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ABSTRACT This volume records the text of the 1976 hearing held to examine the process and results of court-ordered school desegregation in Jefferson County, Kentucky. Presented is testimony from public school students, educators, administrators, government officials, and representatives of public and private agencies and community organizations. Also included in the volume are exhibits which document various phases of school desegregation in Louisville. Among these documents are the statements of local businesses, churches, and labor unions regarding desegregation. (GC)

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ED 178 631

**Hearing
before the
United States
Commission on Civil Rights**

**HEARING HELD IN
LOUISVILLE,
KENTUCKY**

JUNE 14-16, 1976

**U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
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U.S. COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights is a temporary, independent, bipartisan agency established by Congress in 1957 and directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice;
- Appraise Federal laws and policies with respect to equal protection of the laws because of race, color, religion, sex, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion, sex, or national origin;
- Submit reports, findings, and recommendations to the President and Congress.

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Stephen Horn, *Vice Chairman*

Frankie M. Freeman

Manuel Ruiz, Jr.

Murray Saltzman

John A. Buggs, *Staff Director*

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ERRATA •

Mr. Kenneth Cassidy (president, IUE 761) should read *Cassady* (pp. 413-417).

UNITED STATES COMMISSION ON CIVIL RIGHTS

Monday, June 14, 1976

The U.S. Commission on Civil Rights convened, pursuant to notice, at 9 a.m. in the Middleton Auditorium, Strickler Hall, University of Louisville, Louisville, Kentucky, Arthur S. Flemming, Chairman, presiding.

PRESENT: Arthur S. Flemming, Chairman; Stephen Horn, Vice Chairman; Frankie M. Freeman, Commissioner; Manuel Ruiz, Jr., Commissioner; Murray Saltzman, Commissioner; John A. Buggs, Staff Director; Lawrence Glick, Acting General Counsel; Jack P. Hartog, Hester C. Lewis, and Frederick Dorsey, Assistant General Counsel.

PROCEEDINGS

CHAIRMAN FLEMMING. The hearing should come to order, please.

This Commission came into existence as a result of a provision incorporated in the Civil Rights Act of 1957. By law, it is a six-member Commission, the members being appointed by the President and confirmed by the Senate. No more than three members of the Commission can be members of the same political party.

The Commission, since its creation, has investigated basic issues in the field of civil rights, then as a result of its investigation has made findings and recommendations and submitted them to the President of the United States and to the Congress. The Commission has likewise performed an oversight function in relation to the departments and agencies of the Federal Government that are charged with the responsibility of enforcing civil rights law. In connection with these oversight responsibilities, we also make findings and recommendations and submit them to the President and to the Congress.

All persons who have served on the Commission have recognized that this Commission has an obligation to stay out on the cutting edge of issues in the field of civil rights. One of the most important, if not the most important issue confronting our Nation at the present time in the field of civil rights is the issue of desegregation of our public schools.

Approximately a year ago, the Commission decided to concentrate a large portion of its time, its energy, and its resources on this particular issue. We intend during the latter part of August to issue a state of the union report on the status of desegregation in the Nation. In this report we will include findings and recommendations which will be transmitted to the President and to the Congress.

In preparation for this report, we have been holding a number of hearings. Under our law, when we hold a public hearing we subpoena all witnesses, and all witnesses are placed under oath. We have held hearings on the desegregation of our public schools in Boston, Massachusetts, Denver, Colorado, Tampa, Florida, and now in Louisville.

In addition to these public hearings, we have had prepared for us by State advisory committees 24 case histories. In addition, our research department developed an instrument which has been used for the purpose of obtaining some idea of the attitudes that leaders have relative to desegregation in 1,800 school districts.

We are now in the process of evaluating the evidence that has been presented to us. And as I have indicated, the latter part of August we will issue our report with our findings and recommendations.

I know that I am speaking for all of my colleagues on the Commission when I announce with great sorrow the fact that one of our colleagues, Dr. Robert Rankin, Durham, North Carolina, died last week. Dr. Rankin was the oldest member of our Commission, both in terms of years and in terms of period of service. He was appointed to the Commission by the late President Eisenhower and served from then until his death last week. He was professor emeritus of political science at Duke University. There he had a very distinguished career as a teacher and as a scholar. It is very difficult to express adequately in words the contributions that Dr. Rankin made to this Commission.

As I have indicated, he was a member of the Commission almost from the beginning and, consequently, served as a member during the formative years of the Commission and during the recent years when our Nation has confronted some very serious issues in the field of civil rights.

There is no question at all about the significance of the contributions that Dr. Rankin made as a teacher and as a scholar. These were contributions not just to Duke University, but to the entire Nation. Also, there is no question at all, but that he contributed to the life of our Nation in a very significant way as he performed his duties and responsibilities as a member of this Commission.

He was always ready to confront issues in the field of civil rights in a perceptive manner and in a courageous manner. He, for a good many years, was the only member of the Commission who came from the South. He was a leader in the civil rights movement in the South, but through this Commission he became a leader in the civil rights movement in the Nation as a whole. I am asking our Staff Director to prepare an appropriate memorial for presentation to the Commission at our next regular meeting in Washington next month.

In the meantime, however, some of my colleagues may want to add to the comments that I have made. I will recognize first the Vice Chairman of the Commission, Dr. Steven Horn, who is president of California State University at Long Beach, California.

• VICE CHAIRMAN HORN. Thank you, Mr. Chairman.

I am delighted that you mentioned in tribute the work of Dr. Rankin as you have. It was my privilege as a fellow political scientist to first meet Dr. Rankin when he was consultant to this Commission, which was for a period of years even before he became a member by the appointment of President Eisenhower.

Dr. Rankin was a southern gentleman in the finest sense of the word. He was a distinguished scholar of constitutional law, having studied under the late Edward Corwin, one of America's most distinguished scholars in this area. He approached, as you mentioned, issues with courage. I might add that he also approached with calm and with a great deal of research. He was a member of the Commission during my years as Vice Chairman, since 1969. You could always count on him to have done his homework.

He was also a member of the Commission and helped innovate in many areas to bring the work of this Commission closer to the scholarly community, such as the scholar residence program in which he was our representative in selection. His services to State and Nation and to his community, where he was once a city councilman, will be lost but not forgotten by many who studied the record of how this Nation has evolved in this area over the last decade and a half.

CHAIRMAN FLEMMING. Thank you.

I would like to recognize now Commissioner Frankie Freeman, who is a very distinguished lawyer from St. Louis and who was appointed to the Commission by President Johnson and has served since then. She is now the oldest member of the Commission in point of service. Commissioner Freeman.

COMMISSIONER FREEMAN. Thank you, Mr. Chairman.

I talked to Dr. Rankin on Thursday, the day before he died. I had learned that he was in very poor condition, and so I called him because we had, during the entire time that we had served together on the Commission, what to me was a very special relationship.

Although Dr. Rankin was called a southern member of this Commission, because I was born in the South, because I was born and reared in Danville, Virginia, which was very close to where he lived in Durham, we always felt and we said we can understand each other.

And we were in many instances, on many occasions, not in agreement, except that because this is a bipartisan Commission and there are some Republicans and some Democrats, we both are Democrats and so we had the political relationship. And we—although in this Commission we never really have had a decision which was divided on the basis of party—we chided each other back and forth.

He as a very distinguished political scientist could really assess the mood of this country. And as we moved into the hearings during this past year, it was of special meaning to Bob Rankin that he could, in the city of Boston and in the city of Denver when he talked to some of the witnesses, say, well, down South we saw the problem, what is happening and what is wrong with things up here.

He had a sense of humor that I think the transcript will reveal gave a special flavor to many of the reports and many of the transcripts. This will be the first hearing we will encounter in the past 12 years at which he is not present, although I believe that he is with us in spirit because he wanted very much to be here. He said to me—although he knew he would not be with us literally—but he said, "I am very sorry I cannot be with you in Louisville, but I know that you all will carry on." And we will surely try to carry on.

CHAIRMAN FLEMMING. Thank you. I would like to present Commissioner Manuel Ruiz, very distinguished international lawyer from Los Angeles, California.

COMMISSIONER RUIZ. Dr. Rankin's insight into the social and political problems, particular in the South, constituted the basis of much inspiration on my part. Although I was born in the far West, California, I married a girl from Mississippi, and my wife and Mrs. Rankin became great friends and led to an understanding which I would not otherwise have had as a far westerner. And I am deeply grateful for this liaison that I was able to have in the very short period of time as a co-Commissioner of Dr. Rankin on our Commission on Civil Rights.

CHAIRMAN FLEMMING. Thank you.
I would now like to recognize Commissioner Murray Saltzman. Rabbi Saltzman is the spiritual leader of one of the large congregations in Indianapolis, Indiana. He is the youngest member of the Commission in point of service. Commissioner Saltzman.

COMMISSIONER SALTZMAN. As the youngest member, I have only spent a little more than a year on the Commission. But even within the very first few months of my service, I found myself deeply impressed by the courage, integrity, and dedication of every member of this Commission to the ideals of American democracy and to the purposes which are served in our faithful observance of the Constitution.

In particular, I was profoundly impressed by Dr. Rankin's grasp of what we were doing and what we hoped to achieve as citizens of this country, the ideals we hoped to bring to fruition through our efforts on this Commission.

In particular, though it was mentioned, I would like to refer to his sense of humor. There were occasions when we met in Washington when Dr. Rankin and I would dine together. He had an enormous store of jokes, and I found myself writing them down to save them for occasions in the future. He was a very precious, affable, warm, generous human being, a man who, despite the years, really was very, very young. He could appreciate beauty, beauty in physical things,

beauty in women—he had a very young eye in that respect. He could appreciate beauty in spiritual and moral values. I know we shall deeply miss his presence.

Thank you, Mr. Chairman.

CHAIRMAN FLEMMING. I would like to recognize John Buggs, who is the Staff Director of the Commission and who in that capacity worked very, very closely with each member of the Commission.

MR. BUGGS. Thank you, Mr. Chairman.

As you indicated, the Staff Director has the somewhat, I suppose, unique opportunity to be associated with each member of the Commission to an extent that I doubt other Commissioners are able to associate. Not only was that true, of course, of Dr. Rankin, but I had been designated many years before I became Staff Director to be the liaison between the staff and the Commissioners. In that capacity, Dr. Rankin on occasion would come by my office and indicate he would just like to walk around the various floors and offices of the Commission to discuss with the staff anything that they might want to discuss with him.

I think one of the most important aspects of that is Dr. Rankin's careful operation in that role. He was very careful, interestingly enough, to be sure he represented in many instances the position of the Staff Director as well as that of the Commission in discussions with other members of the staff. He was particularly aware of the role that he played. He never carried stories from one group to the other. He always discussed with me everything that he heard and what he felt.

Being the only Staff Director who has ever been from the South, I was particularly close, as I think Commissioner Freeman was, to Dr. Rankin. We had—while of different races—had similar experiences on the other side of each issue. And I think we began to understand to a greater measure than perhaps either of us thought, how each person operating as we did in a somewhat difficult situation in the '30s and in the '40s, why in many instances we reacted as we did.

He was, I repeat, as others have said, a wonderful human being. I went down to his funeral. I had an opportunity there to speak with Mrs. Rankin, with his daughter, and with his son. They are all fine people from a fine part of the country, and I, together with members of the Commission, shall certainly miss him.

CHAIRMAN FLEMMING. Thank you very much.

I am going to ask that the statements that have been made at the opening of this hearing relative to the life and service of Dr. Rankin be transcribed as soon as possible and be transmitted to Mrs. Rankin.

At this point, I would like to recognize Commissioner Freeman, who will make a statement relative to the rules that will govern the hearing that we are holding in Louisville. Commissioner Freeman.

COMMISSIONER FREEMAN. Thank you, Mr. Chairman.

At the outset, I should emphasize that the observations I am about to make on the Commission's rules constitute nothing more than brief

summaries of the certificate of provisions. The rules themselves should be consulted for a fuller understanding. Staff members will be available to answer questions which arise during the course of the hearing.

In outlining the procedure which will govern the hearing, I think it is important to explain briefly a special Commission procedure for testimony or evidence which may tend to defame, degrade, or incriminate any person. Section 102-E of our statute provides, and I quote:

If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony in executive session. The Commission shall afford any person defamed, degraded, or incriminated by such evidence or testimony an opportunity to appear and be heard in executive session with a reasonable number of additional witnesses requested by him before deciding to use such evidence or testimony.

When we use the term executive session, we mean a session in which only the Commissioners are present, in contrast to a session such as this one in which the public is invited and present. In providing for an executive or closed session for testimony which will tend to defame, degrade, or incriminate any person, Congress clearly intended to give the fullest protection to individuals by affording them an opportunity to show why any testimony which might be damaging to them should not be presented in public. Congress also wished to minimize damage to reputations as much as possible and to provide persons an opportunity to rebut unfounded charges before they were well publicized.

Therefore, the Commission, when appropriate, convenes in executive session prior to the receipt of anticipated defamatory testimony. Following the presentation of the testimony in executive session and any statement in opposition to it, Commissioners review the significance of the testimony and the merit to the opposition to it. In the event we find the testimony to be of insufficient credibility or the opposition to it to be of sufficient merit, we may refuse to hear certain witnesses, even though those witnesses have been subpoenaed to testify in public session.

An executive session is the only portion of any hearing which is not open to the public. The hearing which begins now is open to all, and the public is invited and urged to attend all of the open sessions.

All persons who are scheduled to appear who live or work in Kentucky or within 50 miles of the hearing site have been subpoenaed by the Commission. All testimony at public sessions will be under oath and will be transcribed verbatim by the official reporter. Everyone who testifies or submits data or evidence is entitled to obtain a copy of the transcript on payment of costs. In addition, within 60 days after the close of the hearing, a person may ask to correct errors in the trans-



cript of the hearing of his or her testimony. Such requests will be granted only to make the transcript conform to testimony as presented at the hearing.

All witnesses are entitled to be accompanied and advised by counsel. After the witness has been questioned by the Commission, counsel may subject his or her client to reasonable examination within the scope of the questions asked by the Commission. He or she also may make objections on the record and argue briefly the basis for such objections.

Should any witness fail or refuse to follow any order made by the Chairman or the Commissioner presiding in his absence, his or her behavior will be considered disorderly, and the matter will be referred to the U.S. Attorney for enforcement pursuant to the Commission's statutory powers.

If the Commission determines that any witness' testimony tends to defame, degrade, or incriminate any person, that person or his or her counsel may submit written questions which in the discretion of the Commission may be put to the witness. Such person also has the right to request that witnesses be subpoenaed on his or her behalf.

All witnesses have the right to submit statements prepared by themselves or others for inclusion in the record provided they are submitted within the time required by the rules. Any person who has not been subpoenaed may be permitted, in the discretion of the Commission, to submit a written statement at this public hearing. Such statement will be reviewed by the members of the Commission and made a part of the record.

Witnesses at Commission hearings are protected by the provision of Title 18, U.S. Code, section 1505, which makes it a crime to threaten, intimidate, or injure witnesses on account of their attendance at Government proceedings. The Commission should be immediately informed of any allegations relating to possible intimidation of witnesses. Let me emphasize that we consider this to be a very serious matter, and we will do all in our power to protect witnesses who appear at the hearing.

Copies of the rules which govern this hearing may be secured from a member of the Commission staff. Persons who have been subpoenaed have already been given their copies.

Finally, I should point out that these rules were drafted with the intent of insuring that Commission hearings be conducted in a fair and impartial manner. In many cases, the Commission has gone significantly beyond the congressional requirements in providing safeguards for witnesses and other persons. We have done this in the belief that useful facts can be developed best in an atmosphere of calm and objectivity. We hope that such an atmosphere will prevail at this hearing.

With respect to the conduct of persons in this hearing room, the Commission wants to make clear that all orders by the Chairman must be obeyed. Failure by any person to obey an order by Dr. Flemming

or the Commissioner presiding in his absence will result in the exclusion of the individual from this hearing room and criminal prosecution by the U.S. Attorney when required.

The Federal marshalls stationed in and around this hearing room have been thoroughly instructed by the Commission on hearing procedure, and their orders also are to be obeyed.

This hearing will be in public session on Monday, which is today, Tuesday, and Wednesday of this week. The sessions on today and Tuesday will begin at 9:00 a.m. and will continue until 6:00 p.m. There will be a lunch break today from noon until 12:40 p.m. and on Tuesday from 12:50 until 1:50 p.m.

On Wednesday, the final day of this hearing, the session will begin at 9:00 a.m. and continue without a break until 4:00 p.m. The time between 4:20 and 6:20 p.m. on Wednesday has been set aside for testimony from persons who have not been subpoenaed, but who wish to testify.

As noted by Chairman Flemming, persons wishing to appear at the open session should be in contact with members of the Commission staff in Suite 109 of this building during this week.

This hearing will conclude at 6:20 p.m. Wednesday.

CHAIRMAN FLEMMING. Thank you very much, Commissioner Freeman.

I think I should also explain that persons who are not scheduled as witnesses but who desire to be heard, will be heard under a 5-minute rule on Wednesday. As Commissioner Freeman has indicated, those who have an interest should contact staff ahead of time in Suite 109-B.

At this time, I am very happy to recognize Marguerite Harris, who is the Chairperson of the Kentucky State Advisory Committee to the U.S. Commission on Civil Rights.

I think I should explain that in virtually all of the States, the Commission has established an advisory committee. The Commission appoints the members of the advisory committee.

We are very happy to recognize the Chairperson of the Kentucky State Advisory Committee, Marguerite Harris, who has rendered very fine service to us as well as to the civil rights movement. Ms. Harris, we are delighted to have you.

**WELCOMING REMARKS OF MARGUERITE HARRIS, CHAIRPERSON,
KENTUCKY ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL
RIGHTS**

Ms. HARRIS. Thank you, Chairman Flemming.

On behalf of the Kentucky State Advisory Committee and the citizens of Louisville and Jefferson County, we would like to formally welcome you to the session this morning and to thank you for having come to our city to help us establish a focus wherein we can better ascertain conditions that govern our lives.

I would like to take this opportunity to say to you that I would like to express my personal sorrow at the diminishment of your ranks through the passing of Commissioner Rankin.

It was my privilege to have been in Tampa, Florida, and to have witnessed the hearings there. I must say to the citizens of Louisville and to the Commission staff, that I was very impressed with your efforts in pursuit of civil rights on behalf of citizens throughout this land. I would also like to personally commend you for having made yourselves available to oversee conditions that affect citizens throughout America. I am somewhat familiar with the busy workday schedules that each of you have, the very diverse interests that you have and the very wide, scattered demographic—geographic, rather—distribution from whence you all come.

But as much as you can provide to us in the way of assistance here in Louisville and Jefferson County, I would like to say to the citizens of Louisville and Jefferson County that in the final analysis, despite what you can provide this morning and in subsequent days, that the responsibility is ours to come up with solutions to our problems. So while we welcome your assistance, we would like to take the opportunity to say to you that the responsibility really is ours.

If the quality of this hearing is similar to the quality of the hearing in Tampa, I am confident that the citizens of Louisville and Jefferson County will be able to look at situations that mirror conditions within our community.

I would like to say to all of us and to remind us that the test of the moral quality of a civilization is its treatment of the weak and the powerless. And because of that, there are certain conditions that have prior consideration over any facts that will come out of this hearing. The inalienable rights that are guaranteed to all of us under a democratic form of government must be adhered to and supersede any kind of discomfort that any of us may feel as a result of any court-ordered decision that will effect any condition that affects us all.

I suggest that the weak and the powerless in this instance and under that definition pertains to the minority population, and that as minority people we have a right to expect that at this conference which will be resulting from any court decision will be tolerated and undertaken in a willing fashion because of the neglect and the denial of the assets of these conditions to the minority people.

But I recognize that those conditions cannot be easily resolved and certainly will not be resolved in any immediate fashion. But we can commit ourselves to achieving those conditions on behalf of all our citizens. Again, I would like to thank you, and before I leave the podium here, I would like to take this opportunity to ask any members of the Kentucky State Advisory Committee who are present this morning to stand and present yourself to your fellow citizens. We have Mr. Rosenbloom, a member of the local subcommittee, and Dr. Coleman, a member from Lexington, Kentucky.

Again, welcome to our city, and thank you very much.

CHAIRMAN FLEMMING. Thank you, Ms. Harris. We appreciate your remarks very, very much.

I will ask counsel to call the first witness.

MR. GLICK. Mr. Chairman, our first witnesses this morning are a group of young people, some of whom have just graduated high school and some who are still in high school, and they are going to tell us about school desegregation from the perspective of the student.

I call Valerie Owens, Wanda Hoosier, Darrell Moore, and Mary Theresa McAnnally.

[Whereupon, Valerie Owens, Wanda Hoosier, Darrell Moore, and Mary Theresa McAnnally were sworn.]

TESTIMONY OF VALERIE OWENS, STUDENT, BUTLER HIGH SCHOOL; WANDA HOOSIER, STUDENT, IROQUOIS HIGH SCHOOL; DARRELL MOORE, STUDENT, DURRETT HIGH SCHOOL; AND MARY THERESA MCANNALLY, STUDENT, THOMAS JEFFERSON HIGH SCHOOL.

MR. GLICK. I would like to begin by asking each of you to state your name, your age, and school you attended this past year. Darrell, do you want to start?

MR. MOORE. My name is Darrell Moore. I attended Durrett High School this year, and I am 17 years old.

MR. GLICK. Thank you.

MS. MCANNALLY. My name is Terry McAnnally. I attended Thomas Jefferson High School, and I am 18.

MS. HOOSIER. My name is Wanda Hoosier, Iroquois High School, and I am 16.

MS. OWENS. I am Valerie Owens, Butler High School, and I am 17.

MR. GLICK. Thank you.

Now, this morning we want to discuss with you your experiences in school this last year so that we can get a picture from the standpoint of the persons most intimately and immediately involved with school desegregation of what it was like. There were some changes made in the school patterns this year. Let's begin with Darrell, and give us some impressions you had of what school was like this past year in contrast to previous years, Darrell.

MR. MOORE. Well, I would definitely say that the—there was an attitudinal change this year over previous years, and that I would attribute it to the entire chain of events that went on. I wouldn't attribute it to any special thing, but I do believe that everyone involved in the educational process at Durrett acquired different attitudes about what they were doing from previous years.

Everything took sort of a negative effect. People became disoriented with what they were doing. They did things grudgingly rather than obligingly, you know, rather than where before it had been something that was second nature and no one thought about what they were doing, but after this year, everything was being criticized and no one

really was gung ho about the job they were doing as a teacher, as an administrator, as a student. Everyone seemed to just—they were there and they had to be there, but there was no real enthusiasm this year.

MR. GLICK. What do you think contributed to that change in morale? What were the factors? Was it just simply because black students came into the schools?

MR. MOORE. No. Durrett was traditionally a white school. And in '74-75 school year was the year that a significant number of blacks were first introduced to Durrett. And then this previous school year was just an increase in that to meet certain guidelines. So desegregation of Durrett didn't really affect it because that happened the previous year.

I think the cause of this attitude was the attitude of the entire community. I got the vibrations that the entire community was negative on the school system. There were protests, the officials—the most optimistic attitude that seemed to be taken towards the school system was we don't like it, but we will enforce the law. And, you know, it went down from that. The entire community was just sort of negative on the school system, and it just drifted down and affected everyone.

MR. GLICK. Thank you, Darrell.

I would like to ask Mary Theresa what things were like at Thomas Jefferson this past year. You have gone there 3 years now as I understand it.

MS. MCANNALLY. Four years.

MR. GLICK. Was there any change in Thomas Jefferson? That's always been an integrated school, hasn't it?

MS. MCANNALLY. Yes. This year, since we had smaller classes and really less people attending than usually do because we dropped our seventh and eighth grade, really the atmosphere was a lot better at Thomas Jefferson than it's ever been. More people were able to get involved in all the activities and more people spent time in school because there wasn't that much trouble around.

Usually before, we had guards all the time around and telling us we couldn't do things, but not because Thomas Jefferson was one of the better schools in the county, we were able to do more things, we were able to have pep rallies and homecomings and dances and things, whereas before, we weren't able to have these things.

The worst thing that happened was our first football game was cancelled, the one we got most of our profits to help the rest of the season out was cancelled because of busing demonstrations at Southern and Durrett. The only thing wrong at Thomas Jefferson was the things that happened around us at Durrett and Southern and Fairdale. But other than that, our school year went really good.

MR. GLICK. You just graduated?

MS. MCANNALLY. Yes.

MR. GLICK. Do you think the experience that you had in going to an integrated school or racially integrated school has been beneficial to you in your understanding of different people?

Ms. McANNALLY. Oh, yes. If I hadn't gone to Thomas Jefferson, I would really be a narrow-minded person, because before I went there I went to a public, I mean a private, all-white school, and I had no idea what other people were like, I couldn't care less. I didn't want to associate with anybody except whites.

But at Thomas Jefferson, I got to where color didn't matter to me. I mean, I didn't care whether they were black or not, it was what type of person they were, and I couldn't understand why so many people were so bigoted and prejudiced. Before, I couldn't understand why anybody would bother being prejudiced, but I have gotten over my prejudice now and I wish everybody else could.

Mr. GLICK. Do you think your view is shared by many of the students at Thomas Jefferson?

Ms. McANNALLY. Well, most of them, because most of the people there have been brought up in a desegregated neighborhood, and you know, it is easier for them to cope with desegregation because we have always been that way. So I guess everybody else is just like me.

Mr. GLICK. Thank you.

I would like to now turn to Wanda. You were at Iroquois this past year?

Ms. HOOSIER. Yes.

Mr. GLICK. That is an integrated school now, but it wasn't before?

Ms. HOOSIER. No.

Mr. GLICK. What was your experience in going to a school largely white in student population?

Ms. HOOSIER. Well, it was really difficult. They really weren't used to blacks. We had a lot of trouble at the beginning of school because the parents would come out and protest in front of the school. But the teachers stuck it out and we did lose a lot of students because they didn't want to come to school or their parents wouldn't allow them. At the end of school, it was really nice, but I still think that the whites aren't used to blacks yet. I think they will be as time goes on, though.

Mr. GLICK. You think they will get used to the idea of black people being in school?

Ms. HOOSIER. Yes.

Mr. GLICK. Was there the same level of student activities—athletics and clubs and dances and things like that—this year at Iroquois as in the past, do you know?

Ms. HOOSIER. Well, there was, but see, Iroquois isn't used to a lot of activity, and that's what really had them down because they don't have a lot of activity in the school. From the beginning of it, I don't think they did. But it is hard to get new activities going within the school because of the administration.

Mr. GLICK. You don't think the fact that there were several hundred black students in the school this year made any difference?

Ms. HOOSIER. Well—

Mr. GLICK. In terms of activities.

Ms. HOOSIER. It didn't.

MR. GLICK. It did not?

MS. HOOSIER. No.

MR. GLICK. Valerie, could I get from you some impressions of what your experiences were at Butler this past year?

MS. OWENS. Butler really didn't have that many problems this year, because it's always been a mixed school, and I have always gone to a mixed-school.

Some of the problems they did have were getting free books, and Butler never had had free books before. Some of the pupils that were getting free books were selling them back even though they did get them free. Like, the pep rallies, the blacks would sit on one side and the whites would sit on the other side. Like, the athletic director would talk to them and tell them he didn't want to see this no more, that he wanted them to mix. But they still haven't much supported the football games or basketball games. But by the end of the school year, everybody was getting along real well.

MR. GLICK. Wanda mentioned that there were some demonstrations by some parents or other community people outside of Iroquois. Was there anything like that at Butler this year?

MS. OWENS. No.

MR. GLICK. Do you think the faculty at Butler treats the black and white students pretty much the same in terms of discipline and requirements of work production and that kind of thing?

MS. OWENS. I feel they do, but some of the whites feel that the teachers are treating the blacks better than they are treating the whites.

MR. GLICK. Why would that be?

MS. OWENS. Because they haven't had much schooling, and they just feel they are just treating them much better to get along with them in school.

MR. GLICK. You mean the white faculty members are intimidated by the black students, is that what you mean?

MS. OWENS. The black students feel the teachers are much harder on them, but the whites feel they are not. The whites feel the teachers are treating the blacks much better.

MR. GLICK. I would like to know if anybody else in the group has a comment on how the black students perceive they are treated by the faculty and how the white students perceive black students as being treated.

Wanda, do you have any comment on that?

MS. HOOSIER. At Iroquois, they really think the teachers—the blacks feel teachers are really hard on them, because Iroquois is mostly a white school. They think they should be treated a little easier. Some of them feel that way, but they really shouldn't. I think the teachers are all fair, and they haven't let the outside bother their teaching at all.

MR. GLICK. Mary Theresa?

MS. MCANNALLY. Thomas Jefferson is, I think, the same as Butler. The whites always think the blacks are getting away with things, and the blacks always think they are getting the harder deal. But I think the blacks probably think the same thing about the whites, that they are getting treated better, things like that. I think it is just the way you look at it.

MR. GLICK. Darrell?

MR. MOORE. I think probably there was a difference in perspective. I don't think there was any real difference in the way there was treatment. But the blacks that came into Durrett knew—they weren't used to the status quo, so if it was different from their previous school, they would naturally assume that it was of a particular reason, even though it might have been this is the way things have been.

Then, you know, it's just kind of a cultural shock or something for a lot of white students to have blacks coming in, so they have a different perspective. I don't think there was any real validity to the difference in treatment. There is probably real validity in the difference of frame of reference.

MR. GLICK. Thank you. I would like to thank all of you for the answers you have given my questions.

MR. CHAIRMAN. I have no further questions.

CHAIRMAN FLEMMING. Commissioner Horn?

VICE CHAIRMAN HORN. I would like to ask each of the students if they knew any of their classmates who got suspended during the year. Did you have any classmates you were familiar with who were suspended? Mr. Moore, were they both white and black students that were suspended?

MR. MOORE. Yes. I believe the number of suspensions at Durrett probably ran about average, and I knew—I couldn't say exactly, but I probably knew about 15 to 20 people that got suspended throughout the year.

VICE CHAIRMAN HORN. What sort of offenses were they being suspended for? Were they of a particular type or were there a complete variety of suspensions?

MR. MOORE. Well, it was probably a complete variety. There weren't a whole lot of suspensions, I don't think, for smoking, because at our school they had the foresight to set up a smoking area where if you smoke there you wouldn't get suspended. Therefore, the students would smoke in the allotted area and wouldn't smoke anywhere else in the school.

Probably a lot of suspensions dealt with leaving school ahead of time, overanxious to leave. I think this has gone on way before desegregation hit town. That's going out for lunch or cutting classes, things of that nature, most frequent things.

There were a couple of fights. Twice during the year they snowballed into major events, but Durrett, I think, is a school that's dealt with fighting for a long time, and I think most of the violations of discipline were routine as you go through the years at Durrett.

VICE CHAIRMAN HORN. Did you see discipline applied unequally to black or white students, or was discipline applied fairly to both groups based on the seriousness of the offense?

MR. MOORE. I believe it was evenly applied to those who were caught, you might say. It is my feeling that there was a larger breach of discipline this year than in previous years, but, you know, the administration could only deal with what it caught.

VICE CHAIRMAN. Given the offenses that students would see occurring by both blacks and whites, do you feel those in any one race were caught out of proportion to the number of offenses committed?

MR. MOORE. Well, I did see some figures, where about three quarters—through the school year I had seen where there were about 300 suspensions for black students. That would seem kind of odd to me because there are about 300 black students at Durrett. But we got several students at the beginning of the year, several black students, who were quite rowdy. And these students would be suspended, you know, four or five, six times.

By the end of the school year they had kind of been weeded out. I believe there was a truancy high school here in Jefferson County where they send people that don't like to get along with other people in public high schools and they kind of got weeded out. By the end of the year I did notice certain blacks were missing, and I think a lot of this went on, that certain troublemakers were gone. This happened to the whites, too.

I think probably there were less frequent offenders among the whites. I think there were a few blacks who got in trouble a whole lot and there were a few whites who got in trouble a whole lot. Then among the whites, there were ones who got in trouble once and then their parents made sure they didn't do it again, something like that.

VICE CHAIRMAN HORN. You raise a very interesting point, that a few individuals repeating offenses can cause a great deal of offenses to seem to have occurred, which I think is worthwhile. You mentioned the white parents might well have been able to help control the rowdiness of white students. Do you feel this was not true in the case of black parents?

