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SCHOOL DESEGREGATION IN PORT ARTHUR: THE BATTLE BETWEEN THE COMMUNITY, THE BOARD, AND THE JUSTICE DEPARTMENT

By Tina M. Kibbe

On May 17, 1954, the United States Supreme Court, in the landmark decision of *Brown v. Board of Education,* unanimously declared the concept of separate-but-equal unconstitutional in the field of public education, thereby presenting a racially divided nation with the task of desegregating its public schools. The Court considered criteria beyond physical facilities and other tangible assets of black and white schools. Even if black and white schools had substantially equal buildings, curricula, classroom materials, teacher qualifications, and equal salaries, segregation itself nullified equal educational opportunities. Therefore, separate educational facilities were "inherently unequal."[1] In the words of Chief Justice Earl Warren, the separation of black children from other children based on race "generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."[2]

Despite the magnitude of the decision, the initial response of much of the country was relatively calm, no doubt because of the Court's failure to spell out a specific procedure or timeline as to how and when desegregation was to occur. An attempt by the Court to clarify matters in 1955 in a decision known as *Brown II* was not particularly helpful. It instructed school districts to admit children to public schools on a racially nondiscriminatory basis "with all deliberate speed."[3] The vague nature of this statement loomed over the desegregation controversy for years, and it was quickly translated by many Southerners to mean stall, delay, and, in the most conservative sense, never. *Brown II* ordered the lower courts to ensure that children were admitted to public schools on a racially nondiscriminatory basis. Although the *Brown* decisions set in motion a gradual process of desegregation that was to be mediated by the courts, implementation of the decree was left largely in the hands of the offended party, inasmuch as the method of accomplishing desegregation was left to individual school districts. The Port Arthur Independent School District, along with thousands of other school districts, continued to operate a dual system of education until forced to do otherwise.

Port Arthur, Texas, was founded by Arthur E. Stilwell, a Kansas railroad promoter who wanted to establish a railroad from Kansas City to the Gulf of Mexico. Stilwell began settling the city in 1895 and it was incorporated in spring 1898 with more than 860 residents. By that time Stilwell had established the Port Arthur Channel and Dock Company, which began cutting a canal along the western edge of Lake Sabine to the deep water at Sabine Pass. After the Spindletop oil strike in 1901 Port Arthur became home to several major oil companies, and by 1914 it was the second largest oil refining point in the country.[4]

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By 1950 Port Arthur's population had increased to 57,530, of which seventy-six percent was white and twenty-four percent was non-white.[5] Oil refining remained the economic foundation of Port Arthur throughout the first half of the twentieth century, with five refineries in the area employing approximately 12,000 workers whose salaries accounted for about half of the money spent at Port Arthur businesses.[6]

As in most cities and towns, the local newspaper both reflected and determined public reaction to controversial issues. The response of the *Port Arthur News* to the Brown decision was calm, reporting that the city was taking the desegregation ruling in stride and that "school board members, PTA leaders, and white and Negro citizens generally were declining to get excited." School Board President Lynn Strawn said that the decision was like "death and taxes and here to stay," but he hastily added that Port Arthur would have no problem "because of the good, solid [African American] citizens" who lived on the West Side. Sounding rather paternalistic, school board member Fred Wilson expected little change, because, he said, "our colored people have good facilities" and would most likely prefer "to attend their own schools anyway." Perhaps seeing matters a bit differently, Dr. J.B. Mathews, an African American physician, acknowledged that the decision was "a far-reaching one" that was "long overdue," but cautioned that its resolution would "depend on the patience and tact of both races."[7]

After the State Board of Education directed local school boards to study appropriate methods for implementing the Court's decision, the Port Arthur Independent School District (PAISD) Board of Trustees adopted a grade-a-year plan based upon a study done by the board's public relations committee, all of whom were white. This committee urged authorities in public schools to support the "law of the land" and to establish a system for admitting students to public schools on a racially nondiscriminatory basis as soon as practicable. Lest anyone assume this meant swift desegregation, the committee promptly reassured everyone that there would be no change in the operation of schools in the 1956-1957 school year and that attendance zones would be established along geographical lines similar to those already in existence.[8] Hence, the plan adopted by the school board would begin the desegregation process in the 1957-1958 school year by admitting students to kindergarten and first-grade classes on a racially integrated basis. All grades above the first would continue to be segregated racially until after the board had gained experience with the operation of the partially integrated program. The plan also allowed kindergarten and first-grade students living in an area predominantly occupied by people of another race to transfer freely to a school attended predominantly by students of the same race.[9]

