

**The original documents are located in Box 94, folder “269-Obledo, Mario” of the J. Stanley Pottinger Papers at the Gerald R. Ford Presidential Library.**

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# MEMORANDUM

*"Obledo, Mario"*  
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF THE SECRETARY

TO : J. Stanley Pottinger  
Director, Office for Civil Rights

DATE: December 7, 1971

FROM : Cass Welsh *Cass Welsh/djd*

SUBJECT: Response to Your November 30 Memorandum Regarding Mario Obledo

Marty asked me to briefly outline background data on Mario Obledo, MALDEF. Mr. Obledo is a native San Antonian. He received a degree in pharmacy and later attended and graduated St. Mary's Law School in San Antonio. He was the former state (Texas) president of LULAC and ran for the national presidency several times. He also ran for state representative. He was in private law practice in San Antonio and worked for the Attorney General in Austin. He became the Deputy Director for MALDEF and was on the reform board of MALDEF before becoming the Chief General Counsel of MALDEF (the position he presently occupies).

Mr. Obledo has made an impact in San Francisco, and interest has been expressed in giving him a Federal judgeship. Mr. Obledo's real love is Texas, and he has indicated he would like to be there in body as well as spirit.

If you'd like me to get more background, please let me know.



# MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF THE SECRETARY

TO : Marty Gerry

DATE: November 30, 1971

FROM : J. Stanley Pottinger *JSP*

SUBJECT:

By Friday, December 3, 1971, would you please provide me with a brief piece of background on Mario Obledo's efforts to assist California Chicanos in his MALDEF work. I am more familiar with Bob's efforts. I want to be able to respond to both of them with regard to any misunderstandings they may have about the nature of our commitment to carry through and complete our California Welfare review. Shortly, I think that I will want to do so on the record.

Thanks.



✓ Miss King, ~~Mr. Canino~~, Mr. Pottinger --

Pat for file.

12/6

from the desk of DAVID T. USLAN c n

n Obledo, Mary  
12/1/71

Don -

I didn't know if you had seen  
the Wall Street Journal write-up on the  
attached.

Incidentally, we have the  
capability of using the official tract  
data from U.S. Census Bureau  
computer tapes, displaying the data,  
and performing a wide variety of  
statistical "massages" on the data.

Regards,

Dave

cc - J. Stanley Pottinger  
Harry Fair  
Marty Gerny



Wall St. Journal  
11/30/71



## Census Bureau Sued; Chicano Groups Say Count Was Inaccurate

Survey 'Missed' Five Million  
Spanish-Americans Due to  
Biased Method, Suit Asserts

By a WALL STREET JOURNAL Staff Reporter

SAN FRANCISCO—Two Chicano organizations, on behalf of 14 million Spanish-Americans, including three million Mexican-Americans in California, filed a class action suit in federal court here against the U.S. Census Bureau.

The suit charges that the Census Bureau has used an upper socio-economic bias in its counting of Spanish-Americans that will ensure a failure to count five million Spanish-Americans. Such an undercount, the suit says, is likely to cost the Spanish-American community an estimated \$10 billion in federal funds and 100,000 federal jobs over the next decade.

The groups that filed the suit are Confederacion de la Raza Unida and San Benito County Consumers Co-op Inc.

The suit charges that the Census Bureau has failed to count as many as five million Spanish-Americans, due to its exclusive reliance on a mailed, 164-question, English-only questionnaire. According to the Census Bureau's own statistics, the suit says, 50% of the Spanish-American population speaks primarily Spanish and one in every 12 heads of household has never attended school. Consequently, a majority of Spanish-Americans cannot accurately fill out a complex English-only form, the suit contends.

The suit seeks a preliminary injunction to prevent the Census Bureau from publishing and disseminating allegedly false information on the Spanish-American population until it verifies its mail survey with a bilingual door-to-door count in sample counties, such as Santa Clara County.