MR. MOORE. Well, I didn't notice. The blacks as a whole seemed to be a fairly orderly unit. The whites, probably due to the fairly large number of them at the school, would tend to go astray more, and the types that would go astray once and then get knocked back into the straight and narrow path were more frequent.

I think among the blacks, the ones who would violate rules would violate rules regardless, and the ones who would mostly stay within the guidelines did that pretty routinely. And I think that they were in the majority. I think that there was probably—they felt a lot of pressure that they couldn't get in trouble because the entire spotlight of the community was on them. The blacks who felt responsible for their behavior did keep within guidelines.

VICE CHAIRMAN HORN. Ms. McAnnally, would you have anything to add to Mr. Moore's answer? Is that experience he describes the experience you witnessed during the past year?

MS. McANNALLY. Well, this year we didn't have as many people suspended as we usually do, because before we were suspended for just about anything. But they got a little lenient on suspension. Mainly, like, instead of suspension, we have, like, week-long teaching halls.

VICE CHAIRMAN HORN. Would you mind getting the microphone a little closer to you there? I am having difficulty hearing you. Just move the microphone.

CHAIRMAN FLEMMING. Why don't you just pull it up in front of you?

MS. McANNALLY. All of our suspensions, except for maybe about 10, were due to cutting, and only 10 were, like, fights. But the fights weren't mixed; they were either two black boys or two white boys. You seldom saw blacks and whites fighting.

VICE CHAIRMAN HORN. So you feel the suspensions that you saw were applied equally. People on the school staff were not being unfair to students because of the color of their skin?

MS. McANNALLY. The suspensions were equal, but I think the detention hall was a little bit harder on the younger black boys, like the freshmen. There were a lot of black freshmen boys in the detention hall every day.

VICE CHAIRMAN HORN. In what sense? What I am trying to get at, were younger white freshmen committing the same offenses as younger black freshmen and not being sent to the detention hall? See, here's the reason for this question. We go around the country and generalize, we all generalize, that because there is a high number of suspensions among black students, therefore, there is a direct correlation that racial discrimination has been committed against the blacks. What I am trying to find out is if an offense occurs and if it is between black and white students, are the offenders, be they black or white, dealt with equally by the administration?

Now, if white students commit more offenses, I expect them to be in detention hall or suspended. If black students commit more offenses, I expect them to be in the detention hall or suspended. What I am trying to get at is if the offenses are being overlooked for one group or the other by the school administration.

MS. McANNALLY. In a way I think they are. The blacks are better known because they are caught so often. The whites aren't because the whites seem to be able to get out of it.

VICE CHAIRMAN HORN. In what sense?

MS. McANNALLY. They always make up excuses. It is easier for a white to get out class than a black, because a black person, they think they are just going to, you know, they are lying to them or something, whereas a white, they will believe them sooner.

VICE CHAIRMAN HORN. So this is a question of suspensions being given, or detention, for students that are really trying to cut class are the ones you are thinking about?

Ms. MCANNALLY. Yes.

VICE CHAIRMAN HORN. You are saying the white students seem to have better excuses than the black students? What do they have, parental notes or something?

Ms. MCANNALLY. Yes. They write them before they go up to the teacher.

VICE CHAIRMAN HORN. They write their own note?

Ms. MCANNALLY. Yes.

VICE CHAIRMAN HORN. You say it is less likely. You know for a fact, from your own eyewitness of the situation, that it is less likely that white students get caught in those circumstances than blacks?

Ms. MCANNALLY. Yes, sir.

VICE CHAIRMAN HORN. That is, cutting class. How about fights or other disturbances?

Ms. MCANNALLY. No, they are equally dealt with.

VICE CHAIRMAN HORN. Ms. Hoosier, what is your experience during the school year? Do you feel discipline was unequally applied in your school?

Ms. HOOSIER. It was all really equal, but at times, you know, they would really—were leaning on the whites more, because we did have one major fight which the whites started, and most of the whites were suspended.

VICE CHAIRMAN HORN. The whites started, but most of the blacks were suspended?

Ms. HOOSIER. No, the whites were. Really, those that really started it were not from the school. They were from outside, from the community, and they had come into the school.

VICE CHAIRMAN HORN. I see.

Ms. HOOSIER. But it really depends on who the teacher is and what the fight is about. I have seen a fight between the black and white girl, and the black was taken to the office while the white was taken to the room.

VICE CHAIRMAN HORN. But, on the whole, do you feel discipline was fairly equally applied, regardless of race?

Ms. HOOSIER. Yes.

VICE CHAIRMAN HORN. And regardless of the race of the teacher? Were there black teachers in your school also?

Ms. HOOSIER. Yes.

VICE CHAIRMAN HORN. Do you feel teachers—would you say there were any exceptions to that?

Ms. HOOSIER. No.

VICE CHAIRMAN HORN. Are there some teachers who just seem to pick on students?

Ms. HOOSIER. No. I don't know of any.

VICE CHAIRMAN HORN. All right. Valerie Owens, what is your reaction to that question?

• Ms. OWENS. Butler had a high rate of suspension. It was mainly because of cutting class or smoking in the bathrooms, writing on walls, stuff like that. But I think that principals, they don't give them a chance to listen to some of the students.

Most of them, when they go in there, they suspend them right away, without listening for reasons for some things they do. But I think it was equally, the suspensions for blacks and whites. But if they cut detention hall a few times, then they suspend them for a few days.

VICE CHAIRMAN HORN. So for the offenses you saw committed at Butler during the year, you feel that, on the whole, while some people of both races might have escaped punishment, that generally the school administration was fair in how they handed out suspensions or detention hall?

Ms. OWENS. Yes.

VICE CHAIRMAN HORN. Thank you.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. I would like to direct my questioning along the area of counseling. I would like to begin on the other end from Mr. Moore.

Valerie, if you would comment on your experience with a counselor, one or more in your school, and indicate what you believe about it and what you think—whether you think there should be changes made, whether there was any differential you observed between the counseling given to a minority student as against counsel provided to a white student. Did you have occasion to visit a counselor? Is there a counselor in your school?

Ms. OWENS. Yes. I don't visit the counselor much.

COMMISSIONER FREEMAN. What is the role of counselor in your school?

Ms. OWENS. To get students lined up, their schedules for each quarter, and have them in classes. But in the school year a lot of students were always in a cafeteria because they didn't have their schedules ready, and they sat in the cafeteria for days until they had schedules ready. I don't think they were ready for busing yet because they didn't have the students in classes.

COMMISSIONER FREEMAN. Wanda, what was your experience?

Ms. HOOSIER. My counselor was really nice, but it's hard to get out of class, you know, to visit your counselor. I think that was a big problem, because they wouldn't have a certain time. The bus, if you came on the bus, you came right before class started, and the bus usually left right after school. So some people really never had a good chance to see their counselor. If they did, the counselors were too busy.

COMMISSIONER FREEMAN. Guidance and counseling is not a part of the program of the school?

Ms. HOOSIER. Well, no. You are supposed to go in when you have time. When you have time, see? They never set aside time for you to

go in. They should have because a lot of people need to see their counselor but didn't have time. It was hard to get out of class to come see him.

COMMISSIONER FREEMAN. Do you have any thoughts about whether the high school student could benefit if that student received some guidance and counseling of a different nature or different quality from what was available in your school? I would ask each one of you to comment on that.

Ms. HOOSIER. Well, no, I don't think so. I think the counselors were there to help anybody.

Ms. MCANNALLY. I think our counselors were especially good because each person, like, we had four counselors, one for each grade. They set up appointments to see everybody at the beginning of the school, make sure everything was working out okay. Then, like, if you really need to see them, you could get in any time you needed it.

COMMISSIONER FREEMAN. So then the difference is between schools, is that it?

Ms. MCANNALLY. Yes.

COMMISSIONER FREEMAN. Darrell?

MR. MOORE. There were a couple different types of counseling. I'm not sure exactly which ones you are talking about. We had counselors that were called "counselors" and all that. Their primary duty was career counseling.

COMMISSIONER FREEMAN. This is what I'm talking about. What are you going to do with your life? This is the thing.

MR. MOORE. Yes. And scheduling counseling, you know. They would get you—they would do their best to get you through classes during high school, then they would do their best to get you headed after you got out of high school. The counselors, their primary duty is probably during senior year because that's when they really have to get the student headed, or else, you know, he's just going nowhere after graduation.

There are two types of students, really, at Durrett. There are vocational students. Durrett doesn't have a vocational program, but we send a large number of students out to other vocational schools in the area, and they are still considered Durrett students. The counselors would get together with them, I think in the latter part of their sophomore year, to see if they wanted to get in this. This is rather a big thing at Durrett, because Durrett is in somewhat of a blue-collar neighborhood, vocational training is important.

In the senior year, the counselors would do a lot of counseling, a lot in the nature of higher education, college, and that nature. And this year at Durrett, the senior class, we had two black students in it. Whites were exempt. So that even with redistricting, there were no blacks in the senior class. So, so far as counseling for higher education, I think that was kind of nil there.

As far as counseling for vocational education, I really can't say I know of a lot of black students that went into vocational education. We did have a significant number of blacks in our sophomore class this year, and I really can't say, you know. I am not that aware of all that many blacks that went into vocational training.

Now, the counselors meet with them, but they, you know—there's no way. We have 2,000 students at Durrett, and there's no way they can really go out and search out people to try to get into these programs. So they have to be kind of self-motivated, and the counselors will help you from there.

COMMISSIONER FREEMAN. Thank you. I have no further questions.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. Inasmuch as mature adults, as a rule, don't have the opportunity to mix, such as you attending school, I am interested in knowing—and I will pursue this question with each and every one of you—of the difference between the first few months after desegregation and what is happening today. Now, Mr. Moore, do you believe that the relations between the white and black children over this period of time have calmed down?

MR. MOORE. Yes. I believe there is somewhat of a significant change. Protests were going on the first part of the school year, and I would say that active protesting died down at the end of '75, you know, around December. There was a lot of active protesting towards then and a lot of—it was in the news a lot, and there was sort of community-felt hostility there.

Naturally, when the students came together, there was a sort of hostility between the blacks and whites, and there was a clumping together, and you could see a line being drawn between blacks and whites. Students did their best to hold down their antagonism, but it was possible to see that there was some, you know, that just kind of drifted down.

I think after a lot of the protesting died down, a lot of the media treatment of "the schools are being desegregated this year" sort of, as that went past everybody's experience, and it just became school. Then some of the antagonism just went away simply because nobody thought about it anymore.

I think there was antagonism at the beginning of the year because it was in students' minds. But when it was possible for the students to start forgetting that they were being bused or being desegregated, they would forget about it and just accept the blacks, you know. And by the end of the year, I think there was just kind of a benign neglect.

Mixing of the races, I think, is something that is a couple of years off. But there was no antagonism at Durrett at the end of the year. I think there was still some clumping together of the races at the end of the year, but that was strictly for social purposes. There wasn't hostility in it. Blacks have interests that only blacks have, so they will stick together with the clique that has that interest. Same goes for

whites. I don't think there was any hostility towards the end of the year.

COMMISSIONER RUIZ. You made an interesting observation, and I would like you to follow it through: a direct relationship between adult protesting and the news media making this a continuous-line subject and the antagonism created thereby. That is now past, is that correct? Or have you noticed there is a revival of this in any fashion?

MR. MOORE. No. The students at Durrett are from such an area or background, it's white blue-collar, and it's the type that might harbor some, you know, deep-down resentment of blacks' coming in. You could tell there was hostility at the beginning of the year, and the students were really trying their best to keep it within themselves. A couple of times, it flared up. I don't know how aware you are of the situation at Durrett, but there were two instances where minor things just flared up. It was kind of a bottling effect.

COMMISSIONER RUIZ. Let's assume that next week or next month there was a revival of protests on the outside. From your experience within the school, what effect would that have with relationship to the black children and the white children?

MR. MOORE. Well, I'm not certain now because the newness of it was at the beginning of the year. Then the protesting and everything affected people. Sort of at the end of the protesting, people, you know, people's minds were becoming calloused to it, you know. They wouldn't let it affect them as much.

COMMISSIONER RUIZ. And beginning to become adjusted?

MR. MOORE. Yes. Then after people's minds could begin to even sort of ignore it, the protesting died down, and it was kind of forgotten entirely. I think the period from perhaps the beginning of '76 to the end of the school year was a peaceful one, that people kind of got adjusted into. If the protesting started again, there would be some irritation, but I think the students would most likely try to ignore it and not let it affect them.

COMMISSIONER RUIZ. Very well. Mary McAnnally, during this period of time, were you initially scared?

MS. MCANNALLY. Not me. I knew our school would be bused; but I think most of the excitement was because of school starting up again. Everybody was excited to get back and just see everybody again. The reason why it died down is the same reason it always died down. Everybody was getting used to going to school and getting tired of it, the same old routine: getting up, going to school, doing the work, getting your books, and coming back home.

Toward the end, nobody was sure what was going to happen next year. Everybody is still a little afraid that maybe there will be more trouble at the beginning of next year.

COMMISSIONER RUIZ. Do you feel it will be better next year?

MS. MCANNALLY. Well, not at Thomas Jefferson. We might have a traditional school.

COMMISSIONER RUIZ. You won't what?

Ms. McANNALLY. We might have a traditional school in half of our building. I think it will be worse there, but in other parts of the school, I think they will accept it better, busing, again.

COMMISSIONER RUIZ. Ms. Hoosier, have you noticed a difference?

Ms. HOOSIER. Yes, from the beginning of school, a lot of blacks were scared to go into the neighborhood. As you go on the bus, you could see paint everywhere. They had wrote signs on the yards; things hung from trees that would make you scared to go to school. But as time went on, the people became more involved, and they settled down.

The last class that graduated was a predominantly white class, and I think that next year will be much better because the class is balanced about as even as you could get it. I think they will be more involved with trying to help the next senior class than the last, because it was all white.

COMMISSIONER RUIZ. Ms. Owens, what is your opinion with relation to the same question?

Ms. OWENS. Well, the whites—

COMMISSIONER RUIZ. Do you think it is going to be worse or better?

Ms. OWENS. I think it will be better. The whites at Butler were used to going to school with blacks. But some of the ones that were bused into Butler's district, the whites were kind of scared of them, because the black people would go down the hall and bump into them. The whites would just seem to want to apologize, just keep on apologizing because they were scared of them.

COMMISSIONER RUIZ. In other words, the experience all of you were going through at the present time, with respect to adjustment, augurs well, if left to yourselves as school children? Correct?

Ms. OWENS. Yes.

Ms. HOOSIER. Yes.

Mr. MOORE. Yes.

Ms. McANNALLY. Yes.

COMMISSIONER RUIZ. Everybody says yes?

Ms. OWENS. Yes.

COMMISSIONER RUIZ. Thank you.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. From the questioning, I have an impression I would like to check with you. One, do you all feel desegregation of the schools is beneficial and ought to be carried forward? Is that right?

Ms. HOOSIER. I do.

Ms. McANNALLY. I do.

Mr. MOORE. Yes.

Ms. OWENS. Yes.

COMMISSIONER RUIZ. Two, that many of the problems in the schools came as a result of the negative attitude and protests in the community and not as a result of things between the students. Is that correct?

Ms. OWENS. Yes.

Ms. HOOSIER. Yes.

MR. MOORE. Yes.

Ms. McANNALLY. Yes.

COMMISSIONER SALTZMAN. Then I would like to ask you, what do you think would help further the situation, positive acceptance and advancement of the educational process, the achievement of quality education for all of the students in the school in Louisville, with respect to students? What would you think, in relationship to students and what they can do in the school in the next year—what would best advance the effort for desegregation and quality education?

I would like to ask all of you, what do you think for next year? Do you have any ideas of what could be helpful with respect to the students? For example, you were mentioning the improvement of counseling. Do you think the furthering of human relations efforts in the school, more equitable discipline; what specifics do you have in mind that you could suggest which would be helpful in the beginning of school next year, in terms of what the students can do?

Ms. HOOSIER. In human relations—rap sessions. You would have a talk with each student, how they felt about busing and get their opinion, not what their parents think. If they could just learn to not believe what their parents are saying and the media, it would be better because the students were the ones who really knew what was going on in the school. And they could learn to handle things if it would just be left up to them, like they did at the end of last year. It would be better.

COMMISSIONER SALTZMAN. Do you think more activities amongst the students would be helpful? Extracurricular programming, things like that?

Ms. HOOSIER. Yes.

COMMISSIONER SALTZMAN. You all agree with that?

Ms. OWENS. Yes.

MR. MOORE. Yes.

Ms. McANNALLY. Yes.

COMMISSIONER SALTZMAN. Do you think the continuation of human relations groups and rap sessions would be helpful?

Ms. OWENS. Yes.

Ms. HOOSIER. Yes.

MR. MOORE. Yes.

Ms. McANNALLY. Yes.

COMMISSIONER SALTZMAN. How about in terms of the community? What would you advise in terms of, or any imaginative suggestions you have, in terms of acceptance on the part of the community? I guess, Wanda, you are saying if the community would just calm down and leave us alone, things would be okay.

Ms. HOOSIER. Yes.

COMMISSIONER SALTZMAN. Are there any other positive suggestions any of you would have?

MR. MOORE. I think that the cure for the Jefferson County school system now is about the same as the cure for a cold. There is nothing you can do, you have just got to give it time. I never thought of desegregation as something that would work overnight, you know. And trying to assess something as it's happening doesn't seem fair. I think maybe if you came back in 2 to 3 years, you would find a very positive school system.

I think there's nothing you could do at the beginning of next year that would be of any consequence. I think if you just let things go on a steady, positive course, I think maybe in 2 or 3 years you will have things back to the status quo with the desegregated school system.

COMMISSIONER SALTZMAN. Any other suggestions, thoughts?

MS. OWENS. I think they should have classes in school where blacks and whites can get together. Like, I have a class out of school, a semantics class, where blacks and whites and all different races are in this class. We talk about how blacks do certain things and whites do certain things, and nobody's scared to say nothing about the way different people do things. If they could talk about this together, then there wouldn't be no problem.

COMMISSIONER SALTZMAN. Are there any minority teachers in your school and administrators?

MS. OWENS. Yes.

MS. HOOSIER. Yes.

MR. MOORE. Yes.

MS. MCANNALLY. Yes.

COMMISSIONER SALTZMAN. In each of your schools?

MS. HOOSIER. I think another suggestion, if they would take out all the stores' signs about stop busing, because it is silly if they believe the signs help them, it's going to bring more customers or whatever they are afraid of. It doesn't make sense to me.

COMMISSIONER SALTZMAN. You would all like to see an end to the protests in the community against the desegregation program?

MS. OWENS. Yes.

MS. HOOSIER. Yes.

MR. MOORE. Yes.

MS. MCANNALLY. Yes.

COMMISSIONER SALTZMAN. Thank you.

COMMISSIONER FREEMAN. I would like to pursue the statement you made about the signs in the stores. Are you saying—tell me, where are these signs?

MS. HOOSIER. On my route to school, you can see them in grocery stores, you know, all kinds of stores, shops. Some people have them in their yards.

MS. MCANNALLY. And stickers all over their cars.

COMMISSIONER FREEMAN. In the grocery stores? Are there any in department stores?

MS. OWENS. There are some outside restaurants.

MR. MOORE. It is mostly privately-owned things. A big chain store would not--

COMMISSIONER FREEMAN. Are they public facilities?

MS. HOOSIER. Yes, they are.

MR. MOORE. I think they are privately-owned retail stores, stuff like that. Do you mean public buildings?

COMMISSIONER FREEMAN. Places of public accommodation.

MR. MOORE. Oh.

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN FLEMMING. On behalf of the Commission, I would like to express to each one of you our appreciation for the way in which you responded to questions on the part of our attorney and the questions from the members of the Commission.

Your convictions growing out of your experience come through to us very clearly. I would like to say this, that the experiences that you are having, have had, are similar to the experiences the students are having in other cities were we have conducted these hearings.

It is just very, very helpful to us, as we try to evaluate the situation throughout the Nation, to listen to those who are, in effect, the consumers, those who are going through these experiences on a day-to-day basis. You have helped us a great deal, and we appreciate very, very much your being with us. Thank you.

Counsel will call the next witnesses.

MR. GLICK. Mr. Chairman, the next witnesses are a group of citizens of Louisville and Jefferson County who have all been active in one way or another in organizations that have dealt with school desegregation.

I would call Ms. Sue Connors, Ms. Suzie Post, Mr. William Kellerman, and Mr. Robert Cunningham.

[Whereupon, Sue Connors, Robert Cunningham, William Kellerman, and Suzie Post were sworn.]

TESTIMONY OF SUE CONNORS, PRESIDENT, CONCERNED PARENTS, INC.;
ROBERT CUNNINGHAM, FOUNDER, PARENTS FOR QUALITY EDUCATION;
WILLIAM KELLERMAN, PRESIDENT, CITIZENS AGAINST BUSING; SUZIE POST,
SPOKESPERSON, PROGRESS IN EDUCATION

MR. GLICK. Could counsel please identify himself for the record and who he represents?

VOICE. Stewart Longton [phonetic], representing Sue Connors.

VOICE. I am James T. Robertson [phonetic], representing Sue Connors and Concerned Parents.

MR. GLICK. Would each of you state your name and occupation for the record, please, beginning with Mr. Kellerman?

MR. KELLERMAN. Bill Kellerman, foreman, local industry.

MR. CUNNINGHAM. Bob Cunningham, meter reader, local water company.

Ms. POST. Suzie Post, Women's Coordinator for the Louisville and Jefferson County Human Relations Commission.

Ms. CONNORS. Sue Connors, housewife, mother, and president, Concerned Parents.

MR. GLICK. Thank you. What we are interested in is hearing from each of you this morning the information you have on the kinds of organizations you have been active in, which have played a role of one kind or another with respect to school desegregation and pupil transportation that has taken place pursuant to the court order.

Mr. Kellerman, you are present of the Citizens Against Busing, as I understand it.

MR. KELLERMAN. Yes, sir.

MR. GLICK. I would like you to tell our Commissioners for our record what Citizens Against Busing has done, how it got organized, and what its thrust is.

MR. KELLERMAN. Citizens Against Busing, Mr. Glick, is exactly what it says it is. There has been much talk about busing and intermingling it with desegregation. We are not against desegregation or integration. The only thing we are against is the method by which it is being carried out, that, of course, being forced busing.

Citizens Against Busing is comprised of local residents for the most part, and we are just dedicated to doing what we can to stop forced busing in Jefferson County.

MR. GLICK. What has been the nature of the activities of Citizens Against Busing?

MR. KELLERMAN. Well, we started 2 years ago, in 1974, and we began meeting. We began trying to get a hold of our local officials as well as our Congressmen and Senators, trying to find out if there was anything we could do at this particular time to forestall or stop forced busing in Louisville and Jefferson County.

When we found out our inquiries into these areas were largely ignored by many, with the exception of one Congressman, we then went to larger meetings, membership drives, and so on like that. By the beginning of the 1976 school year, September of last year, we had begun a series of street protests, and I am sure you are familiar with the rest of it.

MR. GLICK. Do you think that the street protests, which received so much publicity, had any kind of effect on the attitude of the community?

MR. KELLERMAN. I certainly do. I certainly do. I believe that anytime—it served two purposes. I believe that anytime there are 10 to 15 or 20,000 people that are out on the street marching, who before that particular time were taxpaying people, who at that time were parents, who at that time were disgusted, not necessarily with the system but with what the system has brought on them through their efforts in paying taxes. I believe that shows there is something wrong with the county and in the community itself.

That's what it accomplished. I believe it brought to light the fact that people were just sick and tired of what was going on. I believe—I had talked to him of these people who were marching. It wasn't—forced busing wasn't the thing that brought the iceberg to the top of the ocean. There were many other things involved. And I believe that it was disappointment, the fact that these people have bought houses in the backyards, in many cases, of schools, and now, such as myself, here have children being forced out of these neighborhoods.

And again I refer to myself. I let my children be bused. They would have come within 1 mile of 18 schools on their transportation to another area of town. This is what people were fighting. It was complete disbelief that this was happening in Louisville and Jefferson County.

MR. GLICK. You indicated that you and other persons of like mind in the organization are not objecting to desegregation of schools.

MR. KELLERMAN. That is right.

MR. GLICK. But the pupil transportation aspect of it.

MR. KELLERMAN. That is right. Not the transportation part of it—pardon me—because many of us in my area and in J-Town and Valley Station and so on like that are from down in the State, down in the many counties that are below Louisville. Many of them came from the West End. Many of them were transported all of their school lives. Nobody cares about transportation. Now, there is a difference—and believe me, I have read some of the articles in the newspapers from throughout the country—there is a difference between transporting students and forced busing. Now, the transportation of students is necessary to get them from one place to another. The forced busing of students is taking them past schools which is nothing really but the *Brown* case in reverse. The *Brown* case—of course, you understand that it was filed because a black child was going by many, many schools to go to a school that was designated to him because of his color. This is exactly what we are trying to fight. All this is is discrimination in reverse, and to put it very, very mildly, it is not right.

MR. GLICK. Mr. Kellerman, what kind of continued activities do you expect Citizens Against Busing will undertake?

MR. KELLERMAN. All right. Citizens Against Busing, the future plans—we have become a political organization. We are trying to influence elections, we are trying to put Congressmen of a more conservative persuasion in seats in the House and in the Senate, as well as seats in the House of Representatives in Frankfort.

Citizens Against Busing is also backing American Freedom Fund. I think you are aware of that. We are trying to raise a million dollars that would be held in abeyance for anyone who eventually in this country stops forced busing.

That is the type of activities that we are going through. If I may go a bit further—

MR. GLICK. Please do.

MR. KELLERMAN. One of the barometers, as far as what is happening in the anti-forced busing movement in Louisville, is Boston. Now, we have maintained a very close contact with Boston and some of their people who have been active in the antibusing movement up there. We have noticed that everything that Boston has done, we are also doing, only it is a year apart.

All right. To explain myself. Boston started out in the same way that we did. Boston started out with thousands and thousands of people marching in the streets. Boston then went through a modifying program. I am talking about the antibusing movement, to where this year—last year they were marching in the streets. This year you are having one and two and groups of three and four people who are doing damage up there that is considerable. I am talking about the racial clashes, I am talking about the dynamiting of courthouses and like that.

If that barometer holds true—and I certainly hope it doesn't—but if this barometer holds true, you are going to see this in Louisville next year. You are going to see instead of having 20,000 people in the streets, because you can only march so long, instead of that type of participation, then you are going to come down to the vigilante type thing, and it is almost impossible to control, either as an antibusing leader or as a policeman or Federal marshal, or whatever it is.

This is what I hope doesn't happen, but as I said before, Boston has been a barometer for this, and this is what is happening here. We have followed them almost to the "T."

MR. GLICK. Do you have any suggestions as to what private and public persons ought to do to try to stem that kind of violence?

MR. KELLERMAN. Yes, sir, I certainly do. I think after listening to these four students that were up here, I believe you have got the answer right within them, themselves. These four students that were sitting here seem to have been fairly happy with the type environment they were put in this year. They seemed to have made the best of it, the impression I got. If they had to do it over again, they would do the same thing.

There are many people in this community who feel the same way who, if they had the chance to be bused from one area to another, they would gladly volunteer to do it. Your only problem comes when you try to force people to do something. Of course, this is my solution to it, stop the force in this. Let's get the force out of it.

If we want to bus children, if their parents are in agreement with it, or if, in the case here, if the children would like to take the responsibility on to make that decision for themselves, yes, we should allow it to happen. But we should not force children to be bused across town past many, many schools in order to get to another school on a racially-based quota.

MR. GLICK. Thank you, Mr. Kellerman.

MR. KELLERMAN. Thank you, Mr. Glick.

MR. GLICK. Moving to Mr. Cunningham—Mr. Cunningham, you have taken an interest in the predicament black children found themselves in last year when the court order came down, and it was apparent that many, many of the black children in the city were going to be bused out into the county to school, and there was some apprehension on the part of many parents as to what would happen there. Could you give us some idea of what measures you and other people who were interested in quality education undertook last year?

MR. CUNNINGHAM. Well, the desegregation at that time was moving fast upon the community. I myself and a few other parents felt as though the black children, in particular, had not been oriented or prepared for going to a different world, a different society. We felt as though to uproot a black student, there were going to be problems, problems of him, as I said before, not understanding where he was going, not understanding as to the problems that lay ahead for him.

So in formation of this organization it was, at that time, to orientate the black child so he wouldn't be lost in a sea of whiteness, which we felt would be very psychologically damaging to young black minds.

MR. GLICK. Did you follow up to see what, in fact, did happen to those children through the course of the year?

MR. CUNNINGHAM. At that time, I must say that maybe it was naive not really expecting the violence in the street that happened at that time, so we had to back up and say we can't be too much concerned about what he's going to get in school, can't even get them to school. We had to then worry about getting them to school safely.

As I said before, we were basically concerned about the psychological damage that could happen to the child, but then we found out that we had to worry about the physical damage which, as I said, we weren't even expecting at that time.

MR. GLICK. What steps did you take?

MR. CUNNINGHAM. At that time, the organization kind of went defunct. When I say that, we felt as though we were kind of jumping the gun and we started to working—the people who formed the organization—started to work with organizations in trying to deal for safety for the children, which I feel as though we shouldn't have had to have an organization such as that. We shouldn't have had to form an organization to ask for safety for the children if people were made to abide by the law which—that was the law, and we have the law enforcement officers, who I felt should have done that.

MR. GLICK. The children were entitled to a safe trip to their school and not necessarily to have parents worry about them.

MR. CUNNINGHAM. That is exactly right. Not only that, we felt as though the people in the street who were breaking the law should have been dealt with like any other lawbreaker. But because that was not happening is the reason why we, as parents, had to form this type of organization to protect the children.

MR. GLICK. Through all the turmoil that went on and the unhappiness in the community last fall, there was not any kind of street protesting or violence on the part of the black people in Louisville. Why do you think there weren't any demonstrations to show their unhappiness with the situation?

MR. CUNNINGHAM. Well, I hate to say this because black people have been unhappy so long, but we are used to it, that is part of it. I felt we knew—the black community understood the dilemma of busing, also understood how inconvenient it was and still is for young children to be on the street corner at 5:00 o'clock in the morning to catch a bus, but we felt as though it was worth the sacrifice because if that young child doesn't get an education, he may be on that corner the rest of his life.

So one of the reasons, I think, is because the community was kind of caught between, not knowing as to what to do, but feeling as though this would at least provide the child with a better education.

MR. GLICK. There are some schools in the city, Mr. Cunningham, that formerly were pretty much black schools; they were segregated schools. There is no other way to describe them. But this segregation has pretty well come to an end because there are many white children coming from out in the county into the city, like Central High School, for example.

Do you think the fact these schools are now desegregated has had any effect at all, positive or negative, on the black community in Louisville?

MR. CUNNINGHAM. Well, I would say to the physical structure of the school—in particular, I think you mentioned Central High School. I had a chance working at Central at the swimming pool before school started last year. Within 2 months or so, I think Central High School, if I am not mistaken, was built something around '53, which has been quite a few years.

MR. GLICK. You were saying Central High School was built in 1953, Mr. Cunningham?

MR. CUNNINGHAM. I think that is correct, yes, sir. I have noticed all that time that there were, as I say, in the last 2 months before school began, there was quite a lot of construction going on. There was trees, there was landscapes. I am saying this because I feel as though they were getting prepared for somebody who hadn't been there before.

The reason for this, I am saying, is I think, although the white students were very welcomed into the black community, I think we also felt as though it is good to have them there because they brought the trees with them, they brought the track and field course with them, they brought a paved parking lot with them. So we felt as though, sure, this is good.

MR. GLICK. You think it is just more than coincidence that those improvements were made last year?

MR. CUNNINGHAM. That's the way I see it, yes, sir.

MR. GLICK. Thank you.

Ms. Post, we will move next to you. You have been active in an organization called Progress in Education, in addition to all your others—

Ms. POST. That is correct.

MR. GLICK. —in addition to all your other civic activities. Can you give us some idea how that organization got started and what its goals are?