Even this modest step toward desegregation was derailed when the Fifty-Fifth Texas Legislature passed House Bill No. 65, which stipulated that any district voluntarily integrating without an election called by petition of more than twenty percent of the qualified voters would receive no state funds.[10] Since there had been no petition for such an election in Port Arthur, the district

was forced to delay its plans for desegregation and to continue operating a dual system comprised of three black elementary schools, seven white elementary schools, one black junior-senior high school, three white junior high schools, and two white high schools.[11]

In 1962 Texas Attorney General Will Wilson became involved. Based on the *Brown* and *Boson v. Rippy* decisions, Wilson believed that the provision of the state law requiring an election prior to the abolition of a dual public school system was unconstitutional.[12] So, faced no longer with the threat of a loss of funds, the PAISD trustees again adopted a grade-a-year plan of integration to begin in the 1963-1964 school year. After a sufficient amount of time, the plan was to be reevaluated to determine if it could be accelerated.[13] That evaluation occurred in 1965, and the trustees agreed to speed the process by integrating students in kindergarten, first, second, and third grades at the start of the 1965-1966 school year.[14] But this modest acceleration, based upon new policies issued by the Office of Education under Title VI of the Civil Rights Act of 1964, was inadequate. The board was under pressure to integrate PAISD fully by 1965-1966, a step that members were unwilling to take because of alleged administrative problems. Consequently, the board decided to fully integrate the district over the next two school years.[15]

The new plan called for grades kindergarten through six to be integrated based on a single non-racial system of attendance zones, while the ninth-grade would be integrated based on "freedom of choice" for the 1965-1966 school year. The next year grades seven through twelve would be integrated based on freedom-of-choice as well. The trustees asserted that questions of race, color, or national origin had not been taken into account in establishing attendance zones, nor would they be in the future. With the freedom-of-choice plan, parents could choose the school that their children would attend. Information explaining the new plan and a choice-of-school form was to be sent to parents whose children would be affected. Except in cases of overcrowding, the district also stated that no choice would be denied.[16]

Implementation of the freedom-of-choice plan continued until 1968, when the Region VII Office for Civil Rights of the Department of Health, Education, and Welfare (HEW) sent the first of two review teams to the district. HEW informed PAISD that its desegregation plan was not satisfactory and that it had thirty days to adopt a plan that would achieve an integrated, unitary school system. HEW called for more integration of teachers throughout the district because the current level did not meet minimum HEW standards. PAISD responded somewhat defiantly by letter on June 13, 1968, stating that it was the opinion of the board that much progress had been made in meeting its obligations of education and integration in Port Arthur.[17]

In July 1968 HEW again emphasized that PAISD had not addressed the total elimination of all vestiges of the dual system because it continued to operate six schools attended solely by black students. As a result, on August 15, 1968 HEW sent a second team to investigate which also found that the extent of faculty integration still did not meet minimum HEW standards.[18]

Superintendent Clyde Gott rather dismissively asserted that the district's perceived noncompliance was due to a misunderstanding between PAISD and HEW due to a number of personnel changes at HEW.[19] And with that the district continued to operate as it had until May 1970, at which time HEW referred the issue to the Department of Justice for litigation.[20]

On August 7, 1970, the Department of Justice filed a complaint against the Texas Education Agency (TEA) and several school districts, including Port Arthur, under Section 407 of the Civil Rights Act of 1964, 42 U.S.C. § 2000c-6, and the Fourteenth Amendment. The Justice Department argued that school districts were still operating dual-race systems and demanded an end to such practices. The United States District Court in Tyler, Texas, entered an order requiring the United States and the defendants to file their respective desegregation plans by August 24, 1970. PAISD filed a motion for a change of venue, requesting that its portion of the case be severed and moved to Beaumont, Texas. The motion was granted on August 14, 1970.[21]

Following a hearing on the merits of the case, the United States District Court for the Eastern District of Texas in Beaumont entered an order on September 15, 1970, requiring PAISD to develop and maintain a unitary school system. The order further required the district to implement immediately a student attendance desegregation plan; to have the black and white teacher and staff ratio at each school substantially the same for the district as a whole; and to conduct all future school construction, consolidation, and site selection so that there could be no recurrence of a dual system once the desegregation plan was in place.[22]

