LULAC v. Richards: The Class Action Lawsuit that Prompted the South Texas Border Initiative and Enhanced Access to Higher Education for Mexican Americans Living Along the South Texas Border

A doctoral thesis presented by
Ricardo Ray Ortegón
to
The School of Education
In partial fulfillment of the requirements for the degree of Doctor of Education
In the field of
Education

College of Professional Studies
Northeastern University
Boston, Massachusetts
November 2013
Abstract

This case study examined the trials and tribulations a predominantly Mexican-American community in South Texas went through to obtain higher education opportunities for its residents. This study focuses on the *LULAC v. Richards* lawsuit and the South Texas Border Initiative. In 1987, the Mexican American Legal Defense and Educational Fund (MALDEF) filed a class-action lawsuit on behalf of the League of United Latin American Citizens (LULAC) and other Mexican American organizations and individuals. The lawsuit was filed against the State of Texas, claiming that higher education leaders discriminated against Mexican Americans living along the south Texas border by not offering them the same access to higher education opportunities that were offered to residents in other parts of the state. The Texas Supreme Court ultimately heard the case and ruled unanimously against the plaintiffs. The plaintiffs were not successful through the justice system; however, many individuals acknowledge that the lawsuit served as a catalyst for the South Texas Border Initiative. The South Texas Border Initiative refers to a body of legislation passed by the Texas Legislature that provided millions of dollars to support higher education for nine institutions located in south Texas along the Texas-Mexico border. By interviewing individuals involved with the events pertaining to this study and conducting extensive document analysis, this study examines why the lawsuit was filed, how the community pursued higher education opportunities, and how the south Texas region has been impacted by these efforts.

**Keywords:** Higher Education, Mexican Americans, South Texas, LatCrit, Latino/a, MALDEF
Acknowledgements

“La educación, nadie te la quita.” This is something my mother said to me often. The English translation for this is “an education is something no one can take from you.” My mother, Elidia F. Ortegón, is no longer with us, but I want to thank and acknowledge her for being such an inspiration to me and always encouraging me to pursue an education. She will always continue to inspire me.

I want to thank the participants of this study for not only taking the time to meet with me to discuss these important events that brought higher education opportunities to south Texas, but for their involvement in making things happen. Many of the participants were instrumental in getting higher education resources to south Texas, and their efforts have positively impacted the region for generations to come.

I also want to thank Dr. Lynda A. Beltz, my advisor, for the guidance and support provided throughout the dissertation process, as well as my committee members, Dr. Kristal Moore Clemons and Dr. Milton A. Fuentes. My siblings (Veronica, Ruben Jr., Rolando and Cynthia), family and friends (too many to name here) also deserve recognition for all the love and encouragement provided throughout the years.

And last but not least, I want to thank Jeff Salzman. I am so grateful for the love, support and encouragement he provides.
Table of Contents

Abstract........................................................................................................................................... 2
Acknowledgements............................................................................................................................ 3

CHAPTER 1: INTRODUCTION................................................................................................................ 9
  Purpose of the Study.......................................................................................................................... 9
  Statement of the Problem.................................................................................................................. 9
  Significance of the Research Problem.............................................................................................12
  Advocating for Higher Education...................................................................................................14
  Research Questions...........................................................................................................................16
  Theoretical Framework.....................................................................................................................16
    Critical Race Theory......................................................................................................................17
    Interest Convergence Principle....................................................................................................18
    Latino/a Critical Race Theory (LatCrit)......................................................................................20

CHAPTER 2: LITERATURE REVIEW .......................................................................................................22
  Legal Cases Pertaining to Mexican Americans...............................................................................23
    Treaty of Guadalupe Hidalgo (1848).........................................................................................23
    Salvatierra v. Independent School District (1930).......................................................................24
    Mendez v. Westminster School District (1947)............................................................................25
    Hernandez v. Texas (1954).........................................................................................................26
    Keyes v. School District No. One (1973)....................................................................................26
  Public Higher Education in Texas..................................................................................................27
    Funding Public Higher Education in Texas................................................................................28
    Texas Higher Education State Systems’ Governance.................................................................30
    Texas Higher Education Coordinating Board............................................................................31
  Closing the Gaps by 2015............................................................................................................32
History of Higher Education in Laredo, Texas ................................................................. 37
Texas A&I University at Laredo ......................................................................................... 38
Laredo State University .................................................................................................. 39
Texas A&M International University (TAMIU) ............................................................... 39
Texas A&M University System (TAMUS) ....................................................................... 40
Mexican American Legal Defense and Educational Fund (MALDEF) ......................... 41
League of United Latin American Citizens (LULAC) ...................................................... 42
South Texas Border Initiative ......................................................................................... 43

CHAPTER 3: RESEARCH DESIGN ...................................................................................... 45
Research Methodology and Questions ........................................................................... 45
Case Study Approach ...................................................................................................... 45
Study Participants and Sites ............................................................................................ 46
Data Collection ................................................................................................................ 49
Data Analysis ................................................................................................................... 50
Trustworthiness ................................................................................................................ 51
Confidentiality and Anonymity ....................................................................................... 52
Role of the Researcher ..................................................................................................... 53
Conclusion ......................................................................................................................... 54

CHAPTER 4: REPORT OF RESEARCH FINDINGS ............................................................. 55
Introduction ....................................................................................................................... 55
The Participants ................................................................................................................ 56
Timeline of Significant Events ....................................................................................... 59
Cases that Influenced the LULAC v. Richards Case ....................................................... 60
   Rodriguez v. San Antonio ISD (1973) .......................................................................... 60
   Edgewood ISD v. Kirby (1989) .................................................................................. 63
LULAC v. Richards Case ................................................................. 63

The Plaintiffs: Certifying a Class of Mexican Americans................. 64
The Argument: Discrimination.......................................................... 64

Question: Is Higher Education in Texas a Right or a Privilege?...... 66
The Defense...................................................................................... 68
The Verdict ....................................................................................... 68

District Court................................................................................ 68
Texas Supreme Court...................................................................... 69

Research Question: Why was the LULAC v. Richards Lawsuit Filed? 70

Theme: Historical Oppression and Discrimination ......................... 70
Theme: Inequities in Higher Education Resources for South Texas ... 72

Sub-Theme: Lack of Funding......................................................... 74
Sub-Theme: Lack of Access to Higher Education......................... 75
Sub-Theme: Limited Degree Options ............................................ 77

Theme: Population Growth............................................................. 78

Research Question: How Did the Community Organize?.............. 80

Theme: MALDEF ........................................................................... 80
Theme: Community Involvement and Support.............................. 82
Theme: Speaking With One Voice .................................................. 83
Theme: Key Organizers................................................................. 85

Research Question: How has South Texas been Impacted?........... 88

Theme: South Texas Border Initiative........................................... 88
Theme: Access to Higher Education................................................ 90

Sub-Theme: Education Promotes Opportunities......................... 93
Sub-Theme: Education Promotes Business................................... 94
Chapter One: Introduction

Purpose of the Study

This research project examined the trials and tribulations a predominantly Mexican-American\(^1\) community in South Texas went through to obtain higher education opportunities for its residents. Prior to 1970, access to baccalaureate or graduate degrees did not exist in Laredo, Texas, a city bordering Mexico on the banks of the Rio Grande River. Therefore, students who wanted to pursue a baccalaureate or graduate degree from a brick and mortar institution had to travel at least 125 miles to the nearest four-year institution in Kingsville, Texas or 150 miles to San Antonio, or relocate to another city. Despite the fact that community leaders advocated for higher education opportunities for many years, these requests went unfulfilled. Local access to higher education beyond a community college was finally made available in 1970 with the establishment of an “educational center” that was authorized to offer upper-level (junior- and senior-level) courses in Laredo. This educational center was established as a branch of what was then Texas A&I University in Kingsville, Texas, and began offering courses in a building leased from the local community college. Education and community leaders were appreciative for the establishment of the center, but knew this offering was limited and not equal to other institutions of higher education available throughout Texas.

Statement of the Problem

For many years, the leaders of a predominantly Mexican American community located in South Texas had advocated for higher education access. As part of this advocacy, they turned to the court system in an attempt to obtain justice and equality. In 1987, the

\(^1\) For the purpose of this paper, the terms Latino and Hispanic are used interchangeably. Mexican Americans is one of the groups that comprise the Latino/Hispanic population.
Mexican American Legal Defense and Educational Fund (MALDEF) filed a class action lawsuit against the State of Texas on behalf of nine Mexican American organizations, including the League of United Latin American Citizens (LULAC) and the American G.I. Forum, as well as 15 Mexican American individuals (Applebome, 1987; Mangan, 1991; "Richards v. LULAC," 1993). The American G.I. Forum was established in Corpus Christi, Texas in 1948, and is the largest federally chartered Hispanic Veterans organization in the United States (Avila, 1996). The class action lawsuit was filed on behalf of Hispanic citizens living in a 41-county region of South Texas (see Appendix A for county listing) and alleged that the State of Texas discriminated against Hispanics by not providing colleges and universities located in the surrounding geographic area their fair share of state funding ("Richards v. LULAC," 1993).

One argument presented by the plaintiffs’ counsel was the disparity between population and appropriations. Although the border region contained 20 percent of the state’s population, it only received 10 percent of the state’s higher education appropriations (Mangan, 1991). Another argument presented was that the formula used to fund higher education institutions favored schools offering doctoral programs. Also according to MALDEF, of the more than 700 doctoral programs offered in the state at the time of the lawsuit, only seven were available to South Texas residents (Mangan, 1991). In short, the lawsuit pointed out differences in quantity and quality of academic programs at higher education institutions in South Texas compared to those in other areas of the state. MALDEF argued that the funding disparity left minority students with no alternative but to attend poorly funded community colleges and universities, none of which offered graduate or professional programs.
The plaintiffs were victorious when the case was tried in the lower court; however, the decision rendered by the lower court was appealed by the state. The case was escalated to the Texas Supreme Court, which ultimately ruled unanimously against the plaintiffs. The Supreme Court ruling stated that there was no evidence that higher education leaders intentionally discriminated against South Texas Hispanic residents. Further, the court found that access to higher education was not a “fundamental right” protected under the Texas Constitution, and that the section of the constitution that addressed a fundamental right to an education referred only to a K-12 education ("Richards v. LULAC," 1993). Even though the plaintiffs lost, many people acknowledge that this case was the catalyst that prompted the legislation known as the South Texas Border Initiative (Flack, 2003).

The South Texas Border Initiative legislation was initiated in 1989 by the 71st Texas Legislature and included increased appropriations “to enhance the scope and quality of higher education institutions and programs along the Texas-Mexico Border” (Flack, 2003, p. 1). The nine South Texas institutions (Flack, 2003) included as part of this initiative are listed below and a map with their geographic location is provided in Appendix B.

- Texas A&M International University (Laredo)
- Texas A&M University – Corpus Christi
- Texas A&M University Kingsville
- The University of Texas at Brownsville
- The University of Texas at El Paso
- The University of Texas – Pan American (Edinburg)
- The University of Texas at San Antonio
- Sul Ross State University
- The University of Texas Health Science Center at San Antonio
As a result of the South Texas Border Initiative (STBI), more than 880 million dollars was invested from fiscal year 1990 through fiscal year 2003 to fund programs and facilities at South Texas institutions of higher education (Flack, 2003). As part of this funding, a brand new state-of-the-art campus was built in Laredo, Texas that welcomed its first students in the fall of 1995. That institution, Texas A&M International University (TAMIU), is a focus of this study. A qualitative case study was done to explore the events leading up to the lawsuit from the perspectives of some of the participants involved, as well as the resulting benefits the South Texas community derived from these efforts.

The individuals asked to participate in this study include the president of the university during the lawsuit proceedings, state legislators responsible for introducing and passing the STBI legislation, counsel representing the plaintiffs and defendants (State of Texas), university administrators, as well as local and county government officials familiar with the case. The impact the STBI has had on higher education for the South Texas border area is presented, as well as themes or patterns identified that could assist other minority communities in the country facing similar circumstances.

**Significance of the Research Problem:**

The South Texas Border Initiative (STBI) has had and continues to have a major impact on the South Texas region. As a result of the South Texas Border Initiative, over $200 million has been invested since 1989 to support higher education in Laredo, Texas. This funding allowed for the building of a brand-new, state-of-the-art campus in the recently developed northeast part of the city to provide access to higher education for the predominantly Mexican American residents of the region. This significant development was accomplished because a group of concerned citizens organized themselves and
advocated for locally based access to higher education. This study based on interviews with key people involved in the litigation and the legislation that resulted from the lawsuit, documents their plight. The perspectives of those interviewed, combined with an examination of documents related to the events, were used to identify common themes that could be used to make recommendations to other communities facing similar situations. Other than official government documents chronicling the lawsuit and the South Texas Border Initiative legislation, there are no studies that actually interviewed those involved to learn about the events from their perspectives.

According to the Texas Education Agency, the administrative unit for primary and secondary public education in Texas, Hispanic students now make up the majority (50.2%) of students enrolled in public K-12 schools for the first time in Texas’ modern history ("Hispanics are majority in public schools," 2011). Hispanic students are the fastest-growing student population in the country, a trend that has existed for several years (Borunda & Torres, 2011). Steve Murdock, a former representative from the U.S. Census Bureau, predicts that Texas will only be successful if Hispanic students are academically successful. Unfortunately, statistics indicate that Hispanic students have not fared as well as other ethnic student groups when it comes to high school and college graduation rates; the graduation rates along the South Texas border are the worse in the country (Borunda & Torres, 2011). This study will examine the impact the STBI has had with regard to higher education attainment among Mexican Americans living in South Texas and Texas A&M International University’s (TAMIU) contributions to these endeavors.

Because of Laredo’s geographic location, TAMIU serves an important role in filling the educational needs of a region that includes both sides of the US/Mexico border.
Founded in 1755, Laredo is the second oldest chartered settlement in Texas (Adams, 2008) and it is the busiest inland port in the United States (Edmonson, 2003). The City of Laredo currently has more than 244,000 residents and was named one of the two fastest-growing metropolitan areas in the country by the U.S. Census Bureau in 1998 ("American Fact Finder," 2012; Edmonson, 2003). When the population of Nuevo Laredo (its sister city right across the border in Mexico) is included, the metropolitan area population is over 600,000 residents.

**Advocating for Higher Education**

Efforts to obtain access to higher education for the South Texas region began in 1968 when a 27-member delegation of Laredoans traveled to the state capitol in Austin, Texas to address the Texas Coordinating Board for Higher Education. When addressing the Board, the delegation emphasized the lack of access to higher education in the region and made a plea to alter the state’s higher education “master plan” to allow the offering of upper-level (junior- and senior-level) courses in Laredo. This proposal did not request a campus. It simply sought permission to offer courses at the local community college campus, known at the time as Laredo Junior College (Thompson, 1990).

The Coordinating Board’s master plan for the 1970s did not include providing higher education to the Laredo region because the Coordinating Board believed enrollments would not support an institution of higher learning. After approaching the Coordinating Board a second time, armed with over 8,000 signatures, the Board reluctantly agreed to amend its 10-year plan and approved the creation of an upper-level institution, but not a full-fledged university. Within months a bill creating the center was introduced, approved and signed by then-Governor Preston Smith (Thompson, 1990). As a result,
Texas A&I University at Laredo was created as part of the University System of South Texas that also included Texas A&I University in Kingsville and Corpus Christi State University. All three institutions would later merge into what is now known as the Texas A&M University System (TAMUS).

Today, TAMIU is a vibrant and comprehensive university comprised of a College of Arts and Sciences, a College of Education, a College of Nursing and Health Sciences, and the A.R. Sanchez, Jr. School of Business. It now offers 34 undergraduate degrees and 28 graduate degrees, including a Ph.D. in International Business Administration ("Texas A&M International University," 2012). Indeed, it has come a long way from when it was comprised of a building it leased from the community college to educate the first 286 students who enrolled when their doors opened in 1970.

According to a report published in 2012 by The Texas A&M University System, TAMIU had 280 faculty, 599 staff, and 6,595 students in Fall 2011 ("The Texas A&M University System: Facts 2012,"). In a 2011 article published in The Chronicle of Higher Education, TAMIU was listed as one of the fastest growing campuses for the period surveyed from 2004 - 2009. The University experienced a 50 percent increase in growth from 4,269 to 6,419 students for the survey period and was ranked 5th in the category for Public Master's universities ("Fastest-growing campuses, 2004-2009," 2011). In 2013, the Princeton Review ranked TAMIU's business school third in the nation for “Greatest Opportunity for Minority Students" ("TAMIU business school ranked nationally," 2013).

This research project examines the trials and tribulations a predominantly Mexican-American community in South Texas endured to obtain higher education opportunities for its residents. The impact the STBI has had on higher education for the South Texas border
area is presented as well as themes or patterns identified that could assist other minority communities in the country facing similar circumstances. The goal of this study was to document and preserve an important piece of higher education history from the perspective of key individuals who lived through and participated in the events. The findings from this study will contribute to the expanding literature available about Chicano/Latino studies.

**Research Questions**

The research questions explored in this study are the following:

1. How has the South Texas Border Initiative impacted the South Texas region with regard to higher education access?

2. Why was a lawsuit filed against the State of Texas alleging discrimination against Hispanics living along the South Texas border?
   
   A. Who was responsible for organizing this effort?
   
   B. How was this effort organized?

3. How did community and political leaders organize to file the lawsuit?
   
   A. Who were the principal individuals who organized the effort?
   
   B. Which of these principal individuals had the biggest impact and why?

**Theoretical Frameworks**

Critical Race Theory (CRT) and Latino/a Critical Race Theory (LatCrit) are used to narrate and analyze this study. The CRT’s interest-convergence principle is also used to analyze this study.
Critical Race Theory

The Critical Race Theory (CRT) movement emerged in the 1970’s when scholars that included Derrick Bell and Alan Freeman began questioning the strategies being used in the Civil Rights Movement, prompting further study of the relationship between race, racism and power. Promoting, supporting, and advancing social change is an important goal of critical race theory (Milner, 2008). Race and racism continue to be a part of American society and form the core of critical race theory (Solórzano & Yosso, 2002). Critical Race Theory (CRT) in education begins with the idea that race and racism do exist and it “draws from and extends a broad literature base in law, sociology, history, ethnic studies, and women’s studies” (Solórzano & Yosso, 2002, p. 25). According to Hylton (2012), critical race theory is based on the belief “that society is fundamentally racially stratified and unequal, where power processes systematically disenfranchise racially oppressed people” (p. 24).

Critical Race Theory advocates for justice for those people, such as minorities, who find themselves marginalized by society (Treviño, Harris, & Wallace, 2008). It does this by focusing attention on systemic structures that discriminate against members of our society (Treviño et al., 2008). Critical Race Theory highlights “dispossession, disenfranchisement, and discrimination across a range of social institutions, and then seeks to give voice to those who are victimized and displaced” (Treviño et al., 2008, p. 8).

CRT uses race to highlight the role of power within racialized systems such as schools, and has been an effective tool used within educational research to more effectively understand the role of race, racism, and racialization in the educational experiences and outcomes for communities of color (Irizarry, 2012). Irizarry (2012) uses CRT to explain
that the disproportionately lower rates of Latino/as participating in higher education is mainly due to inequitable distribution of resources that results in limiting opportunities for these students, and not necessarily attributed to lower aspirations or lack of effort on the part of Latino/a students. This study focused on the alleged discrimination of Mexican Americans with regard to geographically desirable access to institutions of higher education.

In his book, Chicano students and the courts: The Mexican American legal struggle for educational equality, Valencia (2008) contends that race plays a critical role in litigation efforts of Mexican Americans. He suggests that the awareness of race encouraged and supported legal challenges that exposed how Whites used privilege to maintain segregation and unequal schools or put into place unequal opportunities in education. He presents a conceptual framework that draws from critical race theory, critical legal studies, and postcolonial scholarship to explain and interpret Mexican Americans’ long-standing struggles for equality in American education.

**Interest-Convergence Principle**

According to Bell (1980), the interest convergence principle is applied when “the interest of blacks in achieving racial equality will be accommodated only when it converges with the interests of whites” (p. 523). Bell specifically references Blacks when discussing the interest convergence principle, but this study will explore its applicability to the Latino/a community. Bell (1980) contends that the U.S. Supreme Court’s decision in the 1954 Brown v. Board of Education case to break with its tradition of upholding segregation policies was due to White policymakers seeing the economic and political advances at home and abroad that would result from doing away with segregation. He further suggests
that this landmark decision that outlawed public school segregation is a perfect example of the interest convergence principle in effect (Jackson, 2011).