Ms. POST. Progress in Education formed almost spontaneously last September in what was thought to be a vacuum in this community. There had been other organizations formed to work for positive desegregation of our school system. They had been reasonably ineffectual, or so it was thought in September in the wake of a great deal of what has been referred to as street activity, in the wake of a great deal of demonstrations, in the wake of a great deal of organized opposition to busing.

Those of us who had children in public schools and believed in desegregation were not only frustrated by our inability to communicate the need to desegregate the population, but we were also very frightened because one of the results of the great deal of organized anti-busing activity was the high level of fear in this community.

We were very concerned about that level of fear. We felt that it was an inhibiting factor and was having a chilling effect on a lot of us. Because it seemed as though already operating organizations that were on the record in support of desegregation were not in any way affecting that fear level and were not in any way filling what we thought was a vacuum in the community, we got together and formed Progress in Education to provide a visible presence in this community of people who supported desegregation, who believed that integrated schools were the only way we could operate in a civilized society in 1976, and who wanted to let this community know that there were people who not only would abide by the law, but welcomed the desegregation order as an opportunity to do something in this community for all of our children.

MR. GLICK. What was the nature of the activities that Progress in Education undertook?

Ms. POST. The first thing we planned was a public meeting on October 11 in a church in the center of town, in which we invited all people who felt as we did to come together to demonstrate. That was a very successful meeting, and I think it did a lot to alleviate some of the tensions operating at that time on people of good will because we were sort of going on the assumption that most people really wanted to do the right thing, but maybe were afraid to, maybe felt there was no support for doing the right thing, and so forth.

After that, Progress in Education began doing things like sending regular delegations to school board meetings to speak in support of student protection, and that protection more often than not took the form of protection to black students who were having a very difficult

time. It took the form of sending delegations to elected officials of this community who were at that point, we felt, organizing the opposition by doing things like circulating petitions in support of a constitutional amendment prior to December hearings in Washington, D. C. We began to get ourselves together to send a delegation to Washington for those busing hearings.

We began to go to our elected officials and explain to them what position we wanted to take vis-a-vis those hearings. We began to be concerned about substantive school issues that really, we think, do relate to quality education. Those involve curriculum, counseling, distribution of textbooks, all kinds of issues like that.

Progress in Education had last month a workshop for people to deal with those kinds of issues. It was widely received. It was held in downtown Louisville and there was a good cross-section of parents, students, and teachers.

Another part of education we feel is very important is a black and white organization, black and white people working together to better the climate of this community.

MR. GLICK. From the standpoint of a person who is interested in quality desegregated education, do you think the activities, public statements of public officers in the Louisville-Jefferson County have contributed or hindered a calm acceptance of the desegregation?

Ms. POST. I think there probably have been three major factors in the way in which desegregation has occurred negatively, inasmuch as it has in this town. One, in July when we were ordered to desegregate, we were ordered to desegregate immediately prior to a general election, and every politician around immediately jumped on an antibusing bandwagon and I think served a very destructive purpose. I don't think there is any question in many of our minds that with some leadership from our elected officials, we could have gotten through this situation in a much more constructive, healthy way. That's number one.

Number two, the media, I think, has not been as responsible as it could have been. It has operated on the assumption that there needs to be a safety valve in this community, and I sympathize with that assumption, but it has, I think, overstepped the bounds and in some instances served as propagandists for the antidesegregation or the antibusing forces.

The third factor is, I guess, a very human factor, and that is inertia. People of good will who really want things to go well in this town sort of kept putting off on the basis that desegregation really wasn't going to occur, and it was just very difficult to organize any kind of visible local presence for desegregation.

Numbers two and three of my factors would have been a lot easier if our politicians had not been so susceptible to the spineless syndrome.

MR. GLICK. Thank you, Ms. Post.

I would like now to turn to Ms. Connors, who is last only because she is at the end of the table, and I would ask Ms. Connors about the organization, in which she has acted so prominently, called Concerned Parents that has been active in the county in the school desegregation issue. What has Concerned Parents done and what position does it take?

MS. CONNORS. First of all, we are just what we are, concerned parents; we're incorporated for quality education. Why? We have studied the Federal court order prior to implementation of Judge Gordon's order and realized that enforced busing to desegregate for racial purposes was not quality education, that forced busing simply meant what it was—forced busing for desegregation, not for quality education.

I believe—and I invite you folks to go through each brief that had been prepared both to the appellate court and to the local Federal judge here, and that you will see nothing that states anything about quality education, but equal integrated education.

That is our primary purpose, to set forth a foundation that should have been the obligation of both the State board of education in the State of Kentucky; as well as your local school board, Jefferson County, but above all, HEW [U.S. Department of Health, Education, and Welfare] in Washington.

MR. GLICK. Isn't it possible, Ms. Connors, to have integrated quality education?

MS. CONNORS. Oh, yes, definitely. I think that there was a lack of quality education. I will not defend our status on quality education here in Louisville. We did not have it, we do not have it. And I am not saying that those involved—the elected officials on the school board nor the parents of the Parent-Teachers Association—have not been striving for that. And it doesn't matter what color, black or white, if they belong to the Parent-Teachers Association.

Other than three schools, sir, prior to the order of forced busing, were the ones that had not been desegregated. I invite you to look at the briefs again. I think that you will find that those schools were in the Newburg area, Rangeland, which were fairly close to one another in the district and, of course, Cane Run.

Now, our question and what we had posed many times as an orderly busing before such a mass busing order had been proposed by the appellate court—and I think that is in question today in Cincinnati—is that when Judge Gordon was told to desegregate, why he did not give the county board of education as well as the State board of education time to eliminate any segregation that might have existed in those three schools that actually caused a mass forced busing plan to be given birth to here.

MR. GLICK. In your opinion, if the board of education of the county had desegregated those three schools, then the court would not have issued the broad sweeping order that it did?

Ms. CONNORS. I can't say what Judge Gordon would have proposed, sir. However, I must say the Jefferson County Board of Education was quite aware that those schools were in trouble when it came to the desegregation.

When we were talking about desegregation, I would prefer to talk about integration, because without a court order, you can't talk to terms of desegregation because I think that it is before the Attorney General Levi now, who is asking Congress to propose a bill, that you simply do not mass bus small children or any students of any age that are in public systems simply because of housing patterns.

Once again, I think that we have here in the city of Louisville and Jefferson County, that people obviously are living where they are living, and that simply because a black parent wants to stay on the West End and a white parent wants to move to the suburbs of Jefferson County, that their children—the students are being mass bused—5 million miles, I might say, this past school year from September of '75 through the first week of June of '76—that 5 million miles of traveling back and forth, and as many of the students said, seeing signs, seeing things that they would prefer not to see, simply because their parents chose to live where they did.

Now, let me say this. I think the courts should also acknowledge the fact that there aren't any builders building mass subdivisions in the West End, so it is quite obvious that when new houses are not being built in the West End, that housing patterns are going to change and that people who live in the West End who are seeking better and newer housing accommodations are obviously going to move wherever those builders are building.

So once again, I think we must look at it realistically and determine the fact that children are simply being bused because of housing patterns in this community, and that judge, in my personal opinion—and I have talked with many of acknowledged legal law opinion who felt that the appellate court should have ordered those three schools to have been redistricted or integrated, offering equal education for anyone who lives in that district.

MR. GLICK. Do you think that kind of a plan would have desegregated the whole school system?

Ms. CONNORS. Oh, no. No, no. Because once again, you are talking about housing patterns, and, sir, you cannot anymore force bus a child—well, if you think we have difficulty with protesting regarding forced busing, try moving a man and his family out of an area in which he wants to live, where he has planted his flowers, trees, and what have you. People choose to live where they must, for that matter.

MR. GLICK. Do you have any idea for an alternative plan that could desegregate the schools even in the light of housing patterns?

Ms. CONNORS. No. There is no alternative in my personal opinion. I think that what we have done, we are treating the disease instead of curing it. And with Federal court-ordered busing, actually—

MR. GLICK. Excuse me. Could I interrupt a minute, Ms. Connors, and ask you not to hold the microphone quite so close. Apparently, it is causing some problems.

MS. CONNORS. Is that better?

MR. GLICK. That is better. Please proceed.

MS. CONNORS. Once again, I repeat that what we are doing is treating a disease; we are not curing it. And the only thing that will cure whatever disease exists, and that disease obviously—I don't like the word "disease," but I am trying to say that the Government, the minority people, the black people, the NAACP seem to think that they are in the minority, that they are being discriminated upon, and, as this one gentlemen so kindly put it, that at 5:00 o'clock in the morning with a black child standing out on the corner, he would rather be there to be bused than he would to stay on that corner the rest of his life.

I think what we have to look at is providing the very best of quality education so that no child, no child anywhere, grows up feeling that they are unproductive. We are talking—a great deal has been put on traditional schools. All good and well if we can afford it.

But what about vocational schools? I think even considering forced busing prior to forced busing, that we were very high on the totem pole for dropouts, that we knew we were going to lose those children by the time they were 16 years old.

Instead of spending money to busing 5 million miles, why couldn't we set up vocational schools in all sections of town whereby—as those teachers, those counselors, those parents, no matter what color they are, that know they are running into complications with their children, and we are going to lose them at 16 in a public system to education, that we can make them a productive citizen so that they may not end up as a welfare recipient, such as in vocational school, beauty shop operators. They could learn to do hair, mechanics, barbers, anything that the child would show and stress interest in, whereby as we would be—again, I don't like to use the word, disease, but we would be curing the disease or the problem, not treating it, gentlemen.

MR. GLICK. Thank you, panel. I appreciate your testimony.

Mr. Chairman, I have no further questions.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. Yes. Mr. Kellerman?

MR. KELLERMAN. Yes, sir.

COMMISSIONER RUIZ. You are a very important person in this community.

MR. KELLERMAN. I wouldn't go that far. [Laughter] I wouldn't go half that far.

COMMISSIONER RUIZ. You are modest as well. As I understand it, you do not like the word of the use of force by court order. Is that correct?

MR. KELLERMAN. That is correct, sir.

COMMISSIONER RUIZ. As an attorney, you are aware that under all the law of litigation, after both parties have had their day in court, an order always comes down where one half of the litigants always lose.

MR. KELLERMAN. That is right.

COMMISSIONER RUIZ. The order of the court by adjudication is a forceful one. One of the parties has to do something against his will. As a lawyer, are you against judicial adjudication of rights under our Constitution? Do you believe that court judgments should be disobeyed because a court judgment might be intimidating to the person who lost?

MR. KELLERMAN. Mr. Commissioner, I am not a lawyer. Excuse me, sir.

COMMISSIONER RUIZ. Oh, pardon, sir. You speak like a lawyer.

MS. CONNORS. Pardon me. The counselors here would be happy to advise you.

MR. KELLERMAN. I would like to answer that question myself, Ms. Connors, excuse me.

MR. RUIZ, I am not an attorney, but I have always been under the impression that in this country when laws are passed or orders are handed down, there are two methods by which these things can be enforced. One is, as you are aware of, they can be enforced to the letter of the law and they can be enforced in the spirit in which that law is written.

I believe our key word and our key phrase in this entire thing is human relations. And I believe that anytime—take the color out of it—I believe that anytime one group is forced at the expense of another, I believe it is a sacrilege of the Constitution of this United States, Mr. Commissioner. This is the reason that I am so heavily involved in this.

Mr. Glick asked a minute ago if there is an alternative. Yes, sir, there is an alternative. That alternative is to open the schools up to anybody that wants to attend them anyplace in this county, and if there is not room, allow the county school board one year to make room. See, the only thing that is wrong with forced busing in this area, Mr. Commissioner, is the fact that nothing else was tried.

We are talking about 17 days that the people and the county were legally allowed to do something about the alleged inadequacies of education in the county and the city. Before April 1 of last year, the residents in the county could legally do nothing about the city school board. We had no vote for the mayor, we had no vote for the school board itself, and our tax base was divided between county and city. So to hold the people and the county responsible for the years of sins that went on within the city, and to penalize them the way they have been penalized, I believe this is where the great sin lies. I believe if you would have let the county—if you'd given them time to bring the city schools up to the standards that the county has enjoyed all these many years—the gentleman here sitting to my right said that along with the white students also came the track and the trees.

I partially agree with him. But I believe that he also left out the fact that there was a change in school board administration, where the old county who had the track and the trees used their influence in the city to put the track and the trees where they belonged down there.

COMMISSIONER RUIZ. Are you at all interested in having forced busing work?

MR. KELLERMAN. Anytime a person in this country is forced to do something against his will that interferes with his family, his well-being, or where he is located at particular time, no, sir, I am not.

COMMISSIONER RUIZ. That probably explains why you are going into Boston and finding out what the pitfalls might be in relation to your conclusion.

MR. KELLERMAN. No, sir, I have not been into Boston. I have only maintained a contact with those people up there, simply through the news media and so on, like that.

COMMISSIONER RUIZ. Have you maintained any contact with Tampa, Florida?

MR. KELLERMAN. Yes, I have, as well as Denver, and I understand their busing plan over there is working fine, and I believe those people should be left alone. If they have got a busing plan that works, that's fine. But it is not working in Louisville, and this is what we are dealing with today, Mr. Commissioner. This is why I am so concerned about this.

COMMISSIONER RUIZ. Do you find any similarities with respect to the Tampa situation?

MR. KELLERMAN. No, sir, I do not.

COMMISSIONER RUIZ. Is it not a combination of merger of city and county?

MR. KELLERMAN. It is.

COMMISSIONER RUIZ. Is it not a situation where cross-busing is greater than in Louisville?

MR. KELLERMAN. No, sir, it is not.

COMMISSIONER RUIZ. Is it similar?

MR. KELLERMAN. No, sir, it is not. Our cross-busing is much greater than it is in Tampa or Denver.

COMMISSIONER RUIZ. We have had hearings throughout the Nation, and we have learned that where leaders have wanted forced busing to work, that it usually has.

MR. KELLERMAN. Yes, sir.

COMMISSIONER RUIZ. And to cut across here, it is my understanding that you are one of those leaders that are not wanting forced busing to work in this community.

MR. KELLERMAN. I am not wanting people in this community who have had rights in the past to have those rights stepped upon in the future. Now, if it is forced busing, if it is forced anything, I believe if you would leave the people in this community, Mr. Commissioner—

COMMISSIONER RUIZ. Yes, sir.

MR. KELLERMAN. I believe if you would leave the people in this community to their own devices, I believe that you would be very surprised at the results. I believe you would—in a good way.

COMMISSIONER RUIZ. I am very happy with your forthright testimony.

MR. KELLERMAN. Thank you so much, sir.

CHAIRMAN FLEMMING. Commissioner Saltzman.

COMMISSIONER SALTZMAN. Mr. Cunningham, do you think voluntary desegregated efforts would work in Louisville and Jefferson County?

MR. CUNNINGHAM. At this point, sir, I would have to say no.

COMMISSIONER SALTZMAN. Did it work in the past?

MR. CUNNINGHAM. No, sir. I think we have found that—I am part of the school system, intercity school system, and I felt facilities very inadequate. I felt it is mainly because the man with the money is going to put the money where he puts his child. Where he sends his sons and daughters is where the money is coming to. I would like to say it would but, no, sir, I would have to say no.

COMMISSIONER SALTZMAN. Wasn't there a period where voluntary desegregation was undertaken in Louisville and Jefferson County prior to the decision of the appeals court? Wasn't that a period of voluntary effort?

MR. CUNNINGHAM. Yes, sir, but that did not work.

COMMISSIONER SALTZMAN. It did not work?

MR. CUNNINGHAM. No, sir.

COMMISSIONER SALTZMAN. I gather, Ms. Connors, that you support integrated education as an ideal, am I correct in that?

MS. CONNORS. Oh, of course. There has been integrated quality education in a number of years. We can go far back in history, sir, where there was only one schoolhouse with one room, and obviously those who were thirsty for education went there for learning.

COMMISSIONER SALTZMAN. Has your organization made efforts to promote integrated education?

MS. CONNORS. No, not recently, sir. Not since the Federal court order. Prior to that, of course, we did what we could. But, of course, I think that in a sense, that being Concerned Parents, Incorporated, that again—I am going to make a statement which I am going to make myself, not as president of Concerned Parents, but as a mother.

I feel that the Parent-Teachers Association, the school board itself as well as the State board and the local board do not understand, or did not understand until recently, what we were attempting to achieve, and that they alienated us—not saying many members in our organization, Concerned Parents Incorporated, are also members of the Parent-Teachers Association. But I have read many editorials from our local newspaper prior to busing, telling us how good forced busing would be for this community, or—let me say again, perhaps I should not say how good, but how needed. It is needed, Commissioner. Did you understand that last statement, sir? I corrected myself.

COMMISSIONER SALTZMAN. I am sorry.

Ms. CONNORS. Thank you. I said, Mr. Commissioner, that the editorials referred in our local news media, paper, here, that why we needed forced busing. But there isn't anything wrong with quality integrated education, never has been, and anyone that would see that should see that their child is put in a private school because that child is going to need the help of a private teacher.

COMMISSIONER SALTZMAN. What would you suggest the community attempt to do in order to achieve integrated education?

Ms. CONNORS. Oh, Mr. Commissioner, you are a little late in asking that question. What has happened in this community? It is not invisible; we cannot take it away. I wish to God you had asked us that prior to the court order. Perhaps what we need to do—and may I suggest this—is possibly a panel like yourself prior to any forced busing that might take place. I think we have 28 States now with forced busing, and others through courts are seeking this, that maybe your panel should go prior to any court-ordered forced busing implementations and research yourself. Then perhaps you can tell us.

I hope that you are here to tell us what we can do, because I will not disagree with Mr. Kellerman, and I would like to say personally I think there were no alternates. I do not think alternates, sir, is the answer. Alternate means something is wrong. It means that what we are doing now is wrong. We all know it is wrong, so everybody from the President—

COMMISSIONER SALTZMAN. You mean busing might be right?

Ms. CONNORS. No, no, no. Who is afraid of busing, per se? If you were to take—you know, busing is not in the Constitution, sir. Busing simply is a convenience for the pupil, the parent, the teachers. Everybody gets there on time. No child is tardy that catches a bus, because if the bus is late the school doesn't say that they are tardy.

COMMISSIONER SALTZMAN. So you are not opposed to busing, per se?

Ms. CONNORS. Busing, no. That would be like saying am I opposed to transportation of a car. You have to get to school some way, the same as you gentlemen and the ladies have to get here today. So if you didn't fly, you walk. Walking's good and it doesn't pollute the air, but none of us can walk 30 miles to school.

COMMISSIONER SALTZMAN. So then in terms of your saying that busing is probably the manner in which we have to bring children to the school, then what you object to is the forced nature of it by court order, as Mr. Kellerman has expressed. Is that the issue?

Ms. CONNORS. I object to anything that is forced, sir.

COMMISSIONER SALTZMAN. Isn't it true that since 1956, Louisville, up until 1974, had an open enrollment policy and that essentially that open enrollment policy failed to bring about integration?

Ms. CONNORS. No, sir. I think you have been misinformed. Let me give you the clear facts of it. First of all, there was two separate school systems, one the city of Louisville, and one Jefferson County. Now, there was a district line, sir, there. The city school functioned by itself

with State and Federal grants that the Jefferson County Board of Education did not obtain and could not obtain, whereby the legislators at the general assembly that meets every 2 years—there was in Jefferson County a State law that stated—and I'm sorry, I don't have that number available now, but I will see that you get it before the end of the hearings—that states that a child in Jefferson County will attend the public school closest to his or her neighborhood.

In the old city system of Louisville, it was a freedom of choice, sir. So obviously, what we are looking at is the fact that in the city of Louisville, children—I haven't the faintest idea. Those records have not been available to me. But children in the city of Louisville school system, the old city system, could have gone to any school that they liked within the city.

But that they did not cross over the Jefferson County line unless they lived there, because the State law said that you must live in Jefferson County, and if you do live in Jefferson County that he or she—whatever—would go to the closest school in their neighborhood, which brings us back again to Newburg Elementary, Cane Run Road, and Rangeland.

COMMISSIONER SALTZMAN. Ms. Post, would you like to present your point of view on this, please?

MS. POST. "This" being what?

COMMISSIONER SALTZMAN. On the failure of the voluntary program that necessitated the court to order the desegregation effort.

MS. POST. It was a totally ineffectual program. Even as Louisville was hailed back in '55 and '56 for having accomplished desegregation through a voluntary program, that never amounted to very much, either. The voluntary program as it existed in the city existed only insofar as there were spaces in a school outside of the pupil's immediate neighborhood. So obviously that was a flaw to the voluntary program.

Insofar as the county is concerned, it is a little absurd to talk about a voluntary program when you are talking about a minimal number of black students, anyway, as far as desegregation. I guess where Ms. Connors and I would differ is our definition of desegregation and our expectations of what the Government should or should not do to allow voluntariness to take an effect.

It is well and good to talk about voluntary, but when you are talking about an economic circumstance that has been by and large a result of State action in not providing pupils with the means to get there on a bus—because, you see, in the city you had to get there through city transportation, and for a student who lived, let's say, at 28th and Greenwood to decide that he or she wanted to go to Highland Junior High at the other end of town, would have required an outlay of cash that parents may not have been able to have afforded for transportation of the students by the public transport system.

I don't think volunteerism works. I think some day it will work. I think it is not going to work until we rid ourselves of those barriers

that the State had imposed historically and had built consciously, really, to keep people from being able to do what they want. I don't like forced anything, either. I guess if I had been alive, I wouldn't have liked forced slavery. People don't talk about forced taxation, they only talk about forced busing. It is important to understand that forced busing—I won't even say forced busing—that that busing is essential in the intervening period so we can break down those barriers.

I agree and sympathize to some degree with Ms. Connors and Mr. Kellerman in terms of the forced aspect, and specifically I agree in terms of the disease. I think we are—we really are treating only a symptom of a disease. I think desegregation itself is only a symptom of a very, very severe disease. I consider that disease to be racism, and I consider that desegregating will be a step toward making a greater solution possible than we have now got. I think we have got to start here.

COMMISSIONER SALTZMAN. I would like one final question with a brief response from each of you. You each have a very forthright point of view, openly expressed, I assume, in the community. Has there been any suggestion of intimidation because of your particular, open, forthright point of view from any source in the community, to any of you?

Ms. POST. Yes.

COMMISSIONER SALTZMAN. Could you briefly explain?

Ms. POST. I think probably people who have been identified publicly as pro-integrationists have been subject to a wide range of harassment that includes threatening phone calls, that includes hate literature, that includes threats against one's children—out of my five children, only one has been bused this year. That includes all kinds of covert and overt activity that is not very comfortable for any of us. It really, I guess—the net effect is it just doesn't make you feel too good about people. You don't want me to be any more explicit than that?

COMMISSIONER SALTZMAN. That's all.

CHAIRMAN FLEMMING. We ran out of time sometime ago in terms of the time allocated for this particular panel, but we certainly should take time to give the other members of the panel the opportunity of responding to the question that Commissioner Saltzman addressed before I move to the next Commissioner. If anyone else wants to respond to that question?

MR. KELLERMAN. Mr. Chairman, I will respond, no.

CHAIRMAN FLEMMING. Okay.

Ms. CONNORS. I will respond, yes.

CHAIRMAN FLEMMING. Okay. Commissioner Horn?

VICE CHAIRMAN HORN. I would merely comment, Ms. Connors, that you mentioned the Constitution of the United States does not mention busing. Neither does it mention education. The fact is that—

[Applause]

Ms. CONNORS. I think that is beautiful, because that only shows us that people around the entire Nation want our children to have quality education, and because the Constitution left it out, that meant man knew what he wanted to do. Thank you, sir.

VICE CHAIRMAN HORN. The fact is that what the Constitution does say, when the State engages in the right, it shall treat all citizens equally when that right is carried on with taxpayers' money from all citizens.

I have listened with interest to the comments of my colleagues and the dialogue that has occurred, Mr. Chairman. I simply, in the interest of time and frustration, have one thought. That is that I was thinking as I listened to this dialogue, that I was bused 50,000 miles—forced, if you would—to go to school in a rural area of California. If I had not been forced to go to school and forced to ride that bus 27 miles a day, I would still be picking prunes on my hill, rather than being a university president. So I would yield my usual questions.

CHAIRMAN FLEMMING. On behalf of the Commission—

Ms. CONNORS. Excuse me. Am I to be considered being chewed out, Commissioner?

VICE CHAIRMAN HORN. No. I just say that I have listened with great interest to the dialogue—I have listened to my colleagues, as I always do, and I have listened to all of you, and I don't know that I can add anything else productive to the discussion, because in my point of view the question is carrying out the orders of the court, the law of the land, the precepts of the Constitution, and a philosophical discussion. When I think of my own background, as I say, I would still be on that hill picking prunes.

Ms. CONNORS. Well, we are glad you are here today, Commissioner. Thank you very much.

CHAIRMAN FLEMMING. Could I, on behalf of the Commission, express to each one of you our appreciation for your coming, for your stating your views in a clear and forthright manner. They are obviously conflicting points of view that are represented on the panel, but we are here to listen to conflicting points of view on the part of those who have positions of leadership in the life of the community.

You have been helpful witnesses and we appreciate your coming. Thank you all very, very much.

Counsel will call the next witnesses.

Mr. GLICK. Mr. Chairman, the next witnesses are a group of people from the Okolona community section of Jefferson County. I call Mr. William McGee, Reverend Walter Stitt, Ms. Martha Hedrick, Ms. Sherry Wilson, and Ms. Jane Stevenson.

[William McGee, Walter Stitt, Martha Hedrick, Sherry Wilson, and Jane Stevenson were sworn.]

TESTIMONY OF WILLIAM MCGEE, PRESIDENT, OKOLONA AREA MERCHANT AND BUSINESS ASSOCIATION; REV. WALTER STITT, PASTOR, MESSIAH LUTHERAN CHURCH, OKOLONA; JANE STEVENSON, PRESIDENT, PARENT-TEACHER ASSOCIATION; SHERRY WILSON, TEACHER, SMYRNA ELEMENTARY SCHOOL; AND MARTHA HEDRICK, TEACHER, SMYRNA ELEMENTARY SCHOOL.

MR. GLICK. Could each of you, please, beginning with Ms. Stevenson, state your name and occupation for the record.

MS. STEVENSON. Jane Stevenson, housewife and president of Smyrna Elementary PTA.

MS. WILSON. Sherry Wilson, learning disabilities teacher, Smyrna Elementary.

MS. HEDRICK. Martha Hedrick, sixth grade teacher at Smyrna Elementary.

REV. STITT. Walter Stitt, pastor and president of the Okolona Ministerial Group.

MR. MCGEE. Bill McGee, restaurant/bar business, president of the Okolona Area Merchants and Business Association.

MR. GLICK. Mr. McGee, I want to express my appreciation at your being here with us this morning, despite the fact that you have had some illness. I think that's really performing a civic duty that you have come. I would like to begin questioning with you, and ask you to tell us something about the Okolona Merchants Association—how it got started, what its interests are, and what its goals are.

MR. MCGEE. We formed the Okolona Area Merchants and Business Association for this reason. When all this rioting broke out in our community—and I am guilty, and I think everybody else in our community of business people were guilty for not giving our citizens our support in this regard. We looked at this thing and felt we better do something about it or do what we could about getting our community back together or what have you.

First, I'll elaborate that our business association is not strictly an anti-busing association. We are concerned about everything in our community. We have a health and safety committee, a legislative committee, a health and safety committee. We have an educational committee. We have a traffic and roads committee, and we also have a busing committee. We have a youth and elderly committee. So as you see—and I want it noted—that our business association is not strictly an anti-busing association. I want that clarified.

We are concerned about all our people in our community, all our citizens in our community because, after all, we are citizens of this community also. But primarily, we started this association to show our citizens that we were concerned about this thing, this so-called forced busing.

I have sat down here and listened to all the discussion up here. I have heard this at every meeting that I have ever been to. I think that we could probably sit here for the next three weeks. And it narrows down to this, the word, forced.

I am going to agree with Mr. Kellerman. Our people, black or white—we have never been confronted with force before. I think in all probability that our politicians—we sit here on our backsides and let our politicians get the United States in this condition that it is in now. You can see what is going on in the Federal Government, first, in Watergate. Now you have got a sex thing here in Washington with your politicians.

If we would all get off our backsides and get involved in politics and get elected officials into office and get this here United States straightened out to the extent for all our peoples, black or white, because, as I see it, when I went and fought for this country, for my American flag, in Korea, I didn't say when I took an oath that I was going to fight black, white, yellow, red, or what have you. I went and fought for our country.

I think all business people, if we don't get politically involved and get our world, this here 50 States, in the condition it should be and give the Government back to the people where it belongs—now, I know this is a human relations, civil rights here today. Like I say, we can sit here for the next 2 or 3 weeks and discuss pro and con, back and forth, and we are going to still come up—well, there is an alternative to forced busing.

MR. GLICK. Mr. McGee, can I ask you about a specific occurrence that occurred last fall when school started? There were demonstrations out in the Okolona area, and it is our understanding that the town police required some of the merchants to close their business while these disturbances were going on. Can you tell us something about that? How did that happen?

MR. MCGEE. Well, they would just come in and say that you were closed. Now, the news media say we were requested to close. Now, we wasn't, if you call a request just coming in and saying—whoever is working for you, or what have you, that you are closed, if you call that a request.

Just like you said, this is another point, and I am glad you brought it out—that we were concerned. We felt we have license, State license and what have you, to keep our businesses open, and they were just blocking off certain points of where the demonstration was going on, say from the outer loop to St. Regis. In my incident, in my case, I sell distilled spirits. Well, their contention was is alcohol involved, was causing part of this. I disagree with them wholeheartedly because you can go a block over and get all the alcohol you wanted.

This was another thing the merchants were concerned about, because every night demonstrations were going on, there was forced closing. I think by forced closing all these people, what they did, they were wrong. Because all they were doing by forced closing of the merchants and what have you—and in our community, in this specific area—was causing another crisis because if you had, say, 50 people in your business, all you are doing—if there is a problem out on the

streets—all you are doing in this particular thing is forcing more people out.

As Sue brought out, you are feeding the cancer again in forcing more people out which—you disturb these people which weren't even active in it, but you make these people mad. So they have confrontation with the police, and this is what happens.

MR. GLICK. Do you think there is going to be any further demonstrations next fall? Would you predict whether there would be or wouldn't?

MR. MCGEE. I don't know. It depends. I think, perhaps in all probability, you will have some. But I think it is going to be up to probably the business people, to all the antibusing leaders to solve these problems, because people look up to Sue Connors, they look up to Mr. Kellerman, and if we get politically involved and try to get these people that's in office—I know Ms. Post brought up a few minutes ago about tax. Sure it is tax. We are concerned about tax because it is the small businessman and the working man right now that is contributing 53 percent of your taxes throughout this Nation. It is not your millionaires, it is your small business people and your working man.

This week or last week, they just reassessed our homes again. Now they keep talking about economy. How are you going to have economy, how are you going to get quality education? We can't stand the burden. I have made this statement before. If the Federal Government keeps putting tax burdens on the citizens of these 50 States, I don't know where we are going to be because we cannot stand anymore tax burden.

MR. GLICK. Thank you, Mr. McGee.

MR. MCGEE. This is what it amounts to.

MR. GLICK. I would like to continue, but because of the shortage of time, I am going to turn to Reverend Stitt and ask whether you have had occasion to discuss the issue of school desegregation and pupil transportation with members of your parish. Has that been a subject of your preaching?

REV. STITT. My preaching was quite some time ago. I preached one sermon on it and that was enough. But, yes, I have had reactions all the way around. Most of the people of my congregation are not in sympathy with forced busing. But on the other hand, I'll say most, if not all of them, are in support of obeying the law, and if that's the way it is going to be, then that's the way they are going to go. And so most of them did.

MR. GLICK. Can you tell us something about the Okolona Ministerial Alliance and what position they have taken on school desegregation?

REV. STITT. I don't think anybody in Okolona expected the things to happen that did happen, that is, the sudden riots that began when school started. It just amazed us all. After several days of this, it became apparent that we preachers who were supposed to be community leaders should say something.

So we got together and drew up a statement which we sent to the newspapers and was published with our signatures at the bottom. Some of our ministers are probusing, some are antibusing, moderately antibusing. But all of us signed a statement which said, you know, that this is not the way that people should behave and that we—obviously we, if the Government can come in and the courts can find us guilty, then there must be something on which to base that, that kind of a letter.