The court denied the student assignment plan sought by the Department of Justice and approved the plan of PAISD, which contained adjusted, or racially neutral, attendance zones, majority-to-minority student transfers, and the closing of one school. The court conceded that a small number of one-race schools would remain in existence, but it determined that the racial characteristics of those schools were due solely to community housing programs and were not tied to the former dual system. The order specified that the plan would be put into effect on September 21, 1970, and the court would retain jurisdiction over the matter.[23]

To comply with the order, the district began reassigning faculty to ensure that the black and white teacher and staff ratios were substantially the same throughout the district. In 1970, Dolores Williams and six other black teachers were moved from all-black Carver Elementary to Tyrrell Elementary, which was mostly white. Williams, a physical education teacher who had been with PAISD for six years, recalled that the white teachers barely spoke to the black teachers, and that many white teachers even refused to sit near them in faculty meetings. The white teachers were also extremely critical of the black teachers. Williams stated that some white faculty members chose to resign from PAISD rather than be reassigned to an all-black school. Although she had a tough first year, Williams believed that the second and subsequent years were much improved because the apprehension of both the black and white faculty

gradually dissipated, easing the tension with each passing year.[24]

One year after the initial court-ordered desegregation plan of the PAISD, the United States Supreme Court decided the case of *Swann v. Charlotte-Mecklenburg Board of Education.* This decision not only offered guidelines for desegregating schools, but also granted federal courts the right to fashion immediate desegregation remedies, including large-scale busing and racial-balance desegregation plans. The decision stated that in any district where one-race schools continued to exist, it was the burden of that district to prove that the "dual assignments [were] genuinely non-discriminatory."[25] Subsequent to the *Swann* decision, the United States Fifth Circuit Court of Appeals recognized that desegregation plans that retained single-race, or virtually single-race schools, must be reevaluated because the existence of these schools was unacceptable where other alternatives were available.[26]

On October 22, 1979, a representative of the Department of Justice met with PAISD's attorney and the district's coordinator of pupil and personnel services to explain the steps the district would need to take with respect to student assignment to meet current desegregation requirements. The Department of Justice, complaining that five schools – Wheatley, Franklin, Carver, Washington, and Lincoln – were racially identifiable, notified PAISD that it expected the district to develop a student assignment plan that would dismantle the former dual system. The PAISD school board requested permission from the Justice Department to hire an expert to evaluate the district, using a "programmatic approach" to develop the student assignment plan. According to PAISD, this was necessary because the district would lose most of its white students if the new plan were implemented without a strong emphasis on programs.[27]

On January 28, 1980, the Department of Justice filed a Motion for Supplemental Relief, alleging that the court order in 1970 failed to disestablish the dual-race school system and that PAISD was essentially operating as many one-race schools as it had before September 15, 1970. Unless ordered to do so by the court, the Justice Department insisted that the district would continue to operate a large number of single-race schools, which violated federal law and the constitutional rights of the students attending those schools. Justice also held that PAISD continued to assign faculty and staff to schools in violation of the court's order and the requirements of *Singleton v. Jackson Municipal Separate School District.* To support its argument, the Justice Department furnished statistics showing that Lincoln, Washington, Carver, Franklin, and Wheatley remained over ninety-four percent black, while Travis, Sims, Lee, Tyrrell, and Houston each were over ninety percent white.[28]

On March 12, 1980, in response to the Justice Department's allegations, the PAISD trustees unanimously voted to appoint a multiracial Citizens Advisory Committee composed of four blacks, four whites, two Hispanics, and one Vietnamese. The committee's purpose was to study the plan of desegregation from 1970 to determine whether it should be left intact or modified. The committee held ten meetings, the first four of which were closed to the

public. The first public meeting took place on May 12, 1980, and its purpose was to hear the opinions of the community on desegregation. Thirteen speakers addressed the committee, and a majority opposed busing and objected to sending children from the same family to different schools.[29]

The Citizens Advisory Committee unanimously adopted a report on June 15, 1980. Tools of desegregation such as pairing, clustering, non-contiguous zoning, gerrymandering, and busing were rejected because the committee believed they would accelerate "white flight" and would have minimal lasting effects in achieving integration.[30] On June 23, 1980, the Board of Trustees unanimously adopted the recommendations of the committee, although trustee Alfred Z. McElroy, an African American, had some reservations. He doubted that white flight was as much of a problem in Port Arthur as the district contended, called the magnet school concept "a farce," and objected to the use of the term "integrated educational quality" regarding the magnet school program. McElroy also frowned on the interdistrict programs recommended by the committee, citing statements of school superintendents from nearby Nederland and Port Neches that their districts would not participate in such a plan.[31]