Judge Lloyd H. Burke set Dec. 19 to hear the request for the preliminary injunction. He ordered the Census Bureau to show cause why an order shouldn't be made to preliminarily enjoin it from refusing, prior to publication of their Spanish-origin, or Mexican-American 1970 census statistics, to disclose to the plaintiffs and the court its official 1970 Spanish-origin and Mexican-American population statistics for the counties of California.

The bureau also could be ordered to conduct, under court supervision, a door-to-door survey of Spanish-origin and Mexican-American persons in San Benito and, or, Santa Clara counties, should the Census Bureau statistics be substantially at variance with presently existing nonreliable, non-Census Bureau head-count statistics.

The Census Bureau also was ordered to show cause why it shouldn't be permanently enjoined from publishing any data as to Spanish-origin, or Mexican-American population without protecting the property rights of said persons.

A motion also was granted to move the case to San Jose district court. San Jose is in Santa Clara County, one of the key counties in question.

In Washington, a Census Bureau spokesman said the agency hasn't seen a copy of the complaint. "It's inappropriate for the Census Bureau to comment on the suit until bureau personnel read and review it," the official said.

Charges that the bureau's counts have been too low aren't new and the agency investigates claims that it has missed people. Several cities have asked for such recounts, and civil rights leaders have accused the bureau of understating the number of blacks in the U.S. However, the official couldn't recall any suit filed by a minority group charging an undercount.

In 1967 the bureau, a part of the Commerce Department, estimated that the 1960 census may have been too low by two million blacks and four million whites. "We know as a fact that we do miss people," the official said. "We're not perfect," he added.

An umbrella organization for Chicano community organizations in Santa Clara County. Not the La Raza Party (Chicano Third Party)

FC

(154)

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Mr. J. Stanley Pottinger  
Department of Health, Education &  
Welfare, North  
Room 3256  
330 Independence Ave., S.W.  
Washington, D.C.

~~Mr. Fair~~  
Mr. Pottinger

As of this morning the Sec.'s office had no record of receiving this ltr.  
They are checking.

I will let you know who has action when I hear from them.

Pat 1/13

*Pat. Oh keep your note on file for awhile. It may be useful. T. JSP*



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March 17, 1972

Mr. Martin H. Gerry  
Assistant Director, Special Programs  
Office for Civil Rights  
Department of Health, Education & Welfare  
HEW Building (North)  
330 Independence Avenue, S.W.  
Washington, D. C. 20201

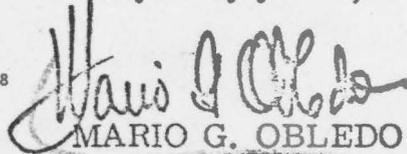
RE: Asociacion Mixta Progresica, et al.  
v. California Department of Social  
Welfare, et al.

Dear Mr. Gerry:

My letter of February 1, 1972 to Mr. Pottinger concerning the above matter raised the question as to why review of the Sonoma County investigation has taken so long.

Mr. Pottinger's letter of January 24 did not answer my inquiry. Perhaps your office can furnish the answer. Please advise.

Very truly yours,



MARIO G. OBLEDO  
General Counsel

MGO/js



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OCR Control

File/OCR Reading/Welsh/djw

February 24, 1972

Mr. Mario Obledo  
General Counsel  
Mexican American Legal Defense  
and Educational Fund  
145 Ninth Street  
San Francisco, California 94103

Dear Mario:

Mr. Pottinger referred your letter of February 1, 1972, regarding the status of the Sonoma County Welfare review to my office for response.

A review of our files shows that a letter responding to your request for information was prepared and dated January 25, 1972. Perhaps our letters have crossed in the mail.

Please let me know if I can be of further assistance.

Sincerely,

Martin H. Gerry  
Assistant Director,  
Special Programs  
Office for Civil Rights



bcc: OCR Director, Region IX  
San Francisco, Calif.