But in Okolona and Louisville, if you are not antibusing, then you are absolutely probusing. So none of us have been taken as moderates ever since. We were all tagged with the tag of probusing whether some of us are, in fact, probusing or not.

MR. GLICK. Has there been any kind of intimidation of the ministers, including yourself, as a result of this newspaper ad?

REV. STITT. Yes. We have all gotten the kind of things one of the former panelists talked about, telephone calls and threats to our families, our lives, all the literature you get in the mail. For several weeks after this began, there wasn't a night I got to sleep all the way through without getting two or three phone calls. It seems all the people who work on the night shift like to make phone calls.

MR. GLICK. Is this still going on or has it diminished in any way?

REV. STITT. It's diminished, yes. The last harassing call I got in the middle of the night was several months ago, now.

MR. GLICK. Can you tell us something about the Interfaith Task Force for Peaceful Desegregation?

REV. STITT. Yes. It became apparent to the members of the LAIOS [Louisville Area Interchurch Organization for Service] form, which is the Louisville equivalent to the Council of Churches, that the church has a role to play in school desegregation, so they formed a task force which, as I recall, the original number of the task force was something like 16 or 18 religious organizations, and their dedication was to the peaceful aspects of desegregation.

I got elected president of that, and we began working strictly through the religious community, having workshops with the pastors and priests and rabbis, whoever, we could get to come to these things, and then breaking these down into various communities around the city to try to get these leaders in various communities to speak out for peaceful desegregation.

We have done a lot of work, but we were hampered somewhat by the sudden developments that came when the court said, you know, you have to desegregate when the school starts this fall.

We anticipated we had 14 more months and we were on kind of a time schedule for that. We might have been able to do more if we had had that allotted time. But like everybody else, it suddenly was thrust upon us, so we did what we could.

MR. GLICK. Do you think the course of events would have been different had the court order not been so immediately effected?

REV. STITT. That is hard to tell. I think probably it was the best choice to go ahead and do it right away.

MR. GLICK. Could I turn now to Ms. Hedrick. How long have you been teaching at Smyrna Elementary School, Ms. Hedrick?

MS. HEDRICK. I have been at Smyrna for 5 years.

MR. GLICK. Five years. Did you find anything different about the school this year in terms of faculty attitude and administrative attitude and children's attitude because of the desegregation that took place?

MS. HEDRICK. As far as the faculty and administration is concerned, I believe most of us took the general attitude that this was a situation that we would have to make do the best with, that when the children were brought out from the city that we would welcome them. They were here primarily for one concern, and that was to get the best education which we could give them.

Our faculty accepted this and tried to do it. The attitude of the children was somewhat different. The children coming from the city were frightened just as the children who had gone to Smyrna were frightened to an extent, not knowing what to expect, anticipating all sorts of things. The attitude of the children remained somewhat tense during the course of the year. The children began to accept to the best of their abilities the situation which we were in, and I believe that we all worked together and did very well.

MR. GLICK. Did you find that the very strong feelings in Okolona against busing reflected itself in the behavior of the children?

MS. HEDRICK. Yes. Several of our children's parents, being very active in several of the organizations, especially the day after an evening where the antibusing protestors had been on Preston Highway or in the area—maybe even some of our children being out in the area with the antibusing people, I do not know—they would bring with them a high tension the next day or for a day or so. If the news media had made up the demonstrations, this also brought tension with the children.

MR. GLICK. Did you find it necessary to change or modify any of your teaching methods or techniques to accommodate the children who came from the inner city and had been going to the inner city schools?

MS. HEDRICK. I personally did not. Now, within the county system, we do have our math and our reading. The children are taught in a group situation, whereas they can learn. In the other general subjects, it is percentage, on the average scale according to grade level. The children—we would test them formally, informally, and try to put them in a mass group where they could function without frustration as they would be put into a reading situation or a language arts program—our language arts program consisting of the reading, the spelling, the English, a block of time, maybe an hour to an hour and a half, where we would try to work the children into situations where they were not frustrated and where they could cope.

MR. GLICK. Ms. Hedrick, would you describe or characterize this past year at Smyrna Elementary as a good year or a difficult year? How would you characterize it from your own experience as a teacher?

MS. HEDRICK. It's been a different year. It has not been a good year, it has not been a bad year. We consider ourselves at Smyrna very fortunate that things have gone as well as they have. We—I guess you would classify it as a little abnormal because of the busing situation. But as far as being bad or a poor situation, no, I would not say that. We had a fairly good year at Smyrna.

MR. GLICK. Thank you, Ms. Hedrick.

MS. WILSON, how long have you been teaching at Smyrna?

MS. WILSON. For 1 year.

MR. GLICK. Last year was your first year?

MS. WILSON. Yes.

MR. GLICK. But you had been teaching in the system before?

MS. WILSON. Yes.

MR. GLICK. At another elementary school, I suppose?

MS. WILSON. Yes.

MR. GLICK. What was your anticipation this past fall when the court order came down and you were going to a new school? Were you anticipating any kind of difficulties at all in dealing with the inner city children?

MS. WILSON. Well, I personally didn't know what school I would be in until 4 days before school started. I had put in for a transfer from my previous school, and I waited the summer out figuring out where I would be. I was glad to get as close to home as I did. I am about 10 minutes away.

As far as going into a new situation, I did not have children when I first went in because I am a resource teacher and I draw children from regular education programs into a learning disabilities situation for a period of about 1-1/2 hours a day.

It took right around 5 weeks for me to get children into the classroom because of the problems with placement. It took formal testing by the Jefferson County board which consists of the Wexler and the Bender-Gestalt to get the children into the program. Not being sure what students were going to be enrolled, we didn't get our list until 5 weeks after school started.

MR. GLICK. Are there any black children in your classes?

MS. WILSON. No. I don't know what the exact reason is. I was handed my list and these were the children on it.

We had a reading teacher that had almost all black children in her program, but I think a lot of the reason was that the child had to be placed by the board in order to get placement into LD. And my person feelings were the merger and desegregation in one year hampered this. There wasn't proper time to test the children formally to put them into the program.

MR. GLICK. You mean, in other words, some of the black children from the city who might really need some of the special instructions that you would be giving can't get it because they haven't been tested?

MS. WILSON. Yes, but it is not only just the city children. There is a long waiting list of both white and black children coming into the LD program, because it is a special type of education where we are on a, like, 1 to 8 basis at the most, the pupil-teacher ratio.

The children are average intelligence, but they have some type of disability that usually is in the form of reading. They don't have the ability to read. Folders were brought into Smyrna, and also it had LD placement on it, then the child could not get into the program.

MR. GLICK. Do you think the antibusing sentiment in the Okolona community had any effect on the children or the school this past year?

MS. WILSON. I really couldn't see that much of it, personally, because I didn't have any of the city children. I did have, however, breakfast students. A breakfast program was put into Smyrna where all the children could come in and have breakfast in the mornings. And because I didn't have a regular classroom I was free during this—about 40-minute period, and I stood out in the hall, so to speak, and ushered the children into breakfast, made sure they got their breakfast and back to their classroom without causing any trouble. I monitored the bookstore.

Now, it did depend a lot of mornings on the children coming in from the city, the attitude that they had on the bus. I believe that Mondays, a lot of times, were a lot worse days as far as discipline goes. I don't know whether it was because of the long ride in the morning or being tired on Monday morning from the long weekend. This was the only thing I could see. It generally related to the attitude of the children when they came into school in the mornings.

MR. GLICK. I asked Ms. Hedrick how she would characterize the year at Smyrna this past year. I would ask you, too.

MS. WILSON. I think we had a fine year. I think everybody realized the fact that desegregation is here and that it was time to just put aside any feelings that you have and make the year as good as possible. I think just about everybody did that.

MR. GLICK. Thank you, Ms. Wilson.

MS. STEVENSON, you are president of the Smyrna school PTA this present year. How long have you been president?

MS. STEVENSON. Last year was my first year, and I will be again president next year.

MR. GLICK. How many years have you been active in PTA?

MS. STEVENSON. Five years.

MR. GLICK. Have you seen any change in membership this past year in terms of numbers activity?

MS. STEVENSON. Absolutely. Our membership last year was 837, and we dropped down to 324 this year.

MR. GLICK. Why? Why, do you think?

MR. STEVENSON. People felt frustrated, and I think they were taking their frustrations out wherever they could possibly do it, and PTA happened to be one of them.

MR. GLICK. So they just withdrew?

MS. STEVENSON. Right.

MR. GLICK. Are any of the parents of the children coming from the city, black children, members of the PTA?

MS. STEVENSON. We have some. Not very many. At the first of the year we had an exchange program where we visited their schools, and they visited our schools. And when they came to our schools, we had a list of the different committees that we had available that we needed workers on, and we tried to get workers. We had one lady who had signed up for several committees and we put her on a committee. But then she never did come to any board meetings. So it was very difficult.

It is a great distance to come from the Young area out to Smyrna, and I do think this is a lot to do with why the people were not as actively involved in the PTA.

MR. GLICK. How about yourself, have you continued the level of activity that you had before?

MS. STEVENSON. Yes.

MR. GLICK. Why do you feel differently than these other people who have dropped out?

MS. STEVENSON. The communication end of it. I feel if you are inside you can see more, and you are not listening to gossip. You can see more for yourself what is going on. I tried to tell the people not to cut the communication strings, but there was just another way to get some of their frustration out, so they stopped working for the PTA.

MR. GLICK. In your opinion, was this a good year at Smyrna?

MS. STEVENSON. It was a good year; it was a quiet year. We tried to do the things that we have done in other years, as far as PTA projects. We had to do the same projects with a lot fewer people to do it with. I'd say it was a quiet year.

MR. GLICK. Ms. Stevenson, in addition to the black children coming from the city to attend Smyrna, some of the children who lived in the Smyrna area are bused into the city?

MS. STEVENSON. Right.

MR. GLICK. As I understand it, you have two children who are in Smyrna school.

MS. STEVENSON. Right.

MR. GLICK. Is either one of them going to be bused into the city?

MS. STEVENSON. One will be bused in next year. She's due to be bused. However, we have put her in a private school.

MR. GLICK. You put your daughter—

MS. STEVENSON. My daughter.

MR. GLICK. —your daughter in a private school, although clearly from our conversations you are a person who strongly believes in public school education?

Ms. STEVENSON. Right.

Mr. GLICK. Can you tell us why you decided to send your daughter to a private school rather than allowing her to go to school in the city?

Ms. STEVENSON. I am not too convinced that the public schools will still be able to give her the type of education I feel sure she needs. It seems like the public school system here in Jefferson County has a very difficult financial situation. I am just not too sure she is going to be able to get the type of education she needs, plus taking the child out of the community into another community. It is just not the way—it is just not the way we live.

Everything is involved in our community. We work in our community. We shop in our community. We go to our community schools. And you are taking your family—you are splitting the family too much. If she goes to a private school it is right in the community; she could walk. So it just all involves the community.

Mr. GLICK. Thank you, Ms. Stevenson. Thank all of you.

Mr. Chairman, I have no further questions.

CHAIRMAN FLEMMING, Commissioner Freeman?

COMMISSIONER FREEMAN. Ms. Stevenson, I would like to pursue your statement concerning the community, and I would like to direct the same question to each of the members of the panel. Will you describe your community in terms of the racial composition? First of all, what community are you talking about?

Ms. STEVENSON. Okolona.

COMMISSIONER FREEMAN. What is the population of Okolona?

Ms. STEVENSON. I really couldn't say.

COMMISSIONER FREEMAN. What is the racial population?

Ms. STEVENSON. I really couldn't say that either. We do have black in surrounding areas, Newburg—there are black in the Maple Grove area.

COMMISSIONER FREEMAN. Are there black people who reside in Okolona?

Ms. STEVENSON. Oh, yes, very few, but there are some.

COMMISSIONER FREEMAN. Do you have an opinion as to whether there is housing discrimination in Okolona?

Ms. STEVENSON. I personally don't feel there is. Now, other people may say that there is. I have not really had the opportunity to be active in that area to say that there would be discrimination. I feel there isn't.

COMMISSIONER FREEMAN. In your neighborhood, are there any black persons who reside in your neighborhood?

Ms. STEVENSON. Yes, we have a black family about two blocks away.

COMMISSIONER FREEMAN. One black family?

Ms. STEVENSON. Right.

COMMISSIONER FREEMAN. Ms. Wilson, will you give a profile of your neighborhood?

Ms. WILSON. Well, I know at Smyrna we have very few black children residing in the community. As far as actually living in the community, I lived there 2 years ago, and to my knowledge, this was really before blacks started moving into the area.

COMMISSIONER FREEMAN. Are there any black families who live there now?

Ms. WILSON. Yes.

COMMISSIONER FREEMAN. How many?

Ms. WILSON. One.

COMMISSIONER FREEMAN. One black family?

Ms. WILSON. Yes. In fact, they are renting my house.

COMMISSIONER FREEMAN. Out of a total of about how many? Several hundred, several thousand?

Ms. WILSON. I really couldn't say. I would not imagine there were even several hundred.

COMMISSIONER FREEMAN. Ms. Hedrick—less than several hundred?

Ms. WILSON. Yes.

Ms. HEDRICK. I live approximately 3 miles from Smyrna, so therefore I consider myself a part of the community. There are three black families on my street. One about 10 or 12 houses down, I guess, is about the closest that we come in contact with them.

In Smyrna's district, as far as children at Smyrna, within my classroom I had two boys who lived in Smyrna's district, and they were black.

COMMISSIONER FREEMAN. Out of a total population estimated at what?

Ms. HEDRICK. I don't know the population out there. You mean Smyrna's population, the enrollment at Smyrna?

COMMISSIONER FREEMAN. There are few black families?

Ms. HEDRICK. There are few. Yes, few. Maybe a half a dozen families that live in Smyrna's district. I am not sure.

COMMISSIONER FREEMAN. Reverend Stitt?

REV. STITT. I am going to take a wild guess that there are about 30,000 people in Okolona, the general boundaries, and that the black population probably would be something less than 2 percent.

COMMISSIONER FREEMAN. Less than 2 percent?

REV. STITT. Yes. As the ladies have said, there are pockets of greater density on the peripheral areas. But there are more people moving in all the time. Still, there is an action against that, too, because out in Okolona we have had a cross burned in the yard of a black family and people shooting through the windows and this sort of thing.

There are planned rallies in the general peripheral area of Okolona. I had the personal experience of a family on our street who put their house up for sale a few years ago, and when a black family showed up to buy they jacked the price way up, that sort of thing. So there is, I am sure, there is that sort of thing going on.

But on the whole, I think the climate is changing, but at this point, there is a very low population of blacks.

COMMISSIONER FREEMAN. When you say the climate is changing, you mean there is less burning?

REV. STITT. Yes. So many people have moved in without that, that have just moved in very quietly, being accepted by the neighbors, that was it.

COMMISSIONER FREEMAN. Mr. McGee, you are president of the business association. Are there any black members of that organization?

MR. MCGEE. No, we don't have any black in the business. As a matter of fact, I don't think we have a black businessman out there.

I am going to disagree. I have blacks living right behind me in my residential area. I coach boxing, I have black on my boxing team.

COMMISSIONER FREEMAN. You have one?

MR. MCGEE. I have a couple. I coach football. I had two black on my football team. I am going to disagree with Reverend Stitt here in discrimination on the housing, because I don't think there is any realtor in our area—

COMMISSIONER FREEMAN. You have no black businessmen members of your organization?

MR. MCGEE. No.

COMMISSIONER FREEMAN. There are no black businesses in Okolona?

MR. MCGEE. To my knowledge, no.

COMMISSIONER FREEMAN. There are few blacks who reside in Okolona?

MR. MCGEE. Yes.

COMMISSIONER FREEMAN. And you, what is your opinion as to why they do not live there?

MR. MCGEE. We can revert back to some of the panel discussion here. I think it's everybody's choosing where they want to live. This is the reason I am saying I am disagreeing with Reverend Stitt here.

COMMISSIONER FREEMAN. Well, the statement was made that when some people chose to live there, then there were cross burnings or firings. Was that done by members who live in Okolona?

MR. MCGEE. Not necessarily, I wouldn't think, no. We have had black people live in the Okolona community for years. I have been living in the Okolona since 1953. In all probability, Southern High School had the first black athlete, an outstanding athlete. This is before integration even started out in our community.

The reason I say I am in disagreement with Reverend Stitt, I have on my board of directors of our business association about four realtors and they would never discriminate against anyone, none whatsoever. I think it is up to people choosing where they want to live and what have you.

But to get back to the black, we have black in Okolona, a number of blacks for years that's lived on McNeely Lane, in that area.

COMMISSIONER FREEMAN. What sort of area is that?

MR. MCGEE. It is in the same area of the black that's out there having all their difficulty. I don't know why he's having all the difficulty

in that area because, like I said, we have had black in our community in the same—I say two blocks away, that's lived there for years. Like I say, I have been out there since 1953. Like I say, we have had the first—before integration even started at Southern High School, we had black athletes, no problem what—

COMMISSIONER FREEMAN. If a student just has a smart mind without being an athlete, what would have happened?

MR. MCGEE. Beg pardon?

COMMISSIONER FREEMAN. Suppose the student was just bright, but couldn't play football or couldn't box or couldn't play basketball, would that student have gotten any attention from you?

MR. MCGEE. Sure. I have no prejudice against anyone, none whatsoever.

COMMISSIONER FREEMAN. Thank you. I have no further questions.

CHAIRMAN FLEMMING. Commissioner Horn?

VICE CHAIRMAN HORN. No questions, Mr. Chairman.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. No questions, Mr. Chairman.

CHAIRMAN FLEMMING. May we express to you our gratitude for your coming, spending time with us and giving us the benefit of your views growing out of your respective experiences. Thank you very, very much. The hearing will be in recess until 12:40, when we will listen to our next witnesses.

CHAIRMAN FLEMMING. The hearing will be in order. Counsel will call the next witnesses.

MR. GLICK. Mr. Chairman, the next witnesses are Dr. Cecil Yarbrough, the Regional Commissioner of Region IV of the Office of Education; and William H. Thomas, the Regional Director of Region IV, Office for Civil Rights of the Department of Health, Education, and Welfare.

Are these witnesses present? Gentlemen, could I ask that you stand and be sworn, please?

[Whereupon, Cecil Yarbrough and William H. Thomas were sworn.]

TESTIMONY OF CECIL YARBROUGH, REGIONAL COMMISSIONER, REGION IV, OFFICE OF EDUCATION, AND WILLIAM H. THOMAS, REGIONAL DIRECTOR, REGION IV, OFFICE FOR CIVIL RIGHTS

MR. GLICK: Could I ask you, please, to put your microphone on the table around your neck? That seems to increase the quality of the sound.

Mr. Chairman, I will ask Staff Attorney Mark Snyder to proceed with the questioning of the witnesses.

MR. SNYDER. Would each of you please state your name, address, and position with the Federal Government for the record, please?

DR. YARBROUGH. I am Cecil Yarbrough, Commissioner for Education of Region IV, located in Atlanta, Georgia, 57th Street, room 543.

MR. SNYDER. Thank you, Mr. Thomas?

MR. THOMAS. I am William Thomas. I am the director of the regional office for civil rights of the Department of Health, Education, and Welfare for Region IV. The address is 57th Street, Northeast, Atlanta, Georgia.

MR. SNYDER. Would each of you state how long you have been in your present positions?

DR. YARBROUGH. Either acting or real, I have been there 3 1/2 years.

MR. THOMAS. I have held my present position for slightly more than 5 years.

MR. SNYDER. Thank you gentlemen. Dr. Yarbrough, as regional commissioner, would you tell us briefly the kinds of services available for the Office of Education for a desegregating school district such as Jefferson County?

DR. YARBROUGH. The primary source of funding is the emergency school assistance that provides funds to school districts of this type. There are a lot of other funds, such as Title I and vocational education and other assistance, well, that come into it, Louisville, but this is the primary funding.

I believe you asked about the assistance we provide?

MR. SNYDER. That's correct.

DR. YARBROUGH. In addition to that, we are following this program. We do the review of the panels and evaluation of the projects and the recommendation with respect to ultimate funding, based on a competitive system. And at that time, we furnished technical assistance, or prior to that time, to the applicant. And at the time of the grant of award, we furnished technical assistance and supported development and refinement of the project. Then we provide monitoring assistance throughout the life of the project.

MR. SNYDER. Thank you, Doctor.

DR. YARBROUGH. We have educational specialists, who are rather limited in number, of course, but who are available in terms of emergencies and who are also available for monitoring to see that the projects are carried out.

MR. SNYDER. I understand. Would you briefly state what the basic objectives of the Emergency School Aid Act are?

DR. YARBROUGH. The basic objective of the Emergency School Aid Act is to assist school districts in dealing with the special problems arising from their efforts to desegregate and to provide quality education in relation to it.

MR. SNYDER. I see, Has the Emergency School Act funding been secured by Jefferson County?

DR. YARBROUGH. Yes.

MR. SNYDER. What has been the level of funding for Jefferson County, and how does this level of funding compare with other districts in your jurisdiction?

DR. YARBROUGH. As you are aware, the Jefferson County and the Louisville school district consolidated a couple years past. Prior to that time, there was some assistance to each of the school districts. In '74-75, the Jefferson County school district received \$923,851 of what is called Part A; \$30,096 under Part C. In '75-76, the terms were changed. It was Emergency School System at that time, and the basic program was \$898,846. The pilot program was \$365,790, and Title IV, they received \$50,400, and impact aid and Title 4, which are other types of funds.

MR. SNYDER. Dr. Yarbrough, I understand you are reading from a prepared memorandum that we would like to offer into evidence at this time.

Mr. Chairman, the memorandum is entitled—is a compilation of ESAA funding in Jefferson County for the last year and the projected funding for the school year '76-77. I would like to offer that into the record at this time.

CHAIRMAN FLEMMING. Without objection, it will be entered as Exhibit No. 1.

[The document referred to was marked Exhibit No. 1 and received in evidence.]

MR. SNYDER. Dr. Yarbrough, we understand that the Office of Education does monitor the use of Emergency School Aid Funds. Now, excuse me, what has been the Office of Education findings with regard to Jefferson County?

DR. YARBROUGH. It should be pointed out that our monitoring is not as extensive as it might be, but we provide two onsite visits each year. This last year, there were two onsite visits, and there were no outstanding problems reported that required our action.

This would mean that specific recommendation—one, for instance, was that the racial balance on the advisory committee needed to be upgraded. It was submitted to them, and in the final evaluation of this project, which will be carried out at the end of the year, some analysis of the project's evaluation will be made. But we haven't discovered any unusual problems up to this date.

MR. SNYDER. Thank you, Dr. Yarbrough.

MR. THOMAS, could you tell us what the procedure necessary for Office of Civil Rights clearance of a school district for ESAA funding is?

MR. THOMAS. Yes. First, first of all, the ESAA program is a competitive program. The Office of Education, headed by Dr. Yarbrough, will evaluate all of the applications, advise our office of those that are likely to be funded:

The first step is roughly a—it is a very simple process, the first, that is, to determine the threshold eligibility of a school district to receive

those funds and to participate and receive those funds. If a district is desegregating pursuant to a court order, and if it is in compliance with the court order or a voluntary plan, then, of course, it meets the test of the threshold eligibility. The Office of Education is so advised.

The next step is to evaluate the applicant's compliance with the various parts of section 185.42 of the ESAA regulations. This requires evaluation of data and the application itself, as well as the files maintained by the Office for Civil Rights on the applicant district.

If there are indications of noncompliance with the regulation, further data is necessary to more adequately evaluate the district status. That data is requested. If—the applicant is either cleared as eligible or found to be ineligible for assistance at that point.

If the applicant is cleared, the Office of Education is informed that the applicant may be funded. If not cleared, the Office of Education is informed, and a letter of ineligibility is prepared and forwarded to the Associate Commissioner of Education.

In some cases, onsite investigations are required and necessary in order to accomplish the pre-grant responsibilities. In other cases, where decisions of ineligibility cannot clearly be made based on desk reviews of data available, OCR may clear a district with a notification of potential problems and monitoring provisions built into the clearance.

MR. SNYDER. Thank you Mr. Thomas. Has Jefferson County been cleared for 1976-77?

MR. THOMAS. Yes, they have.

MR. SNYDER. What were the findings of the Office of Civil Rights regarding that clearance?

MR. THOMAS. They were specifically set out in a letter dated April 26, 1976, and I believe you have a copy of that. We provided a copy of that letter to you. Generally speaking, the district was advised—and since we could not establish clear ineligibility, we identified problems in approximately four areas, potential problems: assignment of pupils to regular classes which resulted in racial identifiability in advanced classes of some schools; assignment of pupils to special education classes which has resulted in some racially identifiable classes in some schools in the MH programs; interdistrict student transfers from Jefferson County schools to Indiana Schools which may have racial impact; disciplinary sanctions which affect black students.

MR. SNYDER. As a result of these findings, do you plan to conduct an onsite ESAA review of Jefferson County?

MR. THOMAS. Yes, we do, and we have so communicated that decision to the district in a letter of April 26, 1976.

CHAIRMAN FLEMMING. Excuse me. What was your last question?

MR. SNYDER. The question was, has the Office for Civil Rights intended to conduct an onsite review of civil rights compliance in the Emergency School Aid Act in Jefferson County?

CHAIRMAN FLEMMING. I got that. Then wasn't there a question as to what action has been taken?

MR. SNYDER. The question was in the clearance procedure for the ESAA funding. The question was, what were the findings of the Office for Civil Rights in that clearance?

CHAIRMAN FLEMMING. As a result of the findings, what action was taken?

MR. SNYDER. That's correct.

CHAIRMAN FLEMMING. All right.

MR. THOMAS. As a result of our analysis, we have, we were not able to clearly establish ineligibility which would warrant the enforcement procedure or the negotiated compliance process to attempt to attain compliance.

The district has explained to us the consequences or the results of the corrective actions they have taken. However, we have advised the district that we have accepted their explanation, but we have scheduled that district for an onsite review to look into the four matters, the four findings that we made. We have communicated that decision to the Jefferson County school district by way of a letter dated April 26, 1976.

CHAIRMAN FLEMMING. In other words, you are not happy with the situation, but you do not feel that you have sufficient evidence to proceed on a—to conduct an out-of-compliance proceeding. Therefore, you have notified the district that you are going to pursue it further with an onsite visit.

MR. THOMAS. Mr. Chairman, I would prefer to state it in this way, and that is, if the actions, the reasons for those actions, and the results of everything that the school board has done, if those are as they have stated to us and if our findings support that those reasons that they have provided are the reasons, then, of course, we would be happy with it. We would be satisfied with it.

We had insufficient data. We are not certain that all of the areas or the explanations had been reported and are accurate and that further action cannot be taken in order to achieve a greater degree of compliance in these areas. And for that reason, we have scheduled the district for an onsite investigation in the fall of this school year.

CHAIRMAN FLEMMING. Thank you. Counsel, I am sorry to interrupt. I wanted to clear that up.

MR. SNYDER. I have no further questions except that Mr. Thomas has prepared written testimony to be entered into the record, and I would like to submit it at this time.

CHAIRMAN FLEMMING. Dr. Yarbrough, taking into consideration the various types of resources that are available to help a school district go through this period, do you feel that this school district has taken advantage of all of the opportunities that exist for Federal support?

DR. YARBROUGH. I do. They have made applications consistently, either before the consolidation and since that time, and their level of funding has been above average. In fact, there are many school districts in the region who are not, have not been funded that do qualify

because of insufficient funds. But Jefferson County has been fortunate in receiving pretty adequate funding. The greatest chop will come this year. I think, when their level of funding will be less than it was in prior years.

CHAIRMAN FLEMMING. Let me ask you about that. Will it be less because of a reduction in appropriations for programs of this kind?

DR. YARBROUGH. Generally speaking, over the country there are more problems, apparently. The amount of funds that were available in the years past for the South have sort of been spread out to a greater extent. Approximately the same amount of money had been available for several years, but the South has not gotten enough to take care of it. And the decision was made to try to support the projects that were under way to a limited extent rather than go whole hog on most of them. And so the Jefferson County school district will receive a reasonable cut in their appropriations for the forthcoming year because of insufficient funds. But—not that the general appropriation for the county was so much less but that the need has emerged in other areas.

CHAIRMAN FLEMMING. The Department or the Office is redirecting the funds, distributing them over a broader base than has been the case in the past?

DR. YARBROUGH. Yes. We have had more applications than we could fund every year. And this has been the result of that. This year we funded—every year we funded approximately 50 percent of those who applied. There are probably another 50 percent that didn't apply at all for various reasons. And so the general level of funding this year will be less.

CHAIRMAN FLEMMING. Did this school district apply for funds that could be used for the purpose of carrying on training in the area of human relationships?

DR. YARBROUGH. I don't know the specifics of this project, but I think so, yes. And in addition to that, the pilot program for special purposes and then the nonpublic, the public nonprofit and community group did some work in that area.

CHAIRMAN FLEMMING. All right.

Commissioner Freeman, you have got a question to follow up on this point?

COMMISSIONER FREEMAN. Yes, I would like to pursue the question with respect to the basic ESAA grant where the funding was for \$893,000.

In the report or document which you submitted to the Commission, the second component involved reduction in community mistrust of schools by employing 20 community relations specialists. It is not—it is page 2.

DR. YARBROUGH. Page 2 of my report?

COMMISSIONER FREEMAN. Page 2 in your report "to act in advisory capacities to human relations groups within various schools and com-

munity organizations. Two, to serve as detectors of tensions and issues in the school community before they reach the crisis state and issue efforts to resolve them." And your final statement in this paragraph is that community acceptance appears to be more in south Jefferson County.

DR. YARBROUGH. Yes.

COMMISSIONER FREEMAN. My question is, if you would have an opinion, you or Mr. Thomas would have an opinion as to whether the poor acceptance was because of inadequate resources or what?

DR. YARBROUGH. My opinion would be an opinion, strictly, and Mr. Thomas may have a better answer to that because of special information that he has. But the shock which resulted from the combining of the two districts, that created some resistance in certain parts of the school district. It's my impression that this may not have been fully ameliorated, and I don't think it is because of a lack of resources to deal with the problem, but maybe the time hasn't been adequate to cope with it. But I give that only as an opinion and without any basis except for casual conversation with the people that have been involved in it.

Bill, you may have something else to add.

MR. THOMAS. Well, it would be my opinion that the problems are not due to a lack of resources. But I would not have an opinion as to what all of the things are that could have caused or contributed to the problems that are existing.

CHAIRMAN FLEMMING. Have you had the opportunity of examining the way in which these resources have been used, the resources that Commissioner Freeman is talking about?

MR. THOMAS. No, we have not. Our responsibility is solely, is limited to evaluating their compliance with the ESAA regulations and with other compliance-related or civil rights legislation. We have no monitoring program, monitoring responsibility, and do not examine that aspect of it.

CHAIRMAN FLEMMING. Dr. Yarbrough, I gather your office has monitored and that has been, has given rise to the statement that Commissioner Freeman has made. Have you had the opportunity of reading the report of those who participated in the onsite review?

DR. YARBROUGH. Yes, I have. But I don't find anything other than routine information that is included in it, such as, as I mentioned, the imbalances of the advisory committee and recommendations, specific recommendations, which were made.

This is not unusual because of the limited amount of time that our people have in, onsite in the project. But the reports of our program officers have not been unusually bad. The information that she mentioned there about the acceptance—

CHAIRMAN FLEMMING. Frankly, what I am getting at is this: I personally think that the investment that is made in activities of this kind can be very important.

DR. YARBROUGH. Very much so.

CHAIRMAN FLEMMING. In terms of the results that are finally achieved. And what I am interested in is whether or not the Office believes that the school district is taking these resources and utilizing them to mount a vigorous and effective program in this area of community relations or human relations. How does the office—you have indicated some of the things that you keep in mind when you make an evaluation.

DR. YARBROUGH. Yes.

CHAIRMAN FLEMMING. But does the Office go at it from the point of view of trying to make up its mind as to whether or not there is a strongly-motivated program under way which is being helped and assisted by the resources that the Federal Government is making available?

DR. YARBROUGH. Yes. First, the evaluation of the application itself is based on evidence of purpose and commitment to do something with respect to the entire school system. Once the application is approved, then meetings are held regularly in advance of the implementation of the program. And then the site visits are more or less—at that point they become not so much evaluation devices as attempts to see if there are problems that can be resolved for the ongoing program.