An evidentiary hearing was held by the United States District Court for the Eastern District of Texas in Beaumont on October 8-10, 1980. The United States and PAISD both presented evidence relating to the school system, its facilities, the racial composition of the student body, faculty, and staff within the district, and its various schools. The Justice Department offered four options for desegregating PAISD, using the traditional methods of clustering, zoning, pairing, and non-contiguous zoning.[32] Justice wanted 6,000 of the approximately 11,000 students within PAISD bused to achieve better integration.[33] PAISD countered, proposing to close one traditionally white school (Sims) and two traditionally black schools (Carver and Wheatley). In addition, PAISD offered to redraw student attendance zone lines to promote integration at DeQueen, Sam Houston, Tyrrell, Travis, and Lee schools, and to create magnet schools at the traditionally black schools of Washington, Franklin, Wilson, and Lincoln.[34]

The district court rendered its decision on April 27, 1981, finding no need to modify the order from 1970. The court rejected the plan for busing submitted by the Justice Department and approved PAISD's proposed magnet school program and the closure of two elementary schools. The court did note, however, that there was evidence that racially identifiable schools continued to exist in the district. Moreover, while PAISD had not maintained strict compliance with the *Singleton* ratio, the order of 1970 had required only that the ratio in each school be "substantially" the same as that of the district at large, a requirement with which PAISD had made a good faith effort to comply.[35]

The Justice Department and PAISD reached a settlement that was approved by the Fifth Circuit Court of Appeals on March 1, 1982. In the stipulation attached to the case, PAISD was to create magnet schools, alter grade structures, close and consolidate schools, and reassign students. In addition, the district was to redraw attendance zones, provide for majority-to-minority trans-

fers, integrate faculty assignments, plan for additions to the desegregation plan in subsequent years, and file reports with the court to account for its actions, with notice provided the United States.[36] PAISD filed its annual reports per the stipulation until 1992, after which there was an eight-year lapse.

In 1994 the NAACP complained that PAISD was not doing enough to integrate its faculty. Raymond Scott, chapter president, asserted that the ratio of teachers did not reflect the schools' racial composition, thereby failing to furnish the students with racially diverse positive role models. The PAISD superintendent disputed these claims, pointing out that forty-six percent of the district's total staff was African American.[37]

In May 1998 state comptroller John Sharp recommended that the district explore the feasibility of seeking a release from its desegregation order by forming a task force to study removal of the order and to draft plans for continuing integration within the district. The Sharp report noted that the Summit magnet programs had been hampered by the desegregation order. Furthermore, the money mandated for use in these programs could be better used to improve the existing programs in every school instead of a selected few.[38]

In response to the Sharp study, the PAISD trustees formed a Citizens' Task Force to develop recommendations to proceed with the desegregation of the district and to obtain unitary status. The task force had approximately 100 members and was divided into two committees. One committee was to explore the issue of consolidating the high schools and the other was to look into the Summit/Vega magnet programs. By December 2000 the Summit/Vega Committee had completed its work and unanimously approved its recommendations. The Consolidation Committee was continuing its discussions, and although no final decision had been made, the consensus was that a bond election would definitely be required with possible figures ranging from $58 million to $174 million.[39]

While conducting a periodic review of the district, the Justice Department toured the district's facilities and met with PAISD officials on September 25-29, 2000. Justice reported that the district had not complied with its legal obligation for the closing of one high school once enrollment reached 2,800. In addition, PAISD had violated the spirit of the order by altering and manipulating school capacities without court approval and without proper consideration of desegregation concerns. The Justice Department also noted that the requirement to enforce zone lines had not always been respected by the district and several transfers had been approved without proper documentation.[40]

The Justice Department was most critical of Wilson Middle School because it had been maintained as a sub-standard facility and allowed to deteriorate to a deplorable state. According to Justice, the school's condition was evidence of the district's failure to live up to its desegregation responsibilities. While some cosmetic improvements had been made before the Justice Department's visit, the efforts could not hide the years of obvious neglect. When federal officials inquired about rank odors in the basement, they were told that the smell could not be removed without replacing the bathroom floors

because the odors had been allowed to seep into the tiles. Wilson was also supposed to be converted to a magnet school to attract an integrated student body. Instead, a magnet program had been implemented, keeping Summit students largely segregated from the general Wilson student population and minimizing the magnet's impact on integrating the school, which resulted in the school remaining ninety percent black.[41]

