970 League of Women Voters presented a plan for a comprehensive educational complex to the Bd. of Ed. as one way to help equalize educational opportunity

1971 Swan v. Charlotte-Mecklenburg court decision upheld by the Supreme Court that busing, zoning, gerrymandering were established as legitimate integration tools

1971 League of Women Voters supported the school bond election because of the Bd. of Ed. support of the Balanced Community Concept

1971 State Legislature passed School Aid Housing Act which approved funds for local districts to enable them to reconstruct non-conforming schools

1972 League of Women Voters spoke to the Bd. of Ed. to reconsider their decision to begin architectural plans on segregated sites

1972 CURE spoke to Bd. of Ed. to question the legality of replacing pre-Field schools on imbalanced sites with follow-up letter to Bd. President

1972 CURE sent letter to Bd. of Ed. recommending implementation of the Control Balance Plan contained in the district's Desegregation and Integration report

1972 CURE letter to Bd. of Ed. recommending pre-Field replacement report and integration report should have been drawn jointly

1972 CURE presented maps to illustrate racial and ethnic imbalance in the schools and showed trends of progressing segregation from 1966 to 1972

1972 League of Women Voters, CURE, Bd. of Ed. et al opposed Proposition 21

1972 Proposition 21 passed by voters in November

1973 Encanto voluntary integration school magnet plan started (January)

1973 Petitioners demand to State Allocation Bd not to allocate funds to racially imbalanced schools (Feb)

1973 (March) State Allocation Bd. refuses demand... justifies decision on sole ground that Proposition 21 repealed relevant statutory law

1973 July 20 Petition for Writ of Mandate filed in State Supreme Court to compel State Allocation Bd. to insure racial and ethnic balance in schools to which it allocates funds

1973 July 27 - Petitioners sent telegram to St. Allocation Bd. after Supreme Court decision Keyes v. School District No. 1, Denver Colo. to apply decision to the unconstitutionality of Prop. 21.

1973 August 6 - St. Allocation Bd. allocated several million dollars to local school districts ($8 million to SDUSD)

1973 August 14 - League of Women Voters and CURE spoke to Bd. of Ed. to clarify lawsuit action

HOMETOWN PLAN TO OPEN JOBS

by Gordon Piper

A comprehensive affirmative action plan for the construction industry in San Diego County has recently received final approval from the U. S. Department of Labor and is expected to significantly expand job opportunities for minorities. The affirmative action plan, known as the San Diego Hometown Plan, was developed by representatives of the local building trade unions, building contractor associations, and minority community organizations. The Hometown Plan calls for signatory building trade unions to bring the minority percentage of their total membership up to a minimum goal of 24 percent within five years. Signatory building contractors are supposed to implement affirmative action programs that would bring the minority percentage in their work forces over a five year period up to the minimum goal of 24 percent.

The primary objective of the Hometown Plan is to increase minority group employment in all phases of the construction industry in San Diego County. It is anticipated that as many as 2,000 new jobs might be created for minority group members in the construction industry as a result of the Hometown Plan. This estimate is based on: (1) current figures on the under-representation of minorities in craft unions and on construction sites; and (2) the stated affirmative action goals of the signatory building trade unions.

Thirteen local unions have thus far become signatory to the hometown plan. Among these are the bricklayers, carpet layers, carpenters, glaziers, laborers, lathers, painters, plasterers, plumbers, roofers, tile setters, tile helpers, and teamsters.

The Hometown Plan has also received the support of the San Diego Building Contractors Association and the San Diego Chapter of Associated General Contractors.

Approximately fifty minority community organizations have become signatory to the Hometown Plan and promised to assist in implementing the plan.

The Hometown Plan calls for a sixteen-member Administrative Committee to oversee the implementation of affirmative action programs by signatory unions and contractors. Four union representatives, four contractor representatives, and eight minority community representatives will serve on the Administrative Committee. The first meeting of the Administrative Committee will probably by held in late September. The unions, contractors, and minority community groups are now in the process of selecting representatives to serve on the Administrative Committee.

The affirmative action provisions of the Hometown Plan should help to insure that minorities are adequately represented in the work forces of construction contractors performing work on local, state, federal and federally-assisted construction contracts and also on private contracts undertaken by signatory contractors within San Diego County.

The office of Federal Contract Compliance will be monitoring the progress of the San Diego Hometown Plan for the U. S. Department of Labor. Similar "hometown plans" have been developed and are being implemented by unions, contractors and minority community groups in about 60 other locations throughout the United States. Funding for the hometown plan is provided by the Department of Labor to cover staffing and office expenses.

