DOCUMENT RESUME

ED 052 286 UD 011 677

TITLE	Just Schools. Current Focus, May 1971.
INSTITUTION	League of Women Voters of the U.S., Washington, D.C.
PUB DATE	May 71
NOTE	12p.
AVAILABLE FROM	League of Women Voters of the United States, 1730 M Street, N.W., Washington, D.C. 20036 ($.50)
EDRS PRICE	EDRS Price MF-$0.65 HC-$3.29
DESCRIPTORS	*Court Litigation, *Government Role, Negro Students, Negro Teachers, Northern Schools, Principals, *Racial Discrimination, *School Integration, *School Policy, Southern Schools

ABSTRACT

This report examines the progress of school desegregation to date and the price paid for it by Southern black students and school personnel. It describes one successful integration plan in the West, and also reports on the substance of proposed legislation to provide federal and national direction for quality integrated education. (Authors/DM)

1730 M STREET, N.W., WASHINGTON, D.C. 20036 TEL. (202) 659-2665

current focus

League of Women Voters Education Fund

May, 1971

just schools

hope

my hopes are dreams
and wished too
I hope they someday
will come true.
I hope for brotherhood
and for peace to come
all races and creeds
under the Sun
together.

susan wright, age 11

504

TABLE OF CONTENTS

The poem on the front cover comes FROM CHILDREN WITH LOVE, by 200 children of Columbus Intermediate Berkeley Unified School District.

JUST SCHOOLS

Seventeen years ago, in the landmark *Brown* decision, the U.S. Supreme Court mandated that de jure segregated school systems in the United States be abolished "with all deliberate speed." In the fall of 1970, with much less than "deliberate speed," the last remnants of dual systems in the South had all but disappeared—leaving only about 50 of the 4,350 southern school systems still to desegregate. In 1969, the Supreme Court targeted the 1970-71 school year as the deadline for compliance with the 1954 *Brown* decision, by declaring that *de jure* segregated school districts must unify "at once." A year before in the 1968 *Green v. Kent County* decision, the high court had defined a unified system as one in which there were no "white" schools, no "Negro" schools — "just schools."

Among questions left unanswered by *Brown* and subsequent decisions was the extent to which the courts could determine what techniques districts must use to desegregate. On April 20, 1971, in *Charlotte-Mecklenburg v. Swann et al.*, the Supreme Court ordered an end to legally enforced racial segregation by the use of "all available techniques," including busing. The court also justified "a frank—and sometimes drastic gerrymandering of school districts and attendance zones" to bring about the end of school segregation.

In addition to the mandates of the courts, school districts are subject to federal civil rights laws—particularly Title VI of the 1964 Civil Rights Act.

About Title VI

Title VI prohibits discrimination based on race, color or national origin in federally-assisted programs and activities. School districts must comply with Title VI or be subject to termination of federal funds. Actually, termination has been used less and less in recent years. More often cases are referred by HEW to the Department of Justice which obtains court orders to restrain districts from operating dual systems. This method takes only a matter of days while termination proceedings may take several months. At this writing, federal education funds are being withheld from only one southern school district though 500 districts were informed that they were subject to termination after Title VI began; in about half that number, funds actually were cut off but the districts have since come into compliance.

Southern school districts, which need help in complying with court orders and federal laws, get assistance from two federal offices. The Office of Civil Rights (OCR) at the U.S. Department of Health, Education and Welfare (HEW) provides legal assistance under Title VI, while, at the same time, the Division of Equal Opportunity in the U.S. Office of Education provides technical assistance under Title IV.

The "legal" end of dual school systems in the South has not meant the end of discrimination. In many areas, it persists in the form of segregated classrooms, segregated bus routes, and unequal treatment of black faculty and staff. Under many of the plans approved by HEW or by the courts, school districts may desegregate—i.e., meet the requirements of the law—and still operate a number of all-black and all-white schools or permit segregated classrooms in "integrated" schools—thus allowing virtually no *integration* to take place.

Racial isolation and discrimination persist in the North and West too, but it is most often attributed to *de facto* considerations—a result of supposedly accidental housing patterns. In fact, much of this segregation might be caused or at least encouraged by local, state or federal government action on such matters as drawing school boundaries, choosing school building sites and allowing exclusionary zoning restrictions. Thus, the distinction between *de facto* and *de jure* may really be a polite legal fiction. This fiction may be revealed more clearly now that OCR is turning its attention to segregated schools in several of the nation's large school systems in the North and West.

Similar problems face urban school districts—whether they are in the North or the South. "White flight," coupled with housing discrimination against minorities, causes resegregation and aggravates problems of school financing. School districts that want to desegregate—whether for moral or legal reasons—are now looking to the federal government for money to make integrated education programs attractive to blacks and whites and to halt the resegregation process.

