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CURE

CITIZENS UNITED FOR RACIAL EQUALITY

OCTOBER 1976
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CARLIN CASE GOES TO TRIAL

The Carlin Case trial is scheduled to begin on October 25 in the court of Judge Welsh. Initiated in December, 1967, by parents of ten children of different racial and ethnic backgrounds, the Carlin Case is a class action desegregation suit against the San Diego Unified School District. It has been delayed for a number of reasons, most recently to await the decision of the State Supreme Court in the Crawford Case (a desegregation suit against the Los Angeles Board of Education) and the NAACP suit against San Bernardino. Those decisions were handed down at the end of June.

The Court strongly re-emphasized their finding in Jackson v. Pasadena—that segregation "deprives the children of the minority group of equal opportunities for education and denies them equal protection and due process of the law." The Court said that as a consequence "school boards in this state bear a constitutional obligation to undertake reasonably feasible steps to alleviate such racial segregation in the public schools, regardless of the cause of such segregation." (Emphasis by the Court.) In other words, school boards have this obligation whether the segregation is characterized as "de facto" or "de jure."

They found the trial court in error in defining "segregated" schools in terms of specific racial and ethnic percentages. The Court said: "The Constitution does not require a school board to achieve a particular or identical 'racial mix' or 'racial balance' in each school; rather, the constitutional evil inheres in the existence of segregated schools. It is the elimination of such segregation and the harms inflicted by such segregation that is the ultimate constitutional objective." (Emphasis by the Court.)

In commenting on the Court's responsibility, the justices said (a unanimous decision signed by all members): "The court should defer to the school board's program and should decline to intervene in the school desegregation process so long as such meaningful progress does in fact follow. A court should thus stay its hand even if it believes that alternative techniques might lead to more rapid desegregation of the schools."

Nevertheless, the Court said, "In those instances, however, in which a court finds that a local school board has not embarked upon a course of action designed to eliminate segregation in its schools or, having done so, has not implemented a plan that provides meaningful progress toward that goal, a court has no alternative but to intervene and to order the school board to undertake immediately a reasonably feasible desegregation program."

In the San Bernardino case, the State Supreme Court reaffirmed the findings in Jackson by referring to the Crawford v. Los Angeles case. However, in the San Bernardino case they had a specific plan to evaluate. In commenting on this plan, they sustained the trial court's finding that the "district has placed a 'low financial priority at any efforts to achieve integration' and that the district's current, totally voluntary planning unit program 'cannot and will not achieve ultimate desegregation.'"

continued on page 3

REFORM OF FEPC FAILS THIS YEAR

The Assembly Finance Committee failed to give the seven votes needed to move AB 3124 out of committee, and it was dead for this session of the legislature. AB 3124, also known as the Dixon Bill, would have reformed the Fair Employment Practices Commission. The objectives of the bill, reported in more detail in the May newsletter, were to make the commission more effective by establishing the Division of Civil Rights, with the Chief of the Division taking a more active role in prosecuting violations of civil rights, and with the California Civil Rights Commission (the current Fair Employment Practices Commission) acting as a quasi-judicial review body. The bill, authored by Julian Dixon of Los Angeles, was co-authored by Pete Chacon. Assemblyman Dixon plans to reintroduce the bill in the next session.

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DESEGREGATION TASK FORCE

The San Diego County Human Relations Commission, with the support and participation of a number of individuals and organizations, has been developing a Desegregation Task Force. This effort began before the State Supreme Court gave its decision in the Crawford Case (see the Carlin Case story in this issue). Since that decision, the effort has taken a more specific and urgent focus on the San Diego City Schools, with attention to the possibility that the Court may order them to desegrégate. The objective is to prepare the community for a smooth transition to desegregated schools in the event that the Court issues such an order. The task force plans to provide the community, its leaders, and the media with background information; to conduct workshops aimed at educating the community concerning desegregation; to assist other groups in organizing for the same purposes; to be prepared to help ameliorate tensions which may arise, and to provide an information and rumor control center.

The U. S. Commission on Civil Rights has found that an important factor in successful and smooth desegregation programs has been careful pre-planning that has involved the total community: parents, students, teachers, administrators, business men, labor, religious and political leaders, public figures, the colleges and universities—in fact, as many elements of the community as possible. Anyone interested in any way is encouraged to participate in this effort. Roberta Heyer, the principal initiator of the idea, is acting as the Chairperson. You are urged to contact Virginia Glass, San Diego County Human Relations Commission, 3730 Fifth Avenue, San Diego, CA 92103. Phone 299-2840 for further information.

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HHRA CELEBRATES

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A buffet supper, a provocative multi-media presentation, door prizes, a mini-business session, and Food for Farmworkers will be the fare at the General Meeting of the Heartland Human Relations Association to be held Friday, October 22, at the United Church of Christ, 5940 Kelton Ave., La Mesa.

