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8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**
10 **CENTRAL DIVISION**

11 AMERICAN CIVIL RIGHTS FOUNDATION,)
12)
13 Plaintiff,)

Case No. BC 341363

14 -vs-)

15 LOS ANGELES UNIFIED SCHOOL DISTRICT,)
16)
17 Defendant,)

18 and)

**REPLY IN SUPPORT OF
PROPOSED ALMARAZ
INTERVENORS' MOTION TO
INTERVENE**

19 MINERVA ALMARAZ as Guardian Ad Litem for)
20 Issamar Camacho, a minor, FELISA ARGUETA)
21 as Guardian Ad Litem for Carolina Argueta, a)
22 minor, HENDERSON THOMAS as Guardian Ad)
23 Litem for Yvorn Aswad-Thomas, a minor, SUSAN)
24 YAMASAKI as Guardian Ad Litem for Kim)
25 Yamasaki, a minor, BARBARA GREENFIELD as)
26 Guardian Ad Litem for Jay Greenfield, a minor,)
UNITED FOR EQUALITY AND AFFIRMATIVE)
ACTION LEGAL DEFENSE FUND (UEAALDF),)
COALITION TO DEFEND AFFIRMATIVE)
ACTION, INTEGRATION & IMMIGRANT)
RIGHTS, AND FIGHT FOR EQUALITY BY)
ANY MEANS NECESSARY (BAMN),)

Date: March 7, 2006
Time: 10:00 A.M.
Dept.: 34
Judge: Hon. Paul Gutman
Action filed: October 12, 2005
Trial date: None set

Proposed Intervenors.)
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1 v. *Board of Education*, 349 U.S. 294 (1955). The sufficiency of this interest cannot be seriously
2 debated. *See also Allen v. Wright*, 468 U.S. 737, 756 (1984).

3 Later in its opposition, the plaintiff proposes that the students’ interest in attending equal,
4 integrated schools is “abstract” and thus insufficient to support permissive intervention under
5 section 387(a). Opposition at 8-11. In addition to being preposterous, this argument is insulting.
6 As the students’ declarations demonstrate forcefully, there is *nothing* abstract about the
7 opportunity to attend a school under one of the challenged programs: a school where Latino,
8 black, and Asian young people’s aspirations meet with nurture and challenge; where classrooms
9 are not dangerous and decrepit; and where the presence of students of all races from across the
10 District learning together not only creates a level of equality and educational opportunity that is
11 otherwise unattainable but also creates an atmosphere of unity and hope.

12 **II. THE STUDENTS MEET ALL OTHER CRITERIA FOR BOTH**
13 **MANDATORY AND PERMISSIVE INTERVENTION.**

14 Plaintiff glibly hypothesizes that if its challenge to voluntary busing and magnet schools
15 should prevail, the District may maintain the programs but eliminate race as a selection factor,
16 pursuing the goal of racial integration through race-neutral means.¹ Opposition at 3-5, 8-9. This
17 speculation, offered to suggest that the students’ interests are not directly in jeopardy, is utterly
18 misplaced.

19 First, there is no telling what the District would do if the plaintiff prevailed, and no
20 reason why the students or the Court should give any credence to the plaintiff’s artificial and self-
21 serving predictions. More fundamentally, as indicated in the students’ opening memorandum, the
22 experience of school districts around the nation unmistakably shows what common sense would
23 predict: race-conscious means are necessary to offset racial inequality and achieve progress
24 toward racial integration. Where such means are eliminated, resegregation and inequality follow.

25 ¹ Plaintiff attempts to reach the merits by requesting judicial notice of an informal pamphlet issued by the
26 current Department of Education in which reference is made to achieving integration through race-neutral
means. The commentary in the pamphlet lacks neutrality, grounding in social-scientific inquiry, and
bearing on the specific circumstances before the Court. Judicial notice should be denied.

1 Further, the proposed intervenors have participated in busing and magnet school programs under
2 a selection process that has in fact taken account of their race and thus possess an interest in
3 protecting it. Finally, the raison d’etre of the magnet and busing programs is racial integration.
4 The use of race in student assignment is essential and positive, not a sheepish afterthought.

5 The remaining points in the plaintiff’s opposition are insubstantial. It is clear that the
6 District cannot adequately represent the students’ interests and indeed that the interests of the
7 District and the students may become adversarial; that the issues the students will raise are those
8 already at the center of the litigation; and that the motion is timely. Lastly, the plaintiff’s
9 opposition is incapable of outweighing the students’ reasons for intervening. That opposition is
10 based solely on the plaintiff’s desire to dismantle equal, integrated education in Los Angeles
11 without having to confront the Latino, black, Asian, and white students who have profoundly
12 benefited from it and who are determined to defend and protect it.

13 CONCLUSION

14 The plaintiff organization that filed this lawsuit has not identified a single Los Angeles
15 student, parent, teacher, or community member purportedly aggrieved by the modest but
16 important desegregation programs plaintiff has attacked in this case. Had plaintiff done so, its
17 arguments against the students’ intervention would still be spurious. Nevertheless, and to be
18 blunt, plaintiff’s challenge to the participation of largely minority students when it has brought to
19 court no living stakeholder reveals both arrogance and hypocrisy.

20 For the reasons above and those articulated in their earlier pleadings on this motion, the
21 proposed Almaraz intervenors respectfully request that the Court grant their motion for leave to
22 file a complaint in intervention.
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By Attorneys for Proposed Almaraz Intervenors,

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Dated: February 27, 2006

** Admitted to practice in Michigan. Application to appear as counsel pro hac vice pending.*