This CURRENT FOCUS looks at the progress of school desegregation to date and at the price paid for it by southern black students and school personnel. It also describes one successful integration plan in the West which may have some lessons for other communities. Finally, it reports on the substance of proposed legislation to provide federal aid and national direction for desegregation and quality integrated education. □

WHERE WE ARE

The Courts

A long series of questions left unanswered by *Brown* have since been dealt with by other federal and state court decisions. For example, *Brown* decreed that school districts abolish dual systems but it did not define "unitary." In 1969, the *Green* "just schools" decision clarified the issue, by defining a unitary system as one in which schools are not racially identifiable, whether through faculty, student body, or otherwise. The courts have also rejected desegregation based on geographic attendance zones where they found that the zones were imposed on existing segregated residential patterns and thus effectively prevented integration. Courts have held, too, that zoning which leads to racially identifiable schools is presumptively unconstitutional.

Until the Supreme Court's April 1971 busing decision, two major areas concerning school desegration remained undefined: (a) the extent of the courts' jurisdiction in determining what techniques districts must use to desegregate and (b) the constitutional distinction between *de jure* and *de facto* segregation. The second question still remains unanswered. The Charlotte-Mecklenburg busing decision avoided the issue by dealing exclusively with "state-imposed segregation" and not segregation that results from action in other areas of government—especially housing decisions. "We do not reach in this case the question whether a showing that school segregation is a consequence of other types of state action, without any discriminatory action by the school authorities, is a constitutional violation requiring remedial action by a school desegregation decree." A future court case will probably lead to a ruling on the constitutionality of housing-related racial concentrations in schools.

The court did respond, very strongly, to the issue of the degree to which courts can order busing and other techniques to bring about desegregation. Declaring that "desegregation plans cannot be limited to the walk-in schools," Chief Justice Warren E. Burger spoke for the entire court in the most important school integration decision since *Brown*.*

In brief, the Supreme Court decided that judges may order busing, establish racial quotas, order pairing and/or gerrymander districts to undo segregated systems established by law. It declared that:

- busing is a constitutional and sometimes indispensable method of eliminating "the last vestiges" of racially segregated schools; "Bus transportation has long been an integral part of all public educational systems and it is unlikely that a truly effective remedy could be devised without continued reliance upon it."
- on the matter of racially identifiable schools in desegregated systems, the court allows a small number of one-race schools but the burden is on the school districts to satisfy courts that such schools are not the result of present or past discriminatory action on their part.
  In any case, the court stated that one-race schools should be viewed critically since their existence creates a presumption of discrimination.
- racial balance is not required by the Constitution but percentages may be used as a starting point in shaping remedies;
- once desegregation has been accomplished, no year by year adjustments are necessary.

The potential for change inherent in this decision is extensive since it will affect the large urban areas of the South where the least amount of integration has occurred. The impressive rise in the number of black children in majority white schools—by HEW's statistics—is a result of desegregation in small and rural districts.

HEW's Statistics

On January 14, 1971, HEW released statistics for the 1970-71 school year which showed an increase in the percentage of black children enrolled in majority white schools.* This improvement in nationwide school integration is due to strides made in the South this past year—little change took place in the North and West.

Since 47.5% of all black pupils in the nation attend school in districts where minorities (Blacks, Chicanos, Orientals, American Indians) outnumber whites, according to HEW, "it is mathematically impossible for many minority students to attend schools that are majority white." Of these predominantly minority group districts, 39.4% are in the South, and 20 are among the nation's 100 largest districts.

—Nationwide, in districts that are majority white, 54.4% of the black pupils attend majority white schools.

—In the South, 56.2% of black children in majority white districts attend majority white schools.

*The court heard three related cases last fall from Athens, Ga., Mobile, Ala., and Charlotte-Mecklenburg, N.C. The League of Women Voters of the U.S., of North Carolina and of Charlotte-Mecklenburg were friends of the court in the latter. The federal government, through the Justice Department, was an amicus also, but on the other side—on behalf of the defendant, the Charlotte school board. The Justice Department claimed that the busing plan ordered in the Charlotte case was too "extreme" but the League and others argued that the school district should implement the plan and use all available remedies to desegregate its schools. The school board and opponents of the plan felt that the "rule of reasonableness" should be exercised but the Supreme Court decided at "substance, not semantics, must govern."

*During the summer of 1970, the Department of Justice reported that 90% of the school systems in the South were desegregated. The 90% system-wide figure was hailed by the Administration as indicative of outstanding progress in school desegregation. However, the meaning of these figures was challenged by civil rights groups because they deviated from HEW's traditional statistical format, i.e., reporting the number of pupils in desegregated schools. HEW's January 1971 release conformed to the traditional format.

—Over 30% of white pupils in predominantly minority group districts attend schools where the minority enrollment exceeds 50%. In the South, the percentage of white pupils is 38.3.

A decline was noted in the percentage of blacks attending 100% minority schools in the South—from 68% in 1968 to 18.4% in 1970.

What do these figures mean? First, they indicate that, in the South at least, dual systems are coming to an end. Second, they make the snail's pace of integration efforts in the North and West very conspicuous. However, they do not measure the extent to which *discrimination* persists.