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20201

January 2<sup>nd</sup>, 1972

Mr. Mario G. Obledo  
General Counsel  
Mexican American Legal Defense and  
Educational Fund  
145 Ninth Street  
San Francisco, California 94103



Dear Mario:

Secretary Richardson has asked me to reply to your letter of January 5 concerning your complaint alleging discriminatory hiring and employment practices against Mexican Americans in California.

I am afraid that the current status of the case as you describe it in your letter is inaccurate factually and legally. As I tried to explain in our meeting with you in the fall, Section 604 of the Civil Rights Act of 1964 specifically provides that the non-discrimination requirements of that Title shall not apply to employment practices. It is established law that the Department must prove a discriminatory denial of services, not a denial of employment, in order to show a Title VI violation. If altered employment practices are the only way to correct a proven denial of services, then employment practices may be affected. But we still have the burden of showing that this is the case, and that requires investigation and documentation on our part.

An investigation of the California State Welfare System is presently being conducted. This investigation is neither completed, nor is it limited to the relationship between hiring practices and the delivery of welfare services. Findings can be made, as I am sure you realize, only upon a completion of the investigation.

Your comment that our investigation "showed a pattern of de facto institutionalized discrimination in violation of Title VI", is a little difficult to answer since it is somewhat unclear what you mean. Aside from the fact that our

Mr. Mario G. Obledo



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investigation is not yet finished, defining discrimination as "de facto" contradicts the assertion that it is a violation of Title VI. Generally speaking, where a program is found to be operating in a discriminatory manner contrary to Title VI of the Civil Rights Act of 1964, such discrimination, whether "institutionalized" or not, is defined as "de jure", meaning in violation of law, rather than "de facto". I am sure that you recognize that discrimination which is found to be "de facto", and therefore not a violation of law, is not reachable by our legal process, invidious and condemnable as the discrimination may be. That is the reason that we must conduct investigations before we are able to make findings which distinguish between officially sanctioned and privately caused discriminatory practices.

The Office for Civil Rights has completed on-site reviews of welfare facilities in five counties: Sonoma, San Joaquin, Alameda, Santa Clara, and Los Angeles. Your supposition that our review was completed last September probably refers to the completion of our on-site review in Sonoma County alone. This review, however, represents only one aspect of the complete review we must make in order to sustain our case.

At the present time, for your information, we are reviewing welfare service data from Sonoma, Tulare, San Mateo, Santa Clara, and San Diego counties.

In addition, we are also compiling and analyzing responses from more than 11,000 questionnaires which we have sent to intake workers, eligibility employees, and social service workers and supervisory personnel in the eight counties mentioned above.

Another vital element of our review concerns measuring the potential Chicano welfare recipients in the State as compared with potential Anglo welfare recipients. This is necessary in order to determine on a pattern basis the extent to which Chicanos are being excluded from benefits coincidental with their national origin. In order to make this determination, we must review the 1970 fourth count census data relating to the counties under review. This will permit us to develop our own independent base line poverty data correlated to race and national origin. The census data is scheduled to be delivered to our office in February.

Mr. Mario G. Obledo

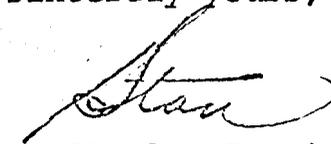
3

Our office is perhaps more active than any other office in the Federal Government in conducting compliance reviews and advocating the improved delivery of services on behalf of the Spanish-speaking community. We are proud of our increased activity, and I would be pleased to review with you each of the areas where our efforts and resources are placed in this regard. I can assure you that with regard to the California welfare review, we intend to complete our review as promptly as possible, and to take whatever remedial steps may be required as a result.

I hope that this letter will serve to clarify the status of our review to date. We look forward to working together toward the objectives I know we share.

Best regards.