Alemán and Alemán (2010) also contend that the interest-convergence principle refers to occurrences in our society that benefit minority communities, but only when those benefits apply to White communities as well. The approval of the South Texas Border Initiative (STBI) was explored using an interest-convergence principle lens. In the STBI case, a Texas Legislature composed predominantly of Whites approved the STBI to benefit predominantly Mexican-American communities living along the South Texas Border. Even in 2013, the majority of Texas legislators are still White. The current demographics of the Texas Legislature are 78% White, 22% Hispanic and 3% African American ("Legislator Demographics: State-by-State," 2013).

CRT identifies race as the common issue that shapes all our law and public policy and uses the principle of interest convergence to critique key elements of the civil rights movement and legislation to provide an explanation of why those in power decide to provide benefits to those without it. Civil rights gains are achieved when the interests of those in power (Whites) converge with those who are marginalized (minorities) (Zion & Blanchett, 2011).

Zion and Blanchett (2011) propose using interest convergence “as a framework for questioning, understanding, disrupting, and leveraging change by uncovering and naming the tension inherent in the idea of inclusion (who is out and who is in) and thus begin an authentic dialogue about the impact of race on special education policy” (p. 2189). Scholars who have studied the role of CRT in education encourage finding examples of where interest convergence may have occurred and to identify any policies and practices
developed that benefit all parties involved - Whites and minorities (Zion & Blanchett, 2011). In this case, the interest convergence principle was also used as a lens to examine the impact race has on higher education policy in Texas.

Hilliard (1992) believed that any reform that benefits those who are disenfranchised will benefit everyone. For example, reforms that provide higher education opportunities for minority students will ultimately benefit society as a whole. This study reveals how higher education provided to a predominantly Latino community can benefit the entire State of Texas.

**Latino/a Critical Race Theory (LatCrit)**

Latino/a Critical Race Theory (LatCrit) emerged in the mid-1990s as a result of debates stemming from various Critical Race Theory discussions (Huber, Lopez, Malagon, Velez, & Solorzano, 2008; Solorzano & Bernal, 2001; Trucios-Haynes, 2000). LatCrit places “race within legal scholarship and serves as a conceptual tool for taking seriously accounts of race” (Anguiano, Milstein, De Larkin, Chen, & Sandoval, 2012, p. 5). The efforts of LatCrit scholars are to study the effects that the country's laws and policies have on the nation’s fastest growing and rapidly changing Latino/a communities (Valdes, 2000). This knowledge should then be used to influence how laws and policies should be implemented in the country so that they benefit Latino/a communities, or so that they at the very least, are not detrimental. LatCrit scholars share the CRT perspective that racial inequity and racism is an accepted common occurrence of everyday life in the United States (Anguiano et al., 2012).

LatCrit efforts focus on four main tenets: "(1) the production of critical and interdisciplinary knowledge; (2) the promotion of substantive social transformation; (3)
the expansion and interconnection of anti-subordination struggles; and (4) the cultivation of community and coalition among outsider scholars” (Anguiano et al., 2012, p. 128). As the Latino/a community continues to grow and evolve, the issues and interests that affect them must be made known and taken into consideration by lawmakers and policy makers.

“Testimonios” or testimonies have been used by LatCrit scholars as a methodology to study how race and racism have influenced lives (Urrieta & Villenas, 2013). The interview process of this study allowed the participants to share testimonios about their experiences with the case and these testimonios were used to identify the themes that describe the legal journey a Mexican American community went through to gain access to higher education. This case study will enhance the body of literature that exists about LatCrit by providing another example of how testimonios were used to tell the story of disenfranchised Latino/as.
Chapter 2: Literature Review

This research project examines the circumstances leading up to the class action lawsuit filed against the State of Texas as well as the effects from the Texas South Border Initiative (STBI). The STBI refers to the piece of Texas legislation approved in 1989 that many people acknowledge resulted from the lawsuit. This important piece of legislation provided millions of dollars to support higher education in the South Texas region. Many individuals, organizations, and entities were involved in the situations pertaining to this case study. Some were involved with the lawsuit filed against the State of Texas and others were involved with the STBI legislation. Texas A&M International University (TAMIU) is one of the nine state institutions impacted by the STBI and the focus of this research. TAMIU is one of the institutions that make up the Texas A&M University System (TAMUS), and TAMUS is one of the public higher education systems in Texas. The Mexican American Legal Defense and Educational Fund (MALDEF) is the organization that filed the lawsuit against the State of Texas on behalf of the League of United Latin American Citizens (LULAC) and other individuals. The main argument presented during the trial litigations was that South Texas was not getting its fair share of funding for higher education in comparison to other parts of the State.

To provide a contextual framework of the situation and parties involved, this chapter provides a brief history of legal cases pertaining to Mexican Americans. It highlights legal cases involving discrimination in education, and provides an overview of the Texas state educational system. It also provides descriptions of the organizations involved in the lawsuit, such as the League of United Latin American Citizens (LULAC) and the Mexican American Legal Defense and Educational Fund (MALDEF).
Legal Cases Pertaining to Mexican Americans

Mexican Americans have been advocating for their rights from the time this population came into existence in 1848 with the signing of the Treaty of Guadalupe Hidalgo. Federal policy makers and politicians have tried to include Mexican Americans and other minority groups into the civil rights movement established for Blacks in the South ever since civil rights were included in President Harry Truman’s Democratic platform in 1948 (Kaplowitz, 2003). Through the mid-1960s, Mexican American organizations were able to tap into federal funding provided by programs established by the New Frontier and the Great Society to develop and carry out projects in their respective communities. By the end of President Richard Nixon’s first term in 1972, a federal bilingual education program had been established; agencies and committees were created to coordinate and oversee Mexican American Programs, and most importantly, Mexican Americans were finally recognized as a separate minority group with unique needs that required different federal solutions than those which had traditionally been specifically developed for Blacks (Kaplowitz, 2003). Highlights from some important legal cases pertaining to the struggles faced by Mexican Americans fighting to obtain equal rights and equal protection under the law are presented, starting with the Treaty of Guadalupe Hidalgo.

Treaty of Guadalupe Hidalgo

In 1846, during the administration of President James K. Polk, the United States declared war on Mexico (Cutter, 1978; Valencia & San Miguel, 1998) under the guise of Manifest Destiny to acquire more land and to demonstrate the country’s military prowess (Hernández, 2001). This is known as the Mexican-American War and compared to most
wars, the United States easily defeated Mexico (Cutter, 1978). On February 2, 1848, less than two years after the war started, the Treaty of Guadalupe Hidalgo was signed, officially ending the Mexican American War. With the signing of the Treaty, over 525,000 square miles of land that includes present-day Arizona, California, western Colorado, Nevada, New Mexico, Texas and Utah was relinquished to the United States by Mexico (Hernández, 2001; Valencia & San Miguel, 1998). Mexicans who lived in these areas and chose to remain there became ‘Mexican Americans’ overnight with the signing of the Treaty (Hernández, 2001) and are referred to as ‘conquered people’ by some contemporary scholars (Valencia & San Miguel, 1998). Even though Articles VIII and IX of the Treaty explicitly respected and guaranteed the civil and property rights of Mexicans who chose to stay in the United States, those rights were not protected (Valencia & San Miguel, 1998). In fact, the newly minted population of “Mexican-American” citizens was treated like second-class citizens, losing their land, civil rights, and political representation (Hernández, 2001).

**Salvatierra v. Independent School District (1930)**

In 1930, one of the first lawsuits dealing with school desegregation, *Salvatierra v. Independent School District*, was tried in the State of Texas. This lawsuit was filed by Mexican American parents in Del Rio, Texas claiming that their children were being segregated due to race (Valencia & San Miguel, 1998). The school district had voted to issue bonds to construct a new senior high school building ("Independent School District v. Salvatierra," 1930). At the time the bond issue was voted on, the school district’s campus consisted of four school buildings and an athletic field. The four buildings included a high school and three elementary schools. During the trial it was revealed that one of the elementary schools, located on the west side of the property and separated from the other
buildings by the athletic field, was designated as the “Mexican” or “West End” school. The school superintendent testified in court that the “purpose in [segregating the Mexican American students] was simply to instruct that group according to their own peculiar needs” ("Independent School District v. Salvatierra," 1930, p. 3; italics added).

According to San Miguel (as cited in Valencia & San Miguel, 1998), the Salvatierra case was significant because during that time segregation of White and “colored” children was still allowed under the Texas Constitution, which had been ratified in 1876. The judge in the case, Justice J. Smith, determined that it was unconstitutional to segregate Mexican American students merely or solely based on their Mexican background and to exclude them from schools maintained for children of other White races ("Independent School District v. Salvatierra," 1930). This case was also significant because lawyers of the newly established LULAC represented the plaintiffs in the case and this gave LULAC its first opportunity to demonstrate its legal expertise (as cited in Valencia & San Miguel, 1998).

**Mendez v. Westminster School District (1947)**

The League of United Latin American Citizens (LULAC) began challenging the custom of creating separate and unequal elementary schools for Mexican American students in the 1930s, and significantly increased their efforts the following decade (as cited in Valencia & San Miguel, 1998). In 1945, a group of Mexican American citizens successfully filed a lawsuit against the Westminster School District in California, which was upheld by the U.S. Court of Appeals for the Ninth Circuit in San Francisco (San Miguel, 1982). The claim was that children of Mexican and Latin descent were being forced to attend separate schools and therefore being denied their constitutional rights. This case ended school segregation in California and received national attention, which prompted the
Attorney General of Texas, Price Daniel, to issue a legal opinion in 1957 banning the segregation of Mexican American students in Texas’ public schools. Unfortunately, this legal opinion was ineffective because there were no mechanisms in place to enforce compliance and school districts were not provided with guidelines to implement this policy.

_Hernandez v. Texas (1954)_

In 1954, the State of Texas Supreme Court upheld the murder conviction of a Texas man, and as part of its ruling indicated that “the equal protection clause of the Fourteenth Amendment contemplated only two classes, Negro and white” ("Hernandez v. Texas," 1954, p. 2; San Miguel, 1982). This case was appealed and heard by the U.S. Supreme Court. Writing on behalf of a unanimous U.S. Supreme Court decision about the 1954 _Hernandez v. Texas_ case, Chief Justice Warren disagreed with the state ruling and indicated that people of Mexican descent were in fact members of a distinct class worthy of equal protection under the Fourteenth Amendment. In their decision, the Supreme Court overturned the murder conviction on the grounds that the “state had erred in limiting the protective scope of the equal protection clause to the white and Negro classes” and that the “defendant had established that persons of Mexican descent were a distinct class in the county in which he was convicted” ("Hernandez v. Texas," 1954).

_Keyes v. School District No. One (1973)_

The first decisive statement issued by the U.S. Supreme Court regarding the role of Mexican American students was made in 1973 with the _Keyes v. School District No. One_ case (Romero, 2007). This case originated when Black parents from Denver, Colorado sued their school district accusing them of intentionally segregating their schools by race.
Examples they gave to prove their racial segregation claims included the building of a new school in the middle of a Black community, the gerrymandering of student attendance zones, the use of so-called “optional zones,” and the excessive use of portable classrooms ("Keyes v. School Distrect No. 1, Denver, Colorado," 1973). The school district student population included 17% Blacks and 25% Latino/as. In their ruling, the Supreme Court had to determine how to treat Mexican American children in the desegregation process (San Miguel, 2005). The Court had to decide whether to define Mexican Americans as part of the White population or define them as an identifiable minority group. The Court ultimately concluded that Mexican Americans as a group had indeed been subjected to a system of pervasive official discrimination and therefore assigned them the designation as an identifiable minority (San Miguel, 2005). In its’ ruling, the Supreme Court conceded that the educational opportunities provided to Mexican American students were inferior to those provided for White students (Romero, 2007) and afforded Hispanics the same kind of protections against segregation as those earned by African Americans through their own court triumphs (Horn & Kurlaender, 2006).

**Public Higher Education in Texas**

“As Texas goes, so goes the nation.” This is a quote from Dr. Steve Murdock, former director of the U.S. Census Bureau and former state demographer of Texas, suggesting that Texas leads the country in many aspects such as demographically and politically. This is certainly true demographically. In 2005, Texas became a majority-minority state (Gurwitz, 2012), and by 2015 Hispanics are projected to become the largest racial/ethnic group in the state (Gurwitz, 2012). This is a multicultural trend that according to experts will take
at least three more decades for the rest of the country to realize ("Closing the Gaps progress report 2012, ").

According to a 2011 report submitted by the Texas Legislative Budget Board, 90% of the nearly 1.2 million students enrolled in higher education in Texas are served by public institutions (O'Brien, Parks, & Pulver, 2011). The public higher education system includes 38 general academic institutions (three of them having been established as recently as 2011); 50 community/junior college districts; one technical college system; three lower-division state colleges; and nine health related institutions, which operate a total of eight state medical schools, three dental schools, two pharmacy schools, and numerous other allied health and nursing units (O'Brien et al., 2011). Other stand-alone institutions that are also part of the Texas system of public higher education are the University of Houston, Texas Tech University, and the University of North Texas. The remaining 10 percent of students are enrolled in private institutions comprised of 38 four-year colleges/universities, two junior colleges, one medical school, and one accredited independent law school.

**Funding Public Higher Education in Texas**

To fund public higher education, a Permanent University Fund (PUF) was created in 1876 by an amendment to the Texas Constitution that appropriated land grants previously given to the University of Texas at Austin. The land grants were completed in 1883 with an additional 1 million acres of land allocated, and as of 2009 approximately 2.1 million acres of land are still held by this fund. The PUF supports the 21 institutions that were members of The University of Texas and the Texas A&M University Systems prior to the creation of the Higher Education Fund (HEF). The HEF is a general revenue appropriation that was
established in 1984 by an amendment to the Texas Constitution (Section 17, Article VII) to support those institutions not covered by the PUF. Similar to the PUF, institutions can use the HEF to acquire land; construct and maintain facilities; and purchase capital equipment and library materials. Texas A&M International University is one of the institutions supported by the HEF. (Overview: Permanent University Fund (PUF) Higher Education Fund (HEF), 2009).

Public state institutions and agencies of higher education in Texas are funded through direct appropriations, indirect appropriations and other indirect appropriations. Direct appropriations are those appropriations made by funding formulas and other direct appropriations based on identified needs. An example of a direct appropriation based on identified needs is the South Texas Border Initiative that provided the funding to build the new campus for Texas A&M International University. Indirect appropriations include those made directly to an institution in its portion of an appropriation bill, “but used to cover costs related to an institution’s staff for health insurance, retirement benefits, and social security” (O’Brien et al., 2011, p. 2). Other indirect appropriations include appropriations that are allocated to an institution after other appropriations have been allocated such as the Available University Fund (AUF). The AUF was “established in Section 18, Article VII of the Texas Constitution [and] consists of the surface income and investment proceeds from the Permanent University Fund (PUF)” (O’Brien et al., 2011, p. 10).

Two-thirds of the funds administered by the AUF are appropriated to The University of Texas System and one-third is appropriated to the Texas A&M University System. These funds are used for three primary reasons:
1) to pay interest and principal due on PUF bonds that are issued to provide construction dollars at 21 institutions of the UT and A&M Systems; 2) to provide support for a wide range of programs intended to develop excellence at The University of Texas at Austin, Texas A&M University, and Prairie View University; and 3) to provide for the expenses of the two respective System administrations (Overview: Permanent University Fund (PUF) Higher Education Fund (HEF), 2009, p. 1).

Nearly 54 percent of the state appropriations for general academic institutions are allocated by two funding formulas and two supplements based primarily on enrollments. The two funding formula appropriations (Instruction and Operations Formula and Infrastructure Formula) consist of General Revenue Funds and Other Educational and General Income (O’Brien et al., 2011). Since these formulas are primarily based on enrollments, institutions faced with unexpected declines in enrollments are negatively impacted by events that are sometimes out of their control. Over the years, the percentage of total state spending appropriated for higher education in Texas has decreased from 13.8% for the 2000-01 budget year to 12.5% for the 2010-11 budget year (O’Brien et al., 2011).

**Texas Higher Education State Systems’ Governance**

Both The University of Texas System and The Texas A&M University System are governed by Boards of Regents. The Board of Regents for each System is comprised of nine voting members appointed by the Governor of Texas, and one non-voting student member also appointed by the governor. The voting members serve six-year terms and their terms stagger so there is continuity with experienced members serving on the Board at all times.
The student regents serve one-year terms ("TAMUS Board of Regents," 2012; "UT System Board of Regents," 2012). This higher education governance structure demonstrates how powerful the governor of Texas is with regard to his/her influence over higher education institutions and the extent to how political the process is. One of the arguments made during the MALDEF lawsuit against the State of Texas was the lack of funding appropriated by The Texas A&M University System Board of Regents for what is now Texas A&M International University (Mangan, 1992).

**Texas Higher Education Coordinating Board**

To achieve excellence in higher education and provide leadership and coordination for the Texas higher education system, the Texas Constitution created the Texas Higher Education Coordinating Board (THECB) in 1965 (O’Brien et al., 2011). According to its mission, the THECB works “with the Legislature, Governor, governing boards, higher education institutions and other entities to help Texas meet the goals of the state’s higher education plan...” by providing “the people of Texas the widest access to higher education of the highest quality in the most efficient manner” (Turcotte & Johnstone, 2008, p. 1). As part of its mission, the THECB administers the Permanent University Fund (PUF) and makes recommendations every five years to the Texas Legislature regarding fund allocation. It is charged with overseeing Texas’ system of higher education and providing recommendations to the governor, legislature, and institutions about higher education improvements (Turcotte & Johnstone, 2008). The THECB “also ensures all Texans have access to high quality programs at different institutional levels and oversees the state’s student financial aid programs” (O’Brien et al., 2011, p. 1).
The Board is composed of nine members who are appointed by the governor of Texas for six-year terms. One of the members is a student representative who serves as a non-voting member of all the board committees. The governor also appoints the chair and vice-chair. In 1985, a 23-member Border Economic Development Task Force was appointed by Mark White (then-Governor of Texas), William P. Hobby (then-Lieutenant Governor), and Gib Lewis (then-Speaker of the House) to provide recommendations on how to make the border region a more viable and contributing part of the Texas economy. One of the recommendations included in the report they produced in 1986 was to ensure that the THECB membership include representation from the border region (Garcia, 1986). The report stated the importance of the Coordinating Board understanding the unique needs of the border area and noted at the time that of the 71 people who had served on the Board since its creation in 1965, only five represented the border area. At the time of the report, the Board consisted of 18 members and only one was from the border area (Garcia, 1986). In 2013, the 11 member Board still had only one member representing the border ("THECB members," 2013).

**Closing the Gaps by 2015**

In March 1999, the Texas Higher Education Coordinating Board determined that Texas needed a plan for higher education if it was going to compete on a national and global stage. So for the next 19 months, community leaders and business representatives from around the state hashed out a plan to present to the Texas Higher Education Coordinating Board. In October 2000, this plan, known as *Closing the Gaps by 2015*, was approved and adopted by the Texas Higher Education Coordinating Board. It was a statewide comprehensive initiative whose primary objective was to increase the number of
students pursuing a higher education. The main goal of the plan was “to close educational gaps within Texas and between Texas and other leading states by focusing on the critical areas of participation, success, excellence, and research” ("Closing the Gaps by 2015: Texas' strategies for improving student participation and success," 2008, pp. 3-4). The initiative included a special emphasis on Hispanic students’ participation and success, and identified the most important goals needed to achieve their objectives, a timeline to complete their goals, and more importantly, a way to measure the state's progress in reaching the goals ("Closing the Gaps by 2015: Texas' strategies for improving student participation and success," 2008). The plan’s goals are as follows:

**Goal 1: Close the Gaps in Participation**  
By 2015, close the gaps in participation to enroll 630,000 more students.

**Goal 2: Close the Gaps in Success**  
By 2015, award 210,000 undergraduate degrees, certificates and other identifiable student success from high quality programs.

**Goal 3: Close the Gaps in Excellence**  
By 2015, substantially increase the number of nationally recognized programs or services at colleges and universities in Texas.

**Goal 4: Close the Gaps in Research**  
By 2015, increase the level of federal science and engineering research and development obligations to Texas institutions by 6.5 percent of obligations to higher education institutions across the nation.

Funded by a grant from the Bill and Melinda Gates Foundation in support of the Commission for a College Ready Texas, a study was conducted by a nationally-recognized economic consulting firm to predict the outcomes of the Closing the Gaps by 2015 initiative ("Closing the Gaps by 2015: Texas' strategies for improving student participation and success," 2008; Perryman, 2007). The consulting firm, The Perryman Group, estimated that the annual economic returns the state would realize by the year 2030 for each dollar
invested in this initiative would be in $24.15 in total spending, $9.60 in gross state product, and $6.01 in personal income. Their findings further estimated that the Texas-Mexico border area in particular could expect to see annual gains by 2030 of $23.5 billion in total expenditures, $8.8 billion in gross state product, $6.5 billion in personal income, and 81,751 permanent jobs (Perryman, 2007).