Some would argue that once *legal* desegregation requirements have been met, as supposedly is now the case in the South, the job is done. But there is much yet to be done. Several surveys conducted in the South last fall documented cases of in-school segregation and demotion and dismissal of black faculty and staff.

The South

The Disappearing Black Principal

There is no way to gauge the tremendous loss to the black community and to the nation brought about by the vanishing of the black principal. "Since the best Negro minds have traditionally gone into education, it remains the greatest single reservoir of talent and skill so necessary to the changing South, and the deliberate destruction of this valuable resource is one of the tragedies of our time," said J.C. James in *The New Republic*, September 26, 1970.

The displacement of black principals is one of the most disturbing end-products of the desegregation of southern schools. In the term "displacement", the National Education Association (NEA) includes: any change in position—dismissal, demotion, lateral transfer, forced resignation or "promotion" to jobs with fancy titles but little or no responsibility or authority. A survey by the Race Relations Information Center for the U.S. Office of Education found that in North Carolina in 1967 there were more than 620 black school principals. In the fall of 1970 there were less than 170. In the same period, the number of Alabama's black principals declined from 250 to about 50. James stated that in Kentucky, in 1954, there were 348 black principals: in 1969-70 there were only 36 left.

An NEA Task Force did a special study in Louisiana and Mississippi in September 1970. The study confirmed that the black principal though not the only casualty is certainly the most serious. The report states that what is happening is not *integration* but *disintegration*, "the near total disintegration of black authority in every area of the system of public education."

The Washington Research Project (WRP) and five other civil rights groups* monitored 467 desegregating southern school districts last fall. The WRP report, *The Status of School Desegregation in The South 1970*, found that 34 districts have dismissed black principals and 194 have demoted them. In these 194 districts, 386 principals were demoted to inferior positions—mostly to assistant principalships under white principals and often in spite of their better qualifications and tenure. Monitors found no instances of white principals being assigned to lower level schools, but they did find cases where this happened to black senior and junior high principals. In 94 cases, black principals were made classroom teachers.

Band Leaders and Coaches

The effect of the displacement of the black principal cannot be calculated, since he is a symbol of authority for so many black children in the South. But black band leaders and head coaches—other symbolic figures—are also fast disappearing from the school scene in the South. The NEA study found that no district in Mississippi or Louisiana employs a black as head coach of a desegregated high school. The Race Relations Center survey and the WRP report also found demotions and dismissals of coaches and band leaders widespread. The NEA report noted that in many districts black students are no longer going out for varsity sports and therefore are not receiving athletic scholarships.

Classroom Teachers

School staff members are supposed to be hired, assigned, promoted, paid, demoted (i.e. given less pay, less responsibility, a position where less skill is required and/or assignment outside a field of specialty), dismissed, and otherwise treated without regard to race, color, or national origin. These are the requirements of a federal court ruling—the *Singleton* decree—nominally adhered to by the Departments of HEW and Justice. If the change from a dual to a unitary system causes a reduction in the teaching force, the Singleton decree requires that school districts not change the ratio of black to white teachers. New vacancies must be filled by qualified persons of the same race, color or national origin as departing personnel, until such applicants are not available.

According to all reports, this decree has been widely ignored. In 1968-69, the Race Relations Center found that there were 9,015 black teachers in 108 southern school districts in six states; in these same districts in 1969-70 there were 8,509 black teachers and in 1970-71 there were 8,092. In these three years, the total number of teaching slots rose by 615 while the total number of black teachers fell by 923. In Alabama, it is estimated that one third of the 10,500 black teachers have been dismissed, demoted or forced to resign. In Florida, over the past three years, about 1,000 black teachers have been dismissed, while the total number of teaching positions rose by 7,500. In addition, the report noted a concurrent decline in the number of new black teachers hired, suggesting that there is discrimination in hiring.

The WRP report found that 127 districts of the 467 monitored had dismissed 462 black teachers by not re-

*The Washington Research Project is a private organization concerned with problems of poverty, education and race relations. The other groups are: American Friends Service Committee, Delta Ministry of the National Council of Churches, Lawyers' Committee for Civil Rights Under Law, Lawyer's Constitu ise Committee and NAACP Legal Defense and Educational Fund.

newing their contracts. In one Texas district, black teachers received mimeographed form letters advising that they were "no longer needed" but the district soon hired new white teachers. In 103 districts black teachers were demoted. Some were reassigned to subjects outside their field of specialty, thereby leaving them vulnerable to the possibility of later being dismissed for incompetency. Others were assigned to lower track and vocational classes, or to lower level schools: very few retained positions as department heads. Some were even demoted to nonteaching jobs. In an Arkansas school district, a black teacher with a master's degree in education was given study hall duty last year. This year he is driving a bus and teaching shop.

