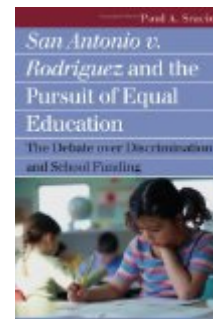


Paul A. Sracic. *San Antonio v. Rodriguez and the Pursuit of Equal Education.* Lawrence: University Press of Kansas, 2006. xii + 169 pp. \$15.95, paper, ISBN 978-0-7006-1484-4.



Reviewed by Anthony Quiroz

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This book merits both high praise and a measure of criticism. While the author presents a tightly organized, crisply written account of the *Rodriguez* case, he also fails to offer substantial historical context. On one level, this fact does not interfere with his legal interpretation of the case. Author Paul A. Sracic masterfully traces the chronological trajectory of the *San Antonio v. Rodriguez* case (hereinafter referred to simply as *Rodriguez*) from beginning to end. But the author focuses too myopically on both the facts of the case and the legal ramifications of the U.S. Supreme Court's ruling in 1973. In so doing, he fails to situate the case in its proper historical milieu, giving readers a tightly written, fact-driven perspective of the case, while overlooking historical sources that could have helped to produce a richer, more explanatory book.

Sracic commendably links the *Rodriguez* case to preceding and subsequent events. He shows how the *Rodriguez* case was part and parcel of a larger national effort, in the aftermath of *Brown v. Board of Education* (1954), to bring about equal funding for poor school districts. Chapter 1 traces

national debates about the significance of education for the public good back to the nation's founding. James Madison believed that education was necessary to prevent the domination of the country by self-interested factions, although he also believed that education should remain a private matter. Benjamin Franklin, too, thought that education for all citizens would help promote a common identity, but he believed that provision of such was the responsibility of the state. Through all the philosophical wrangling, however, education was never explicitly named as a fundamental right in the Constitution, a fact that would play an important role in later litigation.

The following three chapters establish the background of the case itself. Showing how angry parents of Edgewood students rallied for change following a student walkout on May 16, 1968, Sracic explains how the case fell into the lap of San Antonio attorney Arthur Gochman, who argued the case all the way to the Supreme Court. Recognizing the challenges presented in the case, Gochman smartly realized that he stood a better chance of victory if he could bring the case before

a three-judge federal panel. Hence he included Crawford Martin, attorney general of the state of Texas, as a co-defendant. Martin was included because he oversaw the administration of the laws in the state. In sharing this compelling story, the author neatly explains the complicated legal ramifications of the case, in which Gochman tied wealth to race to show that in Edgewood, poor Hispanics were being denied reasonably equal funding for their schools compared to surrounding wealthier school districts which were comprised of wealthier Anglos. By tying wealth to race, Gochman argued that current funding strategies denied Edgewood children an equal education as guaranteed under the Fourteenth Amendment. The three-judge panel ultimately found in favor of the plaintiffs and wrote that wealth was a suspect classification, thereby forcing the state to demonstrate a compelling interest in maintaining the status quo, which it could not. But the state of Texas, rather than hang its head in defeat, appealed to the U.S. Supreme Court.

The subsequent five chapters center on the presentation of the case to the Supreme Court, and its decision to overrule the lower court decision by finding for the state of Texas. The primary intellectual focus of this section is Justice Lewis Powell, who Sracic casts as the important "swing vote" in a 5-4 decision. One pillar upon which Gochman had built his argument involved a California case, *Serrano v. Priest* (1971), in which the California Supreme Court had, as with the original *Rodriguez* case, found wealth a suspect classification and inferred that the equal protection clause of the Fourteenth Amendment implied the right to an equal education, which could only be provided by ensuring relatively equal funding. But Powell and four others thought otherwise. To the Supreme Court justices, education was never considered a fundamental right. Beyond this, the five justices never allowed that equality of funding was tantamount to equality of results. In other words, putting the same amount of money into

various districts did not always guarantee the same quality of outcomes.

The final two chapters and conclusion argue that the salience of *Rodriguez* was manifold. First, it entrenched the notion of judicial federalism (arguing that states had the right to offer freedoms that extended beyond the scope of the federal Constitution) as championed by Justice Powell. Further, it led to a plethora of litigation both in Texas and across the country as various constituencies sought changes to their public-school funding formulas. In the end, the *Rodriguez* decision even affected the reasoning involved in abortion cases. As such, Sracic argues that *Rodriguez* is of vital importance, not just in its own right, but because of its long-lasting legal ramifications.

But even Texas, where *Rodriguez* began, remained embroiled in education struggles well after the Supreme Court decision in 1973. In 1984 several of the parents involved in the *Rodriguez* case were joined by sixty other school districts in filing suit against the state of Texas, motivated by language in the state's own constitution, which reads in part, "all men ... have equal rights" and, in Article VII, section 1, "a general diffusion being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of free and public schools" (p. 127). In this instance, even the Texas State Supreme Court (itself no bastion of liberal thought) found that districts were funded unfairly according to the Texas constitution. In the end, a law passed by the legislature to deal with educational funding inequities was overturned because it instituted a mandated state property tax that the voters had not approved, and which in and of itself amounted to a state income tax which was (and still is) anathema in Texas. Thus, Sracic persuasively and cogently presents a compelling argument as to why *Rodriguez* was indeed such an important case.

