



DESEGREGATION IN ARIZONA

In "Another Story of School Desegregation" (ARIZ. ATTORNEY, Sept. 2004), Doug Dunipace writes about the "curious ... dichotomy" that required elementary schools, but not high schools, to be racially segregated. My research indicates that the "dichotomy" reflected the Legislature's belief that, in many school districts, there were too few black high school students to justify the expense of constructing and operating segregated high schools. Even before May 17, 1954, the date of the *Brown* decision, a state could maintain a racially segregated school system only if it made substantially equal provision for both races. *See, e.g., Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938); *Sweatt v. Painter*, 339 U.S. 629 (1950).

Prior to 1951, each local school board was required to "segregate pupils of the African race from pupils of the Caucasian race in all schools other than high schools and provide all accommodations made necessary by such segregation." 1939 Ariz. Code § 54-416(2). High schools could be segregated only if (a) there were at least 25 black high school students, (b) 15 percent of the school electors signed a petition requesting the establishment of segregated high schools, and (c) the proposal was approved at an election. The ballot proposal was required to contain an estimate of the cost of establishing segregated high schools. *Id.* § 54-918. In some districts, there were too few black students to make even elementary school segregation economically feasible, but the Supreme Court of Arizona held, under then-existing statutes, that elementary school segregation was mandatory. *Harrison v. Riddle*, 36 P.2d 984 (Ariz. 1934) (three black students).

In 1951, the law changed. Racial segregation, both in elementary schools and in high schools, became optional with the local school board. 1951 Ariz. Laws ch. 74. I do not mean to take anything away from Bill Dunipace's accomplishments, but without the 1951 statute, and the efforts of those who secured its passage, the TUSD school board would not have had the legal authority to begin operating a fully integrated school system in the fall of 1951.

—John Paul Parks pllc, Ducar, Lorona & Parks, PC, Phoenix

Thanks for publishing the article by I. Douglas Dunipace. My father, J. V. Stroud, was with Tucson Public Schools from 1951 to 1981, first as a teacher and then for 27 years as an elementary school principal. In the mid-1950s he was a white principal at Holladay Elementary School, which but for Bob Morrow's courageous stand in desegregating Tucson Public Schools would have been the second *de jure* all-black school. So I appreciated seeing the article about those events and the role that Bill Dunipace played. Most of Dad's time in the school district was at predominantly minority schools, and he on occasion got in hot water for speaking out on the persistent *de facto* segregation and inequality that led to the desegregation lawsuit of the 1970s. Having grown up hearing about Bob Morrow's bravery, I was disappointed to see the article refer to him as *Morrison*. His name was Robert D. Morrow. The administrative headquarters of what is now known as Tucson Unified School District are named for him. He was an Arizona hero.

—James L. Stroud
Stompoly, Stroud, Glicksman & Erickson, PC, Tucson

Editor's Note: We ran a correction to that effect in our October issue. Thank you to Mr. Stroud and the others who brought this to our attention.

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HARDLY "THE LAST WORD"

"Our Immigrant Nation" (July/August 2004 ARIZ. ATTORNEY, "The Last Word") buries the reality of the illegal immigrant invasion in a cozy fog of clichés. Putting Grant Woods' misty-eyed talk about our plucky forebears aside, the situation we face today bears no resemblance to the era of lawful, controlled immigration from many countries to an American nation that was not a welfare state and insisted on assimilation. The bulk of today's migratory wave speaks a single language, resists assimilation, is geographically concentrated, comes from a contiguous country with historic claims to U.S. territory, and exists largely in defiance of our laws. This is new, and an immense gamble with our future.

For a glimpse of where this sort of thing can lead, see Quebec, the former USSR, Yugoslavia and the Roman Empire. In the shorter term, while business profits from the largest pool of exploited labor since slavery, taxpayers pick up the tab for illegals' medical care, schooling and criminal predations.

(As a former law enforcement official, Mr. Woods should be interested to know that illegals constitute 30 percent of our federal prison population and more than 90 percent of outstanding homicide warrants in Los Angeles County alone. But then, a former Attorney General who derides opponents of what he admits to be *illegal* immigration might not be too fastidious about this sort of thing.)

Mr. Woods mentions none of this. Instead, he reaches into his mental bag of cartoon clip art to lump the opponents of this unprecedented surrender of nationhood with anti-Black bigots and the nativists who once hounded the Irish. In fact, the opposition includes many thoughtful and humane people, from Arizona ranchers to Harvard professors, who have chosen or been forced to confront the unpleasant truths that Mr. Woods ignores.

The world beyond Mr. Woods' nostalgic fog is well documented, if he cares to look. He might start with Harvard Professor Samuel Huntington's new book, *Who Are We? The Challenges to America's Cultural Identity*. As any Arizonan can tell him, "who are we?" is an increasingly urgent question.

—Charles H. Kennedy, Washington, DC