There is a feeling that the Jefferson County school district has been struggling since the consolidation effort with a lot of problems that do require Federal resources.

Now, the extent to which the results have now come within, let's say, the last 2 years, I think it would be pretty hard to evaluate that. Our feelings have been—I think the money has been well spent, if you ask it that way. I am not so sure that we have the maximum results here that we would like to have had. But analysis of why the results are not—the problem is not completely solved would require more information than we have.

CHAIRMAN FLEMMING. You used a little earlier the expression that the results are not so bad. But I was just wondering what factors have been identified which make it necessary to make that kind of a statement.

DR. YARBROUGH. The organizational problems of the school district in the aftermath of consolidation pose some problems that were overriding in terms of the effectiveness of any particular program, in my judgment. I am speaking not as a person that has spent much time in this district, but with the kind of view that I have of 250 or 1,000 school districts that I've researched. The real impact of the Emergency School Assistance program, in my opinion and that of a lot of experience in the South, is an ongoing thing. It doesn't occur in 1 year or 2 years.

And one of the—we have many districts in this midstream. They are struggling to get hold of their problems and to deal with them, and I view Jefferson County as just about in midstream in understanding its problems and in trying to deal with them in particular. But it may not be quite the midstream yet.

CHAIRMAN FLEMMING. Let me put it this way. On the basis of the evidence that has been presented to you, do you believe that the work of the intergroup and community relations specialists has the vigorous backing of the board of education and the superintendent of the schools?

DR. YARBROUGH. I don't know.

CHAIRMAN FLEMMING. Okay. We will have the opportunity, of course, of asking some questions about that later.

DR. YARBROUGH. Yes.

CHAIRMAN FLEMMING. Mr. Thomas, where you have a court-ordered desegregation program, what do you view as the responsibilities of your office to help implement that program?

MR. THOMAS. Prior to the decision of the court in the *Adams v. Richardson* case, there existed a policy agreement between our Department and the Department of Justice that the Office for Civil Rights would not monitor or enforce compliance within court-ordered districts. Part of the order in the *Adams* case is that the Office for Civil Rights will monitor court-ordered districts and investigate complaints within court-ordered districts.

We now monitor court-ordered districts, primarily through the ESAA responsibilities, jointly. We also investigate complaints filed within court-ordered districts. In cases of noncompliance, we furnish the information to the court and to the attorneys for the plaintiffs. Where the Department of Justice is a participant in that litigation, we furnish copies of our filings to the Department of Justice. If it is an active case in which the Department of Justice is involved, then, of course, we don't exercise that responsibility.

CHAIRMAN FLEMMING. Have you, in fact, been monitoring the court order for this school district?

MR. THOMAS. We have not, except through our ESAA mechanisms.

CHAIRMAN FLEMMING. Do you know what the plans of the Department are for carrying out the court ordered—that is, the *Adams v. Richardson*—court order in connection with Jefferson County school district?

MR. THOMAS. Well, I would have to state that in general terms. Each year we develop what we refer to as an annual operating plan. Within each region—each region also develops an operating plan by which they will carry out the aims of the Department. The monitoring of court-ordered districts is certainly one of them.

What I am trying to say is that the department would not establish a special of certain, specific procedure for the monitoring of Jefferson County. It would establish a policy to deal with court-ordered school districts.

We do have a policy with respect to monitoring Jefferson County. That policy is best communicated or stated in our letter of April 26. That is, we intend to monitor, we intend to review onsite that district for compliance here with the ESAA regulations. So I think it is all consistent with the overall mandate to monitor court-ordered districts.

CHAIRMAN FLEMMING. In other words, that is a decision on the part of the regional office and your office, in terms of utilizing your existing resources?

MR. THOMAS. Right.

CHAIRMAN FLEMMING. And you are going to utilize some of your resources for the purpose of monitoring the court order for Jefferson County?

MR. THOMAS. That is correct. It would be impossible for us to monitor on an annual basis, with our existing resources, all of the court-ordered districts that we have. We will select them and Jefferson County is one of those that has been selected.

CHAIRMAN FLEMMING. Thank you very much.

Commissioner Saltzman?

COMMISSIONER SALTZMAN. No questions.

CHAIRMAN FLEMMING. Commissioner Freeman, any further questions?

COMMISSIONER FREEMAN. I have one other question concerning this grant of this ESAA program, and that is with respect to the part of the component that says "to serve as a detector of tensions and issues in the school community." Will you describe what happens and what do you do after you have detected something?

MR. THOMAS. Was that directed to me?

COMMISSIONER FREEMAN. Well, either of you. I am still referring to the \$893,000.

DR. YARBROUGH. If you detect noncompliance?

COMMISSIONER FREEMAN. No. One of the components was "to serve as detectors of tensions and issues in the school community before they reach the crisis state and initiate efforts to resolve them." This was one of the purposes of the money.

DR. YARBROUGH. I don't know what happened as a result of the spending of that money. But the purpose of it was to do the very thing that Commissioner Flemming was discussing, to identify tension areas and to institute measures to ameliorate them through in-school and out-of-school activities.

COMMISSIONER FREEMAN. What I am trying to find out is the accountability of the report. How does one report to HEW on the use of these resources, and how does HEW make the evaluation of the extent to which the resources are enough or not? And I am particularly concerned because you indicated that next year, even though community acceptance was very poor this year with the \$893,000, that there would be less resources available under this program next year.

DR. YARBROUGH. Well, we have an evaluation component as to the basic requirements of each proposal that we approve for funds. And the evaluation, together with the assessment of need, has to accompany the application for need in the new application. If there was not a proposal before, there would be an assessment of need which relates to the program and justifies the program. The evaluation of that pro-

gram for this year has not been yet developed. At least, I haven't seen it.

COMMISSIONER FREEMAN. When that evaluation has been completed with respect to the paragraphs which I read and which are contained in the document you submitted, could that evaluation be submitted to the Commission?

DR. YARBROUGH. Yes, it certainly could be.

COMMISSIONER FREEMAN. I would like to request that the evaluation be submitted and be incorporated into the record at the point immediately following Exhibit 1.

DR. YARBROUGH. And if it is in line with the Commission's desires, we will perform an analysis of the evaluation ourselves to accompany that, which would deal with the problem you are talking about.

CHAIRMAN FLEMMING. Without objection, the request that has been made by Commissioner Freeman will be granted, and it will be entered in the record at this particular point either as Exhibit 2 or 3.

COMMISSIONER FREEMAN. I would like the evaluation related to the document. I don't know which number that is.

CHAIRMAN FLEMMING. Okay.

DR. YARBROUGH. Can we communicate with Mark Snyder to get that coordinated?

CHAIRMAN FLEMMING. Yes. We would appreciate it very much.

CHAIRMAN FLEMMING. Commissioner Horn?

VICE CHAIRMAN HORN. I would like to pursue something with both gentlemen.

You mentioned the competitive nature of the Emergency School Assistance Act program. Do you know how much money is available nationally for granting under this program?

DR. YARBROUGH. \$225 million, approximately.

VICE CHAIRMAN HORN. How much is available to Region IV?

DR. YARBROUGH. \$42 million was allocated to Region IV. Through reallocation in the past, we have received more than that on secondary.

VICE CHAIRMAN HORN. How was that decision made as to whether or not you should get more or less than \$42 million out of the \$225 million?

DR. YARBROUGH. It was written into the legislation. But I think it was determined based on some estimate or need or based on the priority of the problems existing in the country. And we had agreed as to the amount of the money, or the criteria, because the problems in the South, if I may speak briefly about this, the problems have been greatly helped by the Office for Civil Rights activities and the accompanying school assistance program.

It has been the salvation not only of the nonviolent developments in the South but also the leadership for good and the injection of quality education, and I think a lot of other good things have come partly because of that.

And the fact that we can't deal with more than a fraction of the problem, even though on a competitive basis, I think, limits in a continuing fashion the solution of the problem in this part of the country. I wouldn't want to speak on how the allocation—I am not saying that allocations are unfair. But more and more, it seems that we get less money to deal with the problem. And this is where most of the problems are.

VICE CHAIRMAN HORN. This is what I wanted to pursue. Go ahead.

MR. THOMAS. I would just like to offer something else for consideration. I think it was considered that school districts in Region IV and southern regions had participated in a similar program over a longer period several years ago. And that more districts around the country were becoming eligible to receive these funds, and some decision was made in terms of how to allocate the available funds and a decision made not to increase that total amount of available dollars.

DR. YARBROUGH. That is really the basis of the thing I was trying to say.

VICE CHAIRMAN HORN. What I want to pursue is, as you move from the \$225 million to the \$42 million in Region IV, more or less, with other national reallocations because funds can't be spent in other regions, and then you get down to the specific request from a specific school district, you mentioned that it is competitive, that only 50 percent of the application can be funded.

What I want to pursue is, what are the factors that you consider which means that Region IV decides to place money in this district for this application and not in another district for another application?

DR. YARBROUGH. There are certain legislative factors that are fixed. The racial component of the school district, the length of time they have been into the problem, and what the various conditions that relate to it are. Those are more or less called static scores. And then the quality of the proposal is the basic, is the other basic factor. And that accounts for about two-thirds of the percentage points which are rated.

There are several factors involved there. But the relevant, the relevance of the program to deal with the particular problem that is defined in the proposal—if this school district has a unique problem involving desegregation, then the proposal is evaluated by an independent panel which is out of the Government. They are selected people who are familiar with the general problems. And these proposals are evaluated, and those who come up with the highest scores are recommended for funding.

VICE CHAIRMAN HORN. Where I am leading, obviously, is that if only 50 percent of the applications are funded, I am wondering what, in your judgment as the Regional Commissioner of the Office of Education, do you see as a result in those that are not funded to pursue their various kinds of programs?

Do you see greater and greater tragedy? Does it matter? Are there districts that have problems equal to those of Jefferson County and proposals that are of quality equal to those of Jefferson County that can't be funded because the money is not available? What is your reaction?

DR. YARBROUGH. My reaction is that I think you have stated it correctly. There may be minor variations of quality that would say that Jefferson County's proposal is better, or the stat scores put them in a higher category. But the problems are not being met in many school districts. Many schools, because of unwillingness to enter into compliance, are not making applications.

Now, if money was available, I believe that the number of schools that are entering into compliance would be much greater. And I am very sure that the quality of education and the ultimate solution to this problem would be much more greatly enhanced. And I would be glad to have my colleague here react to that.

But in my judgment, in the long experience in education all over the South, I think it is the most significant factor in removing, to the extent that we have removed it—there are many abscesses untouched, primarily because we don't have enough funds and because we haven't made the maximum use of the funds that we have. But this is a critical part of the developing program in the South, in my judgment.

VICE CHAIRMAN HORN. To what extent does congressional influence determine which grants or applications are made at the regional level?

DR. YARBROUGH. I would say, scarcely any. We have a very friendly relationship with the congressional delegations and an interested concern. But never have I been asked to deviate from the standards that are required to fit, to fund any particular schools.

VICE CHAIRMAN HORN. To round out this question, Mr. Chairman, before I pursue the next one, I would like an exhibit at this time of the total grants made nationally for fiscal year 1975-76 under the ESAA program, with a breakdown as to the amounts by region, and then have staff engage in correspondence with HEW to determine how the criteria might vary region to region, if they do, beyond what is required in the law.

CHAIRMAN FLEMMING. Without objection, that will be done.

VICE CHAIRMAN HORN. Now, the next question—

CHAIRMAN FLEMMING. I might add that that will probably take a few weeks before that is available, in view of the fact that we are near the end of fiscal '76.

VICE CHAIRMAN HORN. Now, I would like to pursue one question with Mr. Thomas. As I understand in your letter, one of the areas of concern with the Jefferson County district was that disciplinary sanctions were out of proportion, seemingly, on the surface, by race.

MR. THOMAS. Yes.

VICE CHAIRMAN HORN. The first panel we had this morning was students from various schools. I asked each of them for their reactions

as to the fairness with which discipline was administered in their particular school during the past academic year. The two white students and the two black students involved both said that from their perspective fairness seems to prevail from the administration of discipline.

They did admit that more black students were being detained in detention halls, perhaps were being suspended for not attending school on time, so forth. What I wish to pursue with you is your judgment as to the degree to which proportionality of discipline really reflects whether or not discrimination is or is not taking place.

In other words, my premise is that you could have discipline applied seemingly unevenly statistically, and yet it still could be fairly applied, because for various socioeconomic reasons, or whatever, students coming into a school system might not be used to the patterns of behavior that are expected in that school system, and perhaps it might take time to adjust.

One of the students pointed out that the parents of white children seem to be helpful in cracking down on them when they get out of bounds, with rare exceptions, perhaps more than the parents of black children.

MR. THOMAS. Yes, I would agree that just from an examination of the proportion of students disciplined, that that only provides some occasion that there might be a problem. Of course, during our onsites we do not limit ourselves just to consideration of the numbers of students that are disciplined.

We examine, for example, whether or not the same infraction receives the same punishment—if you will. For example, if there is a school rule that absences from class or cutting class warrants a 2-day suspension, then we look to see if that policy is applied fairly and consistently.

We look at the overall mechanism for administering discipline whether it is on—by—recommended by a classroom teacher and if those classroom teachers recommend the same punishment for the same infractions for all students regardless of race.

We don't confine ourselves just to looking at the numbers. We go into it as deeply as we can. We talk with students. Maybe we will talk to some of the same students that were on the panel this morning, and we will ask them why they feel it is fairly administered.

We talk with administrators, teachers, and we talk with people at the top administrative level to find out what the policies are, and we make an effort to determine if people down the line are following those policies that have been established.

VICE CHAIRMAN HORN. Thank you.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. Doctor Yarbrough, now, closing the barn door after the horse has declared a choice of pasture causes certain problems, controls, and logistics which would not have been problems before the door or the gate was opened. Now, before the court or-

dered desegregation and while the barn door was still closed, did your office publish that monies were available under the Emergency School Aid Act where there was an effort or would be an effort within the school district to voluntarily desegregate itself?

DR. YARBROUGH. Yes.

COMMISSIONER RUIZ. Now, we have heard testimony from witnesses who are antibusing in philosophy, who have espoused the cause of freedom of choice and voluntary busing and are active only because of resentment to forced orders by a judicial court judgment and due process of law.

Do you have any records of any antibusing organizations in Louisville ever having applied and sought funds from your office, for instance, in voluntary desegregation before the court made its order?

DR. YARBROUGH. I would say no. Maybe we had an application from organizations that were antibusing but didn't say so. But I don't think we have had any applications. I can't say that arbitrarily though until I examine the specific—

COMMISSIONER RUIZ. No application whatsoever?

DR. YARBROUGH. I don't think so. I am positive—not for that purpose.

COMMISSIONER RUIZ. As I understand your testimony, you never did receive an application then for financial or other assistance for voluntary desegregation prior to the time that this lawsuit was filed in the local court.

DR. YARBROUGH. No. From the local school district? I am not sure I heard your question correctly. If I understood your question, we have received applications from both the county and the city school districts throughout the history of this program consistently. And we have to varying degrees funded these programs here. Now, for out of—for the community groups—I don't have the records before me, but I am under the impression that we have never received an application for antibusing, pro-integration groups anywhere. I am not sure that they've—

COMMISSIONER RUIZ. What I'm trying to find out is, out of this \$42 million that Region 4 has, has as much as 15 cents been used with relation to this question, specific question that I have asked, prior to court-ordered busing?

DR. YARBROUGH. If I understand your question correctly, I would say no. But I am not sure I understand it.

COMMISSIONER RUIZ. Oh, you understand my question. It's because it's a yes or no answer.

DR. YARBROUGH. I don't examine, obviously, all of the applications we have had, but I would say no.

COMMISSIONER RUIZ. Okay. Thank you.

CHAIRMAN FLEMMING. Can I ask both of the witnesses a question?

We did take testimony in another city indicating that the city would probably have to either modernize or rebuild certain elementary

schools. And the testimony indicated that if they had the funds, that they might be able to relocate those schools in such a manner that the location would contribute to integration. The estimate was that if that were done it would cut down on the transportation of the pupils by about 50 percent.

If the Federal Government had a program under which it would help on the construction of new schools which were located in such a way as to contribute to integration or desegregation, do you feel that that kind of a program, drawing on the experiences that both of you have had, would be helpful and in a fair number of school districts in Region 4?

MR. THOMAS. I'll take a shot at it. First of all, I am not certain that there are not Federal funds available to school districts for construction purposes, maybe not necessarily from the Department, but I think, I'm fairly certain, perhaps from HUD.

CHAIRMAN FLEMMING. What I was doing, I was relating it to the funds being made available for this purpose provided there was a showing that the use of the funds would contribute to integration.

MR. THOMAS. Mr. Chairman, I am not certain that that would substantially contribute to integration. I have witnessed examples where schools were accessible, and either the white flight out resulted in further segregated schools, a number of factors. My opinion is that—I don't think that that would substantially—

CHAIRMAN FLEMMING. Let me make it clear. I am not suggesting that that would be a separate program. I am really thinking in terms of court-ordered desegregation. And I am thinking of school districts where there is court-ordered desegregation, where in order to accomplish the objectives that the judge felt should be accomplished under the Constitution, it has been necessary to make provision for a good deal of pupil transportation.

But if funds were available to locate the schools in such a way as to contribute to integration and cut down on the amount of pupil transportation, do you think that those funds could be used in a constructive way in some of the school districts that you know of in this region?

MR. THOMAS. It is a very transitory thing, Mr. Chairman. My initial reaction is that it might not be lasting.

CHAIRMAN FLEMMING. Okay.

DR. YARBROUGH. Many school districts in the States that we serve have serious problems with respect to construction of facilities. Many school districts who would like to do something themselves, find themselves trapped because of a lack of funds to do the logical thing. In those instances, I think there might be some good results coming from having a broader use of the funds. There are other factors that relate to the job opportunities, for instance, and the extension of the desegregation effort into the economy is essential if it works.

And somewhere the little stretching of the regulations with respect to the use—not stretching, but making them more flexible so that somehow we can get to the real problem, which is ultimately equal opportunity in employment. These are all factors, and I don't know to what extent that would relate to the construction of facilities. But certain kinds of facilities, certain well-meaning school districts could use additional funds.

CHAIRMAN FLEMMING. Thank you very much. We appreciate both of you being with us and giving us the benefit of the insights that you have as a result of some very rich experiences in dealing with the issues in this area. Thank you very, very much.

Counsel will call the next witnesses.

MR. HARTOG. Our next witnesses are Roy H. Ruebenstahl, Robert W. Kling, and James L. Watkins.

[Roy H. Ruebenstahl, Robert W. Kling, James L. Watkins and Roger Galassini were sworn.]

TESTIMONY OF ROY H. RUEBENSTAHL, VICE PRESIDENT AND GENERAL MANAGER, A&P FOODS, INC., LOUISVILLE; ROGER GALASSINI, VICE PRESIDENT OF PUBLIC AFFAIRS; ROBERT W. KLING, SECRETARY-TREASURER, KLING CO., (DIMECO VARIETY STORES), AND JAMES L. WATKINS, JR., MANAGER, DIMECO VARIETY STORE, FAIRDALE

MR. HARTOG. For our records, starting with Mr. Ruebenstahl and his counsel, could you identify yourself for the record, giving your business title?

MR. GALASSINI. Roger Galassini, vice president of public affairs, Great Atlantic and Pacific Tea Company.

MR. RUEBENSTAHL. Roy H. Ruebenstahl, vice president and general manager of the Louisville division of A&P Tea Company.

MR. KLING. Robert W. Kling, secretary-treasurer of the Kling Company.

MR. WATKINS. James Watkins, store manager of the Kling Company.

MR. HARTOG. Mr. Ruebenstahl, it is my understanding that as general manager for A&P Food Stores in this area, you have approximately 56 grocery outlets in the Kentucky, Tennessee, and Indiana area?

MR. RUEBENSTAHL. 55.

MR. HARTOG. How many of those are in Jefferson County?

MR. RUEBENSTAHL. In Jefferson County it would be 9, in the city of Louisville 9, total of 18.

MR. HARTOG. Were you solicited in July of this year or early August by the chamber of commerce to sign a document that is fairly well known now, the Community Pledge?

MR. RUEBENSTAHL. Yes, sir.

MR. HARTOG. Is this the letter I have here?

MR. RUEBENSTAHL. My sight is not that good but it looks like it, yes.

MR. HARTOG. I would like to submit for the record at this point as Exhibit 5 a letter to Mr. Ruebenstahl from Roberts and Brown.

The first sentence reads, "May we ask your personal endorsement of an effort to establish a total community attitude which will help insure a peaceful record for our community children, and for their education?" It goes on and says, "We are sending this statement to you as well as to a number of other community leaders to ask if you will sign it and authorize the public use, name, and your position or title is permissible either in the first of this letter or in the later releases."

CHAIRMAN FLEMMING. Without objection, it will be entered as Exhibit 5.

[The document referred to was marked Exhibit No. 5 and received in evidence.]

MR. HARTOG. Did you sign the pledge, Mr. Ruebenstahl?

MR. RUEBENSTAHL. Technically, no. I was absent on the day the form was signed. But I did authorize my secretary to sign for me.

MR. HARTOG. Did you sign in your individual or in your corporate capacity?

MR. RUEBENSTAHL. I signed all the way through and every one of my associates as an individual because that is the way the letter is addressed.

MR. HARTOG. When your name appeared on the Community Pledge, how did it appear, in what form?

MR. RUEBENSTAHL. Unfortunately, it appeared as the name, the title, and the company, which was not incorporated in the original letter.

MR. HARTOG. So A&P was mentioned in the Community Pledge?

MR. RUEBENSTAHL. Yes.

MR. HARTOG. What was your reaction?

MR. RUEBENSTAHL. Of course, there were three ads. The first one appeared without our names. The second one on August 17th listed the six associates, again by name, title, and corporation. At that time, of course, I became quite concerned because we had absolutely no authority at any time to use the corporate name. It had not been requested. It was not in the form.

MR. HARTOG. What was your understanding of the pledge that you signed, of its meaning?

MR. RUEBENSTAHL. My personal understanding was that it was really neither for nor against busing, per se. Through various personal contacts, verbal contacts, it seemed to be the intent coming forth quite often for the safety and welfare of the children. And that is the way we regarded it as individuals.

At no time up until the signing did we think upon this as a corporate enterprise or corporate function. It was only after the ad appeared that we realized the name of A&P appeared, and then it was no longer an individual thing.

MR. HARTOG. Did the community share your perception of the document of the Community Pledge as being of help to the children?

MR. RUEBENSTAHL. Yes. In our opinion, at no time did we as individuals perceive this to be for or against. But evidently, as the various ads appeared and especially, at least ours, from our viewpoint then the public did perceive that this was a standard for forced busing.

MR. HARTOG. You did withdraw your name from the pledge?

MR. RUEBENSTAHL. Yes, we did.

MR. HARTOG. What day was that, approximately?

MR. RUEBENSTAHL. On August 27, I wrote a Mr. Delosure officially withdrawing our name, as well as the reason why.

MR. HARTOG. Was your decision to withdraw from the pledge in any way connected with your perception of the community hostility toward forced busing?

MR. RUEBENSTAHL. Would you repeat that?

MR. HARTOG. Was your decision to withdraw from the pledge, to end the publication of your name on the pledge, connected with your perception of community hostility to school desegregation or forced busing, and the polarization, if you will, that you—your signature on the pledge as a prodesegregation statement?

MR. RUEBENSTAHL. We withdrew because it was regarded, when the ad broke, as the corporation. But it was—we withdrew because of that, plus from most of our contacts—we had them pro and con—was perceived that the Community Pledge—and I think later Robinson Brown confirmed that the intent of the Community Pledge had been misunderstood by the public. The majority of the public was construing it as a standard for the type of action that had been taken.

MR. HARTOG. At this time, around the end of August, did you or your owners receive letters threatening boycotts? Were your stores picketed? Was there any pressure like that applied to your stores in connection with the statement or in connection with general A&P functions?

MR. RUEBENSTAHL. You have many parts to that question. I think various shopping centers and parking lots were used as the starting point for demonstrations. We had a number of phone calls, we had some letters, some against, some for forced busing. We had no personal threats. I had none, nor any of my associates. We have one store manager that I talked with this morning. He regarded this as a transfer call, right or wrong, that was his feeling. We did have some picketing, yes, but this was normally in conjunction with most shopping centers.

MR. HARTOG. Maybe we can return to an earlier question and then ask it a little—make it a little clearer one more time. Was your decision to withdraw from the pledge in any way connected with the perception—with your perception of community hostility to forced busing?

MR. RUEBENSTAHL. Yes. Because, again, I felt that the majority of people—and I was only one individual, we withdrew as individuals—were being misconstrued.

MR. HARTOG. Then in an article appearing in the newspaper saying that Mr. Grady Kling, general superintendent of A&P, said four A&P stores, Shively, Dixie Manor, Pleasant Street, Gilmore Lane had been heavily picketed by persons who had misunderstood the pledge, and this was a pledge release given at the time that A&P announced its withdrawal from the pledge, that was a factor in your decision?

MR. RUEBENSTAHL. Yes, sir.

MR. HARTOG. Thank you. Did any of your stores post antibusing signs and were any closed as a result of picketing or boycotting?

MR. RUEBENSTAHL. In my opinion, there were probably—some of our managers that permitted some signs to be posted. I am sorry, I lost your second question.

MR. HARTOG. It was a two-part question. Did any of your stores post antibusing signs, and were any closed as a result of picketing?

MR. RUEBENSTAHL. Specifically, we, nor did the managers post them. Some individuals, we understand, posted some signs. They might have affixed a bumper sticker to a car. They might have put something on the outside. Nothing to our knowledge on the inside.

MR. HARTOG. Is that in violation of any of your policies?

MR. RUEBENSTAHL. Yes, our windows are regarded as our property, you might say, just for the sole use of the promotion of our goods and our services.

Now, there is a fine line. We do provide what we call a community bulletin board—I think you will find it in all of our stores, certainly the majority—which is primarily used—if your wife is going to have a garage sale, a yard sale, has a baby carriage for sale, we permit that type of sign or notice to go on our bulletin boards. But our corporate policy, again, is for the use of the windows as only for the promotion of our goods and services.

MR. HARTOG. Were any of your stores closed as a result of picketing or boycotting?

MR. RUEBENSTAHL. Yes. We had four stores to my knowledge that closed at 6 o'clock and remained closed until the following morning on—I think it was October 1. And those stores were the stores on Dixie Highway—Shively, Valley Station, Dixie Manor—and the store at Pagan Buck and Outer Loop.

MR. HARTOG. That was 6 p.m., is that correct?

MR. RUEBENSTAHL. Yes sir.

MR. HARTOG. Did A&P, your 18 stores in Louisville and Jefferson County, suffer any business losses of any measurable degree from the start of the—what Mr. Kling called heavy picketing and other activity through the end of September?

MR. RUEBENSTAHL. No, no measurable results. Well now, you can say if you close at 6 that you've lost a little bit, but it will pick up the next day or people will go into other areas. But no measurable impact.

MR. HARTOG. Thank you, Mr. Reubenstein.

Mr. Kling, would you describe the nature of your business?

MR. KLING. We are in the variety store merchandising business, 90 percent in the wholesale level, about 10 percent at the retail level.

MR. HARTOG. So you have a considerable number of retail stores throughout the area?

MR. KLING. We have eight stores in this area.

MR. HARTOG. Those are variety stores?

MR. KLING. True.

MR. HARTOG. Thank you. Would you describe, generally, the events that occurred during August and September of last year at the DIMECO stores in Auburndale, Silver Heights, and Fairdale?

MR. KLING. I think approximately 3 weeks before school started, which was about the middle of August, we were approached to put up signs, antibusing signs, in our DIMECO stores. We had refused to do so, I think probably for the same reason that A&P had refused to put up signs. We have a policy of not putting of any signs in our windows, also.

I think the day of the riots they had on Dixie Highway was the day that school started. There was an attempt to burn down one of our stores. So then we did decide to put signs up for approximately a 3-week period.

MR. HARTOG. What happened after the first week? Did your stores encounter more difficulties and could you describe those?

MR. KLING. Which week? I'm sorry.

MR. HARTOG. You indicated a 3-week period, starting prior to school, that there were efforts to have your stores post antibusing signs. That gets us up to September 5. Following September 5 until the end of the month, were there other activities around your stores, picketing or boycotting or antibusing sign efforts?

MR. KLING. There was efforts to have our stores take part in a business boycott which was to be held on October 1.

MR. HARTOG. What action did you take with respect to that imminent business boycott?

MR. KLING. We didn't take part in it.

MR. HARTOG. Did you contact the county police?

MR. KLING. We contacted the county police. We contacted the Chamber of Commerce. We contacted the county judge's office. Those were the three people we contacted.

MR. HARTOG. What was their response? First of all, what was your request?

MR. KLING. We were asking for two things. We were asking from the county police, protection on October 1, and we were asking from the chamber of commerce to take some type of stand against the business boycott which was scheduled for October 1.

MR. HARTOG. Did you ask that same question of all three?

MR. KLING. No. We asked the chamber of commerce to take a stand against the boycott of October 1.

MR. HARTOG. What did you ask the judge?

MR. KLING. We asked the county judge—we were trying to find out what type of additional protection they would have for the retailers in the southern part of Jefferson County on the October 1 boycott.

MR. HARTOG. What was the county judge's response to that?

MR. KLING. We got no response.

MR. HARTOG. None?

MR. KLING. No.

MR. HARTOG. What was the response of the county police to your request for law enforcement presence?

MR. KLING. The same type of answer. They said they would be around in the various areas, but they were not around the stores. They were not in evidence on October 1.

MR. HARTOG. Can you relate any general incident?

MR. KLING. Well, I think Mr. Watkins could probably do that.

MR. HARTOG. We can get to that later, then. What was the response of the chamber of commerce to your request?

MR. KLING. Their response was that they thought the best thing to do was not to do anything.

MR. HARTOG. Did you feel that that was an inappropriate response?

MR. KLING. I felt so strongly—we had belonged to the chamber of commerce for almost 35 years. We felt so strongly about the position they took concerning the business boycott that we resigned from the chamber of commerce on September 30.

MR. HARTOG. As Exhibit 6, I would like to submit for the record a copy of a letter from Robert W. Kling to the chamber of commerce, to the attention of Charles Irwin, the executive director of that organization.

CHAIRMAN FLEMMING. Without objection, that will be done.

[The document referred to was marked Exhibit No. 6 and received in evidence.]

MR. HARTOG. Did the chamber respond to your letter?

MR. KLING. They responded approximately a month later, on October 28, with various positions they took and why they thought it was better not to do anything. And it is a fairly cumbersome letter. It took them 4 weeks to write it.

MR. HARTOG. Do you think the arguments they gave have weight, and if not, why not?

MR. KLING. I definitely do not think they add any weight. I am sure they feel it does. But I feel that—I feel that one of the main bases for having a chamber of commerce is to stand up for the businessmen when they need them, and this was a time when I think they should have stood up for the business people, and they took the easy way out.

MR. HARTOG. Did you warn the chamber of something that would occur if they did not follow through?

MR. KLING. They had made up a committee of approximately 12 people, I think, to investigate the boycott of October 1.

They had me come down to their office. I sat in on the meeting with these 12 people. As far as I could find, most of these 12 people all have businesses in the east part of town, and they were not concerned with what was happening in the south part of town.

The only thing I mention was that if the antibusing people could close down the south part of town, they would eventually be in the east part of town. Sometime around December 1 they closed down Shelbyville Road.

MR. HARTOG: As Exhibit 7, I would like to enter the letter from the chamber of commerce to Mr. Kling, dated October 28, 1975.

CHAIRMAN FLEMMING: Without objection it will be done.

[The document referred to was marked Exhibit No. 7 and received in evidence.]

MR. HARTOG: Mr. Watkins, could you please describe briefly your past contacts with antibusing movement representatives in August or September, whenever it occurred, and the nature of that contact?

MR. WATKINS: Of course, there were things leading up to this. I would say that I had been approached to join the Klan, for one thing, by other merchants in that area, and you would start feeling, you know, a little bit of harassment there. People that would normally come in, you wouldn't see them anymore.