What, then, is there to criticize about the book? The book suffers from insufficient use of the secondary literature, which sometimes leads to inaccuracies and underdeveloped historical context. For instance, the editor asserts, "Nor was discrimination against Mexican American children formally based on race. Texas did not segregate Mexican Americans (as it did African Americans)" (p. vii). This would be news to the historians and educationists who have studied the history of Texas's three-tiered school system, which created and paid for separate schools for Anglos, African Americans, and Mexican Americans. Even cursory attention to a handful of key texts in Mexican American history would tell a very different story.[1]

As early as the first decade of the century, educators placed Mexican Americans in separate "Mexican schools." School officials posited that these children suffered from language deficiencies which would slow down the pace of instruction in all-English speaking classrooms. This argument was given the lie, however, in the landmark *Delgado v. Bastrop ISD* case of 1948 in which federal judge Ben Rice found that segregation of Mexican American children on the basis of language deficiencies was unconstitutional. Attorneys for the plaintiffs asked Bastrop ISD officials whether the presence of "slower" Anglo students did not slow the pace of instruction as much as the presence of, presumably, language-deficient Mexican Americans. In the end Rice issued a court order demanding that separate educational facilities for Mexican Americans be closed. He allowed that Mexican American children could remain segregated only for the first year of education and only after being individually tested to prove a language deficiency. Indeed, Minerva Delgado, the student whose name appears as lead plaintiff in the case, spoke perfect English. So determined were Texas school officials to maintain segregated facilities that they continually changed their rationale for sustenance of segregation, moving from language deficiencies, to arguing for neighbor-

hood schools (centered on neighborhoods that were already segregated), promoting a "local control" philosophy, among other strategies. So ingenious were school authorities that even after the Delgado decision, attorneys continued filing suits in various school districts into the 1950s. Litigation ended, not because school districts finally saw the light, or stopped fighting such cases, but because funding for attorneys ran out. Most such cases were underwritten by civil rights groups such as the League of Latin American Citizens, and the American GI Forum. But both groups always lived a hand-to-mouth existence and continued litigation emptied their coffers.

Further, Sracic fails to appreciate the fact that the student walkout of May 1968 in Edgewood ISD mirrored similar actions around the nation. Such "blowouts," as they were called, began in East Los Angeles a couple of months earlier and continued in places such as San Antonio, Denver, Houston, and other locations well into the early 1970s. Indeed, just as with the students in Edgewood, these demonstrations linked student discontent with second-rate educations with resistance to the Vietnam War, which was claiming minority lives in disproportionate numbers. So the Edgewood issue did not occur in a vacuum. It was part of a larger national movement for Mexican American civil rights that occurred in the 1960s and 1970s.[2]

These criticisms do not make Sracic's book a failure. He clearly shows the legal trajectory of the case from inception to conclusion. Along the way he lucidly explicates the complex tangle of legal consequences stemming from *Rodriguez*. Scholars across regions and disciplines must speak to each other and seek each other's input. Indeed, the editor's preface presciently notes the tendency in U.S. constitutional law to place things in "little boxes" such as "equal protection," or "free speech" (p. vii). And that is the primary weakness of this book. It has placed this landmark case in its own "little box" that ignores broader outside influences. After all, it is not as though the

parents in Edgewood just woke up one morning and decided to file suit. There had been a long tradition of legal struggles in Texas over educational discrimination. This was just another chapter in that long, seemingly unending, story.

Notes

[1]. For example, see Rodolfo Acuna, *Occupied America: A History of Chicanos* (New York: Pearson, Longman, 2004); Carl Allsup, *The American GI Forum: Origins and Evolution* (Austin: Center for Mexican American Studies, 1982); Arnolde De Leon *Ethnicity in the Sunbelt: A History of Mexican Americans in Houston* (Houston: Mexican American Studies Program, 1989); Richard A. Garcia, *Rise of the Mexican American Middle Class: San Antonio, 1929-1941* (College Station: Texas A&M University Press, 1991); Gilbert O. Gonzalez, *Chicano Education in the Era of Segregation* (Philadelphia: The Balch Institute Press, 1990); Guadalupe San Miguel, *Brown Not White: School Integration and the Chicano Movement in Houston* (College Station: Texas A&M University Press, 2001); and Carlos Blanton, *The Strange Career of Bilingual Education in Texas, 1836-1981* (College Station: Texas A&M University Press, 2004), among others. To be sure, Sracic acknowledges Guadalupe San Miguel's groundbreaking "*Let All of them take Heed:*" *Mexican Americans and the Campaign for Educational Equality in Texas, 1910-1981* (Austin: University of Texas Press, 1987), as well as the LULAC and American GI Forum websites. But these are too few sources to properly ensconce Sracic's powerful story in a substantial historical environment.

[2]. See Acuna, *Occupied America*, as well as Ignacio Garcia, *United We Win: The Rise and Fall of La Raza Unida Party* (Tucson: University of Arizona Press, 1989); Matt S. Meier and Feliciano Ribera, *Mexican Americans, American Mexicans: From Conquistadors to Chicanos* (New York: Hill and Wang, 1993); and Anthony Quiroz, *Claiming Citizenship: Mexican Americans in Victoria, Texas*

(College Station: Texas A&M University Press, 2005).

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