The initial goals identified in *Closing the Gaps* (CTG) were set using benchmarks established in the year 2000. The plan also included intermediate targets for 2005 and 2010 to ensure progress was on track in keeping with the goals. Some of the targets were modified in 2005 in response to new population projections, advanced progress toward some of the goals, and contributions made by private institutions of higher education ("Closing the Gaps progress report 2012,"). Even though Hispanic student enrollment has doubled in size between fall 2000 and fall 2011 and is the fastest growing of the three major racial/ethnic groups, Hispanic participation in higher education is still well below its intended target. According to the CTG progress report published by the Texas Higher Education Coordinating Board in 2012, enrollment increased by nearly 30,000 students in fall 2011 compared to fall 2010. This increase, however, is not enough to meet the 2015 CTG target set for Hispanic student participation. To meet this goal, Hispanic student participation needs to increase by approximately 50,000 students each of the remaining years. Beginning in 2015, Hispanics are projected to become the largest racial/ethnic group in Texas. Increasing the participation and persistence rates of Hispanic students, particularly male Hispanic students, is an important component of meeting the CTG targets set for Hispanics. Of the six major racial/ethnic and gender groups being measured,
Hispanic males continue to have the lowest participation rate (3.8 percent) of their population ("Closing the Gaps progress report 2012,").

Currently, there are 18 targets being measured in the Closing the Gaps initiative. Progress toward most of the targets is measured relative to a target trend line that is linear for the periods 2000-2005, 2005-2010, and 2010-2015. Table 1 provides a definition of the terms used to measure the progress made relative to the target trend line, and Table 2 provides a progress status update for each of the 18 targets ("Closing the Gaps progress report 2012," 2012).

Table 1

Closing the Gaps’ Definitions of Terms used to Indicate Progress Made Relative to Target Trend Line

<table>
<thead>
<tr>
<th>Progress</th>
<th>Definition of Progress Relative to Target Trend Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Well Above Target</td>
<td>10 or more percent above</td>
</tr>
<tr>
<td>Somewhat Above Target</td>
<td>2 to 9 percent above</td>
</tr>
<tr>
<td>On Target</td>
<td>With + or – of 1 percent</td>
</tr>
<tr>
<td>Somewhat Below Target</td>
<td>2 to 9 percent below</td>
</tr>
<tr>
<td>Well Below Target</td>
<td>10 or more percent below</td>
</tr>
</tbody>
</table>
Table 2

Closing the Gaps’ Progress Relative to Target Trend Line

<table>
<thead>
<tr>
<th>Closing the Gap Measure</th>
<th>Progress Relative to Target Trend Line as of June 2012 Report</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PARTICIPATION</strong>¹</td>
<td></td>
</tr>
<tr>
<td>Statewide participation</td>
<td>Well Above Target</td>
</tr>
<tr>
<td>African American participation</td>
<td>Well Above Target</td>
</tr>
<tr>
<td>Hispanic participation</td>
<td>Well Below Target</td>
</tr>
<tr>
<td>White participation</td>
<td>Well Below Target</td>
</tr>
</tbody>
</table>

| SUCCESS¹ (BACs=bachelor’s and associate’s degrees, and certificates) |                                                              |
| Statewide BACs          | Somewhat Above Target                                         |
| Bachelor’s degrees      | Somewhat Above Target                                         |
| Associate’s degrees     | Well Above Target                                             |
| Doctoral degrees        | Well Above Target                                             |
| African American BACs   | Somewhat Below Target                                         |
| Hispanic BACs           | On Target                                                     |
| Technology BACs         | Well Below Target                                             |
| Allied health and nursing BACs | Somewhat Above Target                    |
| Teachers initially certified | Well Below Target                     |
| Math and science teachers initially certified | Well Below Target       |

| EXCELLENCE²             |                                                              |
| National rankings       | Well Below Target                                             |
| Program recognition     | On Target                                                     |

| RESEARCH                |                                                              |
| Federal science & engineering R&D obligations³ | Somewhat Below Target |
| Public institutions’ research expenditures⁴    | Well Above Target                                             |

¹For participation and success, progress was compared to the 2011 value on a target trend line, which assumed linear growth from 2000-2005, 2005-2010, and 2010-2015 to reach 2010 and 2015 goals.
²Progress in excellence was assessed by methods other than a target trend line. Program recognition, as defined for the target, cannot be better than “on target.”
³For research and development obligations, progress was measured relative to 2009 value (the year of the most recent available data) on a linear target trend line from 2000 to 2015.
⁴For research expenditures, progress was assessed relative to the 2011 value on a linear target trend line from 1999 to 2015.
History of Higher Education in Laredo, Texas

Public funding for higher education was formally introduced by the Morrill Acts of the late 19th century (Johnson, 1980) and as a result, Texas A&M University was established in 1876 as the first institution of higher education in Texas ("The Texas A&M University System: We have Texas covered," 2011). In 1948 the Texas A&M University System (TAMUS) was established which included its flagship institution, Texas A&M University, as well as 10 other universities, seven state agencies, a comprehensive health science center, and a system administrative office. Today TAMUS is one of the largest systems of higher education in the county. Texas A&M International University (TAMIU), which is located in Laredo, Texas, is one of the member universities that make up the Texas A&M University System.

Relatively speaking, Texas A&M International University (TAMIU) is a “young” urban institution having been established as recently as 1970 to serve the predominantly Mexican-American population surrounding the City of Laredo, Texas. Because of Laredo’s geographic location, TAMIU serves an important role in filling the educational needs of a region that includes both sides of the US/Mexico border. Founded in 1755, Laredo is the second oldest chartered settlement in Texas (Adams, 2008) and it is the busiest inland port in the United States (Edmonson, 2003). The City of Laredo currently has over 235,000 residents and was named one of the two fastest-growing metropolitan areas in the country by the U.S. Census Bureau in 1998 (Edmonson, 2003). When the population of Nuevo Laredo (its sister city right across the border in Mexico) is included, the metropolitan area population is over 600,000 residents.
It took many years before leaders acknowledged the need to make access to a higher education available to its South Texas residents, and finally established an “educational center” in 1970 that later became Texas A&M International University. This center was originally established as a branch of Texas A&I University, an institution located 125 miles from Laredo in Kingsville, Texas. The establishment of this “educational center” did not occur easily.

**Texas A&I University at Laredo**

In 1968, a 27-member delegation of Laredoans traveled to Austin, Texas to address the Texas Higher Education Coordinating Board. When addressing the Board, the delegation emphasized the lack of access to higher education in the region and made a plea to alter the state’s ‘master plan’ to allow the offering of upper-level (junior- and senior-level) courses in Laredo. This proposal did not request a campus, but simply proposed being allowed to offer courses at the local community college campus, Laredo Junior College (Thompson, 1990). The Coordinating Board’s master plan for the 1970s did not include providing higher education to the Laredo region because they believed enrollments would not support an institution of higher learning. After approaching the Coordinating Board a second time, and this time armed with over 8,000 signatures, the Board reluctantly agreed to amend its 10-year plan and approved the creation of an upper-level institution, but not a full-fledged university. Within months a bill creating the center was introduced, approved and signed by then-Governor Preston Smith (Thompson, 1990). Texas A&I University at Laredo was created as part of the University System of South Texas that also included Texas A&I University in Kingsville and Corpus Christi State University. All three
institutions would later merge into what is now known as the Texas A&M University System (TAMUS).

**Laredo State University**

In 1976, a study was directed by the A&I chancellor to consider changing the institution's name to better reflect its regional scope. On September 1, 1977 then-Governor Dolph Briscoe made it official by signing into law the change in name from Texas A&I University at Laredo to Laredo State University (Thompson, 1990). After many years of requesting additional facilities, the state finally granted the institution funding to build its first building on land donated by the community college. Until then, the University operated from a single building leased from the community college. Now there were two buildings; one leased from the community college and one built and owned by the University but both still housed on the community college's land. Throughout the years Laredo State University (LSU) would continue experiencing increases in student enrollments; however, it would continue operating out of two cramped buildings on the community college campus until it moved into a state-of-the-art new campus in the northeast part of Laredo in 1995.

**Texas A&M International University (TAMIU)**

In 1989, the University System of South Texas was dissolved and Laredo State University became a member of the Texas A&M University System. This same year, the 71st Texas Legislature began proceedings to review funding provided for citizens in South Texas and this initiated what became known as the South Texas Border Initiative (Flack, 2003). In 1993, Laredo State University officially changed its name to Texas A&M International University (TAMIU).
As a result of the South Texas Border Initiative, over $200 million has been invested to support higher education in Laredo and this led to a brand-new, state-of-the-art campus built in northeast Laredo. Today, TAMIU is a vibrant and comprehensive university comprised of a College of Arts and Sciences, a College of Education, a College of Nursing and Health Sciences, and the A.R. Sanchez, Jr. School of Business. It now offers 34 undergraduate degrees and 28 graduate degrees including a Ph.D. in International Business Administration ("Texas A&M International University," 2012). It has come a long way from a building it once leased from the community college.

According to a recent report published by The Texas A&M University System, TAMIU had 280 faculty, 599 staff, and 7,037 students in Fall 2011 ("The Texas A&M University System: Facts 2012,"). In a 2011 article published in The Chronicle of Higher Education, TAMIU was listed as one of the fastest growing campuses for the period surveyed from 2004 - 2009. The University experienced a 50 percent increase in growth from 4,269 to 6,419 students for the survey period and was ranked 5th in a 20-member category that included Public Master’s universities ("Fastest-growing campuses, 2004-2009," 2011).

**Texas A&M University System**

The Texas A&M University System was officially established in 1948 and is one of the largest systems of higher education in the county. The System includes 11 universities, seven state agencies, a comprehensive health science center, and a system administration office. The 11 system member universities include Texas A&M University; Prairie View A&M University; Tarleton State University; Texas A&M International University; Texas A&M University-Corpus Christi; Texas A&M University-Kingsville; West Texas A&M
University; Texas A&M University-Commerce; Texas A&M University-Texarkana; Texas A&M University-Central Texas; Texas A&M University-San Antonio; and Texas A&M Health Science Center. The seven state agencies include Texas AgrLife Research; Texas AgriLife Extension Service; Texas Forest Service; Texas Veterinary Medical Diagnostic; Texas Engineering Experiment Station; Texas Engineering Extension Service; and the Texas Transportation Institute.

The Texas A&M University System (TAMUS) prides itself in the fact that each one of its member institutions has its own unique mission, history and goals. Although Texas A&M University, which is located in College Station, is considered the flagship institution, the other universities that make up the system are not considered branch campuses. Each university is independent and has its own president and governance structure offering a variety of different academic programs.

**Mexican American Legal Defense and Educational Fund (MALDEF)**

Established to “provide legal safeguards against discrimination for the country’s five million Mexican Americans” at the time, the Mexican American Legal Defense and Educational Fund (MALDEF) was founded in 1967 with an initial grant of 2.2 million dollars from the Ford Foundation (Teltsch, 1968, p. 38). In announcing the grant and the need for MALDEF, McGeorge Bundy, president of the Ford Foundation, indicated that Mexican Americans were often hesitant to seek recourse through our court system because laws had often been used to discriminate against them (Teltsch, 1968). Studies showing how Mexican Americans in the Southwest were discriminated against in terms of employment were used as part of the appeal to seek support from the Ford Foundation (Teltsch, 1968).
MALDEF was modeled after the National Association for the Advancement of Colored People’s (NAACP) Legal Defense Fund (O’Connor & Epstein, 1984; Romero, 2007; Teltsch, 1968). The organization provided the counsel that represented the League of United Latin American Citizens (LULAC) in the *LULAC v. Ann Richards* case. The defendants named in the case included the late Ann Richards, Governor of Texas at the time; Dr. Kenneth H. Ashworth, Commissioner of Higher Education; Mr. Harry Reasoner, Chair, and each individual member of the Texas Higher Education Coordinating Board; and the chancellors and regents of eleven universities or university systems in Texas ("Richards v. LULAC," 1993).

**League of United Latin American Citizens (LULAC)**

The League of United Latin American Citizens (LULAC), the first major Mexican American civil rights association, was founded in Corpus Christi, Texas back in 1929 when three politically moderate Mexican American organizations, the Order Sons of America, the Knights of America and the League of Latin American Citizens, joined forces to demand equal treatment for Mexican American citizens (Kaplowitz, 2003; Marquez, 1987; Orozco, 1998). The name was chosen to emphasize the organization’s members, who were American citizens of Latin Heritage, and the membership included lawyers, doctors, and other professionals who had settled in South Texas during the Mexican Revolution or who were members of the old elite Spanish or Mexican families (Kaplowitz, 2003; Marquez, 1987). Believing their group would have more legitimacy when making claims for equal treatment as citizens, they restricted the group’s membership to American citizens of Latin American descent. During the first two decades of its existence, LULAC efforts were two-fold. One was focusing on self-improvement efforts to raise the Mexican American
population to middle-class respectability, and the other was pressuring local politicians and business leaders to treat Mexican Americans equally in schools, public facilities and businesses, as well as employment opportunities (Kaplowitz, 2003). They contended that Mexican Americans who lived up to proper American standards should be treated the same as any other white American and that their problems could be resolved if Mexican Americans were given the opportunity to compete on an equal basis with the White or Anglo-American population (Kaplowitz, 2003; Marquez, 1987).

During the post-World War II period, LULAC was the largest and most influential Mexican American political organization in the country (Marquez, 1987). Firmly believing that education was the path for Mexican Americans to achieve parity with Whites, LULAC strongly advocated for expanded educational opportunities for all Mexican Americans (Marquez, 1987). One of LULAC’s most notable contributions to education was a program called the “Little Schools of the 400” (Yarsinske, 2004). The premise of this program was that Latino first graders would do better in school if they learned 400 basic words in English. Judge Alfred Hernandez and Felix Tijerina, both from Houston, are credited with establishing the Little Schools of 400. The Honorable Judge Hernandez and one of his professors from the University of Houston came up with the idea, and Mr. Tijerina provided the funding to make it happen. This successful program provided the model for what would later became the federal Headstart Program (Yarsinske, 2004).

**South Texas Border Initiative**

As a result of the *LULAC v. Richards* lawsuit, in April 1988 the Texas Legislature established a committee made up of state senators and representatives to conduct a study of the higher education needs of South Texas (Truan & Cavazos, 1988). This committee
was known as the Joint Committee on Higher Education in South Texas and it found that there was merit in the claims made about inequity with regard to higher education opportunities provided to South Texas residents. In a report submitted to the lieutenant governor, the speaker of the house and the members of the 71st Texas Legislature in December 1988, the committee made recommendations aimed at achieving equity in providing academic programs and funding for South Texas and urged the congress to take dramatic action. As part of the report, the committee recognized that South Texas had historically received less funding for higher education than other regions of the state and suggested that the Texas Coordinating Board and the Legislature consider area populations when allocating higher education resources to reduce the regional disparities that existed. As the report states, “higher education fuels economic and social progress, promotes cultural development, and provides the individual with a means to achieve his or her fullest potential as a successful and productive citizen” (Truan & Cavazos, 1988, p. 25).

In 1989, the 71st Legislature implemented the South Texas Border Initiative that included an initial funding package of 460 million dollars. Funding for the STBI was provided by the authorization to issue tuition revenue bonds as well as special item funding. The tuition bonds were backed by institutional tuition revenue, and issued with the understanding that the Texas Legislature would provide additional general revenue appropriations to service the debt. The special item funding was used for new program development and to service the debt incurred by the tuition revenue bonds (Flack, 2003).
Chapter 3: Research Design

Research Methodology and Questions

The focus of this case study was the chain of events that led to the investment of millions of dollars to fund higher education in South Texas, a region of Texas inhabited predominantly by Mexican Americans. A class-action lawsuit, *LULAC v. Richards*, was filed in 1987 by the Mexican American Legal Defense and Educational Fund (MALDEF) on behalf of Mexican American organizations and individuals. The lawsuit claimed that Mexican Americans living along the South Texas border were being discriminated against with regard to higher education access. This case made its way up to the Texas Supreme Court and the Court’s ruling as well as its impact is addressed in this study.

The STBI refers to legislation introduced and approved by the Texas Legislature in 1993 that provided millions of dollars of funding to institutions of higher education that serve students in the South Texas border region. The overarching question that guided this study is ‘How has the South Texas Border Initiative impacted the South Texas region with regard to higher education access?’ To understand how the South Texas Border Initiative may have been influenced, the study also explored why the lawsuit was filed alleging discrimination against Mexican American living along the South Texas border and how the community and political leaders organized to achieve success in funding higher education in South Texas.

Case Study Approach

A case study methodology was followed for this study using a holistic, in-depth investigative approach to gather information. According to Feagin, Orum and Sjobert (1991), case studies are designed to bring out the details from the viewpoint of the
participants by using multiple sources of data. The sources used for this study include legal briefings, government reports and documents, as well as personal interviews with individuals involved or aware of the dealings with the litigation, the legislation that funded higher education in South Texas, or Texas A&M International University, one of the institutions benefitting from these endeavors.

Stake (1994) characterizes a case study as a “sharp focus of attention” on a particular situation (p. 34). He further goes on to define intrinsic case studies as those studies done by researchers who care deeply about an event or situation and want to study it further to gain a better understanding. For this study, the researcher has a personal interest in the topic because the results of the lawsuit have benefited him personally and his community as a whole. Individuals closely involved with the lawsuit, the legislation or one of the institutions that benefited from the STBI legislation were interviewed to get their perspectives on the reasons or events that led up to the lawsuit which resulted in increased funding for higher education for residents in South Texas.

**Study Participants and Sites**

The individuals selected to participate in this study were individuals involved with or affected in some way by the *LULAC v. Richards* lawsuit that was filed against the State of Texas. The study participants include the lawyers from the Mexican American Legal Defense and Educational Fund (MALDEF), who represented the League of United Latin American Citizens (LULAC); the Texas legislators that introduced the South Texas Border Initiative (STBI) legislation that provided millions of dollars in funding for higher education for the South Texas border area; and community leaders and university administrators involved with or affected by the STBI. The participants were selected by reviewing official
documents identifying the individuals involved with the lawsuit or the South Texas Border Initiative legislation.

Due to the nature of this study, purposeful sampling was used to identify the participants because the participants had to be knowledgeable about the lawsuit and/or the STBI. Key individuals identified in the documents were contacted by the researcher, who sent them a personalized email message introducing himself, providing a brief overview of the study, and indicating that he would follow up with them through a telephone call. The initial email message was followed up with a personal phone call. This telephone call allowed the researcher to introduce himself again to the participants and schedule an in-person or telephone conference call meeting to conduct the interview. When the researcher met with the participants to conduct the interview, the study and time commitment expectations was explained and any questions the participants had were addressed prior to conducting the interview.

Purposeful sampling was used to gather data from individuals with different perspectives regarding the situation (Maxwell, 2008). Participants included counsel for the plaintiffs and defendants, university administrators, as well as community leaders. Some of the interviews were conducted face-to-face and due to the availability or distance for some of the participants, others were conducted over the telephone. The face-to-face interviews were conducted in the participants’ offices. To administer the face-to-face interviews, the researcher traveled to Texas in late July, 2013 to conduct some of the interviews. In a span of two weeks, interviews were conducted in the cities of Laredo, Concan, Austin and Dallas. With the participants’ consent, all of the interviews were recorded by the researcher and transcribed. The interview transcripts were then sent to the participants so that each could
review them and make any changes they felt were needed. All changes to the transcripts were made prior to the start of coding.

Even though a purposeful sample was used for this study, some snowball sampling was also involved. Snowball sampling occurs when individuals who participate in the study identify other participants who may have specific knowledge about the situation in question. A few of the individuals who participated in the study were not initially identified as participants and were subsequently asked to participate as a result of snowball sampling.

The relationship of the researcher with the participants was courteous and professional. The researcher knew some of the participants because of his prior experience working at Texas A&M International University. However, the initial outreach, interviews, and follow-up communication were consistent with all participants. As suggested by Rubin and Rubin (2012), the researcher shared his personal experience and background with the participants to help build trust. According to Seidman (2006), sharing common experiences with the participants in a frank and personal manner may encourage them to be more open about their own experiences. The researcher shared with the participants that he was born and raised in South Texas, attended and graduated from Texas A&M International University, and had started his professional career in higher education at the institution. Sharing this information with the participants as well as the fact that the objective of the study was to document an important part of South Texas history that impacted so many Mexican Americans living along the South Texas border aided in building the trust and allowed the participants to openly share their memories and experiences. Some of the snowball sampling occurred when participants either picked up
the phone or emailed others vouching for the researcher and encouraging them to participate (Rubin & Rubin, 2012). Throughout the interviews, participants were allowed and encouraged to discuss other aspects of their experiences as part of the interview process. This allowed the participants to provide rich, in-depth descriptions about their experiences and fill in any gaps about other situations that may have been occurring at the time that could have impacted the outcome (Creswell, 2013).