On the 15th of September, I lost a front window with pop bottles. They had actually tried to bust every one of the windows out, but they didn't make it. They made it through the door is what they got. And then on the 23rd, I lost another one with a shotgun blast. But like I told these merchants out there and many residents of the area, I am against busing because I don't think it is practical. But at the same time, there is no reason—just like the merchants on President Street the ones out in the Valley—there is no reason that anybody has the right to come along and tell you that you have to do things my way. I don't work for these people. I work for Mr. Kling.

MR. HARTOG: These incidents were after you were approached by individuals who posted antibusing signs?

MR. WATKINS: Right. And I might mention that these people that came in, I didn't recognize them as being residents of Fairdale. Especially, like, on the 1st, there were a couple in the group that I would say, yes, they were from there. I knew they were. But the bulk of the people—let's say there was probably in the neighborhood of 25 individuals out there—they were all away from there. They didn't belong there, and what I would say, like the goon squad moving in on you or something. And strictly intimidation, really.

MR. HARTOG: How did they ask you to post the signs?

MR. WATKINS: You either put it up or we will burn the store or we will get you. I had my choice. I live in Jefferson County. I don't even live in Fairdale.

MR. HARTOG: Could you relate the incident that occurred on October 1st, which Mr. Kling referred to earlier?

MR. WATKINS. Well, on the 1st I opened the store up and one of the other merchants came down and informed me that they had a group of them, and that if I didn't shut the store up that he would not be responsible for what happened afterwards, that he wouldn't be able to control it.

Well, I had my supervisor out there and there is no way we were going to shut the store down. A little bit later, the county police showed up—one car, one man. And really, by rights, there wasn't anything that he could do about it, because there hadn't been any activity started as yet. They were all across the street. So he left. Mr. Kling showed up.

MR. HARTOG. How many men were across the street?

MR. WATKINS. About 25, I would say. There was at least a couple dozen. Let's put it that way.

But Mr. Kling showed up, and then later on a couple men who came in prior to that and told me to close the place up or they were going to close it up for me. Then they left. And a bit later three other—those two plus one more, who had to be a resident out there, came in. But prior to this, there was a Federal agent who also came in.

MR. HARTOG. An FBI agent?

MR. WATKINS. Right. And Mr. Kling was there. We were all in front of the store and they had already chosen to close the Silver Heights store down. And then he agreed to close the store down that I was in.

MR. HARTOG. Was the FBI agent there at the request of Mr. Kling?

MR. WATKINS. Right.

MR. HARTOG. Did he have contact with the men?

MR. WATKINS. Right.

MR. HARTOG. Do you know the nature of his contact?

MR. WATKINS. He took them outside. I didn't hear any of the conversation, but the next day one of the men, who was from that area, he came in and told that this Federal man had told him that nothing had better happen to me or to the store, or they'd be the first ones they'd get.

MR. HARTOG. Has anything happened to your store since October 1st?

MR. WATKINS. Yes. On the 6th of March, I had another window busted out.

MR. HARTOG. Until this past March, nothing else?

MR. WATKINS. No, nothing else, outside of their own personal little boycott at the end of the store, and harassment of the girls and people bringing merchandise up front and telling me, I don't have to buy this from you, petty things like that.

MR. HARTOG. Thank you.

CHAIRMAN FLEMMING. Commissioner Horn?

VICE CHAIRMAN HORN. Mr. Kling, do you know of any instances during the coverage of this business boycott where perhaps the media was not as responsible as it should have been?

MR. KLING. Media, you say?

VICE CHAIRMAN HORN. Yes, the newsmen covering a particular parade or motorcade during the boycott.

MR. KLING. I see. I know—I am not familiar with what the media did or did not do. I guess I would have to answer it that way.

VICE CHAIRMAN HORN. You have no comments then to make?

MR. KLING. Concerning the media?

VICE CHAIRMAN HORN. Yes. The charge has been made something I'm just curious if we could track it down, that the newsmen covering the motorcade at Shawnee Park tried to egg on various groups.

MR. KLING. That was strictly hearsay. And I can't really say definitely, but you would have to talk to John Johnson about that. I think he could give you more information on that.

VICE CHAIRMAN HORN. Who is he with?

MR. KLING. NAACP.

VICE CHAIRMAN HORN. I am curious in terms of the extremist groups that came into town during this time. You mentioned—Mr. Watkins mentioned that some of these people seemed to be outsiders. Did the events that occurred in Louisville attract a large following from around Kentucky and other States to come in and take advantage of this confusion and emotion?

MR. KLING. There is no question about it, I think the Klan was asked to come in and give speeches at the Concerned Parents meetings. They were invited in. The American Nazi Party didn't have an invitation, but they came anyway.

VICE CHAIRMAN HORN. Thank you.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. In retrospect and in your opinion—and I would like to address this to Mr. Ruebenstahl and Mr. Kling—was it more advantageous to the peace of the community for the business community to remain—to remain neutral over against a vigorous effort to support the court order? More advantageous, that is, to the peace of the community.

What was the best posture, from your point of view, for the business community to take in order to maintain the peace of the community, a neutral position or a vigorous position in support of law and order?

Mr. Ruebenstahl?

MR. RUEBENSTAHL. I can't answer for the business community. My job day in and day out and the job of the other stores is just to serve the public with its food needs which is quite important.

And all during this period, those of us who were following the events realized that corporations are businesses, and really had no voice in this. We can't take a posture of being for or against something like this. We are just one of public servitude there to supply their needs.

COMMISSIONER SALTZMAN. Isn't the peace of the community a part of the situation that allows you to serve the community's needs, and therefore, doesn't—

MR. RUEBENSTAHL. That gets back to the original intent of the Community Pledge, but it was misunderstood and probably had a great deal to be desired in how it was written. Well written, maybe, or better written might have done the job. We don't know. But it was not perceived correctly by the public.

COMMISSIONER SALTZMAN. Do you personally feel that a greater involvement on your part as a citizen, apart from your role with your corporation, might have been called for in helping to maintain the leadership in the community in the direction of maintaining the peace of the community?

MR. RUEBENSTAHL. I personally feel that my future involvement in something like this would be as a private citizen, now recognizing that we must work through our Congressmen, our legislature, and that is the only way I think that we can do something about this.

COMMISSIONER SALTZMAN. Mr. Kling, would you like to respond to that?

MR. KLING. That is an interesting question. I think quite frankly we can say that we—to say that we support the court-ordered busing would be a difficult question.

COMMISSIONER SALTZMAN. I didn't say court-ordered busing. I said the peace of the community.

MR. KLING. We support the peace of the community and the law of the land, and I would say that from the company's point of view, which at this time is fairly well evident, we support the law of the land. And I think also from a personal point of view, we support the law of the land. That is the position I take as an individual and as one of the principal stockholders in my company.

COMMISSIONER SALTZMAN. Do you think that the neutrality of the chamber of commerce contributed to the breakdown of the community?

MR. KLING. I won't want to say that because that was approximately 4 to 5 weeks after school started. I think the community was in pretty bad shape already by that time.

COMMISSIONER SALTZMAN. What do you think contributed to the breakdown leading to harassment, intimidation, and even violence? What were the factors? Can you identify any of those for us?

MR. KLING. Well, I think a good percentage of the people don't like forced busing. That is just what it amounts to. It is not the popular thing to do. And I think, unfortunately, sometimes the popular things aren't always going to be the answer.

COMMISSIONER SALTZMAN. Well, I asked this because in other cities that we have been to, there hasn't been violence even though many of the citizens of the community were not necessarily in favor of the court-ordered busing. And yet they did not—that circumstance did not result in the violence that was occasioned here. Why, here, was there violence? What contributed to that breakdown?

MR. KLING.—It is very possible giving the Jefferson County 6 weeks to prepare themselves, that might have had something to do with it. In all fairness to our educators, I don't believe 6 weeks is adequate time to prepare for court-ordered busing. And I think that had a great deal to do with it.

COMMISSIONER SALTZMAN. In the coming year when the desegregation of the schools will be continued, what role do you think the business community might be able to play to avert any further disturbance in the city of Louisville, Mr. Ruebenstahl?

MR. RUEBENSTAHL. I think, if you may permit me to look at the agenda for this afternoon, people that play a much greater role than certainly I, I think they will be part of that and certainly should have learned a great deal from what happened last year. I would think that they would want to go over everything that has been done thus far and see if they can't come up with a better coordinated approach for the entire community.

COMMISSIONER SALTZMAN. Coordinated in terms of the business community and other elements?

MR. RUEBENSTAHL. Yes.

COMMISSIONER SALTZMAN. What other elements?

MR. RUEBENSTAHL. The citizens.

COMMISSIONER SALTZMAN. Mr. Kling, would you like to add something to that, in terms of next year?

MR. KLING. I wish I had the answer to that question. I really don't know. I hope things are more peaceful. I think we made some mistakes. I think the county and the city both made mistakes. I think the news media did make some mistakes as far as these hatreds coming into Louisville, giving them top billing and giving them front page coverage in the *Courier-Journal* and the *Times*. I think to do this was a big mistake. And I think possibly if we are able to keep these hatreds out of the community next fall, we will have peace here.

COMMISSIONER SALTZMAN. Were any members of your family or you, yourself, objects of threats by the hate groups? Can you describe those threats?

MR. KLING. Yes. We were put on a—I think you can call it a "kill list." It is not too complimentary, really, and I hope they keep me off it next year.

COMMISSIONER SALTZMAN. Do you know which organization had that list?

MR. KLING. I believe it was the American Nazi Party, I believe.

COMMISSIONER SALTZMAN. Were you satisfied with the cooperation you received from the FBI upon your call to them?

MR. KLING. Very much so.

COMMISSIONER SALTZMAN. Thank you.

CHAIRMAN FLEMMING. Mr. Kling, in listening to your testimony, is this a correct summary—you feel that when the courts have determined what the law of the land is at any given point that there is an

obligation on the part of the citizens generally, particularly on the part of the leadership of the community, to support what is at that given point the law of the land; is that a correct summary?

MR. KLING. Yes, sir, Mr. Chairman. I think the only thing we have going for us is the law. And that is the way I have been raised. I think as long as we have laws, we have to abide by them or we have to learn to possibly get them changed through other means than violence. But I don't think violence is the answer.

CHAIRMAN FLEMMING. We have listened to some testimony from students and teachers. And we will be listening to more testimony from students and teachers. And we will be listening to more testimony from both students and teachers relative to their experiences during the past year within the schools. I am sure that you have made some observations relative to the kind of conditions that have prevailed in the schools during the past year. On the basis of your observations, how would you sum it up?

MR. KLING. Well, I think they have done very well for the first year, from my observations. And I hope that next year will be better. I have listened to all these alternatives, and it is—quite frankly, I think we have been waiting a long time to desegregate the schools and so far I haven't heard anything that can do it better than busing.

And I think I took a bus all my life to white schools and I don't really see the significance of busing. I don't think busing—busing isn't the problem. I think the matter of hate is the real problem. When people talk about busing, they are not really talking about busing. They are talking about hate.

CHAIRMAN FLEMMING. Thank you very much. We appreciate the three of you coming and providing us with your testimony. It was very, very helpful. Thank you very, very much.

Counsel will call the next witnesses.

MR. HARTOG. Mr. Chairman, the next witnesses are Robinson Brown, Stanley C. Gault, Julius Price, Jr., and Willis J. Price.

[Robinson Brown, Stanley C. Gault, Julius Price, Jr., and Willis J. Price were sworn.]

TESTIMONY OF ROBINSON BROWN, CHAIRMAN OF THE BOARD, BROWN-FORMAN DISTILLERS, INC.; STANLEY C. GAULT, VICE PRESIDENT AND GROUP EXECUTIVE, MAJOR APPLIANCE DIVISION, THE GENERAL ELECTRIC CORPORATION; JULIUS PRICE, JR., PRESIDENT, MAMMOTH LIFE AND ACCIDENT INSURANCE COMPANY; AND, WILLIS J. PRICE, PRESIDENT, STANDARD OIL OF KENTUCKY

MR. HARTOG. Starting with Mr. Gault, for the purpose of the record would you each please state your name and business title?

MR. GAULT. Yes, I am Stanley C. Gault, I am the group executive vice president of the company and chief executive officer of their major appliance business.

MR. BROWN. Robinson Brown, chairman of the board of Brown-Forman Distillers, Incorporated.

MR. PRICE. Julius Price, president of Mammoth Life and Accident Insurance Company.

MR. PRICE. I am Willis J. Price. President of Standard Oil of Kentucky.

MR. HARTOG. In 1975 you were president of the chamber of commerce; is that correct?

MR. BROWN. Yes.

MR. HARTOG. What was the approximate membership at that time?

MR. BROWN. About 2,400.

MR. HARTOG. Last summer the chamber sponsored a community pledge, and I have here copies of it, and it is dated August 1, August 17, and September 3; is that correct?

MR. BROWN. Yes.

MR. HARTOG. Mr. Chairman, I would like to submit these for the record, with the appropriate exhibit number.

CHAIRMAN FLEMMING. Without objection, so ordered.

MR. HARTOG. I would like to read it into the record also. I think for people that would be useful to hear it at this point. The pledge reads:

"The public school system of our community is facing a great change. Therefore, the total community, every citizen is facing a great challenge. The Federal Court has ordered that a plan for full desegregation of our schools be put into effect this fall. We must now face this inescapable fact. We must—"

And there is a list of things that we must remember:

"We must remember that the safety and welfare of our children are at stake, agree that the highest possible quality of education for our community must remain our goal, understand that sacrifices will be required by many; determine that we will work calmly through proper procedures to resolve differences of opinion that now exist or may arise; express our strongest conviction that disruptive and unlawful activities are not a solution to the problem. No matter how we feel about the requirement of the court; the pledge continues. We must recognize that this is the law."

And that last sentence reads, We pledge to do all that is within our power to uphold the law. And we call upon every citizen, every organization, and every official to join publicly in this pledge."

MR. BROWN. what did you and the chamber hope to accomplish by publishing the pledge?

MR. BROWN. Well, we attempted to get all facets of the community leadership to join publicly by signing their names to this pledge and publishing it publicly in a newspaper, to maybe crystallize as much the leadership of the community in various areas, the political, the business, the religious, labor, whatever, of the groups that we could in order to see that we went into this situation that had to be in a peace-

ful way, without having harmed our children and our facilities, the schools, and what have you.

MR. HARTOG. Do you think that these objectives were reached; that your efforts were successful?

MR. BROWN. Well, I have thought about this a great deal. And I do believe it did help, yes. It was misunderstood and—

MR. HARTOG. That is despite the fact that the ad carried a denial?

MR. BROWN. Exactly. People read into it something what they want to see, I am afraid. And I am sure that the individuals and corporate heads, etc., that signed this pledge were not saying whether they were for or against busing. It was quite clear that they were not asked to give an opinion on that. But they did give an opinion—that the law should be upheld and upheld in a peaceful manner.

And I might say, as this pledge became misunderstood because of antibusing groups that have developed that attached this to them, they accused people of being pro-busing if they were not antibusing. And in the third ad, you may see that we added another part to it, an explanation to the public that it did not mean that they were for busing or against busing.

MR. HARTOG. If I may, I would like to read it into the record. September 3, the community pledge states:

"Please read this community pledge carefully. You will see that it is not an endorsement of busing to achieve racial balance in Jefferson County schools. Neither is it against busing. Many who have signed this pledge are opposed to the concept of busing. Others support it. The pledge states that our community must comply with the court order in a peaceful manner for the sake of the thousands of school children who are involved."

MR. BROWN. I might go a little further to say why I think this was effective. As the pressures built up, before busing actually took place with the court order issued, and as the schools opened up and we began to have problems, the pressure was on many, many people to come out and make a statement that they were antibusing.

MR. HARTOG. Where was this pressure coming from?

MR. BROWN. From various groups of antibusing groups—

MR. HARTOG. In what form?

MR. BROWN. What's that?

MR. HARTOG. In what form was this pressure coming from? Phone calls, letters, threats, what have you—all of them.

MR. BROWN. Yes, some phone calls, some of the previous testimony where they asked them to put signs in their stores—just generally misunderstood. I think the fact that so many of our leaders did sign this, it kept them from splintering off and causing more of antibusing attitude than there really was.

MR. HARTOG. After September 3, 1976, the last date of the publication of the community pledge, did the chamber undertake any effort similar to those that it sought to achieve by publishing the pledge?

MR. BROWN. Yes, to some extent. Our communications committee worked with a group called CALM, and we appropriated some funds to help them publish bumper stickers and some signs and so forth urging people to keep the, keep it calm—I've forgotten the phrase.

MR. HARTOG. That was subsequent to September 3?

MR. BROWN. I believe it was August.

MR. HARTOG. My question is, subsequent to the opening of school, what other efforts, if any, did the chamber undertake alsimilar to the CALM project, which is an acronym for Concerned About Louisville's Mood, and the pledge?

MR. BROWN. I can't come up with any significant thing that was done between July and September 3.

MR. HARTOG. After September 3, from September 3 on, there were no other activities by the chamber that you can point to?

MR. BROWN. Yes, there were. The chamber put out a questionnaire to its own members to determine their attitudes. And the chamber also appointed a study group primarily made up of the board members of the chamber to look into various aspects of this community problem. We divided into about four parts.

One was to look at the economic aspects of it, the legal aspects, to see what choices there might be if the law could be changed in some way; the sociological aspects of it, which were very hard to determine; and, the last was the educational aspects of it. And most of the things, other than the legal, are pretty long-range studies that they are almost unending.

MR. HARTOG. Excuse me for interrupting. Did these studies lead to the December 1975 statement by the chamber of commerce when it went on record as in opposition to court-ordered busing?

MR. BROWN. The studies were not completed at that time. But it was felt that the chamber should affirm some sort of position even though the study groups had not completed their task.

MR. HARTOG. Mr. Chairman, I would like to submit for the record a statement by the Louisville Area Chamber of Commerce dated December 16, 1975, to be given an appropriate exhibit number.

CHAIRMAN FLEMMING. Without objection that will be done.

MR. HARTOG. In this statement, Mr. Brown, the chamber says it "urges all citizens to cease threats of economic boycotts, retaliation against civic charities, intimidation of students or school personnel, jobs, or any other such action which would, adversely affect any citizen, including not only the loss of income or damaging the community's national reputation, and therefore stifling of new growth and job opportunities. Such actions it must be realized can have no bearing on securing solution to problems, but are self-defeating in the effort to secure public support needed for finding solutions."

Is there any reason why that statement could not have been issued earlier by the chamber?

MR. BROWN. Well, obviously there was a reason that it was not issued earlier, and that is that we didn't issue it earlier. And to answer your question, it sort of sounds like maybe we should have said something earlier. But we had many, many discussions in the chamber, and with members, and primarily these study groups, and there were members of the chamber who were opposed to busing, some were for busing. The great majority, though, was opposed to forced busing for desegregation. And as I say, our study groups were working pretty hard trying to find out exactly what economic impact can this have on the community. And that is a pretty hard thing to ascertain in a short time because you haven't got good comparisons. We really couldn't come up with any dollar figures. But we know that it had some economic impact.

MR. HARTOG. Thank you, Mr. Brown.

Mr. Julius Price, you are on the board of directors of the chamber, is that correct?

MR. J. PRICE. Yes.

MR. HARTOG. Were you at a meeting early September, Mr. Price, of the chamber of commerce, I believe a special committee of the board of directors, in which there was discussion of a discontinuation of the community pledge?

MR. J. PRICE. Yes, I was.

MR. HARTOG. Can you tell us what happened at that meeting, some of the issues that were discussed and the final result?

MR. J. PRICE. Basically, this was after the first disruption in southwestern Jefferson County in the Fairdale area around Southern High School. And at that meeting, the purpose for the meeting was to hear from Alan Bryan, who was the city safety director, in regard to what steps were being taken to protect property from damage.

MR. HARTOG. This was in the south county area?

MR. J. PRICE. Yes, in the south county area. But it was scheduled to have a parade into Louisville very shortly. If I recall properly, that was really the purpose of the meeting, to hear a report from Mr. Alan Bryan. At this time, the question was introduced as to whether or not the pledge that had been published in the paper should be—I will use the word repudiated, withdrawn, discontinued, whatever you want to call it—ceased, and the question came up to the economic effects.

There had been flyers published and distributed around town, urging the citizens to boycott certain financial institutions and to boycott other people who had signed this pledge. And there was concern expressed in that area. And also there was concern as to whether there would be a reduction in membership in the chamber as a result of the chamber having taken the stand they took.

MR. HARTOG. What was Mr. Bryan's position?

MR. J. PRICE. Mr. Bryan felt that any steps to curtail the stand we had taken would be a mistake.

MR. HARTOG. Was that your position?

MR. J. PRICE. Yes. I thought that what we took was a little bland.

MR. HARTOG. What was the—the result of that meeting, as I understand it, was a decision to discontinue the pledge. Mr. Price, as I understand, the result of the meeting was to form the study groups that Mr. Brown spoke about earlier, to find out exactly what the membership felt and to follow up on the economic effects, the sociological effects, and the educational effects of court-ordered busing.

All right. Are you aware of the results of any of those studies? Are they available?

MR. J. PRICE. You have seen the result of the study in regard to what legal steps, you just introduced it. I don't think that the other areas were definite at that time. And I don't know whether they're going to finish those or not.

MR. HARTOG. Are those study results available?

MR. BROWN. I don't think so. I am no longer the president of the chamber. I am still active in it. But, I do know that we had some testimony before a Senate committee at one time where we did issue a statement, I think it was primarily on the economic effects. And the statement really boiled down to—that we couldn't give any dollar and cents figures as to what kind of an economic effect it had, at least at the time. That was in the fall of last year. The educational aspects, we are still working on this.

MR. HARTOG. Thank you.

MR. BROWN. I can give you an opinion on that.

MR. HARTOG. The studies have not been completed?

MR. BROWN. That's right.

MR. HARTOG. Returning to Mr. Julius Price, did the chamber to your knowledge ever offer its support to public officials or call upon them to provide leadership in the direction and tone set by the Community Pledge, subsequent to September 3?

MR. J. PRICE. Not to my knowledge.

MR. HARTOG. Had there been any effort to call upon the public leadership of the kind given in the Community Pledge prior to September 3, independent of the pledge, to your knowledge?

MR. J. PRICE. Not independent, not to my knowledge.

MR. HARTOG. Mr. Brown?

MR. BROWN. I happen to be privy to this knowledge. I talked to Judge Gordon on the phone. I can't tell you what the date was, but I think it was in August, probably toward the latter part of August. And the purpose of my conversation was to try to urge him to set up some kind of a community committee to try to take some leadership in this.

I felt that if the chamber of commerce, as such, was the leadership, that we were rather suspect as being biased and didn't think that that would be the proper group to take a stand on community leadership.

I thought it should be maybe some members of the chamber of commerce, some individuals. And Judge Gordon agreed with this, and he was—he told me he was going to do this. And I had suggested that

he might use the Community Consensus Committee, and he told me that he did not feel that the makeup of the Community Consensus Committee would fill the bill, as far as he was concerned.

He felt they were too diverse in their feelings, and he was waiting for the mayor to come back from vacation to get together with him and the county judge and to form some sort of committee. But it never happened.

MR. HARTOG. Mr. Willis Price. Did you and other top officials of Standard Oil Of Kentucky sign the community pledge?

MR. W. PRICE. I certainly did. It is my recollection that at least two of our vice president-level people did.

MR. HARTOG. What was your reasoning for doing this?

MR. W. PRICE. I felt that an expression of support for law and order and orderly transition was something that simply had to be made. At that point I don't think we were aware of any other collective efforts that were being made to support this. We felt it was very much our role in the community to be associated with such a statement.

MR. HARTOG. After your signing of the publication of the pledge, was any sort of protest, or any kind of pressure, brought to bear on you personally or on Standard Oil's service?

MR. W. PRICE. As I recall, we may have gotten a few telephone calls protesting our association with the statement, some letters. We had some—some of our customers did return their credit cards to us as result of that.

MR. HARTOG. Could you briefly describe the nature of your business operations. For example, do you have contracts to deliver oil to schools?

MR. W. PRICE. Basically, Standard of Kentucky is a wholly owned refining and marketing subsidiary of Standard Oil of California. In this particular community we have our headquarters office that coordinates our activities in the Southeast. We have in this area an accounting center, our executive office, the Louisville division office, and our river terminal.

We market both wholesale and retail in this community; 95 percent of the gasoline we sell here is sold through stations that are operated by independent businessmen. We have one station out of, perhaps, 100 that is operated by a salaried personnel.

We do have a contract, or perhaps more than one contract, to supply certain political subdivisions, one of which being the board of education, with motor gasoline and, as I recall, heating fuel.

MR. HARTOG. There is, however, a substantial amount of your operation getting gasoline from the terminal, which is on the river, to the various independent dealers in the area?

MR. W. PRICE. That is correct. We deliver either through our own company equipment or through contract haulers, common carriers, gasoline to those stations.

MR. HARTOG. Did your company receive threats to its operation which can be related to school desegregation opponents?

MR. W. PRICE. Yes, we did. There were at least two, and perhaps more; telephone calls to personnel at our terminal, the substance of which was, you had better not load trucks with gasoline to deliver to dealer-operated stations which are supplying gasoline to school buses, or else. The or else being, at least in one case, that the terminal was to be bombed or otherwise damaged significantly.

MR. HARTOG. Did you seek assistance from law enforcement agencies?

MR. W. PRICE. We did. In accordance with our internal policy, we notified the FBI about the bomb threat. Subsequently, local police, city and county, were informed of that incident. They were cooperative in helping us. The FBI installed a device that would permit the transcription of any subsequent calls, of which, thankfully, there were none.

MR. HARTOG. More specifically, were there escorts given to your trucks?

MR. W. PRICE. I can't characterize the degree of cooperation, perhaps, as escorts. We had supervisors riding with our drivers on some runs. We tried to minimize the afterdark deliveries within the Jefferson County area. We did work with the local police command post and notified that intelligence center, if you will, as to where and when our trucks would be delivering gasoline. And we had every assurance of cooperation and, in fact, observed that representatives of the various police forces were present in the area when such deliveries were being made.

MR. HARTOG. There were no significant incidents involving the deliveries, to your knowledge?

MR. W. PRICE. To my knowledge, that is correct.

MR. HARTOG. Were you ever solicited, after September 3, to participate in a coalition of civic and business leaders to provide continuing community support for peaceful desegregation, Mr. Willis Price?

MR. W. PRICE. I am sorry, was I ever solicited—

MR. HARTOG. —to participate in a coalition of business leaders to continue to support, publicly, peaceful desegregation?

MR. W. PRICE. Not to my recollection.

MR. HARTOG. Did you have occasion to issue a Standard Oil position on school busing on September 11, Mr. Price?

MR. W. PRICE. We drafted such a position paper. I don't recall that it was ever posted, as such. It was verbally communicated to our supervisors and throughout our organization.

MR. HARTOG. And one on September 26?

MR. W. PRICE. Correct. That was more specifically directed at the boycott issue.

MR. HARTOG. Were either of these in response to solicitations from the Human Relations Commission?

MR. W. PRICE. It is my recollection that Dr. Perlie I am assuming he—

MR. HARTOG. What was my understanding of the situation.

MR. W. PRICE. I am not sure on whose behalf he was speaking. But I know that it was in response to a question of his that we drafted the first one.

MR. HARTOG. Could it have been the Task Force for Peaceful Desegregation?

MR. W. PRICE. It could have been. I don't know.

MR. HARTOG. But it was in response to that, that you published this one position, and the subsequent position was with respect to the threatened boycott?

MR. PRICE. Yes, right.

MR. HARTOG. Mr. Chairman, I would like to submit these for the record with the appropriate exhibit number at this time.

CHAIRMAN FLEMMING. Without objection that will be done.

MR. HARTOG. Thank you, Mr. Price.

Mr. Gault, how many persons does GE employ at Appliance Park, roughly?

MR. GAULT. In this installation, approximately 20,000.

MR. HARTOG. Do you know what percentage of those reside in Jefferson County and Louisville?

MR. GAULT. No, I don't. But the majority of them would be located in Jefferson County or the contiguous area.

MR. HARTOG. Were you asked in July or August to sign the community pledge?

MR. GAULT. I was personally not asked to sign the community pledge. I think perhaps it would be appropriate that I explain my position. I have the responsibility for the appliance business everywhere. Louisville is just one of 14 manufacturing locations that report to me.

By my election, I asked our board to move our corporate headquarters, as far as appliances were concerned, from New York to Louisville in 1970. So I do reside in Louisville. However, I don't directly manage the Louisville installation. I, in turn, delegate that to an officer of General Electric, called area executive, and so duly delegate that responsibility to other officers in Chicago, Baltimore, and other locations. So I wouldn't have some of the familiarity with details that would normally be available to those who directly operate them.

MR. HARTOG. Did the community pledge come to your attention during that period?

MR. GAULT. No, sir.

MR. HARTOG. What did the manager of your GE plant do with respect to the community pledge, to your knowledge?

MR. GAULT. When you say "community pledge," are you referring to the advertisement?

MR. HARTOG. Yes, I am.

MR. GAULT. Well, to explain that position, there are various elements that comprise what I will refer to as the constituency of General Electric—certainly its shareowners, its employees, and, obviously, its customers. On this issue, as well as any emotional issue, you will find

that those segments of the constituency will be divided and, as such, we took a position of neutrality.

Having made that decision, then, we did view this advertisement as an endorsement of busing. And as such, therefore, it would be in opposition to our position of neutrality.

MR. HARTOG. Thank you. Do you still think that was the correct decision, and would you take the same position if you were solicited again for the same kind of worded statement next year?

MR. GAULT. I would certainly assume a position of neutrality in such an emotional issue where the segments of our population are so diverse, both pro and anti.

MR. HARTOG. On September 4 and 5 your company experienced a substantial work boycott, is that correct?

MR. GAULT. That's correct.

MR. HARTOG. What was the level of absenteeism on those dates, to your knowledge?

MR. GAULT. To my knowledge, the absenteeism of that day in this installation ran 95 percent.

MR. HARTOG. That's Thursday and Friday—the same amount?

MR. GAULT. I think that Friday was somewhat better; that means the absenteeism was less. And for the sake of this conversation, I will say that it was 95 percent on Thursday and perhaps 90 percent on Friday, or thereabouts.

MR. HARTOG. What was GE's management position with respect to this work boycott?

MR. GAULT. Well first of all, we made it clear that our facility would be open. We encouraged our people through both communications and printed word, verbal communications. The media cooperated, both TV and newspaper and radio, in making sure that our employees were aware that if they came to work the next day and on Friday for the same, and we certainly encouraged them to come to work, that we would have work for them.

As it turned out, this was a very costly position for us to take, economically, because where we would produce many, many thousands of appliances on both of those days, on those days we actually produced zero. But we kept the people there because we thought that was the right thing to do. And so we would again make that kind of decision. That is the boycott referring to those specific days.

Subsequently there was talk of a boycott which, frankly, we had no rationale to assume that there would be the second boycott. To the contrary, we assumed that there would not be a second boycott. And that assumption was correct.

MR. HARTOG. Were there efforts to have a second boycott for October 1?

MR. GAULT. There would be no difference in the level of effort in either case. We expect our people to come to work. Our facilities were

open, and, indeed, the people who came to work those days were properly paid. In fact, we paid them for the full day worth's wages.

MR. HARTOG. If there were subsequent boycotts and people did not come, a boycott for political issues over school desegregation, would there be any penalties in the future for that kind of activity?

MR. GAULT. We have definite rules and guidelines dealing with discipline as it relates to absenteeism. In this case absenteeism is excessive absenteeism, and 2 days would not constitute excessive absenteeism. However, the main point is that in dealing out discipline, the various factors surrounding the individual instance or instances are always taken into consideration because they do vary.

MR. BROWN. And by the same token, discipline was not issued for the absenteeism those days, and, first of all, there was not excessive absenteeism, and, secondly, there was no penalty paid for those people who elected to observe this year or the proceeding year—black or white, Martin Luther King Memorial Day.

MR. HARTOG. So then, would it be unfair to say that it is GE policy that if an employee chooses to absent himself from work for political reasons, there would be no repercussions from GE?

MR. BROWN. No, I think that's a misstatement. I do not know if their absenteeism was for strictly political reasons.