In 78 of the 200 districts for which information on black/white teacher ratios was available, clear violations of the Singleton rule were found. According to the WRP report, "Not a single school district has been terminated (under Title VI) by HEW for discrimination against black principals or teachers," although hundreds of complaints have been filed. The survey done by the Race Relations Center states that there is a "...pervasive feeling that the federal government can't or won't help rectify the situation. The only effective recourse seems to be through the courts, and there is still a dearth of black and white lawyers willing to take such cases." Even if there is a lawyer available, fear may prevent teachers from acting. The survey also points out that teachers who do protest demotion are often dismissed for insubordination.

On August 6, 1970, HEW Secretary Richardson and J. Stanley Pottinger, OCR Director, promised that a memorandum would be issued within 10 to 15 days outlining school districts' responsibilities under Title VI regarding treatment of minority faculty and staff. At the time of the WRP report, nearly five months later, the memo had not been issued. On January 14, 1971, however, Pottinger did send a memo to Chief State School Officers about discrimination in elementary and secondary school staffing practices. The memo stated HEW's "policy to make further inquiry into staffing practices whenever it appears...that a school district may be making its assignment to teachers or staff to particular schools on a basis that tends to segregate, or that the racial or ethnic composition of its staff throughout the system may be affected by discriminatory hiring, firing, promotion, dismissal or other employee practices." If evidence of discriminatory assignment is found, "...the school district will be requested to assign teachers so as to correct the discriminatory pattern." If discrimination in hiring, promotions, demotions, or dismissals is found, "...the school districts will be requested to develop a plan for prompt corrective action." If the deficiency is in overall school district staff ratios, "...the school district may be asked to develop a plan designed to achieve a racial and ethnic composition of its total staff which will correct the distortion."

Mrs. Marian Wright Edelman, director of the Washington Research Project, in testimony to the Senate Education Subcommittee, characterized the memorandum as being "prospective and too weak to be effective."

Discrimination Against Black Children

There is clear evidence of even more widespread discrimination against black school children. The WRP report documents hundreds of examples of such discrimination and states, "Federal desegregation plans must deal with problems of black children within desegregated schools in as great detail as they have come to deal with problems of student and faculty assignment to schools." The report urges speed in dealing with these new forms of racism since "face-to-face discrimination against black children may do more direct and lasting harm to their 'hearts and minds' than did the old systems of isolation and separation."

In 273 of the 467 monitored districts, classrooms and facilities were segregated. Commonly, whites and blacks were assigned to separate classrooms. Much of the separation was done on the basis of tests, usually administered for the first time with the advent of desegregation and despite the fact that *federal law prohibits such testing when it results in racial isolation.* Some school districts have even used federal funds from Title I of the Elementary and Secondary Education Act (ESEA) to conduct such "tests."

Students were also separated within the classroom. In one history class, blacks were seated on one side of the room, whites on the other, with a row of empty desks down the middle. In another, black students sat in the back, while whites sat in the front.

Twenty-one of the districts discussed in the report had segregated cafeterias, dressing rooms and recreation areas. Eighty-nine of the districts operated segregated bus systems—usually in the form of duplicate routes but also in the classic Jim Crow pattern of blacks in the back. In one Florida junior high school, classes were "dismissed an hour and half before the senior high; black students had to wait for the rest of their bus load for nearly two hours, while a bus left right after school to take white junior high school students home, going right by many black students' homes on the way."

Discrimination also occurred in extracurricular activity—in social events, student government and student organizations, in athletics, cheer-leading and in band. In one Texas town "black students who moved to the desegregated high school...were told to turn in their Honor Society pins and were not allowed to join the society at their new school." A crucial erosion of black identity is occurring with the disappearance of the names of former black schools and in the loss of black mascots, trophies, songs and symbols. In Carthage, Texas black high school students are not allowed to wear award jackets, sweaters, or colors from their old high school, and in a South Carolina school, black band members were suspended when they refused to play "Dixie." In the former black high school in Orangeburg County, South Carolina all black trophies and pictures were replaced by white ones.

Black student reaction to these overt acts of discrimination has taken many forms and is often misinterpreted as meaning that blacks do not want integration. Within six weeks after school opened in the fall of 1970, 152 districts had expelled blacks and 95 had expelled whites. Five times as many black students as white students were involved. While whites were expelled gen-

erally for school discipline problems, over 80% of the black students were expelled for participation in protests or demonstrations.

Segregated Academies

According to a special report by Roy Reed in the *New York Times*, November 27, 1970, the number of all-white private schools in the South nearly doubled in the fall of 1970: about 300 more schools were opened, bringing the total number of new private schools established in the last five years to 700. Most of them are in predominantly black districts.

The Southern Regional Council reported that the number of white pupils at southern segregated private schools has jumped from 300,000 to about 450,000, since the Supreme Court's 1969 decision that dual systems must integrate "at once".

The NEA Task Force found that public buses are frequently used to carry students to private schools, some of which are former public school buildings, now leased or sold to private interests. Textbooks and other school equipment bought with public money are sometimes loaned or given to private academies. In Louisiana, the state legislature appropriated $10 million for private school teachers' salaries. However, a court ruling held that Louisiana's "Secular Educational Services Act of 1970" was unconstitutional.