**Data Collection**

The main form of data collection was conducted through interviews with individuals associated or involved with the *LULAC v. Richards* lawsuit, the South Texas Border Initiative (STBI) legislation, one of the institutions that benefitted from the legislation, or the South Texas community. Participants were asked to participate in a 60-minute interview and all of the interviews were conducted in a span of two months. The interviews were scheduled at a time and place convenient to the participants and the sessions were recorded for transcription purposes.

A total of 11 individuals provided information for this study. Five of them met with the researcher for a face-to-face interview, and five of the interviews were conducted over the telephone. One of the individuals provided a document that contained questions and answers pertaining to the South Texas Border Initiative. Four of the five face-to-face interviews were conducted in the individuals’ offices and the fifth interview took place in one of the participant’s home. The five telephone interviews were conducted from the researcher’s home using the speakerphone feature. All interviews were recorded using a small recording device and the recorded files were downloaded to the researcher’s password protected personal computer. The interviews were transcribed within a week.
from the time the interview took place and the transcripts were sent to the participants for review. The participants were given an opportunity to make changes or corrections to the transcripts, however only two of them submitted changes.

Data collection also included a review of documents associated with the lawsuit and the STBI legislation. Documents reviewed included the lawsuit case summaries; briefings, transcripts and reports provided by the Texas Higher Education Coordinating Board; briefings, transcripts and reports published about the South Texas Border Initiative legislation; as well as articles and reports published by other reliable organizations or news sources, such as *The New York Times* and *The Chronicle of Higher Education*.

**Data Analysis**

Data analysis for this study began with a detailed description of the case and the setting. This case study includes a chronology of events and as Creswell (2013) recommends, the data was analyzed “using multiple sources of data to determine evidence for each step or phase in the evolution of the case” (p. 199). Using HyperRESEARCH, the lead researcher conducted the analysis to identify patterns and similarities between two or more categories. Then categorical aggregation was used to interpret issue-relevant meanings from the data (Creswell, 2013).

The interviews conducted for this study were recorded, transcribed and analyzed by the researcher and files were securely saved on his password-protected personal computer. To assist with the analysis, in addition to hand coding the transcripts the researcher utilized the HyperRESEARCH computer software. A combination of “descriptive” and “In Vivo” coding methods were used during the initial hand coding and the first cycle of coding was done with the HyperRESEARCH software. Descriptive coding
refers to the use of a word or short phrase to describe a concept expressed in qualitative data, and In Vivo does the same thing but uses the actual word or phrase used by one of more of the participants (Saldana, 2009). The first cycle of coding produced a codebook with 106 codes. A second cycle of coding was conducted which resulted in renaming some of the codes to reflect similar codes which were created with a different name during the initial coding cycle. The process of renaming and/or combining codes reduced the codebook list to 98 codes. During the second cycle of coding, the codes were placed into categories and these categories were used to identify the themes that corresponded to each research question. The files will be kept until 2018 in case the data needs to be revisited for clarification, confirmation or future studies.

Finally, a “naturalistic” generalization approach was followed with the study. Stake (1995) coined this term to mean generalizations that can be made from the findings of the case. Since this study is about a rather unique case, generalizations were made about what occurred and how the findings can assist other communities in similar situations.

**Trustworthiness**

To ensure the validity and trustworthiness of this study, the researcher was personally engaged with the study throughout the process and made personal connections with the participants. The researcher is very knowledgeable about the Hispanic culture in South Texas because he was born and raised in the area and is a Mexican American. The researcher conducted extensive research on the topic and kept the participants informed throughout the study. The contact was more active with the higher education professionals involved in the study, but the others were kept informed as well to the extent they wanted to be involved.
Another strategy used to ensure validity and trustworthiness was member checking. This study pertains to higher education opportunities provided to a specific community and some of the participants identified for the study are higher education professionals. Soliciting input from these individuals was very beneficial and as suggested by Creswell (2013), the “data, analyses, interpretations, and conclusions [were shared with] the participants so that they can judge the accuracy and credibility of the account” (p. 252).

A third strategy used was rich, thick descriptions. One of the goals for this study was to identify the strategy used to obtain access to higher education for an under-represented class of citizens (i.e., Mexican Americans living along the South Texas border). By providing detailed descriptions about the participants and the circumstances surrounding this event, the objective was not only to ensure validity or trustworthiness within the study itself, but to offer practical information that may be beneficial to other communities in the country that are confronting a similar situation (i.e., lack of access to higher education).

**Confidentiality and Anonymity**

Given the high profile nature of the lawsuit and the politicians involved with the South Texas Border Initiative, identities of some of the people discussed in the study may be apparent to those familiar with the case. The participants were informed that their name and role would be included in the study, and were offered the opportunity to participate anonymously if they preferred. All of the participants chose to participate openly and none indicated they wanted to participate anonymously.

To ensure the participants approved of the information included about them in the study, the researcher shared the study with them and gave them the opportunity to request
changes. Audio files of the recorded interviews are saved on the researcher’s password-protected personal computer. Only the lead researcher has access to the data used for the findings of this study, and it may be used for future studies planned by the researcher.

Role of the Researcher

Rubin and Rubin (2012) state that it is important for a researcher to establish a researcher role so that participants can better relate to the researcher and perhaps encourage them to speak more open and honestly about their experiences. For this study, the researcher chose the role of a novice or apprentice who wanted to learn as much as he could from the participants regarding the events surrounding the lawsuit and the legislation. Therefore, the role of the researcher was to create a forum so that the participants could discuss their experiences as they related to the LULAC v. Richards lawsuit, the state legislation that was approved as a consequence of the lawsuit, or the benefits Texas A&M International University acquired from these dealings. Prior to the interviews, the researcher spent a considerable amount of time learning about the participants, understanding legal terms used in the lawsuit, and studying documents related to the legislation.

Most of the participants were prominent individuals with information about them readily available on the Internet. Using their names to search the Internet provided links such as their employment profiles, curricula vitae, published works, and articles or reports that mentioned them. Two legal terms pertaining to this study that needed further review to better understand the case were “strict scrutiny review” and “rational basis test.” Strict scrutiny review applies when fundamental rights are being denied, and in this case MALDEF was claiming that the fundamental right to a higher education was being denied to
Mexican Americans living along the South Texas border. Cases where strict scrutiny review applies require a much more intense review of the facts and a higher burden of proof that discrimination did not occur. If the rational basis test is used in a case, then discrimination is allowed if a rational basis for the discrimination can be proven. For the *LULAC v. Richards* case, the rational basis test was applied and the rationale was that institutions of higher education were built in the more densely populated areas of the state at the time the institutions were established.

When conducting interviews, it is important that the researcher’s personal biases or previous knowledge of the subject do not influence the data collection process. The researcher was cognizant of this throughout the interviews and allowed the participants to share information even when the researcher was already knowledgeable about it. A set of predetermined questions was used to guide the interviews, however the researcher followed a more semi-structured format that allowed the conversation to flow naturally.

**Conclusion**

Using multiple data sources for this study, the case study approach resulted in summaries of court cases that have impacted Mexican Americans as well as a description of events that led up to the filing of the *LULAC v. Richards* class action lawsuit, and the Texas legislation that provided millions of dollars to fund higher education in South Texas. Most participants involved in this study agreed that there was not a lot of information regarding the *LULAC v. Richards* lawsuit and the benefits that resulted from it with regard to higher education access for Mexican Americans living along the South Texas border. This study chronicles the story about the case from the perspectives of individuals involved.
Chapter 4: Report on Research Findings

Introduction

The South Texas Border Initiative refers to the body of legislation passed by the Texas Legislature that provided millions of dollars in state appropriation funding to improve institutions of higher education along the South Texas border. These appropriations began in 1989 by the 71st Texas Legislature “to enhance the scope and quality of higher education institutions and programs along the Texas-Mexico Border” (Flack, 2003, p. 1); something South Texas leaders and legislators had been requesting unsuccessfully for decades. Many believe, including the majority of participants in this study, that the influx in funding was a direct result of a class-action lawsuit filed in 1987 against the State of Texas by the Mexican American Legal Defense and Educational Fund (MALDEF) on behalf of Hispanic organizations, such as the League of United Latin American Citizens (LULAC) and the American G.I. Forum. This case received national attention with articles appearing in publications such as The New York Times and The Chronicle of Higher Education as it made its way to the Texas Supreme Court, where in 1993, the Court unanimously ruled against LULAC.

This case study explores the events surrounding the circumstances by interviewing individuals closely involved with or knowledgeable about the events and examining documents that provide further information about the litigation, the legislation, and/or the results from this endeavor. The objective of the study is to understand why the lawsuit was filed, how the community came together in these efforts, and to learn how the South Texas Border Initiative has impacted the South Texas Border region with regard to higher education access.
Chapter four includes a section that identifies the participants and their role in the case followed by a timeline of significant events associated with this study. The next section provides brief overviews of two legal cases that influenced the *LULAC v. Richards* case, followed by an overview of the *LULAC v. Richards* case. Next, the three guiding research questions are presented with the themes and subthemes identified for each question. The chapter concludes with recent developments attributed to the South Texas Border Initiative and a conclusion.

**The Participants**

The individuals selected to participate in this study were involved with or affected in some way by the lawsuit (LULAC vs. Richards) that was filed against the State of Texas or the resulting South Texas Border Initiative legislation. The participants provided the primary source for this study and are introduced below in alphabetical order along with their role to illustrate their knowledge and experience with the case. The names and roles of the participants are included. Given the nature of the study, there was no need for the individuals to participate anonymously. They were, however, provided the opportunity to participate anonymously and none of them indicated the need for it.

**Mr. Javier “Jay” Aguilar:** Served as assistant Attorney General for the State of Texas during the trial and was one of the lead counsels when the case was tried at the Texas Supreme Court. He was born in Laredo, Texas and raised in Brownsville, Texas and currently works as a corporate lawyer in Dallas, Texas.

**Ms. Maria Antonietta Berriozabal:** Serves as a Community activist from San Antonio, Texas and a general member of the Mexican American Legal Defense and Educational Fund (MALDEF). She was involved in the “settlement” phase that took place after the lawsuit to
distribute funding among the South Texas institutions. She was born in Laredo, Texas and raised in San Antonio, Texas.

**Dr. Norma E. Cantú:** Served as professor, chair and interim dean at Texas A&M International University. She testified at one of the town hall meetings held in Texas in support of additional funding for higher education, and currently teaches Latina/Latino Studies at the University of Missouri-Kansas City. She was born and raised in Laredo, Texas.

**Ms. Norma V. Cantú:** Served as one of the lead MALDEF attorneys who represented the plaintiffs (LULAC) throughout the *LULAC v. Richards* lawsuit. Served as regional counsel and education director of the Mexican American Legal Defense and Educational Fund (MALDEF). She also served as Assistant Secretary of Education for Civil Rights under the President Clinton administration. Currently teaches in the School of Law and the Department of Educational Administration at the University of Texas. She was born and raised in Brownsville, Texas.

**Dr. Henry Roberto Cuellar:** Represented South Texas as a state representative during the period of this case. In 2005, Dr. Cuellar moved on to became the first Laredoan in over 20 years elected to represent the 28th District of Texas in the U.S. House of Representatives. Born and raised in Laredo, Texas, Dr. Cuellar earned his MBA in International Trade from Texas A&M International University and also worked at the institution as an adjunct professor from 1984 to 1986.

**Mr. Richard E. Gray, III:** Served as one of the lead counsels for the State of Texas (defendants). He also served as lead counsel in the school finance litigation case *Edgewood v. Kirby.*
Mr. Steve Harmon: Currently serves as the Director of Public Relations, Marketing and Information Services at Texas A&M International and has been in this role since 1988. He has been a resident of Laredo, Texas for 30 years.

Dr. Ray M. Keck, III: Serves as the current President of Texas A&M International University. He served as a faculty member at TAMIU starting in 1999 and also served as Provost and Vice President for Academic Affairs from 1999 until his appointment as President in 2001. He was born and raised in Cotulla, Texas, which is located in South Texas.

Dr. Leo Sayavedra: Served as President of Texas A&M International University from 1988-1995. As President and as a staunch advocate for education, he oversaw the institution’s merger into the Texas A&M University System (TAMUS) and its transition from an upper-level institution into what is now Texas A&M International University (TAMIU): a four-year comprehensive institution. In 1996, after twenty-four years of service at TAMIU, Dr. Sayavedra was appointed Deputy Chancellor for Academic Institutions and Agencies for the entire Teas A&M University System making him the highest-ranking Hispanic in higher education in the State of Texas at the time. He retired in 2008 but continues to work in education through service on state and national boards, consulting and speaking engagements. Dr. Sayavedra was born and raised in South Texas.

Mr. David VerMilyea: One of the original administrators at Texas A&M International University who worked there from its inception in August 1970 until he retired in June 2012. Highly respected and revered, he held various leadership roles in student affairs and experienced first-hand the transformation of the institution.
**Dr. Judith Zaffirini:** Has represented the 21st Senatorial District of Texas which includes Laredo, Texas since 1987. She was the first Hispanic woman elected to the Texas Senate and is the second highest-ranking senator and the highest-ranking woman and Hispanic senator in Texas. She authored, co-authored and/or supported legislation that funded the higher education initiatives discussed in this case. Dr. Zaffirini did not meet with the researcher for an interview, but provided a document that contained interview questions as well as comprehensive responses pertaining to the South Texas Border Initiative. She and her staff determined the questions, and the document included many of the same questions developed by the researcher and asked of all the participants.

**Timeline of Significant Events**

The table below provides a timeline of significant events pertaining to this case study.

1970  Texas A&I University at Laredo was founded as an upper-level educational center approved to offer junior-, senior- and graduate-level courses
1977  The institution is renamed Laredo State University
1987  MALDEF files a class-action lawsuit against the State of Texas in state district court in Brownsville, Texas. Originally filed as LULAC v. Clements and then changed to LULAC v. Richards when Ms. Ann Richards replaced Bill Clements as Governor in 1991.
1989  Laredo State University is merged into the Texas A&M University System
1991  Jury in the class-action lawsuit finds that the state had, in fact, created an unequal system of higher education. Verdict is appealed by the State and is expedited directly to the Texas Supreme Court.
In 1993, the name of the Laredo State University was changed to Texas A&M International University.

In 1993, the Texas Supreme Court ruled unanimously against the plaintiffs in favor of the State.

In 1995, with authorization from the 74th Texas Legislature, Texas A&M International University expanded to four-year status and welcomed its first freshman and sophomore class in its brand new, 300-acre campus in northeast Laredo on land donated by Sue and Radcliffe Killam.

**Cases that influenced the LULAC v. Richards Case**

Participants in this study indicated that two cases, one a state case and the other federal, had influence on the *LULAC v. Richards* case. The state case was *Edgewood v. Kirby* and the federal case was *Rodriguez v. San Antonio ISD* and overviews of both cases are provided as background. The attorney participants were very knowledgeable about the details of the cases; however, several of the other participants also mentioned the cases and were aware that they had varying degrees of influence on the *LULAC v. Richards* case.


*Rodriguez v. San Antonio ISD* was a class-action lawsuit filed in federal court on behalf of the poverty-stricken and underfunded Edgewood Independent School District in San Antonio, Texas. Ninety percent of the students enrolled at Edgewood at the time were of Mexican origin and the plaintiffs included Demetrio Rodriguez and 16 other Edgewood ISD parents, most of them mothers (Ayala, 2013; Orozco, 2013). Claiming insufficient supplies and lack of qualified teachers among their grievances, the plaintiffs wanted the federal court to declare the State of Texas’ school funding system unconstitutional under
the U.S. Constitution. Among their claims, they stated that Edgewood Independent School District had one of the highest tax rates in the county, but only provided $37 per student. By comparison, the Alamo Heights Independent School District, Bexar County’s wealthiest school district, was able to provide $413 per student. Studies revealed that in order for both school districts to provide equal educational funding, the tax rate per $100 property value would only be $.68 for Alamo Heights, yet as high as $5.76 for Edgewood.

Funding disparities among school districts in Texas were not unusual. A study done using the 1967-68 school year budgets of a sample of 110 Texas school districts’ revealed that the ten richest districts raised an average of $610 per student, while the four poorest districts raised an average of $63 per student ("Rodriguez v. San Antonio ISD," 1973). Because of disparities like these, the plaintiffs were asking the federal court to find the state’s school funding system unconstitutional (Orozco, 2013). The two main claims presented in the case were that education was a ‘fundamental right’ under the Fourteenth Amendment to the U.S. Constitution and that poor and Mexican-American families were treated as a ‘suspect class.’

On December 23, 1971, the three-judge federal court ruled against the State of Texas and found that the Texas school-finance system was unconstitutional under the “equal protection” clause of the Fourteenth Amendment. The ruling was appealed by the State of Texas and went to the U.S. Supreme Court as San Antonio ISD v. Rodriguez (Orozco, 2013).

On March 21, 1973 with a five to four ruling, the U.S. Supreme Court reversed the lower court ruling and claimed that education was not a fundamental right entitled to strict scrutiny and that wealth was not a suspect classification. In their majority ruling, Justice Powell noted that education entitlement is not included in the U.S. Constitution and
therefore does not warrant fundamental-right status. In other words, education was not a fundamental right explicitly or implicitly guaranteed by the U.S. Constitution.

With regard to wealth, Justice Powell's opinion observed that Texas did not deny its residents a public education on the basis of wealth. It is interesting to note that the make up of the Supreme Court had changed from the time the original case was filed and the time it was decided. During this time, President Nixon had appointed four supreme court justices and the five-member majority that rejected the plaintiffs' claims included the four justices who had been appointed by him (Sutton, 2008).

The claim that education was not a ‘fundamental right’ seemed to go against earlier claims made by the U.S. Supreme Court in the Brown v. Board of Education case. When deciding the Brown v. Board of Education case, the Court maintained that “education is perhaps the most important function of state and local governments” and went on to claim that “it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available on equal terms” ("Brown v. Board of Education," 1954). The Rodriguez v. San Antonio ISD ruling seemed to have eroded the importance placed on education for our society.

However, even though the Supreme Court ruled again the plaintiffs in the Rodriguez v. San Antonio ISD case stating that education was not a fundamental right under the U.S. Constitution, it did not preclude the plaintiffs from seeking relief through state courts. In his dissenting opinion, Justice Thurgood Marshall encouraged the plaintiffs to seek relief through the state court stating that “nothing in the Court’s decision...should inhibit further review of state educational funding schemes under state constitutional provisions"

**Edgewood ISD v. Kirby (1989)**

On May 23, 1984, MALDEF filed a lawsuit on behalf of Edgewood Independent School District residents against Commissioner of Education William Kirby. Unlike the U.S. Constitution, the Texas Constitution explicitly grants a right to “an efficient system of public free schools” (Texas Const., art. 7, § 1). In 1987, a district court in Austin, Texas found the school finance system unconstitutional but a 3-judge panel reversed this decision the following year. The case went back and forth through the court system until October 2, 1989 when the Texas Supreme Court ruled unanimously (9-0) with the Edgewood plaintiffs and ordered the state legislature to implement an equitable school finance system. The Texas Legislature struggled to develop a plan prompting further court battles. Finally, in January 1995 the Texas Supreme Court accepted the plan presented as constitutional, however, it noted that the legislature still needed to work on equalizing and improving school facilities. Following what it perceived to be a victory in equalizing access to public K-12 education in Texas for Mexican Americans, MALDEF also set its sights on public higher education and filed the *LULAC v. Clements* lawsuit, later known as *LULAC v. Richards*, when Ms. Ann Richards became the Governor of Texas replacing Governor Bill Clements.

**LULAC v. Richards Case**

In 1987, MALDEF filed a class-action lawsuit against the State of Texas claiming the state discriminated against Mexican Americans living along the South Texas border by not providing adequate access to higher education opportunities. Inspired by successes that resulted from the Edgewood state case yet cautious because of the setback that transpired
from the Rodriguez federal case, MALDEF filed the lawsuit. The list of plaintiffs included the League of United Latin American Citizens (LULAC), the American G.I. Forum, eight other Mexican American organizations and 15 Mexican American individuals.

**The Plaintiffs: Certifying a Class of Mexican Americans**

The first order of business for MALDEF was certifying the plaintiffs as a discrete group. Judge Uresti, the trial judge in the 107th State District Court of Texas certified the class and allowed the trial to proceed. The class certified was:

“all persons of Mexican-(Hispanic) ancestry who reside in the Border Area consisting of these forty-one contiguous counties along the border in Texas and who are now or will be students at Texas public senior colleges and universities or health related institutions (or who would be or would have been students at Texas public senior colleges and universities or health related institutions were it not for the resource allocation policies and practices complained of in Plaintiffs’ petition). This class does not include persons with claims for specific monetary or compensatory relief” ("Richards v. LULAC," 1993).

