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Cit. For Better Education v. Goose County Sch. Dist.

Appeal from Texas Supreme Court

The issue in this case is whether a school district may adopt a race-conscious rezoning plan in the absence of a showing of prior de jure or de facto segregation.

The Goose Creek Consolidated Independent School District (GCCISD) has two high schools, which for many years were similar in ethnic and racial balance. In the early 1980s, a change in the residential patterns of the surrounding neighborhood began to make itself felt in the schools: one of the schools started to become increasingly Hispanic, the other increasingly white. To prevent future racial and ethnic imbalance, the GCCISD adopted a rezoning plan that explicitly took race and ethnicity into account. Appts challenged this plan, charging that a school district could not constitutionally adopt such a rezoning plan in the absence of a prior history of de jure or de facto segregation. Appts relied especially on this Court's decision in Wygant v. Jackson Bd. of Ed., 106 S. Ct. 1842 (1986), which they interpreted as standing for the proposition that prior discrimination is a necessary predicate of any race-conscious measure. The Texas state courts rejected appts' challenge, stating that although a court could not have ordered the rezoning plan in the absence of a finding of prior discrimination, the school

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district could order the plan without showing that prior discrimination had occurred.

The plan under attack is amazingly sensible. The GCCISD refused to wait and watch while new residential trends effectively segregated the schools. It noted the residential trends, calculated their long-term consequences, and acted to prevent those consequences from taking place. The decisions of the Texas state courts were based, above all, on a recognition of the good sense and fairmindedness of the rezoning plan. Let's hope this Court takes note of the same.

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August 6, 1987

S.L.11, p. 37