The Citizens' Task Force submitted its final report on March 15, 2001. The Summit/Vega Committee recommended the discontinuation of Summit II and III as desegregation tools primarily because they were not cost effective. Instead, the committee proposed to merge the best aspects of and adequately fund Summit II and III, thus providing an expanded accelerated program. The Consolidation Committee recommended: one high school, two middle schools, one combination elementary/middle school, two intermediate schools, and six elementary schools. Also recommended was the closure of Lamar, Sims, and Wheatley.[42]

As plans for high school consolidation began to develop, residents of the Port Acres area of the district became increasingly upset. Eager to save their local high school, they formed two groups – the Port Acres Concerned Citizens for Better Education and the Port Arthur Social Justice Committee. Most parents in Port Acres wanted the district to seek a modification of the desegregation order to allow all three high schools to remain open. In support of their position, they cited numerous studies showing that smaller neighborhood schools offered better educational opportunities to at-risk students.[43]

In May, Port Acres resident Chris Underhill complained to the school board that the task force had been "stacked all along" and that only two trustees had made a genuine effort to appoint a diverse group of individuals to the Consolidation Committee. He added that the decision had been rushed because of an unrealistic deadline, and he alleged that citizen input had been limited. Although the committee presumably wanted to hear from local residents, it had nonetheless restricted "two-way communication" at the meetings. Finally, Underhill concluded that the recommendation was not "student-centered." Thus, he announced his opposition to any bond issue. Obviously unswayed by Underhill's remarks, trustees voted five-to-two to accept the task force's recommendations, subject to approval by the Justice Department.[44]

The PAISD school board met on Monday July 30, 2001, to vote on the submission of the consolidation plan. The five trustees present all voted to submit the plan to the Justice Department, thereby setting the course to move the district from three high schools to one by August 2002. A letter from absent trustee Mattie Londow registered her opposition to the plan because it sought to change the district from the top down. She advocated reorganizing attendance zones and campus use from the bottom up. Trustee Willie Mae Elmore agreed that the transition plan was not perfect, but believed that it provided a good starting point for dialogue between the board and the Justice Department.[45]

Negotiations between PAISD and the Justice Department began in

October 2001. Justice approved the portion of the district's plan to consolidate its high schools and subsequently filed a motion with the district court. The joint decree was approved by the PAISD trustees by a five-to-two vote, with trustees Samuels and Londow again dissenting. In accordance with the decree, the district was required to select a new name for the high school with a new mascot and color scheme. PAISD was also to develop a plan for recognizing and honoring the history of each of the existing high schools within the newly consolidated high school. Furthermore, the district was required to retain an outside expert with training and expertise in the education of diverse populations to provide mandatory sensitivity training to the faculty and staff.[46]

On October 15, 2001, attorneys filed three motions on behalf of the residents living in the Port Acres area. The first asked that they be allowed to intervene in the lawsuit by becoming a plaintiff; the second requested a temporary restraining order to delay the implementation of the plan; and the third sought a permanent injunction against the plan. At a hearing on November 2, 2001, Port Acres parents testified that the current proposal would lead to "burdensome busing, devalue the city's property, and create a high school too large for students to thrive."[47] However, the court decided that the plan proposed by PAISD would advance desegregation and further the goal of a unitary school system, and so the motion presented by the residents of Port Acres was denied. The court did not consider itself a proper forum for a rematch between proponents and opponents of consolidation.[48]

Following the court's approval of consolidation, several Port Acres parents transferred their children out of PAISD. By February 2002 twenty-five students had gone to the neighboring Sabine Pass district. Dr. Louis Reed, PAISD interim superintendent, noted that the district lost $4,250 for each student who transferred. Thus, the students who had gone to Sabine Pass cost the district $106,250. By August 2002 eighty-one students had transferred to the Sabine Pass district, costing PAISD $300,000, and thirty-five other students had gone to the Erhart School of Fine Arts, a charter school in Beaumont, at a cost of $75,000 to Port Arthur.[49]