**The Argument: Discrimination**

In their argument, MALDEF contended that the Texas Higher Education System discriminated against Mexican Americans living along the South Texas border by denying them “participation in quality higher education programs and access to equal higher education resources” ("Richards v. LULAC," 1993). The Texas Higher Education System was defined by the trial court as “the laws, policies, practices, organizations, entities and
programs that have created, developed or maintained Texas public universities and professional schools” ("Richards v. LULAC," 1993).

In presenting their case, MALDEF relied on experts, demographers, and educational leaders to provide data and information that outlined the discrepancies in funding and resources that existed in South Texas compared to the rest of the state. Among the information presented, the following statistics were provided:

“(1) about 20% of all Texans live in the border area, yet only about 10% of the State funds spent for public universities are spent on public universities in the region; (2) about 54% of the public university students in the border area are Hispanic, as compared to 7% in the rest of Texas: (3) the average public college or university student in the rest of Texas must travel 45 miles from his or her home county to the nearest public university offering a broad range of masters and doctoral programs, but the average border area student must travel 225 miles; (4) only three of the approximately 590 doctoral programs in Texas are at border area universities; (5) about 15% of the Hispanic students from the border area who attend a Texas public university are at a school with a broad range of masters and doctoral programs, as compared to 61% of public university students in the rest of Texas; (6) the physical plant value per capita and number of library volumes per capita for public universities in the border area are approximately one-half of the comparable figures for non-border universities; and 97) these disparities exist against a history of discriminatory treatment of Mexican Americans in the border area (with regard to education and otherwise), and against a
present climate of economic disadvantage for border area residents.

("Richards v. LULAC," 1993)

Unlike the Edgewood case however, the university leaders were not able to join in as plaintiffs in the class-action lawsuit. They were sympathetic to the cause and supported MALDEF efforts, but as state employees they were advised by the state lawyers not to be involved. Repercussions for their involvement could have resulted in termination. In the Edgewood case, superintendents of many other large school districts were able to be included as plaintiffs since local authority (most commonly a county), and not the state, governs school districts. The LULAC v. Richards case was brought on solely by grassroots efforts spearheaded by MALDEF. The Texas Rio Grande Legal Aid organization was noted as being instrumental in this case by one of the attorney participants.

Is Higher Education in Texas a Right or a Privilege?

Many of the participants in this study talked about whether or not higher education should be considered a right or a privilege. The Brown v. Board of Education case contained language that said education was essential to protecting the right to vote and the right to speak. The Rodriguez case reversed this opinion by claiming that education was not a fundamental right guaranteed by the U.S. Constitution. The Edgewood Case was filed in state court citing Article 7, Section 1 of the Texas Constitution to support their case.

The Rodriguez case, a federal case, had already declared that education was not a “fundamental right” guaranteed under the U.S. Constitution. In the Edgewood Case, the Texas Supreme Court ruled unanimously finding that the existing state funding system for K-12 education was unconstitutional. A similar approach was used in the LULAC v.
In the *LULAC v. Richards* case, the claim was discrimination against a distinct group of people in a particular region of the state.

The defendants in the *LULAC v. Richards* case were accused of violating parts of the Texas Constitution by not providing Mexican Americans living along the South Texas border equal access to higher education. Named as defendants were the governor, the commissioner of higher education, each individual member of the Texas Higher Education Coordinating Board, as well as the chancellors and regents of eleven universities or university systems in Texas. The Articles they were accused of violating included Article I, Sections 3 and 3a, and Article VII, section 1. Those sections of the Texas Constitution read as follows:

Article 1, Section 3: **EQUAL RIGHTS.** All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate private public emoluments, or privileges, but in consideration of public services.

Article 1, Section 3a: **EQUALITY UNDER THE LAW.** Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin. This amendment is self-operative.

Article 7, Section 1: **SUPPORT AND MAINTENANCE OF SYSTEM OF PUBLIC FREE SCHOOLS.** A general diffusion of knowledge 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 public free schools.
The Defense

The majority of the state’s defense relied on the Texas Higher Education Coordinating Board. The plaintiffs had to prove that each of the individuals named as defendants had intentionally discriminated against Mexican Americans living in South Texas by not providing them higher education opportunities. Of significant issue was the lack of degree programs offered at south Texas institutions. Decisions about degree program offerings are made by the Texas Higher Education Coordinating Board, which was created in 1965 to review all funding requests and to give its recommendations regarding funding to the Texas Legislature. The state presented data showing that since its inception, it had approved 93.6% of the programs requested by schools in the border area, compared to 79.5% of requests from schools in the rest of the state.

The state also presented demographic data showing that other metropolitan areas of the state, such as Houston, had higher concentrations of Mexican Americans living in the area than some of the south Texas areas. Houston is known for its many public and private educational institutions. They argued that if the defendants were indeed discriminating, the educational opportunities available to Mexican Americans in Houston would not exist.

The Verdict: District Court

Both sides claimed victory with the district court decision. The district trial court rendered a declaratory judgment finding that the higher education system was indeed unconstitutional under the Texas Constitution. However, when the jury was asked if the defendants had “treated Plaintiffs differently, to their detriment, at least because Plaintiffs are Mexican Americans, in the process that leads to program approval or allocation of
funds” ("Richards v. LULAC," 1993), the jury was unanimous in answering “No” for every defendant. The state claimed victory for this.

MALDEF claimed victory as well with other parts of the court’s decision and was eager to have that decided by the Texas Supreme Court. In answer to other questions, the district court jury found that

“(1) the Legislature had failed to establish, organize or provide for the maintenance, support or direction of a system of education in which the Plaintiffs have substantially equal access to a University of the First Class; (2) The Legislature had failed to make suitable provisions for the support of maintenance of an efficient system of public universities; (2) the State could have reasonably located and developed university programs that provide more equal access to higher educational opportunities to Mexican Americans in the Border Region; and (4) the Board’s policies and practices toward the Reynaldo G. Garza School of Law impaired the equal availability of legal education to Mexican Americans in South Texas” ("Richards v. LULAC," 1993).

The Verdict: Texas Supreme Court

On October 6, 1993, the Texas Supreme Court unanimously reversed the trial court’s decision. The Court found no direct evidence that the defendants’ intended to discriminate and it also found that higher education was not a fundamental right guaranteed under the Texas Constitution. The Court found that the Texas Constitution Articles referred to in the lawsuit applied only to the lower levels of education ("Richards v. LULAC," 1993). In addition, the defendants’ claim for equal rights violations based on a geographical classification, race, or national origin could not be sustained (Olivas, 2013).
During the time the lawsuit was originally filed in 1987 to the time the Texas Supreme Court rendered its decision in 1993, the Texas Legislature had begun its own deliberations to increase funding for higher education for the South Texas region. By the time the Supreme Court ruling was announced, the Texas Legislature had introduced the South Texas Border Initiative legislation. This landmark piece of legislation provided millions of dollars of funding for higher education and will forever impact the lives of Mexican Americans living and working in that area.

**Research Question: Why was the LULAC v. Richards Lawsuit Filed?**

To probe for answers as to why this lawsuit was filed, participants were asked to identify key issues they believed were attributed to the LULAC v. Richards lawsuit. The semi-structured format of the interviews allowed the participants to share any information they felt was pertinent to these key issues. The three main themes that evolved from the study to address this question include historical oppression, inequities in higher education resources for South Texas, and the population boom experienced in South Texas. Three sub-themes were identified for inequities in higher education resources theme and those sub-themes were lack of funding, lack of access to higher education, and limited degree options available to the residents of South Texas.

**Historical Oppression and Discrimination**

“I don’t care where you are, Latinos always happen to be on the other side of the tracks.” (L. Sayavedra, personal communication, August 1, 2013)

Several of the participants referred to the abuse, discrimination and neglect Mexican Americans in South Texas have faced for generations. Some of the references dated back to the Treaty of Guadalupe Hidalgo when many Mexican American families lost their land and
were disenfranchised. S. Harmon (personal communication, July 30, 2013) mentioned the “historic neglect of South Texas and the people of South Texas” and R. M. Keck, III (personal communication, July 31, 2013) talked about the disenfranchisement Hispanic Texans experienced which was similar to the historical disenfranchisement experienced by African Americans. Keck went on to share a story about discrimination experienced by his wife’s family in the 1950’s in South Texas. His wife’s great grandfather, Mr. Flores, was a landowner who owned over 240,000 acres of land. Mr. Flores was traveling south from San Antonio and stopped in Cotulla, Texas for a meal. The family was denied service because they were Mexicans. A “man that owned a lot of land in Mexico was told he couldn’t eat a meal in a restaurant in Cotulla, Texas” (R.M. Keck, personal communication, July 31, 2013). This sentiment of discrimination and disenfranchisement resonated throughout the study.

For example, during the interview with Dr. Leo Sayavedra (personal communication, August 1, 2013), he shared an ancestral chart he has been developing. In this chart, he is able to trace his family heritage back to the 1600’s when they arrived from Reus, Spain and settled in an area now located in south Texas. He states that his ancestors were granted this land from the Governor of New Spain in an area that later became part of northern Mexico. With the Treaty of Guadalupe Hidalgo, this geographic area was surrendered to the United States by Mexico and as a result many local residents lost ownership of their land. This loss of land, he claims, was a result of people not being able to provide proof of ownership in documents written in English; the documents they possessed were written in Spanish and therefore rejected as legitimate.

Further, several of the participants mentioned as an example of the oppression and fears Laredoans faced in providing higher education opportunities was a ‘discontinuing
clause’ included in the legislature that gave the Texas Higher Education Coordinating Board the authority to close the university at its discretion. Luckily, this threat was eliminated when Senator Zaffirini introduced Senate Bill 658 and had it approved by the Texas Legislature in 1989. This bill raised the legal status of what was then Laredo State University (now Texas A&M International University) from a “center” to an “upper level educational institution” and it removed the authority of the Texas Higher Education Board to close the institution at its discretion (J. Zaffirini, personal communication, July 26, 2013).

**Inequities in Higher Education Resources for South Texas**

"With the demographic shift in the country, and with everything else that is going on, I think it’s just unconscionable that they haven’t done more for [the South Texas border] region, and for the students and the people who live there" (N.E. Cantu, personal communication, August 16, 2013).

The South Texas border area is one of the poorest and least developed regions of the state (Olivas, 2013). Leading up to the *LULAC v. Richards* case, several studies were commissioned to examine the funding resources provided to public higher education institutions. One study commissioned by the now defunct University System of South Texas reported on the huge disparities in funding for higher education institutions located north of San Antonio and funding for the institutions located south of San Antonio (L. Sayavedra, personal communication, August 1, 2013). This report was made public but it did not result in a positive response from the Texas Higher Education Coordinating Board or the Texas Legislature.

In an attempt to dispel the notion that South Texas was receiving an unequal share of higher education funding, the Texas Comptroller contracted a nationally recognized accounting firm to review the funding system for higher education in Texas. The report
concluded that "the state funding system for higher education was irrational, which is really strong language to describe an ineffective system of funding" (N.V. Cantú, personal communication, September 14, 2013). This was not what the comptroller expected. It was a shameful report that prompted citizens to react.

The Border Regional Consortium, a combination of college and business groups, had been collecting and organizing data about higher education opportunities. This consortium repeatedly approached the Texas Legislature asking them to equalize funding for higher education similar to what they were doing for K-12 education as a result of the Edgewood v. Kirby lawsuits, but the response was negative. Since the Texas Legislature was not responsive, a think-tank group of education experts organized to develop the basic framework of what a higher education lawsuit would look like and whether or not it would resemble the Edgewood lawsuit.

During the LULAC v. Richards trial, non-border university presidents were subpoenaed and became witnesses for the prosecution. Through depositions, each had to describe all of the extra resources and levels of higher education opportunities they had available to them. The outcome of these depositions helped make the case that the border area was not being treated the same way as the non-border area (N.V. Cantu, personal communication, September 14, 2013). Laredo had a university but it was not given the resources to be what it could be. It was not a first-rate institution because it was not provided the needed resources by the state (R.M. Keck, personal communication, July 31, 2013).

One important observation is that south Texas is predominantly Hispanic, and the median household income for Webb County, one of the counties in south Texas where
TAMIU is located, is $35,770. This is far below the Texas median income of $48,615 and the U.S. median income of $50,046. It is not financially feasible for many students to relocate to another city to attend college. Women are faced with an added barrier because the Hispanic culture is very protective over them, making it even more difficult for them to leave home to attend college ("Latinos' school success: Work in progress," 2012).

**Lack of Funding**

A sub-theme identified about the inequities in higher education resources for south Texas was a lack of funding. “There was a problem, there was a huge problem, and that was that the whole border regions was not getting its share of higher education monies” (M.A. Berriozabal, personal communication, August 12, 2013). One of the important things accomplished by the *LULAC v. Richards* lawsuit was that it “brought to light the great disparities [that existed in South Texas with regard to] higher education opportunities” (H.R. Cuellar, August 21, 2013). The sentiment shared by many was that “South Texas [was] getting cheated out of millions of dollars” (M.A. Berriozabal, personal communication, August 12, 2013). There were clearly “serious shortages in funding and attention to higher education in South Texas” (S. Harmon, personal communication, July 30, 2013). Even when institutions of higher education existed in South Texas, “the huge disparity in funding was quite obvious” (L. Sayavedra, personal communication, August 1, 2013) and the institutions “operated on shoe-string budget[s]” (R.M. Keck, personal communication, July 31, 2013).

For the *LULAC v. Richards* case, the South Texas border area was identified as the forty-one counties along the Texas-Mexico border that stretched from El Paso in the west all the way to Brownsville in the east where the Gulf of Mexico begins. Although San
Antonio is located about 150 miles north of the Texas-Mexico border, it “was included [as part of the lawsuit] because it shared qualities with the border area in terms of the high Hispanic population and compared to other urban cities in Texas, it was underfunded and it received its public four-year university very late compared to Dallas and Fort Worth and Houston” (N.V. Cantu, personal communication, September 14, 2013). As M.A. Berriozabal expressed, San Antonio residents struggled for many years “just to get a four-year public university and [San Antonio] didn’t get it until 1969” (personal communication, August 12, 2013).

**Lack of Access to Higher Education**

“...without the education, without the facilities there, talented young people couldn’t go to college because they didn’t have the economic wherewithal to go to Austin or Houston” (R. E. Gray, personal communication, August 6, 2013).

“Access. To me, that was the major thing; access to an education...I remember my hope was that there would be access to the universities” (N.E. Cantu, personal communication, August 16, 2013).

A second sub-theme identified that expressed the inequities in higher education resources for South Texas was the lack of geographic access to higher education. For example, Berriozabal (personal communication, August 12, 2013) described as shameful the fact that San Antonio was one of the last large urban centers in the country to have its own public university. The University of Texas at San Antonio (UTSA), the first public institution of higher education built in San Antonio, was not established until 1969. She talked about how prior to the existence of UTSA, young people in San Antonio simply grew up knowing that there would be no access to a local university for them to obtain a degree. Those who could not afford tuition at a private institution had no choice other than accept the fact that they would not have the option to attend college. “It was not news to anybody
who was from [San Antonio].... [and] any thinking Latino in the city, or Latina....knew things were not fair, and [they] grew up knowing things [were] not fair. And all these children, all these young people did not have access to higher education” (M.A. Berriozabal, personal communication, August 12, 2013).

University presidents of institutions outside of the border were also very sympathetic to the fact that many South Texans did not have access to certain programs because none were offered at local institutions. They expressed compassion for students who had to travel great distances from their communities, sometimes 500 or 600 miles, in order to obtain a degree not offered in their own community (N.V. Cantu, personal communication, September 14, 2013).

When discussing access to higher education for residents of South Texas, several of the study participants talked about the so-called “dividing line.” This horizontal line drawn across the lower part of Texas distinguishes what is referred to as South Texas. This line follows the path of Interstate 10 from El Paso to San Antonio and then south to Corpus Christi along the Interstate 37 corridor. “[I]t was not the first time that people had noted the negligence from the state in terms of education for South Texas. The story was that if you drew a line across the state from El Paso, anything south [of the line] there was nothing. It was like a desert. All the universities were north of that line. Even in El Paso, it wasn’t a full-fledged university” (N.E. Cantu, personal communication, August 16, 2013). Therefore, if students “wanted to complete [their] education, [they] had to travel, [they] had to leave, [they] had to commute and it wasn’t a thirty or forty mile drive. It was a hundred and fifty-six miles in either way...and that’s not something that a lot of people
could do either financially or time wise” (S. Harmon, personal communication, July 30, 2013).

It simply was “not appropriate that the children of Ms. Sanchez in Laredo [were] never going to get a choice, but the children of Mrs. White in Houston [had] many choices.” The sentiment shared by a majority of the study participants was that South Texans should be “entitled to the same access that citizens all over Texas….have to higher education” (R.M. Keck, personal communication, July 31, 2013).

**Limited Degree Options**

“*The programs and the degrees were just not up to par in the border area.*” (H.R. Cuellar, personal communication, August 21, 2013)

A third sub-theme identified for inequities in higher education resources for South Texas was the limited number of degree options available. Prior to 1970, there were no opportunities for Laredoans to get a four-year degree. If they wanted a baccalaureate degree, “they had to leave Laredo or any other South Texas town (L. Sayavedra, personal communication, August 1, 2013). Even when the educational center was established in Laredo in 1970, degree options were limited. “The choices were business or education” (N.E. Cantu, personal communication, August 16, 2013). The institution in Laredo was only authorized “to teach students to become teachers or teach students to enter the business community” (R.M. Keck, July 31, 2013).

The Texas Higher Education Coordinating Board renders approval and authorization to offer degree programs. Institutions wishing to add new programs or expand their degree inventories had to submit such requests to the Coordinating Board. The Coordinating Board had a history of not wanting to duplicate programs across the
state. Therefore, “the institutions that already had programs were able to add more programs and the border area that started out with fewer programs kept getting starved of additional graduate programs” (N.V. Cantu, personal communication, September 14, 2013).

A document provided by J. Zaffirini refers to a report provided to the Texas Legislature that was compiled by Dr. Frederick von Ende. This report, titled *Higher Education in South Texas: A Comparative Examination with Emphasis on the Availability of Advanced Degree Programs*, was presented to the Texas Legislature during deliberations for the South Texas Border Initiative. One of the findings in the report addressed the geographic distribution of higher education opportunities throughout Texas. The report noted that South Texas had the second fewest advanced degree programs available and had the worst ratio of advanced degree programs to population. In 1984, the statewide average of advanced degree programs per person was one advanced degree per 5,106 persons. In South Texas, that average was one advanced degree for every 13,689 citizens; 37% below the state average (Truan & Cavazos, 1988).

**Population Growth**

“...it was a population that everybody projected would continue to grow and would have every right to have the same degree of treatment and services as the rest of the state.” (S. Harmon, personal communication, July 30, 2013)

The third theme identified as an influence in filing the *LULAC v. Richards* lawsuit was the tremendous growth in the Hispanic population in South Texas. During the time of the lawsuit, Laredo was noted as the second fastest growing city in the country, second only to Las Vegas, Nevada (H. R. Cuellar, personal communication, August 21, 2013). According to the 2010 census conducted by the U.S. Census Bureau, the total population residing in
Webb County, where Laredo and Texas A&M International University are located, is 250,304. In the decade since the last census was compiled in 2000, Webb County experienced a 29.6% increase in population outpacing the state average growth rate of 20.6% and the national average growth rate of 9.7%. Webb County was ranked 20th with regard to population growth out of 254 counties in Texas. Hispanics comprise 95.7% of the county’s population making it the county with the highest percentage of Hispanic residents in Texas.

Of the 250,304 residents living in Webb County in 2010, only 13.4% had a bachelor’s degree compared to 17.3% in Texas and 17.7% in the U.S. The number of Webb County residents enrolled in college is 14,325 and 93.9% of them are enrolled in a public institution. The percentages of Texas and U.S. residents enrolled in a public institution are 84.8% and 77.9%, respectively. The percentage of residents under the age of 19 living in Webb County is 38.79%, and the percentages for Texas and the U.S. are 30.31% and 26.92%, respectively ("State and county quick facts," 2010). These figures highlight the importance of providing residents of South Texas access to a first-rate public higher education.

