

HISTORY

Caprock Chronicles: The lawsuit that won diversity in Lubbock leadership: Jones vs. the City Part 2

Chuck Lanehart

Published 12:32 p.m. CT Feb. 27, 2021 | Updated 12:35 p.m. CT Feb. 27, 2021

Editor's Note: Jack Becker is the editor of Caprock Chronicles and is a librarian at Texas Tech University Libraries. He can be reached at jack.becker@ttu.edu. Today's article about the lawsuit which brought racial diversity to the Lubbock City Council is the second of a two-part series by frequent contributor Chuck Lanehart, Lubbock attorney and historian. In Part One, Judge Halbert O. Woodward ruled against the plaintiffs in 1979, but their appeal was successful, and a new trial was ordered.

In the 1983 second trial, the plaintiffs had the law on their side, and relied extensively on the evidence produced in the 1979 trial. Judge Woodward found the City of Lubbock's at-large scheme violated both the 15th Amendment and Section Two of the Voting Rights Act. He found the system had discriminatory results, and the motives of the original charter committee that adopted the at-large system had been "invidious."

Judge Woodward ordered a new plan for city elections, which called for a six-member council elected from single-member districts, and a mayor elected at-large. The plan retained both the prior terms of office and staggered terms for council members.

The city's appeal to the Fifth Circuit failed. The Fifth Circuit's opinion found "no minority candidate is ever likely to serve on an at-large city council. Neither Black nor Mexican-American voters, whether voting separately or as a coalition, are ever likely to elect a candidate of their choice in Lubbock without substantial Anglo support. Lubbock's voting preferences, however, are clear; whatever other characteristics the candidate of minority choice may have, that candidate will face a serious obstacle to obtaining substantial Anglo support if he or she is Black or Mexican-American. In short, we do not doubt that the system will allow a bloc voting majority over a substantial period of time consistently to defeat minority candidates."

Part of Judge Woodward's ruling was overturned, but the Fifth Circuit's 1984 decision was a huge victory for the plaintiffs.

The editors of the Lubbock Avalanche Journal and many other powerful members of the community were outraged by the decision. They pushed for an appeal to the United States Supreme Court in defense of the city's at-large voting system.

An A-J editorial claimed, "The people are being denied their constitutional right to decide how to elect councilmen; the courts are dictating to them. Absent a vote of the people to change the city charter, the council has a certain legal obligation to defend them against a judicial usurpation of power so long as any hope exists of ultimate victory."

The city council sought a stay from the Fifth Circuit, but the council soon realized single-member districts were an inevitable reality and backed off.

Mayor Alan Henry made the formal announcement of the council's acceptance of the ruling, proclaiming "minority citizens will not just be supplicants and petitioners but office holders."

Soon, Lubbock's first two minority members of the City Council were elected: Maggie Trejo and T.J. Patterson. Trejo, a 1979 graduate of Texas Tech, had been administrative assistant for Texas District 83 Representative Froy Salinas. She knew the importance of finding an effective voice for her community.

Patterson – a long-time civil rights activist and editor of the Southwest Digest – was approached by a prominent local businessman who warned, "T.J., I will be watching you." He ignored the threat and maintained his dignity.

In 2014, T.J. recalled, "There were two of us, Maggie and me, and when we voted nay, they couldn't get nothing through. We had some muscle with that. In a lot of things you do, you learn by doing. And it paid off for the benefit and the welfare of Lubbock."

Mayor Henry said, "I think that T.J. and Maggie were placed on this Earth to be in those two council seats. I really, truly believe that. We had heard horror stories, from some of the cities in Texas, and some of the problems that they had, as far as not being able to get along, not being able to talk to each other, and what I thought – territorialism – to the point that each council member said, 'The rest of you all stay out. This is my turf. This is my district.' And it makes it very, very difficult to look at the picture."

Plaintiff's attorney Mark Hall remembered, "I'm proud to live in Lubbock, to have been born and raised here. I felt so strongly about this case. I am so thankful for being here and able to

help on the case. It's real important that this community has stayed together all this time. Everybody's had their political differences, but it has stayed together."

There is disagreement about whether Lubbock's 1984 single-member district change had much of an effect. Floyd Price, who replaced Patterson as District 2 representative in 2004, noted that minority leaders on the council have only come from Districts 1 and 2 and a non-white mayor has yet to be elected.

"Nothing's changed," Price said. "What America was built on was diversity and, so in order to really grow as a city, as a state, as a nation, you have to have diversity. And, if you have the same old thing all the time, how much change do you get?"