Sincerely yours,



J. Stanley Pottinger  
Director, Office for Civil Rights



# MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

145 NINTH STREET / SAN FRANCISCO, CALIFORNIA 94103 / (415) 626-6196

1 February 1972

*M. Gervin  
for JSP  
2/1/72  
get copy  
of law  
to check*

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Mr. J. Stanley Pottinger  
Director, Office for Civil Rights  
Department of Health, Education,  
and Welfare  
Civil Rights Section  
Washington, D. C. 20201

Dear Stanley:

It is my understanding that the HEW investigation of the Sonoma County, California welfare facilities has been completed. Once the reports are submitted to your office I can understand the necessity for reviewing them.

If my information is correct, the investigation in Sonoma County was completed in September, some four months ago. What I do fail to understand is why review should take so long.

If my office can be of assistance to you in expediting this matter, please advise. You can be assured of our complete cooperation.

Very truly yours,

*Mario G. Obledo*  
MARIO G. OBLEDO  
General Counsel



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1 February 1972

~~Mr. Fair~~ Mr. Pottinger --

Copy to Ms. King, P.Holmes. Action to M.Gerry  
to reply for JSP by 2/18.

Pat 2/74

Mr. J. Stanley Pottinger  
Director, Office for Civil Rights  
Department of Health, Education,  
and Welfare  
Civil Rights Section  
Washington, D. C. 20201

*HF Follow up.*

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*Mario G. Obledo*  
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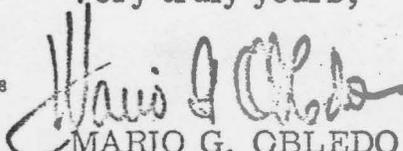
RE: Asociacion Mixta Progresica, et al.  
v. California Department of Social  
Welfare, et al.

Dear Mr. Gerry:

My letter of February 1, 1972 to Mr. Pottinger concerning the above matter raised the question as to why review of the Sonoma County investigation has taken so long.

Mr. Pottinger's letter of January 24 did not answer my inquiry. Perhaps your office can furnish the answer. Please advise.

Very truly yours,

  
MARIO G. OBLEDO  
General Counsel

MGO/js



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To: P. & Hughes

Pat:

Your Control copy was on Marty's desk - ours is missing, and he must have borrowed yours. (*I xerated yours*)

Copy of the latest letter to Marty fr Obledo is attached Stan sent his cy to Marty recently with this note written by hand on it:

!Marty - For starters, you might point out that it would indeed be interesting if my letter of January had answered his inquiry of Feb. If he gives me that much credit for prescience he ought to trust our statement that we foresee finishing the review and obtaining compliance.

JSP

Let's discuss a draft response."

*Howie*



# MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

145 NINTH STREET / SAN FRANCISCO, CALIFORNIA 94103 / (415) 626-6196

January 5, 1972

Inf. copy to JSP -- ~~Mr. Far, Miss King~~, Mr. Pottinger  
Copy to Gerry, Pierce, Rives, Morales,  
and Cancino. Pat 1/10

Honorable Elliot L. Richardson  
Secretary  
Health, Education and Welfare  
HEW Building (North)  
330 Independence Avenue S.W.  
Washington, D. C. 20201

*AF - Who is  
to prepare response?  
I'd like to see  
it.  
JSP*

In Re: Asociacion Mixta Progresica, et al. v California  
Department of Social Welfare, et al.

Dear Secretary Richardson:

On January 5, 1971 MALDEF in conjunction with other legal organizations filed an administrative complaint with your Department against various California health, education and welfare agencies alleging discriminatory hiring practices against Mexican-Americans.

An investigation was conducted by HEW. The results showed a pattern of de facto institutionalized discrimination in violation of Title VI. Though the investigation has been complete since last September, nothing has been done to correct the findings of discrimination. This is inexcusable and indefensible. I get the impression that HEW is disregarding Chicanos in many areas of concern.

Please inform me by January 16, 1972 what, if any, action your Department will take on this matter.

Very truly yours,

*Mario G. Obledo*  
MARIO G. OBLEDO  
General Counsel



MGO/mm  
cc: Messrs. Stanley J. Pottinger, HEW  
Don Morales, HEW

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