



MALDEF

Mexican American Legal Defense and Educational Fund

**Statement of Cynthia Valenzuela Dixon
National Director of Litigation**

**Press Conference re: Desegregation Ruling
on Tucson Unified School District
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My name is Cynthia Valenzuela Dixon and I am the National Director of Litigation for the Mexican American Legal Defense and Educational Fund (MALDEF). It is fitting today, on the day that we celebrate the birth of Martin Luther King, Jr. and his receipt of the Nobel Peace Prize for his non-violent work to end racial segregation, that we announce the filing of a Notice of Appeal, the first step in the process to appeal the federal court order terminating the desegregation decree in the Tucson Unified School District.

The Latino educational experience has long been marked by persistent segregation and racial isolation. The legal struggle against the segregation of Black and Latino students began more than a half-century ago in *Mendez v. Westminster*, a precursor to the landmark *Brown v. Board of Education* case that held that “in the field of public education the doctrine of separate but equal has no place.”

The same legal struggle began in Tucson in 1974, with the filing of the *Fisher/Mendoza* case. Prior to 1951, the Tucson Unified School District complied with a 1912 Arizona State statute that required segregation of Black elementary and junior high students from students of other races. As a result, the school district engaged in segregative and discriminatory actions. In 1951, Arizona made segregation permissive rather than mandatory.

The *Mendoza* case was filed to combat the effects of TUSD’s intentional segregation.

In 1978, after a federal court judge found intentional segregation, the case was settled. The settlement agreement required the District to eliminate the vestiges of past discrimination by employing specific remedies including the reassignment of students through voluntary and mandatory busing, and the closing of segregated schools. The court retained jurisdiction to monitor compliance with the agreement.

As a result of the agreement, I was bused across the city to attend junior high and high school. Every school day, I left behind my mostly Latino and Black working class neighborhood on the west side. Twenty to thirty minutes later, I stepped off the bus in the heart of the City, directly across the street from the University of Arizona. For me, that University was a symbolic and daily reminder that college was within my reach.

At Mansfeld Junior High, I met children of all different races. In my second year there, I ran for student council president. Being elected president by a majority of my diverse peers meant something more to me than simply presiding over the student body. Without ever being told, I knew that winning the election symbolized a triumph over racial and ethnic boundaries.

At Tucson High School, I took Advanced Placement and Honors classes taught by professors from the University across the street. This opportunity, sadly, would not have been available to me at my neighborhood high school.

My inspiration for becoming an attorney came from a pre-law class taught by a teacher who cared enough to expose and connect her students to real world experiences. Through her class, I met attorneys who looked like me, who came from backgrounds like mine, and I understood that I could accomplish the lofty goal of becoming a lawyer.

My passion for equality and justice was formed, in part, from my experience as a child of integration.

Today, over thirty years later, my former school district has failed to fully desegregate its schools. Now, as the Director of Litigation for MALDEF, I have the honor and privilege of defending the desegregation decree. I represent parents who have the same aspirations as my parents had for me: a quality education, a connection to opportunity, and a path to success.

Shortly before Christmas, the federal judge assigned to enforce compliance with the desegregation decree, granted TUSD's Petition for Unitary Status. That means that the court found that whereas once the district operated two separate systems: one for Anglos and one for minorities, the district now operates one integrated school district.

The facts disprove the Court's conclusion. In fact, one-third of the minority students in the District attend schools that are 90% or more Minority, and almost 70 % of the schools in the District do not comply with established desegregation standards. Faculty assignments are similarly racially skewed. This is not happening by chance. TUSD has intentionally granted student transfers that create "one-race" schools. Indeed, the District Court found that TUSD transferred students in direct contradiction of the goals of desegregation and equality for all students.

In denying the District's Petition to open a middle school on the DMAFB, the Court found that "if the petition was approved, TUSD would create two racially identifiable schools: Naylor would be a minority school, and Smith would be non-minority." The Court went on to say that "it is highly suspect for TUSD to carve out a separate non-minority educational system for a group of these students that are predominantly non-minority. *Fisher/Mendoza* was a desegregation case, which at its core is based on the principle that separate schools will not provide equal education."

Segregated schools are almost always segregated in multiple dimensions - race, poverty, and language ability. Segregated schools generally have fewer course offerings, fewer connections with colleges, unstable student enrollment, high faculty turnover, and many other things that combine to create unequal educational opportunities. Consequently, test scores and graduation rates are lower and drop-out rates are higher in segregated schools.

Among the most cherished American values, and at the very foundations of our constitutional principles, are racial tolerance and an abiding belief in and commitment to equality. Integrated schools advance these democratic values.

This is a school district with great potential with extraordinary and valuable racial and cultural diversity. Through this appeal to the Ninth Circuit Court of Appeals, the *Mendoza* Plaintiffs seek the fulfillment of this potential.

We hope and expect that the Court of Appeals will agree with us that the District must remain under court order to integrate its schools until it has met its obligations to provide an equal education to all TUSD students.

Today's celebration of MLK Jr. is more than a remembrance of the man himself. It is a reminder of where we hope to be as a country, and the principles of fairness, opportunity, and equality for which he stood, and for which MALDEF stands today.