MR. HARTOG. Thank you.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. No questions of this point.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. May I ask Mr. Brown—I realize you are no longer the president of the chamber of commerce, but could you tell us whether any plans are being made by the chamber of commerce for the school year beginning September '76 relative to helping coordinate various segments of the community to maintain peace in the community?

MR. BROWN. Nothing specific that I know of right at this point.

COMMISSIONER SALTZMAN. What happened, in your estimation, Mr. Brown, in September 4 and 5, 1975, to contribute to the outbreak of violence in the city?

MR. BROWN. Well, there was, of course, a lot of people who were very disturbed, and they had been vocal before this. There had been threats that they were going to burn buses, and this, that, and the other. And some of them carried that out. That's all.

COMMISSIONER SALTZMAN. Were there any conditions in the city that could have ameliorated and channeled that to the extent that violence would not have taken place? Would it have been more effective law enforcement, more effective business community, law enforcement community cooperation? Can you identify anything that might have succeeded in averting, in the past, violence, any averting, certainly in the future, any such repetition?

MR. BROWN. I know just what I read in the papers, like everybody else. But I have a feeling that the real violence that began may have been started by some very bigoted people that perhaps were not even from this community. And a lot of individuals perhaps went to locations to see what was going to happen, and then they became enthused and inflamed. And I don't know how you stop that, frankly.

I think that our police, while they may have made some errors, I think they did pretty well under the circumstances. And I think the board of education that had this terrible problem thrown on them in such a short time, I think they did a remarkable job of assigning students and teachers and buses and attempting to carry on business as usual. I don't have any answers to how you avoid this, unless it would be that more time was allowed to work out other solutions, or, at least, other solutions for a good part of the community, which would have reduced in the inflammability of the situation.

COMMISSIONER SALTZMAN. Mr. Julius Price, do you believe that there is adequate cooperation between the political community, the business community, and the law enforcement community at the present time in contemplating the beginning of school in September?

MR. J. PRICE. It's my personal opinion that it is the opinion of the political, the economic, and the police side that we won't have anything next fall—any violence next fall. That is probably my own personal opinion as well. I think the events that have occurred after September of '75 have indicated that a large portion of the antibusers have taken a different tack from violence in the streets. They have approached it from a different point of view. So I don't think that anything that has happened, nobody is cooperating because nobody really believes that there is going to be violence. There is always the possibility

COMMISSIONER SALTZMAN. Why this change? What is the difference?

MR. PRICE. I think—I participated somewhat in the '60s in the demonstrations that went on, on behalf of desegregation in public accommodations and housing. And I think the leadership of any successful demonstration sets the tone for what will happen in that demonstration. If that leadership allows violence to erupt, however minute, then the violence is going to spread and grow. In the '60s I think that the demonstrators were closely controlled and perhaps time was spent in advance as to what was to be expected.

I don't think that occurred here. And I don't know that it would have occurred had adequate time been given, either. It might have occurred. It depends on the attitude of the leadership as to whether they want violence to occur or not. And I think today that there is a large majority of the antibusers, their leadership, that do not want violence to occur again in Louisville. And I think there is a lesser possibility for '76.

COMMISSIONER SALTZMAN. You are saying that the tone of the leadership in the community determines whether or not there really will be an eruption of violence, whatever the point of view?

MR. PRICE. Right. And I'm saying, particularly, the tone of the leadership of the organization that is sponsoring a demonstration. But you could exclude it to the community as a whole, as well.

COMMISSIONER SALTZMAN. Mr. Gault, I am not exactly sure what you are advocating neutrality about. Were you advocating it with regard to busing or with regard to the support for constitutional imperatives and legal guarantees to segments of the community?

MR. GAULT. Commissioner Saltzman, Certainly it is the role of General Electric and the understood role of its employees that we will obey all of the laws of this land. So there is no concern as to whether or not we disagree with the constitutionality or whether or not the law is the law to be obeyed.

If we, as a corporate entity or individuals, have any reasons to not be pleased with any particular legislation or law, certainly there are appropriate channels open for us in the due process of law to make our position known.

In this particular case, for the very reason that we do serve a very large clientele of customers and have a very large employee population that is diversified in its emotional positioning on this issue and others and, of course, shareholders, likewise, that we have taken a position of neutrality.

I think it would be appropriate that I register with you that as large as we may be numerically, in this community, it is our posture to have, in the common jargon of the day, to assume a low profile. Not that we don't work actively and constructively through many organizations, and in fact, if I had such a list I am sure I would impress you with the organizations that we belong to and as corporate citizens we support.

In this particular case, our position of neutrality also opens up to us work through the Community Consensus Committee, which at that time was a duly appointed organization to be used as the proper channel of communications for appeal, for concern, for suggestion, for disagreement, and so forth.

In fact, one of our most able managers was placed on that committee, and I am not familiar with the minutes of those committee meetings, but I am sure that they would, I think, support my position that he was a very active and constructive member of that organization.

So we do encourage our people to work through established, proper organizations actively and effectively and constructively. But I don't believe anyone will tell you that General Electric has one of high profile position in this matter, because we certainly don't, by design.

CHAIRMAN FLEMMING. Vice Chairman Horn?

VICE CHAIRMAN HORN. Mr. Gault, I'd just like to get clarification on part of your testimony. Discussion occurred with counsel concerning the boycott over September 4 and 5. I wasn't clear as to whether GE paid the workers for those 2 days if they didn't attend or not. What is company policy?

MR. GAULT. Commissioner Horn, we did not pay employees who did not work that day. However, we did pay the full day's ratio to all employees who did show up for work those 2 days.

VICE CHAIRMAN HORN. Even if they couldn't work because their colleagues had not shown up?

MR. GAULT. Yes. They couldn't productively work. We did make work around the factory for them, but it was not productive work in the normal sense of the manufacturing operation.

VICE CHAIRMAN HORN. Let me ask you. Discipline was mentioned and excessive absenteeism. If an individual employee of GE was excessively absent, what sort of discipline occurs beyond the docking of pay which occurs whether you're excessively absent or not?

MR. GAULT. That is correct. Time off would be the normal penalty for excessive absenteeism.

VICE CHAIRMAN HORN. In other words, you reduce their vacation allowance or what?

MR. GAULT. Someone might have that opportunity. In this case, I don't have those records. But I would presume very little of that was applicable to those 2 days. They do, however, in the course of a year have 4 days for personal reasons and illness, and they could be applied to that. But I think in this case there was very little of such requested.

VICE CHAIRMAN HORN. This is what I am trying to seek clarification on because the question was, also raised, could an individual take time off from GE, for any personal political activity without being subject to the charge of excessive absenteeism?

In response to counsel, you mention that a 2-day absenteeism would not be included in the category of excessive. I am trying to find out where is the dividing line between excessive and nonexcessive?

MR. GAULT. I think any employee that would be absent for a day or 2, or a week over a prolonged period, after counseling with him we would have to obviously give him additional time off. That doesn't serve to be a very effective penalty because they are not too fearful of that, that's what they're already doing.

VICE CHAIRMAN HORN. In other words, if there was a repeated boycott on every Friday, the workers took the time off—

MR. GAULT. That would be a different story altogether.

VICE CHAIRMAN HORN. Since this was a one-shot affair, the company did not regard it as excessive?

MR. GAULT. That is correct.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. Mr. Brown, do we—let me put it this way. Is the mayor the acting head of the city police department?

MR. BROWN. Is the mayor the acting head of the what?

COMMISSIONER RUIZ. Yes.

MR. BROWN. I didn't understand the question.

COMMISSIONER RUIZ. Is the mayor the acting head of the city police department?

MR. BROWN. I suppose he is administratively. There is a director of safety under the mayor that has the police department, the fire department, and perhaps other departments.

COMMISSIONER RUIZ. These are under the mayor?

MR. BROWN. Yes. The director of safety is under the mayor. I believe I am correct on that.

COMMISSIONER RUIZ. Is the director of safety the head of the police department?

MR. BROWN. He has the chief of police under him.

COMMISSIONER RUIZ. Under him?

MR. BROWN. Yes. I could be wrong on that. But I think that is correct.

COMMISSIONER RUIZ. Is the county judge the active head of the county law enforcement group?

MR. BROWN. I am not as familiar with the way the county is arranged. But he would be in charge of the county police in the same respect that the mayor would be of the city police. He has the ultimate responsibility of it. I am not sure whether there is another layer in there or not.

COMMISSIONER RUIZ. Does any member of the panel have a different opinion of the conclusion just testified to? We will assume that what you have said is correct then, insofar as this panel is concerned.

The shortness of time, the surprise, to prepare for the contingencies of September 4 and 5 have entwined all of the testimony of the witnesses up to now having responsibility. And the question is, do we have the same mayor at the present time as we had on September 4 and 5?

MR. BROWN. Yes, and the same county judge.

COMMISSIONER RUIZ. And we have the same county judge?

MR. BROWN. Yes.

COMMISSIONER RUIZ. As we had at the time of the crisis?

MR. BROWN. Yes.

COMMISSIONER RUIZ. Now, Louisville already knows and can positively identify those persons and those organizations who may seek to express their protests other than by lawful means. We have now had adequate time. Does any member of the panel have any other opinion that—as of now, foreseeing events that occurred in the past, that there is no longer ample time?

MR. GAULT. Well as a member of the panel, when you are referring to all of us, I would have to say that I don't know. I don't know that.

MR. BROWN. I think I would, too. I am not certain.

COMMISSIONER RUIZ. As to whether there is ample time now to prepare for the same events that occurred on September 4 and 5?

MR. BROWN. No. I say I don't know whether the police departments and so on have properly identified those that might protest in some way other than legal. I think that was part of your question.

COMMISSIONER RUIZ. Yes, it was. What I am trying to ascertain at this time is whether the mayor or the county judge have published anything, or made known to the business community what plans, if any, exist in seeking community cooperation to prevent a repetition of those events of September 4 and 5. Now, this question is to the panel.

MR. BROWN. Commissioner, speaking as one of the panel, I don't know of such plans.

COMMISSIONER RUIZ. You have had no information?

MR. BROWN. I personally have had no information.

COMMISSIONER RUIZ. Is that the same response with respect to Mr. Price?

MR. PRICE. The county judge has taken some steps that will cause some problems next September or maybe sooner, by the fact that he has asked—has taken a position that I interpret to be in support of the antibusing groups. And I think that his official stand of being in support of the antibusing movement will make them more prone to commit acts of violence.

Whether it will be sufficient to make something happen sooner or whether it will be next September, I don't know. But I think that whenever the head of your executive branch of county government comes out and says that he is against court-ordered busing—

COMMISSIONER RUIZ. What I have in mind is this. Usually there are—with respect to law enforcement responsibilities—usually there are one, two, three alternate plans proposed beforehand, predicated on experience, wherein the responsible leadership of the community is advised of those alternatives. Has such a thing occurred?

MR. BROWN. Not to my knowledge.

COMMISSIONER RUIZ. Up until now, with respect to the two principal law enforcement officers of the county and city?

MR. BROWN. Sir, at the meeting that Mr. Price referred to at the chamber when we had the director of safety present, there was also a gentleman from county government. I have forgotten who he was now, but he had some responsibility for the police. I know at that time they were coordinating together, the two units, and had plans—contingency plans, based on what might happen. And they were not at liberty to discuss with us or publicly what those plans were because it might cause individuals in the community to test them out. And I would assume that they still have a working arrangement between the two police forces and possibly the State police as to how to handle it.

COMMISSIONER RUIZ. They had a working arrangement on September 4 and 5?

MR. BROWN. Yes, sir.

COMMISSIONER RUIZ. And nevertheless, it didn't work, did it?

MR. BROWN. It didn't work completely, no. It wasn't as bad as some other places.

COMMISSIONER RUIZ. When you say it didn't work completely, how many injuries do you recall occurred?

MR. BROWN. I can't recall.

COMMISSIONER RUIZ. There were officers hurt?

MR. BROWN. Yes, but I don't recall how many.

COMMISSIONER RUIZ. Members of the public were hurt, correct?

MR. BROWN. Yes, sir.

COMMISSIONER RUIZ. So there was a plan at that time, but it didn't work completely.

MR. BROWN. That is right.

COMMISSIONER RUIZ. Does anybody know, other than the privacy of the law enforcement officers, whether in fact other than by hearsay those plans that did not work on September 4 and 5 may have been now implemented? Does anybody know that?

MR. W. PRICE. No.

MR. BROWN. No.

COMMISSIONER RUIZ. Thank you very much. The response was unanimously "no."

CHAIRMAN FLEMMING. Thank you. I would like to address one question to all members of the panel, and that is this. What is your impression or conclusion relative to the impact of court-ordered desegregation during the past year on the students in the schools? I will be glad to start with Mr. Julius Price.

MR. J. PRICE. That is going to be a long answer for me because I have six children and—

CHAIRMAN FLEMMING. I can't quite hear you. Your mike isn't close enough there.

MR. J. PRICE. This might be a long answer for me because I have got six children, and I think four of them are in the Louisville Public schools, and I have only two that are being bused. The other two are attending schools that they normally would attend.

But it seems to me that there has been an effect on the students, at least my children, in that there has been a lot of pressure applied to them to conform to the rules and regulations that were not in effect before, as far as discipline is concerned. And it has been very difficult for them to conform. I, as a parent, have had some problems of that nature because of the county school system, the way that they operate is different from the way that the city operated before. I have had two children who have been disciplined this year, which never occurred before, to have two at once in one year. Educationally, there is more pressure on them. They have to produce more in order to get the same grades that they were able to get prior to the merger of the county school system.

They have made friends in the other community that they never would have made prior to desegregation. And I think that is one of the pluses. I think there is a plus from the other side, that the white families are being able to see blacks as blacks really are, not as they are imagined. And I think some blacks are now able to see whites as they really are instead of as they are imagined.

It has been a difficult year. I would suspect that my child who is in the first grade, if busing continues, will have no effects at all. I think my children that are in high school will be hurt to a certain degree because of changes in the pattern. They will have some problems in getting into the schools that they want to get into because the criteria has been raised. I think they will have some social problems. The whole nature of what our school system does—our schools are changing but they are still educating, and they are probably doing a better job of educating and doing a poorer job of being a community center of activity.

CHAIRMAN FLEMMING. I would be glad to hear from the other members of the panel on that question.

MR. BROWN. I can't speak from personal experience of children because my children are all grown. However, I feel—and somewhat by having talked to the superintendent of the schools, Mr. Grayson—that in the first several months very little was done educationally for the children.

They were fighting hard to have the classrooms filled. And perhaps—you might take the first third of the year. The second third of the year indicated more progress was made. They were beginning to learn normally. And the third third of the year, they were not back to normal, but they were doing an adequate job of instruction.

I think if you consider individual students in what I have just said, there—I think this, however, that overall the quality of our teaching today, I feel it has dropped and probably will continue to drop because, for one thing, finances, the cost of busing and transferring teachers.

The merger of the two systems together has caused a financial burden because salaries had to be increased in one group up to the level of the others, and this was—this happened all in this one year. And there has been continued flight from the community, moving into nearby counties where the number of students has dropped, and they still have the expenses of the same number of buildings and teachers.

The growth of private schools has been continuing and a loss of some of the better teachers from the public system going into the private schools. That is happening, too. And I think that it is somewhat sad that these are the facts.

CHAIRMAN FLEMMING. Mr. Gault?

MR. GAULT. Because of the nature of my work, a good portion of my time is not spent in the Louisville area. And also, in contrast to Mr. Price, I don't have any direct experience with children in the school system. I guess I am not in a position to tell you of any meaningful position to that question, sir.

CHAIRMAN FLEMMING. Mr. Willis Price?

MR. W. PRICE. I am afraid I can't add very much. We have no children living at home with us. Anything I would say would be a generality. I am just afraid I can't add much to the subject at hand.

CHAIRMAN FLEMMING. I would like to go back to a comment Mr. Brown made relative to a conversation you had with Judge Gordon. You talked with him about the desirability of setting up a—having the court set up a committee that would be representative of the community. As I recall your testimony, no step had been taken, that recommendation—If you had the opportunity, would you renew your recommendation as you look forward for preparations for the new school year?

MR. BROWN. I am not sure that it would serve any particular purpose now. I agree with Mr. Julius Price that I don't think that there is a very good chance of violence this fall. I believe that the antibusing groups have simmered down and are working in a direction that is legal and nonviolent. And I see no reason that they are going to change.

I think that the civil authorities, the police and so forth, should be able to take care of any kind of violence if it does erupt, and I don't particularly see a need for it this coming fall as much as I did last fall.

CHAIRMAN FLEMMING. We have taken testimony on the contributions that comparable committees had made in other cities. And that testimony hasn't put emphasis on the prevention of violence. That testimony has put emphasis on the constructive activities that have been carried on under the auspices of these committees in order to develop better understanding among the various segments of the population relative to the objectives of desegregation and as to the way in which it can be accomplished.

And in one of the cities, for example, there are two persons on the committee who monitor each school, a representative of a minority group and also the white group. And they report directly to the court as to what they observe. But the thing that they have put emphasis on is this whole area of human relationships in developing sounder human relationships within the community.

And as I have listened to the testimony so far today, I have the feeling—maybe I have only listened to testimony for today—but I have the feeling that there isn't any group that is providing overall leadership along positive lines in connection with this problem. Is that a correct conclusion as the situation stands at the present time?

There are organizations for and organizations against. I might say that on these committees in the other communities there are persons who oppose transportation of pupils, or forced transportation of pupils, and those who favor that particular approach. But they have been able to find common ground in the fact that the court has weighed the evidence and after weighing the evidence has reached a conclusion. And they feel that they have the obligation of trying to make it possible for that conclusion to be implemented in the most effective and most constructive possible way, irrespective of their views on issues of this kind, and they have gone to work on that basis. And on the basis of the evidence that we have received, we will conclude that they have made a very positive contribution.

Now, is there—is there such a body in Louisville? I would like to ask this question. To your knowledge, has anyone formally appeared before the judge and moved that, in effect, that he take the initiative and appoint such a committee? In other words, has it ever been a part of a formal court proceeding on the part of any of the parties to this? 7

Counsel says it has.

MR. HARTOG: In July of 1964, Judge Gordon objected to the idea on the record. It may be the plaintiffs who moved for it. I don't know who moved for it.

CHAIRMAN FLEMMING: But it was moved in open court and rejected. Again, as leaders in the community, would you see any value, at this point, of representatives of all segments of the community coming together and attacking the job of implementing the court order in the most constructive possible way?

MR. BROWN: Well, we did have the Community Consensus Committee which offered itself to this purpose, and the county judge and the mayor were the ones who appointed this Community Consensus Committee, but then they didn't come up with any funds to carry it on. And they seemed to lose interest in it, frankly.

But even so, the members of that committee were willing to work in this direction and make themselves available. But as I said earlier, Judge Gordon rejected the idea of that committee in that function. And I don't know why he didn't go further with it.

CHAIRMAN FLEMMING: It isn't completely dependent on the judge. There are other leaders in the life of the community that could take the initiative in bringing a group like this together.

The testimony we have heard already and received from other cities indicates, for example, that individuals, students, are having positive experiences as a result of court-ordered desegregation. It seems to me that a community can build on that and make it possible for more and more students to have a positive result.

See, the thing that—I mean, we have listened to testimony here to the effect that the court having weighed the evidence, the court having made a decision, then under our system there is an obligation to accept the decision and to do everything possible to make it work. It seems to me we can't have law and order unless we have, along with it, the commitment to take a decision and do everything possible to make it work.

Now, some people may keep working to get that decision changed. And over—through our processes, through our normal procedures and so on, and that might help. But in the meantime, we have got the lives of children here and young people at stake, and it seems to me that the court order becomes the fact of life, which people then try to make work in the most effective possible manner.

And I just sense that there isn't a coordinated group here in the community addressing itself to the positive aspect of it, not just the prevention of disorder. I mean, I accept the testimony that has been

given by you that possibly that is under control. But it seems to me that there is a positive aspect also here.

Does anyone want to comment on the desirability? I think, Mr. Price, you possibly indicated in your testimony that you could see a role for a group of this kind.

MR. W. PRICE. Certainly one, to my knowledge at least, does not exist today. I don't believe that individual companies acting by themselves are as effective as are groups of companies, or better yet, a collection of community spokesmen, representatives, interested individuals, and what not.

I have done enough volunteer work in my life to appreciate at times how difficult it is to tie together an effective group, keep it mobilized, keep it on the track, and so forth. Directionally, however, my own personal reaction is that such a group could make a contribution.

CHAIRMAN FLEMMING. Commissioner Freeman has a question.

COMMISSIONER FREEMAN. Yes. I look at you gentlemen and I see that you represent companies that are what is generally called a power structure in the community. In the leadership, the economic leadership, the economic base, maybe you don't represent all of the companies, but you certainly are the nucleus for them.

The thing that is troubling me is that you are the employers of thousands of people who themselves were out violating the law, because violent acts are in violation of the law. If the kind of program that is done in the United States where the corporate structure and its employees work on a day-to-day basis to get a United Fund campaign over, if the same kind of energy was given here in terms of the human relations programs within the companies themselves to get the programs across—in terms of law and order, there is no difference between the law and order in terms of busing than it is with respect to knocking over one of your banks in terms of how you perceive it. There is something missing in terms of perception.

And my question is, perhaps it is at another level that the extent to which there is equality of employment opportunity in your particular companies, because if there were, if you capitalize on diversity and your employees are inclusive as to race and they work together at all levels, there would not be this misunderstanding, this fear, and this violence.

It seems to me that you are missing some opportunities for leadership, and perhaps it even has a worse effect in that maybe it may reflect the extent of some employment discrimination as well as housing discrimination and educational discrimination.

MR. GAULT. Commissioner Freeman, I can assure you that we have an affirmative action plan. I can assure you of that.

COMMISSIONER FREEMAN. Are you implementing it?

MR. GAULT. And I can tell you with pride that we employ substantially beyond the parity in this community, which is a very serious thing, not a humorous thing in my judgment.

COMMISSIONER FREEMAN. No I'm—I'm serious.

MR. GAULT. I think our record as an employer of minorities, whether it be in this locality or any, is a very proud position. I personally am very involved in this work in this community, in Chicago.

COMMISSIONER FREEMAN. How many employees does your company have?

MR. GAULT. Last year, prior to busing in this community, I had the direct responsibility for 45,000 employees.

COMMISSIONER FREEMAN. 45,000?

MR. GAULT. And in Louisville, under my indirect jurisdiction, there are 20,000 employees. Our minority employment exceeds parity of minorities in this locality. A very proud position to have. And we are doing quite well in Upward Mobility.

COMMISSIONER FREEMAN. Do you have a breakdown as to managers?

MR. GAULT. That is available in our affirmative action plan, certainly.

COMMISSIONER FREEMAN. The breakdown as to skilled workers and all that?

MR. GAULT. Yes, we have that.

COMMISSIONER FREEMAN. Could you make that available to us?

MR. GAULT. It would be available as elements of our affirmative action plan are available, yes.

COMMISSIONER FREEMAN. I would like that. I would like to have that in—what companies are involved? You are chairman of the Chamber of Commerce, that involves how many companies?

MR. BROWN. There are 2,400 members, but they are not all firms. There are some lawyers, doctors.

COMMISSIONER FREEMAN. In your particular company, how many are there? How many employees does your distillery have?

MR. BROWN. We have about 1,800, but not all in this community. I would say roughly 1,000 in this community.

COMMISSIONER FREEMAN. 1,000 in Jefferson County?

MR. BROWN. Yes.

COMMISSIONER FREEMAN. Do you have any recollection of the breakdown as to managers, skilled workers, by race and sex?

MR. BROWN. As Mr. Gault has just testified for General Electric, we have an affirmative action plan, and we are working toward that. To my knowledge, I would say that we have a larger percentage of minority employees in this area than the average. As to by station or by position, this is something we are working toward.

COMMISSIONER FREEMAN. Do you have a breakdown as to skilled employees?

MR. BROWN. I am sure we do.

COMMISSIONER FREEMAN. Then you would have it as to race?

MR. BROWN. Yes.

COMMISSIONER FREEMAN. Could you give that to the Commission for Inclusion in the record?

MR. BROWN. As that which is made public, I would be happy to, yes.

COMMISSIONER FREEMAN. I would like to request the same thing of Mr. Julius Price and Mr. Willis Price.

MR. W. PRICE. We will certainly make it available.

CHAIRMAN FLEMMING. Anything else?

COMMISSIONER FREEMAN. Yes. If any of you have any comments as to the extent to which you have any human relations seminars conducted for your employees on this issue?

MR. BROWN. On the issue of busing?

COMMISSIONER FREEMAN. Desegregation.

MR. BROWN. All right. But I don't know that we have had any seminars.

COMMISSIONER FREEMAN. Would your answer be no?

MR. BROWN. To my knowledge, we have not in our company had a specific seminar on that, no.

MR. W. PRICE. We have not had a seminar. We have tried to communicate our company's position on this issue to everyone working in this particular area.

COMMISSIONER FREEMAN. May I just suggest that you use the same sort of approaches that would be—that have frequently been used effectively in getting across the need to participate and give to the United Fund or the Red Cross or some such group. Would you consider this? Because it may be that some of the people who are out performing the marching and violent actions may be some of your own employees.

MR. BROWN. Commissioner, may I say that in our particular company we had no real problem on September 4 or thereabouts with absenteeism and such things as happened in some other companies. I have checked on this and I find that we had about six or eight employees that requested that they be away from work on the day that the schools opened. They were mostly women employees who had children, and they wanted to go with their children to school on the first day.

There were six or eight others that called in that day and they had similar reasons. They were not staying away for any boycott or any reasons such as that. They had sincere concern about their children and wanted to be with them on that day. And then there may have been—some of them may have been absent the second day for that same reason. But we have really had no problem in our company that has anything to do with desegregation or busing.

MR. W. PRICE. If I may add a word, I don't think that, to my knowledge at least, I don't think that the reaction within the business community in terms of reactions by various employee groups, company to company, was at all consistent.

In the case of Standard Oil, we did not have any measurable blip in our absenteeism during this time. I just want to state for the record that, as a general rule, the participants in these violent actions and demonstrations were not necessarily the employees of the larger employers in this area.

COMMISSIONER FREEMAN: Thank you.

CHAIRMAN FLEMMING: Thank you all very much. We appreciate it. We appreciate your sharing your views with us in the way you have. Counsel will call the next witnesses.

MR. GLICK: Mr. Chairman, the next witnesses are Mr. John Harmon, James Luckett, John Shore, and Leonard Smith, all of whom are labor union representatives in Jefferson County.

[John Harmon, John Shore, and Leonard Smith were sworn.]

MR. GLICK: Mr. Chairman, I note—let the record show that Mr. Luckett did not stand and was not sworn. He appears to be accompanied by counsel. Would counsel please identify himself?

MR. HOGUE: I am William Hogue. I represent Mr. Luckett. Pursuant to your rules, I have been admitted to the court. On June 3, my client was served with a subpoena issued May 28, 1976, directing my client to appear before this Commission today, June 14. At 9:00 this morning, my client and I tendered to this Commission six copies of a motion to quash this subpoena, supported by my client's affidavit, and my client will not testify here today.

We respectfully submit to the Commission should they feel that they need to take the steps as provided for by the Commission rules and by section 105 of the legislation which authorizes this Commission.

CHAIRMAN FLEMMING: I will ask counsel to respond to both of the motions filed by counsel and his client and to comments just made by counsel.

MR. GLICK: Well, I would like to ask Mr. Hogue if he would care to expand on the motion presented to the Commission this morning. All of the Commissioners have received it and have read it. Is there any additional argument you would care to make?

MR. HOGUE: No, sir.

CHAIRMAN FLEMMING: I would like your comments on it and on the motion.

MR. GLICK: I have carefully read Mr. Hogue's memorandum, and in my opinion—

CHAIRMAN FLEMMING: In view of the fact that this is a public hearing, those in attendance are unaware of the contents of the motion. I would appreciate your summarizing it and then commenting on it.

MR. GLICK: This might be an appropriate time to introduce the motion into the record. We will introduce it with the appropriate exhibit number.

The motion indicates that—it makes a statement of fact as to the service of subpoena. It indicates that Mr. Luckett is the recording secretary of Local 761 of the HUE and that he was the financial secretary of a civic organization known as United Labor Against Busing, that he resigned in February of 1976 as financial secretary of United Labor Against Busing and has had no further contact or performed any functions with the United Labor Against Busing since that time.

He also indicates that in February of 1976, Local 761 withdrew all support for United Labor against Busing and has had no formal contact with them, with United Labor Against Busing. The motion also indicates that local 761 and Mr. Lockett are defendants in a suit in Federal district court, titled *Jo Ann Green v. Kenneth Cassidy, et al.* and this action prays for both money damages and involves an allegation of a criminal act punishable under Section 501c of Title 27 USC 501, which provides for penalty of fine of \$10,000 or imprisonment of not more than 5 years, or both.

And the motion indicates that it is Mr. Lockett's view that if he gives testimony before the Commission, it would prejudice the defendants in this case, and that it would therefore violate Mr. Lockett's constitutional rights.

He also indicates in the motion that any evidence that might be received from Mr. Lockett in his testimony could better be obtained from other witnesses who are also under subpoena from the Commission, and that anything he would offer would be cumulative.

He indicates that the subpoena is faulty because it doesn't sufficiently designate what areas of examination the Commission will request and that he is therefore unable to prepare for such examination, and therefore he is being denied due process of law.

He further indicates in the motion that Mr. Lockett has already furnished to the Commission financial reports, records, etc., that were in his custody while he served as financial secretary of United Labor Against Busing and that he has cooperated with the Commission staff in every request. He further states that the statute does not provide any formal basis for filing of motions, but he requests that the Commission accept the motion as presented.

CHAIRMAN FLEMMING. Would you give us the benefit of your comments on the statements made in the motion?

MR. GLICK. Mr. Chairman, Mr. Lockett is under subpoena, a formally issued and duly served subpoena, and I believe that Mr. Lockett is quite familiar with the kind of information we want from him. He has been interviewed on at least one and probably more occasions by staff members, and he must realize that the kind of testimony he will be asked about will be within the parameters of those interviews.

I think that the argument that Mr. Lockett is no longer associated with United Labor Against Busing is not convincing because the period of time in which we are interested in obtaining information was during a period when he was, in fact, active with United Labor Against Busing and therefore the relevance is clear from the time frame that we are interested in.

In addition, and chiefly to the point, the danger that Mr. Lockett appears to feel would occur were he to go testify with respect to the lawsuit, I think, is not correct for this reason, it is not the intention of staff and, I believe, not of the Commissioners to make any inquiry whatsoever with respect to the situation which is the subject of that

lawsuit. We are not concerned with the area that the plaintiffs are suing about and that having to do with funds. And therefore, we will not in any way subject Mr. Luckett to any jeopardy on that ground.

With respect to the allegation that the evidence that Mr. Luckett would offer would be cumulative, I don't think that is persuasive because each individual who testifies has a slightly different point of view and has a different perception of events that have occurred in Louisville, so that none of the testimony, I don't believe, is cumulative. I have already noted that Mr. Luckett has been interviewed, and that the information which we will seek from him is within the framework of that interview, and therefore there would be no surprises. He has furnished records and information to the Commission staff, and I appreciate that.

CHAIRMAN FLEMMING. Mr. Hogue, do you have any additional comment to make in light of Mr. Glick's argument?

MR. HOGUE. I might only cite the court to the dissent in the *Hannah v. Larche* case, which is apparently the leading case concerning your Commission, and state that we further rely on the basis of that dissent.

CHAIRMAN FLEMMING. Do you desire to make any comment on the assurances of counsel, which he makes on his behalf and also on behalf of the Commission, that no questions will be asked of Mr. Luckett which bear in any way on the pending suit in Federal court?

MR. HOGUE. I appreciate counsel's assurances. However, we will continue to maintain our position that we will not be sworn and we will not testify.

CHAIRMAN FLEMMING. All right. Then, I would like to state that the Commission will take under advisement your motion and will make a decision by tomorrow morning. In the meantime, the subpoena remains in effect. And we would—we will make a decision or we will announce our decisions when we resume the hearing at 9:00 o'clock tomorrow morning.

MR. HOGUE. You are not granting our motion to quash the subpoena?

CHAIRMAN FLEMMING. We are taking your motion under advisement and will consider it as a Commission in the light of the material in your motion, in the light of your comments and the comments of Mr. Glick, and we will announce a decision on your motion at 9:00 o'clock tomorrow.