NEA also discovered that public school tax rates are often lowered after whites leave the system—leaving the remaining black schools in a financial crunch. The *New York Times* article reports that the new white schools are suffering from financial problems too. In conversations with educators, public officials and other observers, interviewers found "that probably not more than 25 of the new academies come close to matching, in over-all quality, the public schools that their students fled from." Other reports indicate a gradual return of whites to public schools—probably a result of the inferior quality of the hastily established schools.

The Internal Revenue Service (IRS) has declared that contributions to schools which discriminate on the basis of race are not tax-deductible. The impact of this declaration on segregation academies is questionable. All that schools must do to qualify for tax-deductibility is to state publicly an open admissions policy, but the IRS has no affirmative monitoring process to determine the extent of "open admissions."

During the 1970 hearings of the Senate Select Committee on Equal Educational Opportunity, Senator Walter Mondale (D., Minn.) questioned the IRS about a school in Siloam, Georgia. Mondale asserted that the school had 120 white pupils last year, and 300 this year—but no black students. In addition, the school has an all-white faculty, has reportedly purchased a former public elementary school for $100, and charges students $400 tuition and a $250 "building fund contribution." Needless to say, the charges are prohibitive to many rural black families (as well as to many white ones).

Mondale asked the IRS about assurances that the school had an open admissions policy and was told that assurances generally take the "form of statements in brochures made available in the community." A week later, Mondale accused the IRS of deception, saying that the IRS "waited until September school enrollments were closed and classes were filled without a single black admission and then suspended exemptions of only those 11 schools which refused to promise they would open their doors to black students." The timing meant that many academies would be able to operate all-white schools during the 1970-71 year.

Freedom of Transfer

Another, perhaps more subtle, phenomenon seems to be taking hold in many areas. For lack of a better term, it is referred to as "freedom of transfer," and is an attempt by recalcitrant whites to resegregate "legitimately." Many white students have transferred out of their assigned schools to attend other schools, especially in cases where they were in a minority. Sometimes, it is done without the knowledge or even covert approval of school officials; in other cases school policy allows such transfers.

HEW, for example, is now reviewing the transfer of many white students in Prince Georges County, Maryland from predominantly black schools. It was expected that 441 whites would attend one high school with a total enrollment of 1,050. At the end of September, only 218 white students were actually attending the school. Some of the whites transferred to private schools; others received permission to go to other public schools after claiming family hardship and illness; the rest are unaccounted for. Until the review is complete, there is no way to judge what was done with the knowledge and tacit approval of school officials.

A related mechanism for avoiding integration is the use of different schools for different subjects, so that whites don't have to stay in black schools all day or in classrooms with black teachers. NEA reports that Tallahatchie County, Mississippi buses its high school pupils between two schools—"an altogether strange phenomenon in a region so antipathetic to busing."

What Makes the Difference

Acts of noncompliance and repression are commonplace in the South. However, as Paul Gaston, in an article in *South Today*, December 1970, said: "In those schools where whites and blacks have created successful integration, one common, crucial factor has been intelligent community leadership. In districts where desegregation has been a failure—where true integration has never had a chance—community leadership has ranged from good-intentioned mindlessness to outrageous intransigence. Two conclusions are inescapable: (1) integration of southern schools is not simply a desirable goal, but a viable one as well; (2) the speed with which that goal is reached depends heavily on how the crisis of leadership is resolved in southern communities."

The North and West

Outside the South, crises of leadership also determine the workability of school desegregation. Although there is no constitutional mandate for ending *de facto* segregation, many school districts and states in the

North and West have voluntarily tried to achieve some measure of integration. However, the outlook on the whole, is not much more promising than it is in the South. Like the South, there are many cases of smooth transition, but more often than not retreat seems to be the word. Plagued by "white flight" and with crushing financial burdens intensified by lower tax bases, many urban school systems are struggling to remain solvent and at the same time provide the best possible education to the children they serve. Integrating on a large scale is costly for most cities, though sometimes the cost estimates are grossly inflated. The resegregation process has taken its toll: despite efforts in many areas of the North and West, the number of minority children in predominantly white schools increased only .1% between 1968 and 1970 (from 2,703,056 to 2,865,059).

Under Title VI guidelines established by HEW in 1968, federal funds can be withheld from "*de facto*" districts in the North and West if OCR can trace responsibility for the segregated schools to government action on matters such as zoning. If governmental responsibility can be traced, then OCR can treat the district as though it were *de jure*. However, ascertaining such responsibility is a painstaking process, often involving months of work by highly trained investigators. According to OCR, there are about as many investigators now working in the North and West as there are in the South. Although OCR has conducted Title VI compliance reviews in many northern and western school systems, formal enforcement proceedings have been initiated in only two: Wichita, Kansas and Ferndale, Michigan. In each case, a federal examiner has ruled that the district is in noncompliance and that federal funds should be cut off. Ferndale has appealed the decision and Wichita may also file an appeal. Investigators are working in other cities, such as Boston, San Francisco, Bakersfield, New York and Chicago. Title VI investigators once worked in Pasadena, California, and now this school district has adopted one of the most extensive integration efforts in the nation to date.