Supper at 6 p.m. will be catered by "Dinner Is Served." The program starts at 7:30 with the presentation of the "Americana Symposium," depicting the history of America through the eyes of its minorities. Supper and the program are $2.50 for adults, $1.75 for those under 12. The program alone is $1.00. People are urged to bring staple foods for the Farmworkers.

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CURE BOARD

The CURE Board for 1976-77 is formed of Hugh Boyle, Julius Campbell, Arthur Deutsch, Margaret Gregory, Irene Greiner, Dorothy Lloyd, Lois Mc Gaw, Vi McKern, Jane Senour, Shuf Swift, and Muriel Taylor. The board will continue to meet the first Thursday evening of each month. However, meetings will be moved from place to place, since we have no office at present. Everyone is welcome as usual. Call 224-1592 or any board member, to find where the board may be meeting.

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CURE OFFICE MOVED

The CURE Office is no longer at 3944 1/2 Third Avenue. Fire regulations required changes too costly to be worthwhile. Instead, we have moved.

We are indebted to Paul Strauss for the several years he made the office available to us, and we appreciate his plea for a stay of execution.

Our desk, files, and most other equipment and material are in Irene Greiner's garage. The telephone is now located in Shuf Swift's home. The new number is 224-1592. Mail is being forwarded to 3910 Alicia Dr., San Diego, 92107 (Shuf's address). We welcome any ideas you may have as to where we might better relocate.

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CURE

Office 224-1592

Published by Citizens United for Racial Equality, Inc. 3910 Alicia Dr., San Diego, CA., 92107

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

Hugh Boyle, Julius Campbell, Arthur Deutsch, Margaret Gregory, Irene Greiner, Dorothy Lloyd, Lois Mc Gaw, Viola McKern, Jane Senour, Shuf Swift, Muriel Taylor.

STATUS OF THE CARLIN CASE

continued from page 1

One significant consequence of the decision for San Diego is that there is no need for the plaintiffs to prove intent by the school board to segregate students. If segregation exists, regardless of its cause, the board has a constitutional obligation to take reasonably feasible steps to alleviate it. The Carlin attorneys now have to demonstrate only three things: that schools are segregated, that the board has not taken reasonably feasible steps to alleviate segregation, and that such reasonably feasible steps are possible.

Data from the Pupil Ethnic Census, taken annually since 1965, indicate the schools are segregated, and growing more so. For example, in 1965 there were 16 schools with over 90% minority students, while in 1975—the latest census—there are 20 schools with over 90% minority students. Wright Brothers Junior-Senior High School was successfully desegregated by establishing a social career-oriented program there.

However, this successful effort has not been utilized or modified for use in other situations. The major emphasis has been on the Voluntary Ethnic Transfer Program. (The district calls this an "interim" program, and acknowledges that "no voluntary program can correct imbalance in minority schools.")

This program permits students to transfer voluntarily to another school, so long as the transfer will improve the racial balance at both the sending and receiving schools. The district pays for the transportation required. About 3,000 students are now participating in this program, almost all of them minority students. This has improved the racial balance in some majority schools, but it has not desegregated any segregated schools, whether majority or minority.

The successful desegregation of other school districts not too different from San Diego suggests that there are reasonably feasible steps which can be taken.

The League of Women Voters, with support from the Human Relations Commission, has prepared the attached background information.

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ANNUAL MEMBERSHIP FEES For Fiscal Year June 1, 197 to May 31, 197
(includes a newsletter subscription)

Student . . $2	Contribution . $25	Donation . .$____
Individual . .$5	Sustaining. . . $100	
Family . . . $8	Organization. .$15	

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STREET ADDRESS . . . . . .

CITY . . . . . .ZIP . . . . . .

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

PROPOSITION 14

Proposition 14, a law that, among other things, guarantees free, open, and secret ballot elections to farm workers, is on the November 2 ballot. Last year the State Legislature passed similar legislation. The Agriculture Labor Relations Board (ALRB) was created; some interim funds were provided, and elections were held. The United Farm Workers (UFW) won a significant number of these elections.

However, as a result, the growers who oppose the UFW, and the Teamsters who also oppose the UFW, brought pressure to bear on the legislature. As a consequence, in the spring the additional funds needed to continue with the election process were not provided. In order to insure the continuation of free elections the UFW used the initiative process to place Proposition 14 on the ballot. Since Proposition 14 qualified for the ballot and some changes have been made in the ALRB, the legislature has provided additional funds.

The farm workers who feed us—many of them children—are often without food themselves. They deserve the right to organize democratically in order to protect their lives, their livelihood, and their dignity. The UFW believes that the free election process is a basic democratic right which should be guaranteed by laws which cannot be nullified by special interest group pressure. For this reason, they urge a YES vote on Proposition 14 on November 2.

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