



## AMERICAN G I FORUM OF THE U.S.

October 2, 1970

HECTOR P. GARCIA, M.D.  
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Mr. J. Stanley Pottinger  
National Director  
Office for Civil Rights  
Department of Health, Education and Welfare  
Washington, D.C.

Dear Mr. Pottinger:

The American G I Forum of the State of Texas has recently made an analysis of school districts in the state from information obtained from a publication published by your Office - DIRECTORY OF PUBLIC AND SECONDARY SCHOOLS IN SELECTED DISTRICTS "Enrollment and Staff by Racial/Ethnic Group - Fall 1968". From this analysis, we have concluded that school districts listed in the attached Tables I and II are in apparent violation of H. E. W.'s POLICIES ON ELEMENTARY AND SECONDARY SCHOOL COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 and of your recently issued memorandum entitled "Identification of Discrimination and Denial of Services on the Basis of National Origin". We, therefore, request that the listed school districts as attached be given the highest priority and be scheduled for immediate review by your Office and that such review be followed by the appropriate enforcement action.

As basis for review of those districts listed in Table I, we cite to you the following sections from the above-mentioned POLICIES.

Section 11 - A school system which has maintained a system of separate school facilities for students based on their race, color, or NATIONAL ORIGIN has the affirmative duty under law to take prompt and effective action to eliminate such a dual school structure and bring about an integrated unitary school system.

Section 9 - Where there are students of a particular race, color or NATIONAL ORIGIN concentrated in certain schools or classes, school systems are responsible for assuring that these students are not denied equal educational opportunities by practices which are less favorable for educational advancement than the practices at the schools or classes attended primarily by students of another race, color, or NATIONAL ORIGIN. (The section then lists examples of disparities which constitute a denial of such equal educational opportunities).

Section 10 - School systems are responsible for recruiting, hiring, assigning, promoting, paying, demoting, and dismissing their professional staff without discrimination on the ground of race, color, or NATIONAL ORIGIN. Where there has been discrimination in professional staffing policies or practices, school systems are responsible for taking whatever positive action may be necessary to correct the effects of discrimination".

All of the school districts listed in Table I have schools which have student bodies from 90 to 100% Mexican American. There is legal precedent for action in each of these cases. We cite the case of Delgado, et al vs. Bastrop ISD, et al, No. 388 Civil, U.S.D.C., W.D., Texas (June 15, 1948). Also there are the cases of Mendez vs. Westminster School District, 614 Fed Supp 544 (9th Circuit, 1947) and Gonzalez vs. Sheeley, 96 Fed Supp 1004 (D. Arizona, 1951). Each of these cases held that segregation of Mexican American students was a violation of the 14th Amendment to the U.S. Constitution. All of these cases were pre-Brown. You should be aware of de jure segregation of Mexican Americans as the result of reviews made by your Office of Sonora, Bishop and Ozona, Texas. You should also be aware by now that students are threatening walk-outs throughout South Texas. This situation calls for immediate action by your Office.

As basis for review of the school districts listed in Table II, we quote to you from your recently issued Memorandum, which states, "(1) Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."

Of the 224 school districts listed in Table II, 109 have hired absolutely NO Mexican American teachers and the remainder have only a minimal number of Mexican American teachers. From these statistics alone, it is obvious that these school districts have failed to "take affirmative steps to rectify the language deficiency." Again, there is no reason why your Office should not take immediate action against these districts.

On August 20, 1970, when I met with you in your office in Washington, you expressed a willingness to work with us. I felt you showed genuine concern for our problems. With this letter, you now have the opportunity to show us your good faith. I will be expecting a response from you in the near future concerning your plans for taking appropriate action in these cases.

Mr. J. Stanley Pottinger

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(A copy of this letter will be sent to Senators Mondale, Javits and Yarborough and the Select Committee on Equal Educational Opportunity.)

Respectfully, I remain,



Dr. Hector P. Garcia  
Founder, American G I Forum of U.S.

HPG/lv

cc: Senator Walter Mondale  
Senator Ralph Yarborough  
Senator Jacob Javits  
Mr. Martin Castillo  
Commissioner Vicente Ximenes  
Mrs. Dorothy Stuck  
Congressman George Bush  
Lloyd Bentsen Jr.  
Paul Eggers

DEPARTMENT OF  
HEALTH, EDUCATION, AND WELFARE  
OFFICE OF THE SECRETARY  
OFFICE FOR CIVIL RIGHTS

*File  
J. Stanley  
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1/28/62  
1412*

I thought that you would be  
interested in reading the  
attached.

J. Stanley Pottinger

Attachment