With the high school matter settled, PAISD turned to the remaining schools. Its plan for them called for dividing the campuses into elementary, intermediate, and middle schools. Overall, the plan would move fifty-six percent of students in pre-kindergarten through the seventh-grade to new schools by fall 2002. This was submitted to the Justice Department on March 1, 2002.[50] Two months later the Justice Department expressed serious concerns because desegregation was not adequately considered. According to Justice, the district's plan would actually increase the number of racially identifiable schools from three to five. The plan would also increase transportation burdens significantly by assigning pre-kindergarten through eighth-grade students to four schools as opposed to two schools under the district's current plan. The Justice Department believed that these transportation burdens would be borne disproportionately by African Americans. For these reasons, the Justice Department rejected the proposal.[51]

Justice Department officials visited Port Arthur in June 2002 and made recommendations for further desegregating the district. These recommendations included altering attendance zones, closing schools, and continuing the Summit magnet program at Washington Elementary. Furthermore, Justice suggested retaining the four Head Start Centers and other pre-kindergarten programs, and relocating the district's alternative school to the Austin campus.[52]

Residents of the Port Acres area were once again upset with the suggestions of the Justice Department. The two major complaints were the relocation of the alternative school to Austin and the busing of middle school students to Austin. According to Reed, PAISD had had no input in the plan created by Justice. The district's attorney, Melody Thomas, stated that the Justice Department had not considered academic plans, financial constraints, or community desires of PAISD. The Justice Department countered that it had offered only suggestions.[53]

On June 24 PAISD presented its new plan for reorganization, which contained features of both the Justice Department and district plans. To alleviate overcrowding at Lee Elementary, attendance zones would be altered and students sent to Travis and DeQueen schools. The magnet program at Wilson Middle School would be eliminated as well. PAISD opted to leave Dowling and Pease schools closed, moving those students to the Austin campus to create a pre-kindergarten through eighth-grade school. District officials rejected the Justice Department's suggestion to move students from the alternative center to Austin, sending those students instead to a separate campus at an undecided location.[54]

In order to implement the new plan, PAISD officials proposed an $89 million bond issue to meet its financial needs. The bond proposal addressed only facility needs and did not provide funding in other areas of school operation, such as teachers' salaries, recruiting, and curriculum development. Included in the bond were the rebuilding of DeQueen Elementary and Lee Elementary, the closure of Wheatley, and expanding Memorial High School to accommodate ninth through twelfth grades. All other buildings would be renovated. Trustees voted five-to-zero to accept the bond proposal and scheduled the bond election for February 1, 2003.[55]

The Justice Department again expressed reservations about the district's plan, contending that it failed to promote desegregation. It was apparent, said Justice, that desegregation had not been adequately considered during the development of the bond proposal. Thus, the Justice Department had no choice but to consider opposing implementation of the bond proposal. Justice recognized the district's need for additional funding, but that did not absolve the district of its responsibility to meet federal standards on desegregation. The Justice Department made several suggestions to alter the district's plan to promote desegregation to the fullest extent within PAISD. Trustees voted five-to-one to approve the alternative proposal set forth by Justice.[56]

On February 1, 2003, the bond proposal was defeated by 131 votes. While voter turnout was low and the division close in most areas, the largest

and most decisive reaction came from Port Acres, whose residents voted 607-113 against the bond issue. An editorial in the *Port Arthur News* quoted a jubilant Chris Underhill, who declared that Port Acres' parents had demonstrated that PAISD would never force them to "lower their standards." Moreover, Underhill urged board members to seek immediate reconciliation with Port Arthur's "equally oppressed but loyal West Side community." Due to the failure of the bond issue, the district court dismissed the consolidation plans that it would have financed.[57]

Although the court dismissed the motion for consolidation, the motion of the district to attain unitary status was unaffected. PAISD cited changes in the racial makeup of the district's students since the case had begun in 1970. In the 1969-1970 school year, of the district's 16,511 students, 57.6 percent were white and 42.4 percent black. For the 2002-2003 school year there were 10,542 students, of which 8.2 percent were white, 56.4 percent black, 27.7 percent Hispanic, and 7.7 percent Asian. Furthermore, the motion stated that since the filing of the original lawsuit, removal of all vestiges of racial segregation in student assignment, faculty employment, and other relevant areas had long been accomplished. None of the district's campuses were more than 50 percent white and only two schools had more than thirty percent white students.[58]