M.A Berriozabal (personal communication, August 12, 2013) talked about how MALDEF was able to make a strong case about the importance South Texas would have on the entire State of Texas by showing proof that the region was growing rapidly. “There was a huge population growth” (L. Sayavedra, personal communication, August 1, 2013) and people started taking notice of the Hispanic population boom in South Texas and many referred to this as the ‘Sleeping Giant.’ They started realizing that the Hispanic community had a voice (H.R. Cuellar, personal communication, August 21, 2013).
According to U.S. Census Bureau projections, the country will become a majority-minority nation by 2043 ("2012 National Population Projections,"). The non-Hispanic White population is projected to remain the largest single group, however no single group will make up a majority. The Hispanic population is projected to more than double, from 53.3 million in 2012 to 128.8 million in 2060, making it the second largest group with about 31% of the population. According to these projections, by 2060 nearly one in three U.S. residents will be Hispanic, as compared to one in six that exists today ("2012 National Population Projections,").

**Research Question: How did the community organize?**

When addressing the research question regarding how the community organized to file the lawsuit, four themes emerged. The Mexican American Legal Defense and Educational Fund (MALDEF) was the main theme noted for organizing the efforts followed by three themes that include community involvement, speaking with one voice, and key organizers.

**Mexican American Legal Defense and Educational Fund (MALDEF)**

"...MALDEF was the principal organization that began to put this whole thing together" (L. Sayavedra, personal communication, August 1, 2013).

As a result of this study, there is no doubt that the Mexican American Legal Defense and Educational Fund (MALDEF) was instrumental in organizing the *LULAC v. Richards* case. MALDEF has a longstanding relationship with the League of United Latin American Citizens (LULAC) and both non-profit organizations have joined forces many times to protect the interests of Hispanics when it comes to voting rights, employment, and education (N.V. Cantu, personal communication, September 14, 2013). To prepare for this
case, MALDEF relied on demographers to present data about the demographics of the state and to predict future trends. They also relied on higher education leaders to learn how the complicated formula that funded higher education institutions worked as well as the approval process for academic programs.

“MALDEF has had a tremendous track record of protecting minority interests, particularly in the Hispanic community” and this organization “got together with various South Texas leaders, primarily political leaders who felt that the border region, as they had defined it, had been short changed in higher education opportunities.” MALDEF subsequently decided to file the lawsuit and “did a really magnificent job of pointing out an area that was truly in dire need of increased educational opportunities... by shining the light on the problem via the lawsuit....[and this] has led overtime to greatly increased educational opportunities for an area of the State that clearly needed it” (R.E. Gray, personal communication, August 6, 2013).

MALDEF’s objective was finding “equity in the [higher education funding] system and trying to develop an environment where all [students] would have equal opportunity” (L. Sayavedra, personal communication, August 1, 2013). “MALDEF created opportunity where it didn’t exist” and the “enhanced education opportunities [that currently exist] in South Texas are a direct result of MALDEF and their efforts” (R.M. Keck, personal communication, July 31, 2013).
Community Involvement and Support

“The community was very, very involved in getting together and getting things done”
(H.R. Cuellar, personal communication, August 21, 2013).

Long before the LULAC v. Richards lawsuit was filed or the South Texas Border Initiative approved by the Texas Legislature, the South Texas Hispanic community had been advocating for themselves. In San Antonio for example, there were groups such as the Chicano Movement’s Raza Unida, MALDEF, the Southwest and Intercultural Development Research Association, and the Mexican American Unity Council working together in concert to demand better treatment for Hispanics in the area (M. A. Berriozabal, personal communication, August 12, 2013).

When the Texas Legislature was not responsive to the higher education needs of South Texas, MALDEF organized a think-tank group of educational experts to develop a plan of action. This group, led by Al Kauffman from MALDEF, included some of the same individuals who had been involved in the Edgewood case as well as higher education leaders (N. V. Cantu, personal communication, September 14, 2013).

During the trial, MALDEF called as witnesses some high profile prominent citizens who talked “about the excruciating need that [the South Texas] region had for increased educational opportunity” (R E. Gray, personal communication, August 6, 2013). Five of the participants specifically mentioned the impact Henry Cisneros had during the trial. Mr. Cisneros is a former mayor of San Antonio and served as the U. S. Secretary of Housing and Urban Development during the Clinton Administration.

When a new campus was being considered for Texas A&M International University in Laredo, the Texas A&M System wanted proof that the community supported this
endeavor. One of the conditions stipulated by the A&M System before they would consider building a new campus was that the land for the university had be donated. Dr. Leo Sayavedra and other university leaders approached Sue and Radcliff Killam, a wealthy and philanthropic couple from Laredo. The Killam’s agreed to donate 200 acres of land to build a new university. The A&M System said that 200 acres was not enough and indicated that at least 300 acres were needed. Dr. Sayavedra approached the Killam’s again and asked for the additional 100 acres, and the Killam’s agreed (L. Sayavedra, personal communication, August 1, 2013). This was clearly an act of community support in the eyes of the A&M System and resulted in Laredo gaining a brand-new, state-of-the-art campus in the northeast section of the city.

**Speaking with One Voice**

“Politics played an important role because South Texas elected officials united to persuade statewide leaders to support the cause” (J. Zaffirini, personal communication, July 26, 2013).

The *LULAC v. Richards* case united the South Texas community in a way many participants acknowledged had not been done before or since this case was brought to light. Speaking with “one voice” was another theme identified to describe how the community came together to advocate for the common goal of providing greater access to higher education for the South Texas area.

By filing the lawsuit, MALDEF “did a great job of coalescing the elected officials, state house members, state senators and local officials to…. form a coalition to force the issue that over time has led to…greatly improved educational opportunities for citizens in the border area” (R. E. Gray, personal communication, August 6, 2013). It was “a unique
moment in Texas higher education and it does attest to the resolve, the will, and the power of a group of people that shared a like or similar vision to really band together and insist that their voices be heard and that equality in funding be provided to a part of Texas that had been historically neglected” (S. Harmon, personal communication, July 30, 2013).

Al Kauffman and Norma Cantu, the MALDEF trial lawyers, worked vigorously to bring the legislators together so that they would agree to support each other’s top priorities. For example, the community and political leaders agreed that they would not duplicate their efforts by avoiding requesting the same school, e.g., a business school, law school or a medical school for their particular community. Instead, they agreed that they would support increased numbers of medical schools, law schools, engineering schools for South Texas. Further, neither party would testify against each other or try to override each other’s request and, conversely, would work together in a very collaborative way (N.V. Cantu, personal communication, September 14, 2013). San Antonio was included in this effort when it was realized that by doing so, it would give both parties more clout. This would mean more community members, representatives, and senators supporting a common cause: increased higher education opportunities for South Texas. For the first time, community leaders started thinking regionally instead of city by city (R.M. Cuellar, personal communication, August 21, 2013). In Cuellar’s opinion, this was the game changer.

Often times in the world of politics, politicians will fight for their own individual district and constituents. By working together, a coalition of South Texas border representatives was formed, with each party fighting for a common goal (R.E. Gray, personal communication, August 6, 2013). “It was so important for the [South Texas
delegation of representatives] to speak with one voice and they always did and that was one of the strengths.... they spoke with one voice. There was no if’s, and’s or but’s; everybody spoke with the same voice” (S. Harmon, personal communication, July 30, 2013). At group meetings to discuss strategy, the credo was “We’re going to work together, we’re going to work together, we’re going to work together” (H.R. Cuellar, personal communication, August 21, 2013).

Speaking with one voice was a common theme mentioned by many of the study participants. The political clout the delegation of South Texas representatives achieved when they united and spoke with one voice has been cited as a major factor that attributed to the resulting success - expanded higher education resources for South Texas and the establishment of a first-rate university for the City of Laredo. Working together and speaking with “one voice” was paramount to their success. Indeed, other communities in the country experiencing similar forms of neglect or discrimination should consider replicating this strategy as a means to achieve their common goals.

**Key Organizers**

“Countless persons were involved in our success. No single person or organization could have succeeded alone. Many unsung heroes deserve recognition” (J. Zaffirini, personal communication, July 16, 2013).

The quote above from Senator Zaffirini echoes the sentiments expressed by most of the participants throughout the study. There were many individuals involved before the lawsuit was filed, during the proceedings, throughout the South Texas Border Initiative negotiations, and to the work that continues to this day. There is no question that MALDEF played the principal role by filing the lawsuit on behalf of Mexican Americans in South
Texas seeking access to higher education. The lead counsel for MALDEF during the litigation was Mr. Albert Kauffman and every study participant referred to him by name. According to S. Harman (personal communication, July 30, 2013), Mr. Kauffman, a native of Galveston, Texas, was the first name he recalled associated with the case and R. M. Keck (personal communication, July 31, 2013) described him as a “charismatic, amazing man” and suggested that a biography should be written about him and his motivation behind championing equal right for Hispanics.

According to many of the participants, equally as important to the cause was Ms. Norma V. Cantu. She and Mr. Kauffman were co-counsels on the case and worked for MALDEF representing their Southwest Regional Office in San Antonio, Texas. In addition to serving as co-counsel on this case, which included the legal preparation of summoning witnesses, taking depositions, and presenting evidence at trial, Ms. Cantu also played a key administrative role. This included overseeing the logistics associated with communicating where witnesses needed to be, ensuring that the paralegal support was in place, and that all flights and ground transportation to and from the courthouse was taken care of.

Politicians, particularly the South Texas delegation of legislators who were deeply involved in the South Texas Border Initiative, were staying keenly abreast of the lawsuit proceedings. State Senator Judith Zaffirini and then-State Representative Henry R. Cuellar were elected to the Texas Legislature in 1987, the same year that MALDEF filed its lawsuit in district court. Both legislators are from Laredo and represented their respective districts that included Laredo. Senator Zaffirini continues to serve as a Texas senator representing District 21 of Texas, and Representative Cuellar is now a U.S. congressman representing the 28th District of Texas that also includes Laredo.
Senator Judith Zaffirini and Representative Henry Cuellar (both freshmen legislators at the time) were identified by participants as instrumental to the efforts to push through the South Texas Border Initiative. Another Texas state legislator noted as being instrumental to the cause is the late Texas Representative Irma Rangel. She was first elected into office in 1976 and served her South Texas district for 26 years. She was the first female Mexican American state legislator as well as the first woman to serve as Chair of the Mexican American Legislative Caucus in Texas. Then State Representative Eddie Cavazos was also identified as being instrumental to passing the South Texas Border Initiative.

The presidents of the universities involved in the lawsuit were also supportive, but were advised not to get involved because they were state employees. One of the presidents, however, who was instrumental in all efforts to gain access to higher education in South Texas was Dr. Leo Sayavedra. Dr. Sayavedra was the president of Texas A&M International University during the time period that is the focus of this study. According to study participants, he worked tirelessly as an advocate for education. His efforts are attributed to the success of having a new campus built in Laredo and expanding access to higher education for all South Texas residents.

“South Texas elected officials united to persuade statewide leaders to support the cause” ([J. Zaffirini, personal communication, July 26, 2013]), and key Texas state leaders identified in the study as being supportive and critical to the South Texas Border Initiative include the then Governor of Texas Ann Richards and the then Lieutenant Governor of Texas Bob Bullock. Both have since passed away. It is interesting to note that all of the politicians identified as being supportive to this cause were democrats.
Research Question: How has South Texas been impacted?

One of the research questions that guided this study examined how the South Texas Border Initiative has impacted the South Texas region with regard to higher education access. The consensus among all participants of this study was that the impact has been undeniably positive. Two major themes emerged with this question. The first theme pertains to how the lawsuit served as a catalyst for the South Texas Border Initiative, and the second theme refers to the drastic improvement in higher education opportunities for South Texas residents.

Two sub-themes regarding access to higher education were also identified and these sub-themes are that education provides greater professional and career opportunities and second, it promotes local and regional businesses. The South Texas Border Initiative funding began in 1993 so this year marks its 20th Anniversary. This section also includes an update on some of the latest developments still attributed to the South Texas Border Initiative.

*LULAC v. Richards lawsuit was a Catalyst for the South Texas Border Initiative*

"The lawsuits certainly brought public attention to the matter and helped educate the public about the great disparity in funding for institutions in the border region" (J. Zaffirini, personal communication, July 26, 2013).

All of the study participants expressed that the *LULAC v. Richards* case influenced the South Texas Border Initiative in some form or another. This is a key finding because there is not a lot of literature that makes a connection between the lawsuit and the legislation. The lawsuit was filed in 1987 and the Texas Legislature began passing the legislature known as the South Texas Border Initiative in 1989. This legislative movement began before the Texas Supreme Court ultimately decided the case in 1993. Many of the
participants attributed this legislative momentum to the public shame brought upon by the lawsuit. Ultimately, the trial court had conceded that the State of Texas had been neglecting the South Texas area by not providing adequate higher education opportunities.

The battle for higher education access for South Texas residents moved from the courthouse to the state house. The Texas Legislature was not necessarily responding to the lawsuit. As the court battle ensued, they were kept informed throughout the entire process and were simultaneously preparing a strategy. The delegation of South Texas legislators "saw themselves as partners or allies associated with the lawsuit and that made them so much better prepared to work together" (N. V. Cantu, personal communication, September 14, 2013). By filing the lawsuit, however, MALDEF was able to shed light on the genuine need for enhanced higher education opportunities for South Texas. The lawsuit provided MALDEF a forum to present testimony that would become public record and, as such, the Texas Legislature could no longer continue to ignore the fact that South Texas lacked higher education access. A serious need was brought to light by the lawsuit and this prompted the legislature to focus on improving educational opportunities for South Texas (R. E. Gray, personal communication, August 6, 2013).

"When the ruling came down, [the South Texas] legislators were ready to go to Austin and to request a unified border area proposal and that's why [there was] success in the border initiative because so much of the work had been taking place while the lawsuit was happening" (N.V. Cantu, personal communication, September 14, 2013). The tangible results from the Legislature’s action that was prompted by the lawsuit are quite evident. “[T]he lawsuit brought that attention [to the Legislature]....and definitely was a catalyst” for legislators to pass the South Texas Border Initiative (H. R. Cuellar, personal
communication, August 21, 2013). MALDEF did not win the case when the Texas Supreme Court ruled, but they did win the fight in the state legislature. To some extent, the lawsuit served as a “dress rehearsal” for what the delegation of South Texas legislators would present to the Texas Legislature when advocating for the South Texas Border Initiative (R. E. Gray, personal communication, August 6, 2013).

The sentiment shared by all of the participants about this case was that it was an important story to tell. It is a crucial part of South Texas history and a significant contribution to higher education and society as a whole. An example of these sentiments was expressed when S. Harmon (personal communication, July 30, 2013) shared how he hoped that “someday when the story is told, that it is told accurately and reverently and with some inkling of what a tremendous catalyst it was for change, and while some may argue with how that change was made real, it happened and it’s made a huge impact on South Texas.” Another example of these sentiments was expressed when D. E. VerMilyea (personal communication, August 27, 2013) said that “Laredo began to be seen differently as other parts of south Texas began to be seen differently, more so as a result of even the loss [of the lawsuit at the Texas Supreme Court]. It still created a new perspective that allowed people now to begin to see that they needed to do more and that [South Texas was] a viable voice in the process of educating Texans.”

Access to Higher Education

“My goal was to provide access to higher education for the people of South Texas” (L. Sayavedra, personal communication, August 1, 2013).

Fortunately, Dr. Sayavedra’s goal was accomplished. The primary impact the LULAC v. Richards case had on South Texas was that it served as the catalyst for the South Texas
Border Initiative: the Texas legislation that provided millions of dollars to fund institutions and expand the academic programs available in South Texas. The South Texas Border Initiative (STBI) “provided new opportunities and access to higher education in a region that had been neglected” for many years (J. Zaffirini, personal communication, July 26, 2013).

Without an education or educational facilities in South Texas, many talented young people could not attend college because they did not have the financial resources to cover the expenses that come with living away from home. Prior to the opportunities afforded by the STBI, those who could afford it “would have to leave [South Texas] and then secure their education and then they may or may not come back to the area” as opposed to securing an education in South Texas and staying and becoming productive citizens of the community; the teachers, lawyers and doctors (R. E. Gray, personal communication, August 6, 2013). In essence, this effort reversed the negative ‘brain drain’ effect the area had been experiencing.

Access to education is important for everyone, but in the Mexican American community access to education for women is critical. In the Mexican American culture, families are reluctant to let young women leave their hometown to attend college. Therefore having local access to higher education is that much more important for women. “If a Mexican American woman has a college education you can almost guarantee that her kids are going to be encouraged to be good students and to go to college” (L. Sayavedra, personal communication, August 1, 2013). Dr. Sayavedra’s logic when advocating for greater access to education was that if more women were educated in Laredo, then more children were going to go to college. Many women pursue teaching degrees and this meant
that not only their own children would be encouraged to pursue higher education, but also their students. Today, “higher education institutions in the border region are wonderful institutions and present endless opportunities for students in [the South Texas] region to pursue their educational goals” (J. Zaffirini, personal communication, July 26, 2013).

Texas A&M International University has seen increasing enrollments and an increase in the number of graduates since its inception. Student enrollment increased 109% from 3,372 in Fall 2001 to 7,037 students in Fall 2011 (Refer to Appendix C). The number of bachelor degrees awarded also increased by 43.8% with 385 graduates in Fall 2001 to 554 graduates in Fall 2012. A 10-year graduation rate analysis compiled by the Texas Higher Education Coordinating Board reports that 57.4% of the Hispanics who enrolled at TAMIU in Fall 1996 had graduated from TAMIU or another institution within 10 years. In comparison, statewide 10-year graduation rates for Whites and Hispanics attending public universities were 68.6% and 52.2%, respectively. The 10-year graduation rates for part-time students are 31.3% for Hispanics at TAMIU, 25.2% for Hispanics statewide, and 32.7% for Whites statewide ("THECB data," 2013). The percentage of part-time Hispanic students who graduate from TAMIU within 10 years is better than the state average for Hispanic students and almost the same as the rate for part-time White students. This information is noteworthy because many Hispanics can only attend school on a part-time basis due to other obligations ("Latinos' school success: Work in progress," 2012). For Fall 2012 at TAMIU, 39% of the students were enrolled part-time ("College Navigator," 2013).

Preliminary Fall 2013 enrollment data reported by THECB shows that TAMIU’s enrollment continues to increase. In the last year alone from Fall 2012 to Fall 2013,
enrollment increased by 5.12% at TAMIU, to 7,540 students. In comparison, the overall enrollment for all Texas public universities only increased by 1.79% (Refer to Appendix D). It is interesting to note that every institution named in the *LULAC v. Richards* lawsuit, with the exception of the University of Texas-San Antonio (UTSA), increased in enrollments during this same year. The average enrollment increase for all Texas public universities was 3.13%. The enrollment increases for every institution included in the lawsuit exceeded the state average with the exception of UTSA that decreased 5.74% and the University of Texas-El Paso that increased 1.21%.

An important observation, however, is that although enrollment at UTSA decreased by 5.74% during this period, enrollment at Texas A&M University-San Antonio (TAMUSA) increased by 9.62%. TAMUSA was not included in the lawsuit because it did not exist when it was filed. It welcomed its first students in Fall 2011 to a new campus located in South San Antonio, a predominantly Hispanic area of the city. The decrease in UTSA’s numbers may be attributed to TAMUSA’s recent opening in the same city.

**Education Promotes Opportunity**

“The population is pulled up because the opportunity exists. It’s here and we have lived to show that” (R. M. Keck, personal communication, July 31, 2013).

One of the sub-themes for access to education that emerged from the study regarding the impact this case has had on South Texas is that education promotes opportunity. “[T]he opportunities for multiple family members to be positively influenced through education as opposed to families remaining in the cycle of no education” (D. E. VerMilyea, personal communication, August 27, 2013) is a direct result of the expanded educational facilities provided by the South Texas Border Initiative. According to TAMIU
President Keck (personal communication, July 31, 2013), the institutions that exist today in South Texas bring students and their families in direct contact with the wider cultural life of the nation and the world. Now that students have access to first-rate institutions of higher education, they are able to travel and learn about different cultures, and in the process, they spread this knowledge throughout the community (L. Sayavedra, personal communication, August 1, 2013).

Education promotes opportunity. South Texas is one of the regions in the state with the lowest income per-capita, and also has one of the fastest growing populations ("State and county quick facts," 2010). Therefore, it is in the best interest of the state to invest resources to educate this Hispanic population. Education is expensive, but having a large portion of the state's residents uneducated would be even more expensive over time due to lower wage jobs, higher unemployment rates, and increased utilization of social services. Continuing to provide improved educational opportunities for these communities will translate into more productive citizens who will contribute to the state economy.

**Education Promotes Business**

“... they came to realize that the future of the community in large measure depended on access to higher education” (L. Sayavedra, personal communication, August 27, 2013).

Another sub-theme that emerged from this study regarding the impact this case had on South Texas is that education promotes business. Laredo is the country's largest inland port and a hub for international trade. As a result of the North American Free Trade Agreement (NAFTA), commerce in the area increased tremendously when corporations such as General Electric and Ford established maquiladoras, or twin plants, along the border (Truett & Truett, 2007). These maquiladoras manufacture their goods in Mexico to take advantage of the cheap labor available across the border while hosting their
administrative operations in the United States. Several of the participants mentioned how universities in the area assist businesses by providing information and support, but more importantly by providing an educated workforce.