The Pasadena Story—A Case History

Pasadena, an urban microcosm in many respects, exemplifies the problems found in school districts everywhere. Under the new desegregation plan, each of the 29,000 students will be bused for at least part of his school career. Eighty-seven buses now carry 15,000 children from segregated neighborhoods to integrated classrooms.

It was not easy to bring the plan into being. Opponents demanded a recall election of the three board members who voted for the school desegregation proposal. Enough petition signatures were collected to hold an election on October 13, 1970. The outcome was a close victory for the incumbents; support came mainly from the black and integrated sections of Pasadena.

Essentially the plan adopted by the school board was based on a federal court order to reorganize Pasadena schools by September 1970, so that no school would have more than 50 percent of any minority group and every school would include minority staff members. But the board ordered the staff to develop an even more comprehensive plan—to ethnically balance *all* the schools.

Many community groups supported the board and made tremendous efforts to prepare the community for desegregation—during the summer of 1970, they held neighborhood discussion groups and public meetings and set up information booths in the shopping centers.*

The groups' active opposition to the recall election certainly influenced its outcome, which many regard as one of the most significant victories for integrated education in recent history. Its significance lies in the fact that "it gave the Pasadena Plan a chance to prove itself. It was perhaps a unique referendum on busing and full integration, and the public said yes." (Mike Bowler, "North or South: Who Will Show The Way To School Integration," in *South Today*, December 1970).

Mr. Bowler also asserted that the plan is attractive for the things it does not do:

"—It does not combine schools selectively;
—It does not close black schools to appease white parents;
—It does not place the burden of desegregation on blacks;
—It does not avoid the hard fact that busing is the only way to desegregate large-city systems."

Only time will tell how well the plan will work. In a statement to the Senate Select Committee on Equal Educational Opportunity, the League of Women Voters of Pasadena appealed for more federal financial aid to the school district to offset the increased costs of transportation and innovative programs to improve the quality of education in the newly integrated schools. In stating the case, the League pointed out that white parents "are waiting to see whether the district can provide their children with a quality education in integrated schools....It seems clear...that middle-class white parents here cannot be expected to pay more for their children's education and receive less than they would get in an all-white suburban district. Clearly, if the American people and their elected representatives have a commitment to the ideal of an integrated society ...they must be willing to contribute funds to the bona fide desegregated school districts sufficient to insure their successful operation so that others may be encouraged to follow in their path."

WHERE WE'RE GOING

Several bills have been introduced in Congress to provide such financial aid.

Emergency School Assistance

In May 1970, President Nixon sent a proposal to Congress for a $1.5 billion, 2-year program to help aid the desegregation process. The Emergency School Assistance Program (ESAP) was designed "to help southern schools eliminate dual systems and underwrite north-

*These efforts were coordinated by the LWV of Pasadena.

ern efforts to achieve integrated quality education in de facto situations." (*New York Times* January 8, 1971) The proposal promptly went through the hearing process in both the House and Senate.

ESAP - Funding Begins in the Fall of 1970

In the meantime, most southern school districts were under orders to desegregate by the opening of the 1970-71 school year. On August 18, 1970, Congress passed $75 million in emergency funds to assist these districts to convert from dual to unitary systems.

In spite of Senate amendments prohibiting assistance to districts that violated civil rights laws and in spite of the excellent program regulations governing ESAP, numerous violations in the use of ESAP funds were found by the civil rights groups conducting the desegregation monitoring program last fall. Their report, *The Emergency School Assistance Program, An Evaluation*, was issued in November 1970. Relying on an analysis of ESAP grant applications funded by HEW, and on first-hand monitoring of many districts that had received ESAP funds, the groups discovered violations of program regulations and of federal civil rights laws which should have made the districts ineligible for funds.

The conclusions of the ESAP report caused indignant reaction in the Senate which had purposely added amendments to avoid such violations and abuses. However, U.S. Commissioner of Education Sidney P. Marland asserted in testimony before the House General Subcommittee on Education that "the immediate availability of these funds (ESAP) was responsible in large measure for the relatively calm and smooth transition from dual to unitary school systems which occurred."

The Senate Select Committee on Equal Educational Opportunity ordered a General Accounting Office (GAO) report on ESAP. The report, *Need To Improve Policies And Procedures For Approving Grants Under The Emergency School Assistance Program*, was released on March 5, 1971, and confirmed the findings of the ESAP report. GAO found that insufficient information was submitted with program applications to enable "a proper determination that the grants were in line with the purpose of the program." The report recommended that HEW strengthen its procedures:

- by allowing time for thorough review and evaluation;
- by requiring that the information relied on in approving applications be made a matter of record;
- and by establishing an effective monitoring system to ensure that funds are used for the purposes specified in the applications and that districts comply with federal civil rights laws.