PAISD officials and representatives from the Justice Department finally reached an agreement on March 20, 2003. The plan included reopening Dowling Elementary as a pre-kindergarten through fifth-grade campus, adding a middle school at Austin Elementary, moving the Summit II program from Wilson to Austin, and adjusting attendance zones among Lee, Travis, and DeQueen elementary schools. The final plan was submitted to the school board and unanimously approved on March 27, 2003. On May 6, 2003, District Judge Thad Heartfield signed the decree approving the district's plan, which declared that PAISD was successfully desegregated in its transportation, facility construction, and extracurricular activities. The district still needed to desegregate the areas of student and faculty assignments and funding.[59]

Once again PAISD had to come up with funding for the much-needed improvements. Beginning in November 2003 the district established a committee to work on a new bond package. At a meeting on January 8, 2004, to assess district needs, the school board made curriculum and facility improvements the top priorities. The maximum cost of the bond issue was set at $110 million and was divided into three propositions. Proposition 1 was for $10 million to refinance an existing loan. Proposition 2 would provide $43 million to rebuild Lee and DeQueen elementary schools and construct a new early childhood center. The final proposition would allocate $57 million for a new high school to be built at a new location.[60]

To achieve the passage of the new bond package, PAISD officials made a concerted effort to publicize the need of the bond and to explain in detail how the money would be used. The bond election was held on May 15, 2004, and all three propositions passed. Although opposed to the previous bond issue, the NAACP Port Arthur Branch was in favor of the new election, citing new lead-

ership and better planning. The Port Arthur Chamber of Commerce and the Golden Triangle Hispanic Chamber of Commerce also were in support of the new bond package. Once again the two groups from Port Acres were against the bond. Although the members agreed that a bond was needed, they worried about problems associated with transportation and parental involvement. They also criticized the way the bond was put together, noting that a demographer was not used to help with the plans.[61] Regardless of the opposition, PAISD now has the funding to begin renovating the district's facilities and improving its educational environment.

To achieve unitary status in 2005, PAISD must continue to make the best decisions for the children of its community. The board of trustees must also recognize the great importance of its role and afford all children an opportunity to receive a quality education and to create an educational system that is responsive to multiple cultures and to families with fewer economic resources. Furthermore, the board should work together as a whole and with the community to achieve such a system and since the citizens of Port Arthur tend to reelect the same board members, they should support board decisions. The graduates of Port Arthur will be the leaders of the future and should have every opportunity to reach academic excellence. PAISD appears to be making progress, but, given its long history of segregation, vestiges of separate-but-equal may linger for some time.

NOTES

[1]*Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

[2]*Brown v. Board of Education*, 347 U.S. 483.

[3]*Brown v. Board of Education of Topeka*, 349 U.S. 294 (1955).

[4]John W. Storey, "Port Arthur, Texas," *The Handbook of Texas Online*. http://www.tsha.utexas.edu/handbook/online/articles.html; accessed on January 4, 2004; "History of Port Arthur," at City of Port Arthur, Texas http://www.portarthur.net/city_profile.cfm; accessed on April 27, 2004.

[5]U.S. Census, 1950.

[6]Storey, "Port Arthur, Texas."

[7]*Port Arthur News*, May 18, 1954, p. 1.

[8]PAISD School Board Meeting Minutes, June 12, 1956, pp. 230-231.

[9]PAISD School Board Minutes, June 12, 1856, pp. 230-231.

[10]Article 2900a of Revised Civil Statutes of Texas.

[11]PAISD School Board Meeting Minutes, August 13, 1957, pp. 179-180.

[12]Will Wilson, Opinion No. WW-1490, *Texas Attorney General's Opinions, 1962, Opinions Nos. 1232-1518*, 45. In *Boson v. Rippy*, 285 Fed. 2d. 43 (1960), the district court expressed the opinion that the holding of an election under 2900a should not be made a condition of a plan of desegregation.

[13]PAISD School Board Minutes, July 9, 1963, p. 84.

[14]PAISD School Board Minutes, February 9, 1965, pp. 214-215.

[15]PAISD School Board Minutes, August 12, 1965, p. 89.

[16]PAISD School Board Minutes, August 12, 1964, p. 89.

[17]PAISD School Board Minutes, June 18, 1968, p. 117.

[18]PAISD School Board Minutes, August 20, 1968, p. 132.

[19]*Port Arthur News*, August 16, 1968, p. 1.

[20]PAISD School Board Minutes, August 19, 1968, p. 161.