The San Diego Manpower Area Planning Council recently recommended to the Department of Labor that $36,755 be provided for first year funding of the San Diego Hometown Plan. These funds would be used to establish an office and employ a manager and secretary to assist the Administrative Committee.

ANNUAL MEMBERSHIP FEES For Fiscal Year June 1, 1973 to May 31, 1974
(includes a newsletter subscription)

Student.....$2	Contribution..$25	Donation..$_____
Individual..$5	Sustaining....$100	Subscription without
Family.....$8	Organization..$15	membership...$2

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I am unable to send money now, but want to remain on the mailing list.____

Sometimes CURE receives requests for use of its open mailing list from groups dealing with solutions to racial problems. Should your name be included on the _____open list or _____restricted list?

Balanced Community

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and lending practices which affect balance.

Another myth that dies hard is that economics determine where people live. "Census figures show that poor white families are not confined to housing in the central city as are poor black families... Nearly half of all poor white families live in the suburbs, while four out of five poor black families are confined to the inner-city." (p. 15, Understanding Fair Housing, U. S. Commission on Civil Rights, February 1973.)

The Agreement of Understanding and the promise of the Mayor's Balanced Community Task Force both demonstrate potential to move effectively against these myths and generate the truly open and balanced community that is not only the birthright of every citizen, but is an essential benefit to all of us.

HRC HOUSING CAMPAIGN

by Al Alferos

A 1970 U. S. census report showed that 85% of our black population lives within one central area. Is this by choice or can it be attributed to discrimination? To find the answer to this question, the San Diego Human Relations Commission initiated a campaign to inform the public of their housing rights as guaranteed by the Civil Rights Act of 1968. It was hoped the campaign would create public awareness and interest, and, where justified, solicit complaints. HUD and FEPC lent support to the program. Cooperation was received from local realty boards.

The County and the 13 incorporated cities within the county were asked to proclaim an "equal housing opportunity" month. All responded favorably. Public service-type announcements were used to encourage listeners to report incidents of discrimination and unfair treatment. Additional information was disseminated via fact sheets, housing directories, posters and auto bumper stickers. All carried a similar message, "These are your rights. If they have been violated, something can be done about it."

To date, the increased number of housing inquiries and complaints received justified HRC's pre-campaign concerns.

In the next phase of the campaign the HRC will seek to identify the cause of the problem and effect changes through educational programs, panel discussions and the participation of other human relations groups. Interested organizations are invited to contact the HRC at 299-2840.

Law Suit

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opposing de facto segregation, a record which clearly reflects thoughtful and responsible action. "It is difficult, therefore, to understand how anyone familiar with the process of League decision-making and the history of our efforts can dismiss our latest action in this area as 'irresponsible,'" Ms. Beers stated. She cited the traditional responsibilities of organizations such as the League to use the courts whenever necessary to make "the nation's laws live and function." CURE asked the Board to consider the charge of irresponsibility in light of several facts concerning explicit state and federal laws. Since 1954, in fact, the district has been obligated to desegregate the schools. As of today, there is no plan to desegregate any schools in San Diego. Indeed, someone has been behaving irresponsibly.

Also on August 14, CURE and the League, along with C. E. Reid of the San Diego Branch, NAACP, held a press conference at which the reasons for seeking the aid of the courts were explained. Representatives of the media were given the facts concerning San Diego's racially imbalanced schools, and the history of various attempts to get the Board of Education to take positive action to end segregation. Dorothy Lloyd of CURE pointed to a long list of actions taken by CURE and other groups over the past few years in attempts to help the Board of Education obey the state and federal laws regarding segregated schools. These actions included several meetings with various officials of the school district at which the specific business was the problem of rebuilding pre-Field Act school sites which would remain racially imbalanced. No program of desegregation was mentioned at any of these meetings (a "program of desegregation" would go beyond a statement of principle and would include methods and dates.)

The State Allocation Board gave over $8 million additional rebuilding funds on August 8. In mid-September they will allocate additional funds. Whether part or all of the remaining funds are to be used to perpetuate segregation is a matter for the California Supreme Court to decide; its decision will concern the constitutionality of Proposition 21 and the legality of using funds without providing for desegregation. Those who feel that integrated schools are a necessary step on the path to equality and justice hope for a swift and decisive judgment.

CURE Office Needs

The CURE office, several months in development, is nearing completion. For the first time we have an office which has ample space and convenience of central location. Future board meetings will be held here. We need folding chairs, large floor cushions etc. for seating. Donations will be appreciated. Just leave your name with the office and we will contact you. 295-5800 Thank you!

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