ESAP's Fate In The 91st Congress

A $1.5 billion "permanent" school assistance bill, sponsored by the Administration, passed easily in the House last year but faltered in the Senate. The Senate Education Subcommittee had prepared an alternate bill. Its members felt that the House-passed bill failed to establish a meaningful integration standard as a requirement for funding; without such a standard, it would be possible for districts desegregating only on a token basis to receive funds. However, neither bill was put to a vote on the Senate floor.

ESAP In The 92nd Congress

Early in 1971, the two bills were reintroduced: the administration's Emergency School Aid Act of 1971 (S 195 and HR 2266); and the Quality Integrated Education Act of 1971 (S 683 and HR 4847) which was sponsored in the Senate by Senators Walter Mondale (D., Minn.) and Edward Brooke (R., Mass.).

The basic difference involved the allocation of funds. S 195 allotted 80 percent of the $1.5 billion to states on the basis of the number of minority children enrolled in the public elementary and secondary schools. S 683 earmarked 90 percent of the monies to aid school districts in the desegregation process by funding specific programs, such as creation of stable, quality integrated schools, education parks and interdistrict cooperation projects. The remaining money—20 percent in S 195 and 10 percent in S 683—was to be used at the discretion of the Secretary of HEW.

The bills also differed in the way in which school districts qualify for funds. Under S 195, districts must be implementing a voluntary, court-ordered, or HEW-approved desegregation plan, or must be making an attempt to reduce or prevent racial isolation. S 683 contained spelled-out standards for each program it would fund.

The Compromise

On March 24, 1971, a compromise bill—the Emergency School Aid and Quality Integrated Education Act of 1971—was reported by the Senate Subcommittee on Education. The new bill contained many of the features of the Mondale-Brooke bill (S 683) which included public information and parent/teacher/student participation provisions. However, districts eligible for funding would be the same as those in S 195, with the added provision that they must adopt comprehensive plans to eliminate minority group isolation and must establish one or more stable, quality integrated schools as defined in S 683. Funding priority would be given to those districts which place the largest number of minority group students in integrated schools.

The funds would be allotted as follows:

- —15% would go for metropolitan area projects including at least two education parks, one of which must be interdistrict. The rest of the funds would go to districts seeking to implement district-wide desegregation plans;
- —15% would be divided with 3% for educational television; 3% for bilingual and bicultural programs; and 9% discretionary funds for the Secretary of HEW;
- —1% would go for attorney's fees as outlined in S 683;
- —1% would be reserved for evaluation;
- —68% would be allotted to states, with 15% going to private, nonprofit projects; 22% to reduce racial isolation; and 63% to maintain stable, quality, integrated schools as defined in S 683.

Ribicoff Proposal

Another bill (S 1283) to give federal aid and direction to the desegregation process was introduced on March 16, 1971, by Senator Abraham Ribicoff (D., Conn.). The bill, the Urban Education Improvement Act, focuses on metropolitan areas rather than on individual school districts in seeking solutions to school integration. It would require state and local educational agencies to develop desegregation plans for all Standard Metropolitan Statistical Areas (SMSAs) and would provide money for the development of such plans. All plans, to be implemented by July 1, 1983, would provide that the percentage of minority group children enrolled in each school within the SMSA would be at least 50 percent of the minority student population throughout the SMSA. Thus, if the minority student population in a given SMSA were 30 percent, in no school within that SMSA could there be less than 15 percent minority children enrolled. Plans could use techniques such as redrawing school boundaries, creating unified school districts, pairing schools, and establishing educational parks and magnet schools. Reasonable assurance would have to be given that goals would be met before funds were granted and the program would carry implementation guidelines similar to such federal programs as Title I ESEA.

Senator Ribicoff also introduced a companion bill on housing (S 1282). By linking his housing and education bills, Senator Ribicoff emphasized the need for equal housing opportunities to assure viable school integration. S 1282 would locate federally-connected industries only in communities willing to provide adequate low- and moderate-income housing. Its purpose is to insure that state and federal employees will have an adequate supply of low and moderate-income housing before governmental facilities are built or expanded in a community.

The provisions for interdistrict cooperation in the Emergency School Aid and Quality Integrated Education Act of 1971 contain elements of the Ribicoff proposal. But, in general, though the Ribicoff bills are more far reaching than either the Mondale-Brooke bill or the compromise bill, the latter may lay the groundwork for more comprehensive action in a future Congress. □

CONCLUSION

Though the problems in the South are a long way from solution, many advocates of school integration are turning their attention toward large, urban areas where school integration seems to have reached a standstill. In Boston schools, for example, where racial balance is mandated by a 1965 state law (meaning that if any school has more than 50% nonwhite pupils the district is subject to cutoff of state funds), the proportion of blacks in the schools has increased from 25% to 32% since 1965 and the number of racially imbalanced schools has increased from 46 to 63. And Boston is not the exception. In Washington, D.C., the public school population is nearly 95% black. The city of Chicago's public school population in 1970 was 55% black, an increase from 53% in 1968.