[21]*United States v. Texas Education Agency, et al., (Port Arthur Independent School District)*, No. 81-2257 (5th Cir. 1982), 3295; 42 U.S.C. § 2000c-6 authorized the United States Attorney General to institute federal law suits against public school districts not in compliance with United States segregation mandates. Before the severance, the Carthage, Elysian Fields, Jefferson, Lufkin, San Augustine, and Sulphur Springs school districts joined PAISD as defendants.

[22]*United States v. Texas Education Agency, et al.*

[23]PAISD School Board Meeting Minutes, September 24, 1970, p. 182.

[24]Dolores Williams, interview by the author, Port Arthur, Texas, November 24, 2003.

[25]*Swann v. Charlotte-Mecklenburg Board of Education* 402 U.S. 1 (1971).

[26]*Lee v. Tuscaloosa City School System*, 576 F. 2d 39 (5th Cir. 1978).

[27]Kaydell Wright to Richard LoDestro, October 26, 1979, Desegregation Records of PAISD.

[28]*United States v. Texas Education Agency, et al.*

[29]PAISD School Board Minutes, March 12, 1980, p. 409; April 24, 1980, p. 423.

[30]PAISD School Board Minutes, June 23, 1980, p. 443.

[31]PAISD School Board Minutes, June 23, 1980, p. 443.

[32]*United States of America v. Texas Education Agency, et al.*

[33]Banker Phares to Joe Pitts, August 18, 1982, Desegregation Records of PAISD.

[34]*United States of America v. Texas Education Agency et al.*

[35]Nathaniel Douglas to Banker Phares, January 3, 1982, Desegregation Records of PAISD.

[36]*United States of America v. Texas Education Agency et al.*, p. 3301.

[37]*Port Arthur News*, May 19, 1994, p. 1a.

[38]Port Arthur Independent School District TPR Report, Chapter 2, May 1998.

[39]Task Force Report, Desegregation Records of PAISD, December 12, 2000.

[40]Ross Wiener to Melody Thomas, January 2, 2001, pp. 3-4, Desegregation Records of PAISD.

[41]Wiener to Thomas, January 2, 2001, pp. 5-7.

[42]Citizens' Task Force Final Report, Desegregation Records of PAISD, March 15, 2001, pp. 1-6.

[43]PAISD School Board Minutes, February 22, 2001, p. 333.

[44]PAISD School Board Minutes, May 24, 2001, p. 373.

[45]PAISD School Board Minutes, July 30, 2001, p. 427; *Beaumont Enterprise*, October 11, 2001, p. 1A.

[46]PAISD School Board Minutes, October 11, 2001, p. 459; Joint Motion for Approval and Entry of Consent Decree, October 12, 2001, pp. 8-10, Desegregation Records of PAISD.

[47]Memorandum Opinion and Order Denying Intervention and Granting Motion for Entry of Consent Decree, December 12, 2001, Desegregation Records of PAISD.

[48]Memorandum Opinion and Order, December 12, 2001, Desegregation Records of PAISD.

[49]*Beaumont Enterprise*, August 11, 2002, p. 1A.

[50]PAISD School Board Minutes, February 28, 2002, p. 546.

[51]Wiener to Thomas, May 1, 2002, Desegregation Records of PAISD.

[52]PAISD School Board Minutes, June 11, 2002.

[53]*Beaumont Enterprise*, June 22, 2002, p. 4A; Wiener to Thomas, June 19, 2002, Desegregation Records of PAISD.

[54]PAISD School Board Minutes, June 27, 2002, pp. 628-632.

[55]PAISD School Board Minutes, December 2, 2002, pp. 63-64.

[56]Andy Liu to Thomas, December 24, 2002, Desegregation Records of PAISD; PAISD School Board Minutes, January 6, 2002, pp. 90-100.

[57]*Beaumont Enterprise,* February 5, 2003, p. 14A; *Port Arthur News,* February 10, 2003, p. 5A.

[58]Ethnic Distribution Information, 1969-1970, 2002-2003, Desegregation Records of PAISD. If the district could attain unitary status, it would no longer need the Justice Department's approval for items such as bond issues or attendance zone changes.

[59]*Beaumont Enterprise,* March 21, 2003, p. 12A; March 29, 2003, p. 10A; May 7, 2003, p. 1A.

[60]Bond Proposal of PAISD, Financial Records of PAISD, January 2004.

[61]*Beaumont Enterprise,* May 18, 2004, p. 9A.