For example, Dr. Sayavedra (personal communication, August 1, 2013) spoke about a conversation he had with a Laredo businessman when he was advocating for a university for the area. He expressed the importance of having an educated workforce because manufacturing was converting to automation. An educated workforce would allow businesses to evolve with technology and reduce the turnover rate. Education serves as “an economic generator for a community” (M. A. Berriozabal, personal communication, August 12, 2013) and makes “a positive impact on workforce training, quality of life, and the economy” (J. Zaffirini, personal communication, July 26, 2013).

South Texas is an economic engine for the rest of the state. A great deal of commerce, including the recent discovery of the Eagle Ford Shale oil and natural gas resources, has been guided by people who benefit from the resources provided by institutions of higher education in the area (S. Harmon, personal communication, July 30, 2013).

**Recent Developments: Project South Texas**

The South Texas Border Initiative began in 1993 after many years of appeals from the community requesting better access to higher education opportunities. Included in those early appeals was access to professional programs such as law and medicine. Throughout the course of this study, it was evident that the South Texas Border Initiative has achieved its goal by providing enhanced opportunities for higher education and continues to do so. Twenty years later, improvements to higher education are still
happening in South Texas, and most of the study participants mentioned the latest developments taking place there. This latest development, Project South Texas, is a new initiative embarked upon by The University of Texas System.

The University of Texas System leadership is moving forward with a bold, transformational plan to create a new university in South Texas. The plan will result in a single institution that encompasses the entire Rio Grande Valley, with a presence in each of the major metropolitan areas of Brownsville, Edinburg, Harlingen and McAllen. The new university, which is being proposed to be eligible for funding from the Permanent University Fund, will also be home to a school of medicine ("Project South Texas," 2013).

The plan entails establishing a new university and medical school that will combine the assets and resources of UT Brownsville, UT Pan American and the Regional Academic Health Center. The new university planned is being presented as a “bicultural, bi-literate and bilingual institution” that will transform educational, economic and health opportunities for South Texas ("Project South Texas," 2013).

To accomplish this, legislation has to be approved and once again a delegation of South Texas state legislators have united to get this passed through the Texas Legislature. A bill introduced by Democratic State Representative Rene Oliveira from Brownsville, Texas is based on a proposal from the UT System to merge UT-Pan American and UT-Brownsville into one regional university with a medical school. The plan includes having the new institution also be a benefactor of the Permanent University Fund. This would require a two-thirds majority by the Texas Legislature when the bill comes up for a vote. Current Governor Rick Perry has asked lawmakers to open the Permanent University Fund
to include South Texas universities, and Republican committee chairs in both chambers have shown support for the legislation (Kreighbaum, 2013).

**Conclusion**

Even though MALDEF was not “successful” in a court of law, this study found that they were indeed very successful in the court of public opinion. For example, President Keck (personal communication, July 31, 2013) credits MALDEF’s efforts with changing the way people think about education. He thinks MALDEF has helped people evolve into believing that education is a right, and not a privilege. The *LULAC v. Richards* class action lawsuit exposed the inequities in higher education resources provided for thousands of Mexican Americans living along the South Texas border. The publicity from the trial prompted the Texas Legislature to react and resulted in the South Texas Border Initiative legislation. To this day, the South Texas Border Initiative is providing much needed access to higher education for South Texans.

Conducting this study brought to light feelings of neglect and discrimination experienced by Mexican Americans living along the South Texas border from the perspective of the participants. The *Rodriguez v. San Antonio ISD* case, which was tried in the U.S. Supreme Court, found that education was not a fundamental right guaranteed by the U.S. Constitution. The *LULAC v. Richards* case, which was tried in the Texas Supreme Court, found that higher education was not a fundamental right guaranteed by the Texas Constitution. These rulings, however, should not discourage or dissuade communities in other jurisdictions from pursuing the justice system to rectify injustices in educational access. This study provides an overview of what can be accomplished when the ‘sleeping
giant’ awakens. A community united and ‘spoke with one voice’ to demand equal access to education and their voices were heard.
Chapter 5: Discussion of Research Results

Significance of the Study

First and foremost, the objective of this study was to chronicle an important chain of events that resulted in improved higher education opportunities for Mexican Americans living along the South Texas border. This study examined the trials and tribulations a predominantly Mexican American community in South Texas endured to obtain higher education opportunities for its residents. Two key events led to a major impact on the access to higher education for Mexican Americans, and although these two events are closely related, there is limited information available linking both events to each other. One goal of the study was to learn about the issues that prompted these events and share the findings so that other communities, faced with similar circumstances, could learn from this and take appropriate action as warranted. The other goal of the study was to preserve the history of marginalized Mexican Americans by learning from and reporting on their experiences to secure higher education opportunities for their community.

One of the two important events that led to improved higher education opportunities in South Texas was the LULAC v. Richards class action lawsuit. The Mexican American Legal Defense and Educational Fund (MALDEF) filed this lawsuit in 1987 and named political and educational leaders in Texas responsible for overseeing higher education as defendants. The main claim was that the State of Texas discriminated against Mexican Americans living along the South Texas border by not providing them the same level or access to higher education that was found in other parts of the state.

The other significant event leading to enhanced higher education resources for South Texas was the body of legislation passed by the Texas Legislature that provided
increased funding for the South Texas border region. This body of legislation that transpired over several legislative sessions is known as the South Texas Border Initiative. This study reveals that an overwhelming majority of the participants believe that the South Texas Border Initiative would not have been as successful as it was if the *LULAC v. Richards* lawsuit had not been filed. People firmly believe that the *LULAC v. Richards* lawsuit was indeed the catalyst for the South Texas Border Initiative. The case brought much attention to the dire need for higher education opportunities in South Texas.

Several organizations and many individuals exerted great efforts to make access to higher education for South Texans a reality. By interviewing individuals involved with these efforts, this study chronicled their plight through their perspective.

**Research Questions**

This study set out to examine why the lawsuit was filed against the State of Texas, how the community and political leaders united to improve access to higher education for the community, and how the South Texas region was impacted by these efforts.

**Critical Race Theory**

The theoretical foundation used for this study was Critical Race Theory. Race and racism are important issues that affect American culture to this day, and Critical Race Theory is often used to promote, support and advance social change. Critical Race Theory is a mix of concepts that have been influenced by the Civil Rights and ethnic studies discussions. This case study adds to the body of literature that exists for Critical Race Theory by providing an example of how race and alleged racial discrimination played an important role in a chain of events that resulted in enhanced higher education opportunities for Mexican Americans living along the South Texas border.
As a result of the *LULAC v. Richards* lawsuit, the public became aware of the inequalities that existed with regard to higher education resources provided through the State of Texas. Some referred to the inequalities that existed as shameful.

**Interest-Convergence Principle**

The interest-convergence principle as it relates to Critical Race Theory refers to situations where minority groups get benefits, but only if these benefits also apply to the majority, i.e. Whites. In this case, a majority of White legislators approved funding to benefit Mexican Americans (a minority group) living along the South Texas border. The theme that emerged from this study that supports the interest-convergence principle is that education promotes business.

Business is important for the South Texas region and the state economy. Texas A&M International University is located in Laredo, Texas; a city with over 244,000 residents, and considered one of the gateways to Mexico due to its geographic location right on the border and the level of commerce that crosses its international bridges every day. Laredo is located in South Texas, which is one of the fastest growing regions of the state in terms of population. One of the themes that emerged from the study was that education promotes business, which is important to keep the local and state economy healthy and vibrant. This theme could be used as an example of the interest-convergence principle applied in Critical Race Theory. Several study participants talked about the importance South Texas had on the economy of the entire state. This could explain why a Texas legislature, made up of a majority of White members, would vote to support higher education funding for a community where the majority of the population is made up of Mexican Americans.
**Latino/a Critical Race Theory (LatCrit)**

Trucios-Haynes points out that critical race theory has focused mostly "on the racial oppression of the Black community within the confines of a Black-White paradigm” and that “LatCrit Theory focuses on the limitations of the Black-White paradigm to address Latina/o concerns” (2000, p. 6). According to Valdes, LatCrit Theory “has emerged... as one effort to learn more about how law and policy affect this nation’s rapidly changing Latina/o communities, and to then explore how law and policy [should] respond to this knowledge” (2000, p. 309).

Valdes further describes LatCrit Theory as a “discourse that responds primarily to the long historical presence and general socio-legal invisibility of Latinas/os in the lands now known as the United States” (2013). He also describes it as an “emerging field of legal scholarship that examines critically the social and legal positioning of Latinas/os, especially Latinas/os within the United States, to help rectify the shortcoming of existing social and legal conditions” (Valdes, 1997, p. 3).

“Testimonios” or testimonies have been used by LatCrit scholars as a methodology to study how race and racism have influenced lives (Urrieta & Villenas, 2013). For this case study, testimonios provided by the participants were used to identify the themes that describe the legal journey a Mexican American community endured to gain access to higher education. This case study contributes to the LatCrit Theory literature and provides another example of how testimonios were used to tell the story of disenfranchised Latino/as living in South Texas.
Limitations

One of the limitations of the study was the researcher’s inherent bias with the case. This was an intrinsic case study where the researcher cared deeply about the events examined in this research, and personally benefitted from the higher education opportunities afforded by them. However, as Bogdan and Biklen (1982) suggest, data collection provides more details about events than the most creatively prejudiced mind. In this case, the interviews provided a lot of information that the researcher was not aware of before the study. To reduce the level of influence that may have resulted from the bias, the researcher spent a considerable amount of time collecting and reviewing the data. This was done so that prior knowledge or preconceived interpretations about the events would not adversely affect the findings.

Two other limitations identified include the amount of time spent interviewing each participant and the amount of time that has lapsed since the events took place. The participants were gracious about participating in this study, but their availability was limited. Therefore, the researcher requested to meet with the participants once and was respectful about keeping the interviews to the agreed timeframe. Even though deep, rich descriptions were gathered from the interviews, more details about the events could be learned if the researcher had met with the participants on more than one occasion. The other limitation noted was that these events occurred over 20 years ago. Some of the participants had difficulty remembering some of the details surrounding the events. However, the themes that emerged in this study relied on their overall sentiments and recollections and this, the researcher believes, was not compromised by the lapse in time.
Why was the lawsuit filed?

Several themes emerged from this study to explain why the lawsuit was filed. One such theme was a history of oppression and discrimination. Residents of a Mexican-American community in South Texas felt they had been oppressed and discriminated against for far too long. The oppression and discrimination experienced by Mexican Americans in South Texas dates back to the Treaty of Guadalupe Hidalgo in 1848 when residents lost their land, and as many also believed, their fundamental rights. Mexican Americans chose to stand up for their rights and in this case, one of those rights was access to higher education.

As this study reveals, this community had been advocating for access to higher education for many years. The fact that residents of South Texas had to travel an average of 225 miles to obtain a higher education was unconscionable to community and education leaders in South Texas. Documents reveal that efforts to obtain access to higher education beyond a community college degree began in the 1960's. Citing a lack of need (i.e. lack of interest to pursue higher education by this Hispanic community), these requests were denied.

In addition to the history of oppression and discrimination shared by some participants, the obvious lack of higher education resources available in the South Texas region was cited as another reason the decision was made to file the LULAC v. Richards lawsuit. Some of the facts presented in the trial strongly supported the claim made by MALDEF that South Texas, when compared to other parts of the state, was not getting its equal share of higher education funding and resources. For example, one of the arguments MALDEF presented at trial was the fact that only three of the approximately 590 doctoral
programs offered in Texas at the time were obtainable from a border institution. This amounted to less than one percent of the doctoral programs being offered in a region with 20% of the state’s population. This evidence was presented to support their claim that Mexican Americans from South Texas were discriminated against with regard to higher education access.

**Discrimination or Neglect?**

Did racial discrimination exist or was it simply neglect? In the *LULAC v. Richards* lawsuit, the plaintiffs accused state and higher education leaders of racial discrimination. The claim stated that South Texas, which is predominantly Mexican American, was not receiving its equal share of higher education funding. A Texas district court agreed and found that the formula used for higher education funding in Texas was unconstitutional. In essence, the district court found evidence of discrimination. The State of Texas appealed this ruling and the case was escalated to the Texas Supreme Court for a hearing.

The Texas Supreme Court ruled unanimously against the plaintiffs and found that higher education was not a fundamental right guaranteed under the Texas Constitution. By the time the Supreme Court was reviewing the case, however, the Texas Legislature had made great strides to increase funding for institutions of higher education located along the South Texas border and the Court took this into consideration when ruling on the case. Funding for institutions of higher education was based on a formula developed by the Texas Higher Education Coordinating Board. The Texas Supreme Court found that there was a rational basis for determining how higher education institutions were funded.

While the funding formula used by the Texas Higher Education Coordinating Board may not have been unconstitutional and there may not have been evidence of intended
discrimination by the defendants, there was evidence of neglect. The evidence presented at trial exposed this neglect. For example, one piece of evidence presented at trial showed that even though 20% of all Texans lived in the border area at the time, only about 10% of higher education funding was allocated to the South Texas border region. The *LULAC v. Richards* lawsuit helped bring this neglect to light and kick-started the process to rectify these inequalities of access to higher education for Mexican Americans.

**How did the Community Organize?**

Community involvement emerged as a prominent theme that emerged from this study and resonates strongly with having had a positive influence in providing higher education resources and opportunities to the South Texas border region. As noted by participants and revealed through the research, community and education leaders were advocating for higher education access for many years prior to the South Texas Border Initiative. These leaders believed that South Texas was facing an educational crisis. The population was booming and residents needed access to higher education. However, higher education was nearly non-existent and there was no meaningful action being taken by the State of Texas to rectify this issue. The need for higher education in the region began to receive attention when the community became involved and enlisted the support of Hispanic civic organizations.

**Importance of Community Involvement**

This study demonstrates the impact civic organizations can have when advocating for equal rights. In this case, several organizations such as the Mexican American Legal Defense and Educational Fund (MALDEF), the League of United Latin American Citizens (LULAC), and the American G.I. Forum, banded together to advocate for access to higher
education. MALDEF was unsuccessful with the lawsuit; however, much of the increased resources currently available at higher education institutions in South Texas can be attributed to their efforts in bringing forth the lawsuit. The case ignited public awareness and had a meaningful impact on legislators who were governing the state and allocating funding for higher education.

Hispanic families and communities must be involved to ensure that their children strive to obtain an education beyond high school. They should seek and become active in organizations such as the Parent Institute for Quality Education (PIQE) in California. The mission of this statewide, community-based organization is to connect families, schools, and communities through a partnership that advances the education of children. The PIQE program encourages parents to take an active role in encouraging their children to stay in school, improve their academic performance, develop beneficial relationships with their parents, teachers, and counselors, and most importantly, to strive for a higher education (Reed & Scott, 2010). The Mexican American Legal Defense and Educational Fund (MALDEF) and the League of United Latin American Citizens (LULAC) are other civic organizations that support Latino causes and advocate for better educational opportunities. To achieve this goal, the Latino community must be involved, remain diligent, and speak with one voice when appropriate. There is power in numbers.

**How Has South Texas been Impacted?**

The findings from this study support the notion that South Texas has been positively impacted with regard to higher education opportunities. To provide one perspective on how South Texas has been positively impacted by the lawsuit and the South Texas Border Initiative legislation that resulted from the lawsuit, Texas A&M International University
will be used as an example. It is one of the institutions that benefited from the South Texas Border Initiative and served as the focus of this study.

The first decade that the South Texas Border Initiative was implemented, student enrollment increased at TAMIU by 143%, from 1,386 students in fall 1991 to 3,372 students in fall 2001 (Flack, 2003). Enrollment increased the following decade by 114%, to 7,213 students enrolled in fall 2012 ("Integrated Postsecondary Educational Data System (IPEDS),"). Six-year graduation rates have improved from 28.4% for the fall 1995 first-time, full-time student cohort, to 39% for the fall 2006 cohort. By comparison, the six-year graduation rate for all four-year public institutions in the United States is 56% ("Integrated Postsecondary Educational Data System (IPEDS),"). TAMIU lags 17 percentage points below the national average. This gap in graduation rates is a point that will be discussed further in the Implications for Practice section.

In the mid-1980s, the only programs available in Laredo were business and teacher education. As of fall 2013, TAMIU offers 28 bachelor degrees, 28 master’s degrees, and two PhD programs. A brand-new, state-of-the-art campus was built on 300-acres of land donated by the Killam family in northeast Laredo. The institution recently completed phase five of its master plan and included a Center for the Fine and Performing Arts’ Theatre, as well as the Center for Kinesiology, Wellness and Recreation. Expansion of the campus continues. As recently as 2012, the Senator Judith Zaffirini Student Success Center was inaugurated. The naming of this new building was in recognition for her diligent efforts in bringing higher education opportunities to South Texas. There are plans for future expansion, but this will depend on additional funding allocated by the state.
Texas A&M International University is now a first-rate institution according to the university administrators interviewed for this study. The University is made up of four colleges: the College of Arts and Sciences, the A.R. Sanchez, Jr. School of Business, the College of Education, and the College of Nursing and Health Sciences which includes the Dr. F. M. Canseco School of Nursing. Laredoans and residents of nearby communities now have geographic access to higher education. However, the community must remain active and vocal to ensure that TAMIU continues to receive the appropriate funding it needs to further educate the residents of South Texas. Additional discussion about community involvement is included in the following implications for practice section.

**Implications for Practice**

During his address to the Congressional Caucus Hispanic Institute on September 30, 2013, U.S. Secretary of Education Arne Duncan discussed the important role education plays to ensure equal opportunity and economic prosperity. He recognized that the world we live in today is very different and that “[i]t is no longer enough just to have a strong back and a strong work ethic.” He also quoted President Obama as saying that “education is no longer a pathway to opportunity and success. It’s a perquisite for success.”

President Obama has set an ambitious goal for the United States to lead the world academically by having the largest percentage of its citizens with college degrees or certificates by 2020. According to the 2010 Census Report conducted by the U.S. Census Bureau, the percentage of Texas and U.S. residents age 25 years and older who have earned a bachelor’s degree is 26.1% and 28.2%, respectively ("State and country facts," 2010). To meet the President’s goal, many more people will need to enroll in college and complete a program. Since Latinos are the fastest growing demographic in Texas and in the country,
educating more Latinos has to be a major component of the overall plan. From 2008 to 2012, Hispanic student enrollment at colleges and universities across the country has increased by more than 50%. This figure reflects an additional 1.1 million Hispanic students enrolled in higher education in the span of four years. It is predicted that by the year 2050, at least one-third of all students in the United States will be Hispanic/Latino (Reed & Scott, 2010). Appropriate funding, therefore, must be secured for Hispanic Serving Institutions (HSIs) like Texas A&M International University in South Texas and other institutions in the country that serve predominantly Hispanic communities. It is critical that education leaders as well as citizens remain vigilant and active to ensure education opportunities are not neglected in their communities.

Fortunately, Hispanics have positive views towards higher education. A recent survey conducted in 2013 by the College Board and the National Journal found that 70% of the Hispanics surveyed agree that young people need a four-year degree to be successful, and more than 66% agree that access to college would improve the economy (Sander, 2013). This survey, a component of National Journal’s Next America project, examines how the changing demography is affecting the national agenda. It found that most minority families still believe that education is the key to fulfilling the American Dream that each generation will have a better life than the generation before (Brownstein, 2013).

Considering the country’s predicted changing demographics, it is imperative that the interests of Hispanic students are taken into account when developing the plan President Obama recently introduced to make college more affordable. Hispanics must be at the table.
President Obama’s Plan to Make College More Affordable

In August 2013, President Barack Obama introduced a landmark plan to provide “a better bargain for the middle class” by making college more affordable for American families and holding institutions of higher education accountable for their results. The plan calls for confronting the crisis of college affordability and student debt on three fronts: Improving institutional performance by encouraging innovation and competition in higher education; helping people manage their debt responsibly; and by empowering students and families to choose schools that provide the best value for their financial investment.

U.S. Secretary of Education Arne Duncan acknowledged at an address to the TIME Summit on Higher Education in New York City on September 20, 2013 that the most controversial prong of the President’s plan is empowering students and families to choose schools that provide the best value for their financial investment. To accomplish this, a college rating system will be developed and put in place by the start of the 2015 school year. Once operational, this system will be used to determine how federal financial aid will be awarded to students beginning in 2018. Student financial aid is the livelihood of many institutions, particularly Hispanic Serving Institutions, since many of their students tend to come from economically disadvantaged households. According to the National Center for Educational Statistics (NCES) for example, 99% of the first-time, full-time students who enrolled at Texas A&M International University for Fall 2011 received some type of financial aid ("College Navigator," 2013).