How will the nation ultimately solve the festering problems of school integration? Should we develop uniform standards to apply to all metropolitan areas, North and South? If so, how? Can national integration standards be developed, either by the courts or by new federal law, doing away with the distinction between *de jure* and *de facto* segregation? Can all segregation be declared illegal and can federal and state funds be withheld from districts which do not achieve racial balance in their schools?

Would a metropolitan-wide approach to integration be the key to racial balance? Does an interdistrict approach to integration take account of black demands for quality schools *where they live* and *controlled by them*? How will black fears that interdistrict cooperation is a ruse for dispersal (and the subsequent loss of black culture and identity) be abated? What about busing? In most busing plans, the burden has been on blacks, thus implying that blacks benefit from integration and whites do not. Will busing be two-way or will the burden continue to be borne by blacks? How can the process of resegregation be halted? How can districts that are nearly all-black integrate?

The problems seem insurmountable, but perhaps they all boil down to one question: Do the American people want their children to be educated in racially isolated schools or do they want them to attend "just schools?" □

SELECTED READING LIST

Comptroller General of the U.S. *Need To Improve Policies and Procedures For Approving Grants Under The Emergency School Assistance Program*, Report to the Select Committee on Equal Educational Opportunity, United States Senate. B-164031, March 5, 1971. 87 pp. $1.00. (General Accounting Office, Washington, D.C. 20548).

NAACP Legal Defense and Educational Fund, Inc. *An Even Chance*, Report on Federal Funds for Indian Children In Public School Districts. 1971. 80 pp. $1.00. (Legal Defense Fund, 1028 Connecticut Ave., Room 510, Washington, D.C. 20036).

National Education Association. *School Desegregation: Louisiana and Mississippi*, Report of NEA Task Force III. Nov. 1970. 39 pp. Single copies free. (NEA, 1201 16th St., N.W., Washington, D.C. 20036).

Senate Select Committee on Equal Educational Opportunity. *Hearings*, Parts 1-8. 1970. (Write to the committee, U.S. Senate, Washington, D.C. 20510).

Still, Douglas M. *Inventory of Some Innovative and Pathfinding Educational Programs and Schools*. 1970. 75¢. (United Ministries in Public Education, 110 Maryland Ave., N.E., Washington, D.C. 20002).

U.S. Commission on Civil Rights. *Understanding School Desegregation*. 1971. 16 pp. Free. (USCCR, Washington, D.C. 20425).

U.S. Commission on Civil Rights. *HEW and Title VI*, A Report on the Development of the Organization, Policies, and Compliance Procedures of the Department of Health, Education, and Welfare Under Title VI of the Civil Rights Act of 1964. 1970. 73 pp. 45¢. (U.S. Government Printing Office, Washington, D.C. 20402).

U.S. Department of Health, Education, and Welfare, Washington, D.C. 20201. *News Release*, January 14, 1971. No. HEW-A20, re number of Negro pupils attending majority white public schools.

U.S. Department of Health, Education, and Welfare, Office for Civil Rights, Washington, D.C. 20201. January 14, 1971 *Memorandum* re nondiscrimination in elementary and secondary school staffing practices.

U.S. Department of Health, Education, and Welfare, Bureau of Educational Personnel Development, Washington, D.C. 20201. *Displacement of Black Teachers in the 11 Southern States*. Summary of a survey conducted for the U.S. Office of Education by the Race Relations Information Center. 1970. Free.

Washington Research Project and others. *The Emergency School Assistance Program: An Evaluation*. November 1970. 100 pp. Single copies free. (WRP, 1832 Jefferson Place, N.W., Washington, D.C. 20036).

Washington Research Project and others: *The Status of School Desegregation in the South 1970*. December 1970. 119 pp. Single copies free. (WRP, 1823 Jefferson Place, N.W., Washington, D.C., 20036).

League Publications

League of Women Voters of the U.S., 1730 M St., N.W., Washington, D.C. 20036.

"School Desegregation, North and South," FACTS & ISSUES, 1969. pub. #353. 4 pp. 25¢.

"Education: Developments in School Desegregation and in Title I ESEA," CURRENT FOCUS No. 3, Dec. 1970. pub. #668, 8 pp. 25¢.

"Statement To The Senate Labor and Public Welfare Subcommittee on Education in Support of Quality Integrated Education." March 23, 1971. 9 pp.

School Survey Guide. 1969. pub. #343. 32 pp. $1.00.

"The School and the Community." *People Power*. ICCE Newsletter. March 1969. pub. #621. 50¢.

Subscriptions

Integrated Education: Race and Schools. $8 per year for six issues. Integrated Education Associates, 343 S. Dearborn St., Chicago, Ill. 60604.

South Today. A digest of southern affairs. Southern Regional Council, Inc., 5 Forsyth St., N.W., Atlanta, Ga. 30303.

Race Relations Reporter. Semimonthly. Race Relations Information Center, Box 6156, Nashville, Tenn. 37212. □

League of Women Voters of the United States
Pub. No. 681-50c a copy Quantity rates on request
A League of Women Voters Education Fund publication
C394