Once implemented, this new rating system will determine the amount of aid students would be eligible to receive when attending institutions of higher education. In other words, the amount of financial aid students would be eligible to receive at a certain
institution would be determined by the rating the institution receives when evaluated under this proposed new rating system. If an institution receives a poor or below average rating, the students who choose to attend that institution, either by choice or lack thereof, will be negatively impacted. These students will be eligible for less aid. This is an important issue that will likely place a financial burden on institutions that do not fare well in the ratings; institutions that may already be suffering financially due to decreased funding from state governments. A report published by the National Association of State Budget Officers (NASBO) finds that state governments are providing much less funding than previously provided to support public colleges and universities (Lederman, 2013). This trend, unfortunately, is predicted to continue. According to Mortenson (2012), state support for public higher education has been declining since 1980. Between 1980 and 2011, every state except Wyoming and North Dakota has reduced its financial support for higher education anywhere from 14.8% to 69.4%. If this trend continues, the average state support across the country for higher education will be zero by the year 2059. For Texas, it is predicted that state support would reach zero by the year 2047 if this trend continues (Mortenson, 2012).

As a result, it is critically important that representatives for communities with Hispanic Serving Institutions (HIS’s) are present and actively participate when the metrics used to rate outcomes performance are being developed. These representatives must ensure that the metrics developed are sensitive to the characteristics and performance outcomes of the Latino student population. For example, two of the performance indicators suggested by the plan include graduation rates and the income of graduates. The latest data available reveals that the 6-year graduation rate at Texas A&M International
University is 39%. In contrast, the average 6-year graduation rate for four-year public institutions in the country is 56%. At face value, TAMIU would receive a much lower rating due to its below average graduation rate. It can be argued that this would not be fair and equitable, since Hispanic students have historically had graduation rates below that of non-Hispanic students. Lower graduation rates for Hispanics have been attributed to circumstances such as finances, work and family obligations ("Latinos’ school success: Work in progress," 2012). If the metrics in the proposed plan take improvement in graduation rates into account, TAMIU would rate well. Their 6-year graduation rates for the Fall 1995 and Fall 2006 cohorts are 28.4% to 39%, respectively; an improvement of more than 10%.

The same sensitivity must be taken into account if using income earned by graduates as a performance indicator. The average income of the communities and population mix where the graduates reside should be a consideration as well. For example, the median individual worker income is $28,899 for the United States, $27,034 in Texas, yet only $18,777 in Webb County where TAMIU is located. Students who graduate from TAMIU and choose to stay in the area after graduation are more likely to receive a lower income than people who are employed in other parts of the state or the country. These are just two examples of how characteristics of the Latino population and demographics of the community as a whole must be recognized and taken into consideration when developing the college rating system.

Before developing the college rating system, the U.S. Department of Education will hold hearings, town hall meetings, and roundtable discussions across the country. The purpose of these meetings is to engage citizens in designing an effective rating system that
will be useful to students while at the same time responsive to the different educational missions of institutions of higher learning. The rating system will evaluate three main performance indicators: access, affordability, and outcomes. The access performance indicator will take into consideration factors such as the percentage of students receiving Pell grants. The affordability performance indicator will evaluate financial concerns such as the average tuition, scholarships, and student loan debt. The outcomes performance indicator will consider measurements such as graduation and transfer rates, alumni satisfaction surveys, graduate earning, and the advanced degrees of college graduates.

**Community Involvement**

A primary theme that emerged from this study and is attributed to having a major impact in securing higher education funding for South Texas is community involvement. Community involvement at the grassroots level is what set the wheels in motion for this case. A well-orchestrated campaign of individuals and organizations spoke up for what they believed was not only right, but also what was required to improve the economic future of the community: access to higher education. State governments provide the majority of higher education funding. However, President Obama has pledged millions of federal dollars to make college more affordable. As previously stated, this funding will be tied to the college rating system. Therefore, the interests of Hispanic Serving Institutions must be voiced and included when developing this college rating system. This is particularly important because the Latino/a population is projected to continue growing throughout the twenty first century.
**Latino/a Population Growth**

During remarks to the Congressional Caucus Hispanic Institute at the 2013 Public Policy Conference, U.S. Secretary of Education Duncan stated that “America’s economic growth is inextricably linked to the success of the Hispanic community.” He further stated that Hispanics are the largest and fastest-growing minority group in the nation, and will account for 60% of the population growth between 2005 and 2050.

According to the U.S. Census Bureau, the Hispanic/Latino population in the United States has increased by 43% from 35,305,818 in the year 2000 to 50,477,594 in the latest 2010 census cycle (Ennis, Rios-Vargas, & Albert, 2011). In comparison, the total population of the United States has only increased by 9.7% during the same time period, and the non-Hispanic/Latino population has only increased by 4.9% (Ennis et al., 2011).

Laredo, Texas with 95.6% of its population identified as Hispanic/Latino, ranked number two in the country in terms of percentage of Hispanics or Latinos residing in the city (Ennis et al., 2011). Three other South Texas cities are also included in the top ten and they are Brownsville, McAllen and El Paso. East Los Angeles was ranked number one with 97.1% of its residents Hispanic/Latino and four other California cities were also ranked in the top 10. The top 10 cities with the highest percentage of Hispanics/Latino included four from Texas, five from California, and one from Florida.

Unfortunately, Webb County, home to Laredo, also ranks high with regard to poverty rates. The percentage of Webb County residents living below the poverty level is 31.7%. By comparison, the percentage of residents living below the poverty level in Texas and the United States is 17.9% and 15.3%, respectively. As many of the participants in this
study expressed, education can be the key to a better life. To achieve this goal, the opportunity to obtain an education must be provided.

**Is Higher Education a Right or a Privilege?**

Is access to higher education a right or a privilege? Some would argue it is a right, while others would argue it is privilege. The rulings from the cases reviewed for this study tended to lean toward the view that access to higher education was more of a privilege than a right. Regardless of whether access to higher education should be a right or a privilege, there is no denying that access is key to improving the individual and the community. Therefore, citizens must remain vigilant to ensure that their communities offer the appropriate opportunities for education.

**Conclusion**

As the study ensued, the researcher identified several areas for further study. The verdicts of some of the cases examined and the impact on higher education policies and procedures throughout the country is one area that warrants additional research. For example, education is not considered a fundamental right guaranteed by the U.S. Constitution as determined by the *Rodriguez v. San Antonio ISD* ruling from the U.S. Supreme Court. The ruling by the Texas Supreme Court in the *LULAC v. Richards* case determined that higher education is not a right guaranteed under the Texas Constitution. These types of legal decisions can have profound negative ramifications for minority students. A study analyzing the impact these types of decisions have had on minority students would be useful to inform legislators and court justices who make these types of decisions on a regular basis.
Throughout the study, the researcher was impressed when he learned about the vast contributions made to higher education as a result of the efforts of a few individuals. Dr. Leo Sayavedra is an individual who was mentioned by several of the participants. His commitment to bringing higher education opportunities to South Texas and his efforts to achieve it were recognized by participants. Dr. Sayavedra is a former president of Texas A&M International University. During his tenure, he effectively led the institution during its early transformative years. He helped the institution evolve from a “center” only offering upper-level courses on rented space from the community college, to a comprehensive four-year institution with a brand new, state-of-the-art, 300-acre campus. Before retiring, Dr. Sayavedra had been the highest-ranking Latino working in higher education administration in Texas. His experiences would provide additional insight for a study on transformational leadership or self-efficacy.

As discussed in the previous chapter, every one of the participants in the study identified Mr. Albert Kauffman and the positive influence he had on the outcome. As lead counsel working for MALDEF, Mr. Kaufmann represented LULAC and the other Mexican American organizations named in the case. Numerous requests through various mediums were sent to Mr. Kaufmann asking for his participation in this study. Regrettably, he did not respond. Mr. Kaufmann’s efforts to bring this case to fruition were mentioned throughout this study and warrant further investigation. Mr. Kaufmann’s perspective and point of view could be helpful for individuals and/or communities considering the use of legal options to fight for or protect the right to a higher education.

Another area for future study the researcher identified is the economic impact Texas A&M International University has had on the region. With greater than 7,000
students and over 850 faculty and staff, Texas A&M International University has been one of the largest financial investments made in Laredo. To provide guidance and assistance to the business sector, the University’s business school houses centers such as the Texas Center for Border Economic and Enterprise Development, the Center for the Study of Western Hemispheric Trade, and the Small Business Development Center. A study reviewing the long-term economic impact these centers and the University have had on the city as well as the region would add additional value. The results of such study could be used to inform higher education and state leaders as they contemplate future funding for higher education.

Several of the participants also mentioned the impact Texas A&M International University has had in educating women. This also warrants further research. They mentioned that many women in Laredo would not be educated today if local access to higher education was unavailable. In the Hispanic culture, families are less inclined to allow young women to leave their hometowns even if the reason is to attend college. Therefore, having access to TAMIU made the difference for many women on whether or not they received a higher education. Identifying some of the women and conducting a qualitative study to learn about their journey to obtain an education would be very valuable for institutions serving Latina women and for leaders making decisions about providing educational opportunities for Latino/a communities.

The key findings of this study provide an overview of important milestones and chain of events that has affected many Mexican Americans living along the South Texas border with regard to access to higher education. These events resulted in bringing greater
access to higher education in the South Texas region. These educational opportunities will continue to have a positive impact on South Texans for generations to come.

The *LULAC v. Richards* lawsuit was filed because community united to advocate for access to higher education. The South Texas Border Initiative was influenced by the class action lawsuit. Texas A&M International University is the institution it is today because of the South Texas Border Initiative. Again, all this was accomplished because of community involvement.
Appendix A

The 41 counties designated by the plaintiffs’ petition in the *LULAC v. Richards* Case

<table>
<thead>
<tr>
<th>Atascosa</th>
<th>Bee</th>
<th>Bexar</th>
<th>Brewster</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brooks</td>
<td>Cameron</td>
<td>Crockett</td>
<td>Culberson</td>
</tr>
<tr>
<td>Dimmit</td>
<td>Duval</td>
<td>Edwards</td>
<td>El Paso</td>
</tr>
<tr>
<td>Frio</td>
<td>Hidalgo</td>
<td>Hudspeth</td>
<td>Jeff Davis</td>
</tr>
<tr>
<td>Jim Hogg</td>
<td>Jim Wells</td>
<td>Karnes</td>
<td>Kenedy</td>
</tr>
<tr>
<td>Kinney</td>
<td>Kleberg</td>
<td>LaSalle</td>
<td>Live Oak</td>
</tr>
<tr>
<td>Maverick</td>
<td>McMullen</td>
<td>Medina</td>
<td>Nueces</td>
</tr>
<tr>
<td>Pecos</td>
<td>Presidio</td>
<td>Reeves</td>
<td>San Patricio</td>
</tr>
<tr>
<td>Starr</td>
<td>Sutton</td>
<td>Terrell</td>
<td>Uvalde</td>
</tr>
<tr>
<td>Val Verde</td>
<td>Webb</td>
<td>Willacy</td>
<td>Zapata</td>
</tr>
<tr>
<td>Zavala</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix B

Nine institutions that benefited from the South Texas Border Initiative
Appendix C

Twenty-Year Enrollment Trends of Institutions included in the Lawsuit

<table>
<thead>
<tr>
<th>Institution</th>
<th>Fall 1991 Enrollment*</th>
<th>Fall 2001 Enrollment*</th>
<th>% Change</th>
<th>Fall 2011 Enrollment**</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas A&amp;M International University</td>
<td>1386</td>
<td>3372</td>
<td>143.29%</td>
<td>7037</td>
<td>108.69%</td>
</tr>
<tr>
<td>Texas A&amp;M University - Corpus Christi</td>
<td>3831</td>
<td>7369</td>
<td>92.35%</td>
<td>10162</td>
<td>37.90%</td>
</tr>
<tr>
<td>Texas A&amp;M University - Kingsville</td>
<td>5937</td>
<td>6148</td>
<td>3.55%</td>
<td>6731</td>
<td>9.48%</td>
</tr>
<tr>
<td>The University of Texas at Brownsville</td>
<td>1432</td>
<td>3494</td>
<td>143.99%</td>
<td>8625</td>
<td>146.85%</td>
</tr>
<tr>
<td>The University of Texas at El Paso</td>
<td>16795</td>
<td>16220</td>
<td>-3.42%</td>
<td>22582</td>
<td>39.22%</td>
</tr>
<tr>
<td>The University of Texas - Pan American</td>
<td>12466</td>
<td>13640</td>
<td>9.42%</td>
<td>19034</td>
<td>39.55%</td>
</tr>
<tr>
<td>The University of Texas at San Antonio</td>
<td>15759</td>
<td>19883</td>
<td>26.17%</td>
<td>30968</td>
<td>55.75%</td>
</tr>
<tr>
<td>Sul Ross State University</td>
<td>2004</td>
<td>1992</td>
<td>-0.60%</td>
<td>1985</td>
<td>-0.35%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>59610</strong></td>
<td><strong>72118</strong></td>
<td><strong>20.98%</strong></td>
<td><strong>107124</strong></td>
<td><strong>48.54%</strong></td>
</tr>
</tbody>
</table>
## Appendix D

### Fall 2013 Preliminary Enrollment at Texas Public Universities

<table>
<thead>
<tr>
<th>Texas Public Universities</th>
<th>Certified Fall 2012</th>
<th>Preliminary Fall 2013</th>
<th>Change</th>
<th>Percent Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angelo State University</td>
<td>6,826</td>
<td>6,538</td>
<td>(288)</td>
<td>-4.22</td>
</tr>
<tr>
<td>Lamar University</td>
<td>14,288</td>
<td>13,989</td>
<td>(299)</td>
<td>-2.09</td>
</tr>
<tr>
<td>Midwestern State University</td>
<td>5,596</td>
<td>5,870</td>
<td>274</td>
<td>4.90</td>
</tr>
<tr>
<td>Prairie View A&amp;M University</td>
<td>8,336</td>
<td>8,515</td>
<td>179</td>
<td>2.15</td>
</tr>
<tr>
<td>Sam Houston State University</td>
<td>18,461</td>
<td>19,169</td>
<td>708</td>
<td>3.84</td>
</tr>
<tr>
<td>Stephen F. Austin State University</td>
<td>12,808</td>
<td>12,772</td>
<td>(36)</td>
<td>-0.28</td>
</tr>
<tr>
<td>Sul Ross State University</td>
<td>1,780</td>
<td>1,925</td>
<td>145</td>
<td>8.15</td>
</tr>
<tr>
<td>Sul Ross State University Rio Grande College</td>
<td>919</td>
<td>904</td>
<td>(15)</td>
<td>-1.63</td>
</tr>
<tr>
<td>Tarleton State University</td>
<td>10,279</td>
<td>10,930</td>
<td>651</td>
<td>6.33</td>
</tr>
<tr>
<td><strong>Texas A&amp;M International University</strong></td>
<td><strong>7,173</strong></td>
<td><strong>7,540</strong></td>
<td><strong>367</strong></td>
<td><strong>5.12</strong></td>
</tr>
<tr>
<td>Texas A&amp;M University</td>
<td>50,227</td>
<td>53,330</td>
<td>3,103</td>
<td>6.18</td>
</tr>
<tr>
<td>Texas A&amp;M University at Galveston</td>
<td>2,014</td>
<td>2,191</td>
<td>177</td>
<td>8.79</td>
</tr>
<tr>
<td>Texas A&amp;M University-Central Texas</td>
<td>2,253</td>
<td>2,406</td>
<td>153</td>
<td>6.79</td>
</tr>
<tr>
<td>Texas A&amp;M University-Commerce</td>
<td>11,187</td>
<td>11,795</td>
<td>608</td>
<td>5.43</td>
</tr>
<tr>
<td>Texas A&amp;M University-Corpus Christi</td>
<td>10,508</td>
<td>10,951</td>
<td>443</td>
<td>4.22</td>
</tr>
<tr>
<td>Texas A&amp;M University-Kingsville</td>
<td>7,234</td>
<td>7,771</td>
<td>537</td>
<td>7.42</td>
</tr>
<tr>
<td>Texas A&amp;M University-San Antonio</td>
<td>4,116</td>
<td>4,512</td>
<td>396</td>
<td>9.62</td>
</tr>
<tr>
<td>Texas A&amp;M University-Texarkana</td>
<td>1,903</td>
<td>1,842</td>
<td>(61)</td>
<td>-3.21</td>
</tr>
<tr>
<td>Texas Southern University</td>
<td>9,646</td>
<td>8,619</td>
<td>(1,027)</td>
<td>-10.65</td>
</tr>
<tr>
<td>Texas State University</td>
<td>34,225</td>
<td>35,568</td>
<td>1,343</td>
<td>3.92</td>
</tr>
<tr>
<td>Texas Tech University</td>
<td>32,398</td>
<td>33,098</td>
<td>700</td>
<td>2.16</td>
</tr>
<tr>
<td>Texas Woman's University</td>
<td>14,898</td>
<td>14,892</td>
<td>(6)</td>
<td>-0.04</td>
</tr>
<tr>
<td>The University of Texas at Arlington</td>
<td>33,239</td>
<td>33,337</td>
<td>98</td>
<td>0.29</td>
</tr>
<tr>
<td>The University of Texas at Austin</td>
<td>52,186</td>
<td>52,076</td>
<td>(110)</td>
<td>-0.21</td>
</tr>
<tr>
<td>The University of Texas at Brownsville</td>
<td>8,146</td>
<td>8,624</td>
<td>478</td>
<td>5.87</td>
</tr>
<tr>
<td>The University of Texas at Dallas</td>
<td>19,727</td>
<td>21,174</td>
<td>1,447</td>
<td>7.34</td>
</tr>
<tr>
<td>The University of Texas at El Paso</td>
<td>22,728</td>
<td>23,003</td>
<td>275</td>
<td>1.21</td>
</tr>
<tr>
<td>The University of Texas-Pan American</td>
<td>19,302</td>
<td>20,074</td>
<td>772</td>
<td>4.00</td>
</tr>
<tr>
<td>The University of Texas of the Permian Basin</td>
<td>4,021</td>
<td>5,169</td>
<td>1,148</td>
<td>28.55</td>
</tr>
<tr>
<td>The University of Texas at San Antonio</td>
<td>30,474</td>
<td>28,725</td>
<td>(1,749)</td>
<td>-5.74</td>
</tr>
<tr>
<td>The University of Texas at Tyler</td>
<td>6,858</td>
<td>7,364</td>
<td>506</td>
<td>7.38</td>
</tr>
<tr>
<td>University of Houston</td>
<td>40,747</td>
<td>39,498</td>
<td>(1,249)</td>
<td>-3.07</td>
</tr>
<tr>
<td>University of Houston-Clear Lake</td>
<td>8,153</td>
<td>8,260</td>
<td>107</td>
<td>1.31</td>
</tr>
<tr>
<td>University of Houston-Downtown</td>
<td>13,915</td>
<td>13,353</td>
<td>(562)</td>
<td>-4.04</td>
</tr>
<tr>
<td>University of Houston-Victoria</td>
<td>4,335</td>
<td>4,504</td>
<td>169</td>
<td>3.90</td>
</tr>
<tr>
<td>University of North Texas</td>
<td>35,778</td>
<td>36,185</td>
<td>407</td>
<td>1.14</td>
</tr>
<tr>
<td>University of North Texas at Dallas</td>
<td>2,100</td>
<td>2,143</td>
<td>43</td>
<td>2.05</td>
</tr>
<tr>
<td>West Texas A&amp;M University</td>
<td>7,909</td>
<td>8,388</td>
<td>479</td>
<td>6.06</td>
</tr>
</tbody>
</table>

**TOTALS** | 576,693 | 587,004 | 10,311 | 1.79

References


Alemán, E., Jr., & Alemán, S. M. (2010). 'Do Latin@ interests always have to “converge” with White interests?’: (Re)claiming racial realism and interest-convergence in critical race theory praxis. *Race, Ethnicity & Education, 13*(1), 1-21.


Independent School District v. Salvatierra, No. 8515, 33 S.W. 2d 790 (Court of Appeals of Texas 1930).

Integrated Postsecondary Educational Data System (IPEDS). (2013). from


Richards v. LULAC, No. D-2197, 868 S.W.2d 306 (Supreme Court of Texas 1993).

Rodriguez v. San Antonio ISD, No. 411 U.S. 1; 93 S. Ct. 1278; 36 L. Ed. 2d 16 (Supreme Court of the United States 1973).

*Berkeley La Raza Law Journal, 18*(1), 135-146.


The Texas A&M University System: We have Texas covered. (2011). from [http://www.tamus.edu](http://www.tamus.edu)


THECB members. (2013). from [http://www.thecb.state.tx.us](http://www.thecb.state.tx.us)