MR. HOGUE. Will it be necessary for my client and myself to be present?

CHAIRMAN FLEMMING. Yes.

MR. HOGUE. Or you could only notify us, you are aware of our whereabouts and after notifying us you can tell us should it be necessary and should you want to take further steps, when and where that will take place?

CHAIRMAN FLEMMING. Mr. Glick, what is your advice?

[Discussion off the record.]

CHAIRMAN FLEMMING. The Commission rules that Mr. Lockett should be here at 9:00 o'clock tomorrow morning, at which time we will announce a decision on our motion.

You may proceed.

MR. HOGUE. Thank you. Mr. Hartog, can we be excused for now?

TESTIMONY OF JOHN HARMON, PRESIDENT, LOUISVILLE UNITED AUTO WORKERS, COMMUNITY PROGRAM COUNCIL; JOHN SHORE, CHAIRMAN, UNITED LABOR AGAINST BUSING; LEONARD SMITH, EXECUTIVE SECRETARY, KENTUCKY STATE AFL-CIO

MR. HARTOG. Mr. Harmon, my understanding is that you are president of the Louisville area UAW CAP council; is that correct?

MR. HARMON. I am the chairman of the Louisville UAW CAP [Community Action Program] Council, right.

MR. HARTOG. You are also an officer in the Louisville union?

MR. HARMON. That's right.

MR. HARTOG. What is your position there?

MR. HARMON. I am the finance secretary of Local 1336 of UAW.

MR. HARTOG. What company is that with?

MR. HARMON. International Harvester.

MR. HARTOG. Roughly, how many are in that union?

MR. HARMON. We are the second largest local union in Kentucky—approximately 3,000.

MR. HARTOG. Could you please describe for me the reaction among labor's rank and file and in the Louisville community to Judge Gordon's school desegregation order this past July and August that you perceived as a labor leader?

MR. HARMON. Well, of course, that's not hard to describe. I think everyone knows that it was a traumatic experience for the people in Kentucky, Jefferson County and most—

MR. HARTOG. If you could put the mike around your neck and clip it to your tie. I am having difficulty hearing you.

MR. HARMON. All right.

MR. HARTOG. Or perhaps just use the end mike. The problem is that they are very sensitive mikes and they pick up a lot of noise.

CHAIRMAN FLEMMING. The hand mike in the center of the table, why don't you use that?

MR. HARMON. Thank you. I don't think I have the words to describe the effect this had on the community. It was a dramatic experience for this community, without a doubt.

VICE CHAIRMAN HORN. I am sorry. I am having trouble hearing. Could we get the sound adjusted in the booth?

MR. HARTOG. If you could get closer to the mike, sir.

MR. HARMON. It came on our people so suddenly. It was a traumatic experience for the people in Jefferson County, without a doubt.

MR. HARTOG. How was that expressed among labor's rank and file?

MR. HARMON. I just explained it to you, really. It was a traumatic experience. This thing came on us so suddenly. It came on so suddenly in this community that our citizens and the members of our unions had no idea why in the world that this thing was going to be such a change in their normal routine. And it surprised our people.

MR. HARTOG. It surprised labor leaders such as yourself?

MR. HARMON. It surprised us all by the effect it had on the community.

MR. HARTOG. That is the extent of the community's reaction to the court order?

MR. HARMON. Right. That is exactly right. I don't think anyone realized what effect it would have on the community.

MR. HARTOG. Did this reaction come into the union hall?

MR. HARMON. It certainly did.

MR. HARTOG. Was this reaction taken to the union halls, and what kinds of action did the major UAW locals take in response?

MR. HARMON. In the course of every meeting we ever had after this happened, this busing issue came up most certainly in a very valid way. Our members were most certainly concerned about busing.

MR. HARTOG. Did UAW locals pass resolutions against court-ordered busing?

MR. HARMON. The resolutions that the local union could pass would mean nothing because we had taken action in 1972 in our international union convention that we were in favor of busing as a last resort—and I want to emphasize "as a last resort"—in order for every member and every citizen to have quality education.

MR. HARTOG. But these resolutions were passed at UAW labor union meetings?

MR. HARMON. When you say local union meeting, we did pass some of those, but actually they mean nothing, but our international union already had taken action.

MR. HARTOG. Did the locals take out ads against court-ordered busing?

MR. HARMON. Right, that's right. The local unions took ads against busing and they spent money to send people on marches and so forth and to buy placards and so forth against busing.

MR. HARTOG. Did members of the locals and some of these officers participate in a group known as United Labor Against Busing?

MR. HARMON. Right. They sure did.

MR. HARTOG. Isn't it unusual for the rank and file of UAW, and I'll ask you about that in particular, to involve themselves so deeply in political issues? That is, doesn't rank and file generally get upset about bread and butter issues? And isn't this kind of manifestation really unusual for the labor union?

MR. HARMON. It is very unusual, yes.

MR. HARTOG. Is the normal mechanism for expression of political concerns among the rank and file through the CAP council of which you are the chairman?

MR. HARMON. Right. That is exactly right.

MR. HARTOG. As president of the CAP council, did you have occasion to deal with efforts to move the CAP council to take a position opposing court-ordered busing?

MR. HARMON. We took no position, period.

MR. HARTOG. Did you have efforts to try to move the CAP council in that position?

MR. HARMON. Yes.

MR. HARTOG. What was your response?

MR. HARMON. At that point, we adjourned the meeting.

MR. HARTOG. You ruled the motions out of order?

MR. HARMON. Right.

MR. HARTOG. Then you adjourned the meeting?

MR. HARMON. Right.

MR. HARTOG. Why did you choose to take this course of action?

MR. HARMON. I am a member of the UAW, an officer in UAW, and in accordance with the order from the international union at our convention, where we mandated that we would have quality education for every individual, that is the reason that I did at that time adjourn the meeting rather than accept the motion.

I can't go into details on what the motion was. But it was communistic and involved a large number of organizations, and I ruled the motion out of order and the meeting was adjourned.

MR. HARTOG. Mr. Chairman, at this time I would like to submit for the record documents, cover letters to the Commission, containing a message from Leonard Woodcock, president of the International UAW, in which he states that a telegram was sent to the presidents of local unions expressing the position that Mr. Harmon has said is the position of his local, and an accompanying letter by Dale Sells [phonetic] who is the executive director of Region 3, which is the region which incorporates this area, with the appropriate exhibit number.

CHAIRMAN FLEMMING. Without objection, so ordered.

MR. HARTOG. What did you hope to avoid by the CAP council not taking action against court-ordered desegregation?

MR. HARMON. I think I said that before. We are for fair and quality education for everyone.

MR. HARTOG. Was this issue particularly divisive among labor?

MR. HARMON. Yes, I would say it is.

MR. HARTOG. In what ways did the national leadership of the UAW demonstrate its concern regarding labor's involvement in antibusing protests? That is, in what ways did Mr. Woodcock express the position of the national, with respect to the antibusing activity of the UAW locals?

MR. HARMON. Mr. Woodcock himself was at the convention, and he passed the resolution that we move for equal education for every individual.

MR. HARTOG. This past October--did Mr. Woodcock visit this area at that time?

MR. HARMON. He sure did.

MR. HARTOG. What was your understanding of the point of his visit?

MR. HARMON. The reason that he was here was for—to find out just exactly the feeling of the community, and at that meeting, Mr. Woodcock came here and we met at the Executive Inn. The only reason he was here was to find out exactly how the leadership of the UAW felt about the effect of busing on this community.

And at that meeting, he asked every member there to state his opinion. He went around the room and every man had an opportunity to voice his opinion on how he felt. He did not in any way try to tell us what to do or try to direct us. He simply come in here on a fact-finding mission. And every member there had an opportunity to express his opinion.

MR. HARTOG. Did he send you a telegram prior to his visits?

MR. HARMON. Yes, I think you have them.

MR. HARTOG. These are the documents we have introduced into the record?

MR. HARMON. Yes. It doesn't refer to busing. It just says we had a meeting there at the Executive Inn and mentions the problems in Jefferson County.

MR. HARTOG. Thank You.

Mr. Smith, as the chief executive officer of the AFL-CIO, is that a correct designation, could you briefly describe the structure of the AFL-CIO organization? I have here a chart of the structural organization which I would like to introduce as an exhibit at this time, Mr. Chairman, with your permission.

CHAIRMAN FLEMMING. Without objection, so ordered.

MR. SMITH. Our State AFL-CIO is chartered by the national AFL-CIO. We have conventions, that's the supreme governing body, every 2 years. The State AFL-CIO, being that it is chartered by the parent body, of course, is bound by the convention rules, mandates, and policies as adopted by the national convention.

We have a State central body and all of the States—and from the central bodies there are also central labor councils in the larger cities in most States. Kentucky has 13 central labor councils, one of the largest ones being in Louisville, Kentucky.

MR. HARTOG. Thank you. Did you at any time as the chief executive officer and executive secretary participate in activities in opposition to school desegregation?

MR. SMITH. Well, I will have to explain this. At about the time that busing started, we could have used a half-dozen more telephones in our office, just picking up and listening to people calling in, unhappy people. People were disturbed about children having to get up earlier in the morning and catch a bus and some of them being there later.

So mothers said they would have to quit their jobs because the children were going to school at different hours—and worrying about financial problems. And we had all of those types of calls, and they

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were just calling us, I suppose, to really just unload and say, well, what can we do?

The local unions call us. They say, do something, our people are all excited here. And so what we did do is, as I explained, being chartered by the parent organization and knowing what their policy was on busing and the national AFL-CIO went on record several years ago—I believe one convention year was 1972—that they were in favor of busing where it increased the quality of education or offered new educational opportunities. So our State executive board prepared a resolution that was submitted at the convention, and I see that you have copies of it here and here is a copy here. And in the resolution it points out if the busing does not accomplish the goals set forth by the national AFL-CIO, that they would re-evaluate their position.

This seems—this seemed to let the people know we were trying to listen to the problems and were trying to do something within our democratic framework that we have to work in. However, I may say, at the convention there was only a handful of people, maybe less than a small handful, you know, in support of the resolution. And it was debated and when it was defeated, then that ended our part on the busing.

MR. HARTOG. What day was that, that it was defeated?

MR. SMITH. Just one minute. I think I have that.

MR. HARTOG. Was that October 3, I believe?

MR. SMITH. October 3, correct.

MR. HARTOG. That was the end of your activities?

MR. SMITH. No, it really wasn't. That was the end of our activities, any type of support, you know, from people for busing.

MR. HARTOG. All right.

MR. SMITH. However, I did get some communications along about that time, some after, threatening to disaffiliate their local union from our State AFL-CIO because of the national AFL-CIO's policy on busing.

MR. HARTOG. We have those documents and we will submit them for the record.

MR. SMITH. Okay. You have that. There was other activities about that time that I—I happened to be in Florida at that time, attending a funeral. President Meany sent me a telegram, along with the president of our organization, that he had had information concerning a bus caravan to Washington and pointing out in the telegram that that was against the AFL-CIO policy and, in short, he deplored that type of action and all of this.

So my secretary then got in touch with me. I told her to send the president a telegram telling him that we had done nothing to promote the caravan. I was not participating or was not going to Washington. The telegraph office left out the word "not" and that changed the meaning of the telegram. [Laughter.]

Then I got letters and more telegrams, and the telegraph office of Western Union the next day sent another telegram admitting that they had made an error and corrected it. And we pointed out just to show that errors can be made, that there were 17 errors made in the telegram sent to me from Meany. So I think that about summed it up.

MR. HARTOG. Mr. Smith, did you appear at a rally at the fair grounds?

MR. SMITH. Yes, I did.

MR. HARTOG. Do you recall when that was?

MR. SMITH. Maybe I have a note of it. Just a minute.

MR. HARTOG. Mr. Shore, do you remember the date of that rally?

MR. SHORE. No, I don't recall the exact date. It was a week prior to the trip to Washington, I believe.

MR. HARTOG. Thank you.

CHAIRMAN FLEMMING. That can be obtained and put into the record.

MR. SMITH. I don't have the date here. I believe it was immediately after the convention.

MR. HARTOG. We've got it within a week or so. It was after the convention. You appeared at the fair grounds rally?

MR. SMITH. Yes, I appeared there.

MR. HARTOG. What was the substance of your remarks there, briefly?

MR. SMITH. Okay. This was a meeting, I understood, to have an interview among the candidates. Our organization had endorsed Governor Carroll, and either he or one of the people from his office asked—called me and asked me if I was going. They said the Governor would like for me to be there, and I went. When I got there, I was told that neither of the candidates was going to be there. So they were not there. The candidate Thelma Storall [phonetic] running for lieutenant governor was present. Yes, I was at that meeting.

MR. HARTOG. Did you explain the State AFL-CIO position at that time?

MR. SMITH. Yes. The chairman of the meeting asked me to speak and I tried to explain the position that the national AFL-CIO took on the busing issue and the position of our resolution.

MR. HARTOG. That was basically the substance of your remarks there?

MR. SMITH. Yes.

MR. HARTOG. At this time, Mr. Chairman, I would like to submit for the record several documents which will all be considered one exhibit. They are a newsletter from the AFL-CIO department of public relations; a Saturday, October 25 press release containing the text of a letter sent to Mr. Smith, which incorporated within it a restatement of AFL-CIO positions which were in support of quality education, integrated education. I'd like to also submit within that exhibit the Kentucky State AFL-CIO resolution for the AFL-CIO convention regarding forced busing which was presented and defeated. I also have

several exhibits from Mr. Smith. They are letters containing threats of disaffiliation and other discord with AFL-CIO policy, a letter from Mr. Smith to Mr. Meany dated October 27, and a telegram which Mr. Smith just described.

With your permission, Mr. Chairman—

CHAIRMAN FLEMMING. Without objection, they will be entered at this point.

MR. HARTOG. One last quick question, Mr. Smith. The telegram released October 25—excuse me, not the telegram, the press release which quotes the letter sent to you, it says, and I quote in part, "In short, it is the duty of the Kentucky State AFL-CIO and all local central bodies to implement the policy of the AFL-CIO stated above, to make sure that the Kentucky union members are not misled by demagogues and that they understand and respect the law. And it goes on to say, "you and other officers of the Kentucky AFL-CIO have the clear responsibility to implement the policy of the AFL-CIO to the best of your ability."

Subsequent to your receipt of the letter from which that text occurred, did you take affirmative action to implement those statements by Mr. Meany, and if so, can you briefly recount them or supply any documentation you have?

MR. SMITH. We have a Kentucky Labor News, and we pointed out the results of the convention in the Kentucky Labor News and we also hold classes through our labor education centers throughout the State. And I would say in most every class the issue has come up and we have talked about the policy of the national AFL-CIO and about the democracy that we believe in.

Then we went to the convention. We have to accept the vote of the democracy because we were certainly in the minority in favor of the resolution, and we did this type of implementing the understanding of the national AFL-CIO policy, yes, sir.

MR. HARTOG. Thank you, Mr. Smith.

MR. SHORE, would you briefly—and we are running short of time—add anything to Mr. Harmon's description of the rank and file's reaction in July and August?

MR. SHORE. It would be similar to what Mr. Harmon said. We had a lot of talk in our union hall about it and at several of our union meetings—immediately after school started on September 4 or September 5 or maybe prior to that, a few meetings before that—what we were going to do. We were going to get involved in this issue. Like I said, many members were disturbed and they wanted to know what we could do about it, if we could do anything.

MR. HARTOG. Was that part of the impetus for the formation of United Labor Against Busing?

MR. SHORE. No, not necessarily, because I was not really, actually, the one responsible for starting the organization.

MR. HARTOG. Who was?

MR. SHORE. I really couldn't answer that. There were phone calls—I had received several phone calls that said they were going to have a meeting on such and such a date.

MR. HARTOG. Were your officers of IUE local 761 very much involved in that effort, to your knowledge?

MR. SHORE. I would say they were the ones instrumental in getting the movement started, yes, sir.

MR. HARTOG. Okay. I have a document here which you received from a former officer of the United Labor Against Busing, which has been shown to you which states five points of the United Labor Against Busing. Are these basically the principles of United Labor Against Busing?

MR. SHORE. Right, we went on the record as supporting these in this organization.

MR. HARTOG. It was adopted by representatives from locals who were members of ULAB [United Labor Against Busing], is that correct?

MR. SHORE. Yes.

MR. HARTOG. I would like to have that introduced into the record at this point for the record with the appropriate exhibit number.

CHAIRMAN FLEMMING. Without objection, so ordered.

MR. HARTOG. You have indicated that IUE had a role in the formation of ULAB. Later in the year, didn't IUE leadership that was involved in ULAB, firmly communicate to you its opposition to what IUE termed association with "radical groups such as the John Birch Society, the Klan, and Reverend Lowell Hughes organization?"

MR. SHORE. I did receive such communications on what you're talking about, right.

MR. HARTOG. What was that letter requesting of you, in your understanding, and what action did you take pursuant to it?

MR. SHORE. Well, the first point we got to get into here is I didn't receive the communication. As it says, I did receive it. It was placed in another person's hand to be delivered to me, which was not delivered. At this time, Mr. Cassidy assumed I was ignoring him, which I wasn't, because I hadn't received the communication. So there was a little friction got involved there due to the fact that I hadn't received it.

As far as us participating with the groups that are mentioned there, we were not. People thought we had a coalition of groups going, but we didn't have. I had not attended the first meeting. There was nothing went on there, such as voting on what people were going to do or certain organizations. The meeting was strictly set up to coordinate events that certain groups were going to have.

MR. HARTOG. What meeting are you referring to?

MR. SHORE. Probably what you are referring to are the meetings held on Saturday afternoons at the NAPF office. These meetings were set up—

MR. HARTOG. NAPF is what—the National Association for the Preservation of Freedom?

MR. SHORE. Right, it is basically a newspaper organization. These meetings were set up to coordinate our efforts for our calendar of events. In other words, if Parents for Freedom were having a march on such and such a date, we would not have one that day.

MR. HARTOG. So you did have a representative at those meetings?

MR. SHORE. We had a representative sitting in on those meetings.

MR. HARTOG. That was the extent of your association with these radical groups?

MR. SHORE. That was the sole purpose of these meetings, yes.

MR. HARTOG. Are there other associations by ULAB or its representatives with these groups?

MR. SHORE. Is there another what, now?

MR. HARTOG. Were there at that point, in January when this communication occurred, or are there now any representatives, or do you yourself communicate or associate with the "radical" groups which the IUE referred to in its letter to you? That is, the John Birch Society, the Klan, and the Reverend Lowell Hughes' organization?

MR. SHORE. To my knowledge, the representatives from these groups that you are referring to do not sit in on these meetings on Saturday, no.

MR. HARTOG. Those groups do not?

MR. SHORE. No. As far as I know, they only attended one meeting, the first original meeting.

MR. HARTOG. So then—how would you answer that question?

MR. SHORE. Which question is that?

MR. HARTOG. Can you answer that yes or no—that the only positive answer to that, in terms of association with these groups, is that one meeting—that at the first meeting, roughly last winter, that was the only time that there was any association with these groups by ULAB?

MR. SHORE. As far as I know.

MR. HARTOG. Does ULAB welcome association with these groups?

MR. SHORE. With which groups, now?

MR. HARTOG. These groups which we have been talking about, the John Birch Society, the Klan, and Reverend Lowell Hughes' organization and the "radical" groups which IUE has been—

MR. SHORE. Are we what, now?

MR. HARTOG. Do you welcome association or participation from these "radical groups" in your organization?

MR. SHORE. We try not to get involved with them.

MR. HARTOG. You try not to get involved with them?

MR. SHORE. Right.

MR. HARTOG. Why?

MR. SHORE. Basically, some of these groups—one in particular is, from what I understand, totally anti-labor. I could not sit down at a meeting or anyplace with somebody who is anti-labor, due to the posi-

tion I hold in our local union. As far as some of the groups, they do condone violence, they have been known to do it from time to time, it is known that they do. We have not gotten into this. We have asked our people not to participate with them and did the best that we could do to keep them from getting involved with them.

MR. HARTOG. Does ULAB have bylaws or a constitution?

MR. SHORE. No, we do not.

MR. HARTOG. Thank you, Mr. Shore. I have no further questions at this time.

CHAIRMAN FLEMMING. Do any members of the Commission have questions?

COMMISSIONER SALTZMAN. Mr. Shore, I gather that ULAB does not approve of violence?

MR. SHORE. No, sir, we do not.

COMMISSIONER SALTZMAN. What can be done over the next few months to assure that there will not be a repetition come September '76 of events in September '75?

MR. SHORE. You say what can be done, sir?

COMMISSIONER SALTZMAN. Yes, by ULAB.

MR. SHORE. I don't know that we could do any more now than we're possibly doing is just asking our members not to go out and participate in any violence. I do hope that the Jefferson County police and the city police will try to coordinate their efforts to see that it doesn't happen.

I know last year at the time it did happen, they were not prepared when it did come upon them, and I could see they did a little better than I thought they could, not being prepared for it. As far as our members are concerned, none of our members will be out there performing any acts of violence.

COMMISSIONER SALTZMAN. Is ULAB interested in promoting racial understanding?

MR. SHORE. ULAB is for court-ordered desegregation; not for court-ordered busing.

COMMISSIONER SALTZMAN. I understand that, but would it engage in activities to promote racial understanding?

MR. SHORE. We would be glad to, yes, sir.

COMMISSIONER SALTZMAN. Have you undertaken any?

MR. SHORE. I was called by a member from one of the black organizations here in town in the past week—in this past week—to have a meeting with her. I was supposedly supposed to meet her at the library at 4th and York. I don't know if we got our numbers mixed up on the time or the day, but I was there and waited about 45 minutes for her, but I failed to see her. So we are trying.

COMMISSIONER SALTZMAN. May I ask the other two gentlemen whether their respective unions undertake any efforts toward increasing racial understanding among your members, Mr. Smith?

MR. SMITH. Yes. We have several programs that we work with. One of them is the Randolph Committee. We have several good committees throughout the State. We are working together. Of course, you have better understanding. We have the Leap Program going on in Louisville. It is a very successful program, trying to find jobs for the minorities. We attend their graduations and work with them through the terms. And I think that we have good relations with them in our area. We had several in labor school just last week.

MR. HARMON. You are asking about the UAW? We have no problems. We are for it. We are colorblind, and we continue to be that way in our shops and everyone we deal with. Now I don't know if that answers your question or not, but—

COMMISSIONER SALTZMAN. Are there any positive programs?

MR. HARMON. Programs in the shop or in the community?

COMMISSIONER SALTZMAN. Within your union membership.

MR. HARMON. We don't have to have programs in our union membership because we have no problems. Every member is a UAW member. We don't have to have programs.

COMMISSIONER SALTZMAN. Do you have affirmative action programs for hiring minorities?

MR. HARMON. Of course, we don't hire. International Harvester—

COMMISSIONER SALTZMAN. I mean for including minorities within your union.

MR. HARMON. We don't hire.

COMMISSIONER SALTZMAN. I don't mean hire, but in terms of union membership, to promote union membership among minorities, do you undertake efforts to do that?

MR. HARMON. We don't feel that is necessary.

COMMISSIONER SALTZMAN. How about training programs?

MR. HARMON. Of course, they are directed by the company—International Harvester. We don't have that privilege; I'd say a privilege. International Harvester company and the Ford Motor Company, they hire. They have to belong to the UAW. That is a matter of fact. To work there, they have to belong to the union.

COMMISSIONER SALTZMAN. Mr. Smith—

MR. HARMON. Once they are hired, then the union, we see no color.

COMMISSIONER SALTZMAN. Mr. Smith, does your union undertake any efforts to gain membership within the minority community?

MR. SMITH. Yes, sir. We have an Appalachian Council Program that is in effect, too, I didn't mention that a while ago, and it works state-wide. We set up programs with employers and training programs, on the job training programs. And it has been very successful. We have lived up to all of the rules, I suppose, and the regulations of the minority. We have had good participation with them, and more than that, we have had good experience with them.

COMMISSIONER SALTZMAN. Mr. Shore?

MR. SHORE. Yes sir. We do have an affirmative action program set up through our local joint apprenticeship committee and our educational fund. And also, going back to what Mr. Smith had, we do have a representative that sits in on the Leap Council also.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. I have a question concerning your membership that I would like to address to each one of you, and would like to request that you submit to the Commission the information concerning your membership, the number of members, and the number by race. If you have that information you could respond now. Do you know, Mr. Shore, how many persons are members, are in your local?

MR. SHORE. Right, at 1,000. ?

COMMISSIONER FREEMAN. How many of them are black?

MR. SHORE. I couldn't answer that now.

COMMISSIONER FREEMAN. Would you submit that information?

MR. SHORE. We would be glad to, ma'am; yes, ma'am.

COMMISSIONER FREEMAN. Do you have an apprentice program?

MR. SHORE. Yes, we sure do.

COMMISSIONER FREEMAN. You said you have an affirmative action. How many persons are in the apprentice program?

MR. SHORE. I would say right now, at the present time, it is awful slim, possibly about 50. Ordinarily, this time of the year we would be carrying about 100 but due to the unemployment situation, we haven't sent an apprentice out to work in 2 years.

COMMISSIONER FREEMAN. How many of those persons in the apprentice program are black?

MR. SHORE. I believe out of the 50, right now, it seems to me—I might be wrong on the number—but I believe it is 11.

COMMISSIONER FREEMAN. 11?

MR. SHORE. Out of 50, yes, ma'am. I believe that's it.

COMMISSIONER FREEMAN. Could you submit the exact figures to the staff?

MR. SHORE. Be glad to, ma'am.

COMMISSIONER FREEMAN. Mr. Smith, would you respond to the number of members your union has?

MR. SMITH. Let me respond this way. I do not represent a local union. The State AFL-CIO is a service union with local unions all over the State affiliated with us. We have nothing to do with these local unions' hiring and all. They pay a per capita tax on each person they have.

COMMISSIONER FREEMAN. Does your organization have any information concerning the membership in the various local units?

MR. SMITH. Certainly. We check our records at the end of each quarter and see how many of them is paying per capita, but they do not submit to us how many whites, how many blacks, and this type of information, in our State body. Neither would they in the central body.

COMMISSIONER FREEMAN. Would—The information you do have, would you submit that to the Commission?

MR. SMITH. I am still not clear on what you are meaning, because we do not have a local union.

COMMISSIONER FREEMAN. Then if you do not have any information concerning the racial makeup of your union, then, of course, we are not asking you to submit it.

MR. SMITH. Okay.

COMMISSIONER FREEMAN. Mr. Harmon, you are with UAW and you said your union has no problem. That is contrary to any other information we have had about the UAW. All of the unions have problems.

MR. HARMON. We have problems, ma'am. I may have overstated the fact there.

COMMISSIONER FREEMAN. How many members does UAW have in Jefferson County and Louisville?

MR. HARMON. There again, I would, like my brother Smith here, I am chairman of the CAP council of all UAW local unions in this area and all the way to Carrollton, to Covington, Kentucky, and it would be impossible for me to tell you at this time. I can give you an approximate figure—approximately 17,000 members.

COMMISSIONER FREEMAN. How many of them are black?

MR. HARMON. There is no way I could tell you, give you that figure.

COMMISSIONER FREEMAN. Do you have any information concerning the UAW apprentice program?

MR. HARMON. I am sorry, there again I cannot tell you that. I don't have that information.

COMMISSIONER FREEMAN. Do you have the information about the name of anybody who would have information about the apprentice program?

MR. HARMON. To compile that figure would take quite a lengthy time because of the number of the local unions involved. We run from 200 local unions to 6,000.

COMMISSIONER FREEMAN. Let's give you one example. The Ford plant, for instance, that is UAW, is that not right?

MR. HARMON. That is exactly right.

COMMISSIONER FREEMAN. Could you then assist the staff in getting information about the Ford plant, your apprentice program?

MR. HARMON. I can get that information for you, yes, ma'am, I sure can.

COMMISSIONER FREEMAN. The number—

MR. HARMON. I sure can.

COMMISSIONER FREEMAN. The total number of members in the union, total number in the apprentice program, and the total number that are black?

MR. HARMON. I will make every effort to do that.

COMMISSIONER FREEMAN. And any other of the automobile-related fields?

MR. HARMON. I will make an effort.

COMMISSIONER FREEMAN. Is that International Harvester?

MR. HARMON. International Harvester. I will try my best to get those figures for you. You want the total number of apprentices in the trades and the number of blacks involved, right?

COMMISSIONER FREEMAN. This Commission just completed a report involving the unions involved, and we found that there were problems in all of them, particularly in the admission to the apprentice program and in the graduation from the apprentice program to become journeymen. We would just like to get that information for the record.

MR. HARMON. I think you misunderstood me when I told you that we had no problems in the UAW. I wasn't referring at the time to apprentices, apprentice trades, and so forth.

COMMISSIONER FREEMAN. You do have problems in the apprentice trade?

MR. HARMON. Most certainly. I never intended to indicate we don't have problems in the UAW. We do. But I was speaking primarily at that time, when I told you that, that we didn't have problems in other areas.

CHAIRMAN FLEMMING. Thank you, very, very much. We appreciate your being with us and giving us this testimony.

Counsel will call the next witnesses.

MR. HARTOG. The next witnesses are Barry Bingham, Jr., Kenneth Stanley, and T. Ballard Morton, and these are all members of the media.

[Barry Bingham, Jr., Kenneth Stanley, and T. Ballard Morton were sworn.]

TESTIMONY OF BARRY BINGHAM, JR., EDITOR AND PUBLISHER, LOUISVILLE COURIER-JOURNAL AND LOUISVILLE TIMES; KENNETH STANLEY, EDITOR AND CO-PUBLISHER, LOUISVILLE DEFENDER; AND, T. BALLARD MORTON, PRESIDENT, ORION BROADCASTING, INC. (WAVE-TV)

MR. HARTOG. Starting with Mr. Bingham, could you give your name and business title for the record, please?

MR. BINGHAM. I'm Barry Bingham, Jr., editor and publisher of the *Courier-Journal* and *Louisville Times*.

MR. STANLEY. My name is Kenneth Stanley, editor and publisher of the *Louisville Defender* newspaper.

MR. MORTON. T. Ballard Morton, president of Orion Broadcasting, Inc., WAVE-TV and WAVE-Radio.

MR. HARTOG. Mr. Bingham could you explain briefly the structure of the *Courier-Journal*, and *Times* organization? For example, in addition to the two newspapers, there are additional media outlets owned by the organization?

MR. BINGHAM. That is correct, WHJS, which is a television AM and FM station owned by the same family of stockholders. It is not a subsidiary of the newspaper, however. Standard Reviewer Corporation is also owned by the same stockholders.

MR. HARTOG. Is there a single editorial policy which is for all these media outlets?

MR. BINGHAM. No, there is not. The broadcast station is completely independent as far as editorializing.

MR. HARTOG. And news coverage as well?

MR. BINGHAM. Yes, both news and editorial.

MR. HARTOG. So the integration is on the business end of the operation?

MR. BINGHAM. Well, by "business," that means it's completely independent as far as advertising is concerned, as well.

MR. HARTOG. I see. Thank you. Do the two newspapers have a single policy line?

MR. BINGHAM. One policy.

MR. HARTOG. There is one policy. Do they have independent reporting staffs?

MR. BINGHAM. Yes, they do.

MR. HARTOG. Is there an effort to keep those separate from the editorial?

MR. BINGHAM. Yes, there is.

MR. HARTOG. How is that done?

MR. BINGHAM. They are under completely separate management. Each newspaper has its own managing editor, and there is an executive editor in charge of all the news operation, both the morning, afternoon, Sunday, sports, photographic, and so on; they are under him. And the editorial department, which is responsible for the opinion pages, is my responsibility. And none of the editors ever write editorials, for instance.

MR. HARTOG. Thank you very much. When did the *Times* and *Courier-Journal*, to your knowledge, start preparing to cover the school desegregation process which began this past September?

MR. BINGHAM. I can't tell you exactly when—individuals may have started preparing earlier. But the first preparation in which I was involved, extensive preparation, was in about mid-March 1975, when a group of editors and I—I think there were about 15 of us altogether—went to Boston to talk to officers of the Boston Globe Company, which had—at that point—had about half a year of busing. We went to talk to them for the best techniques for covering the busing situation.

MR. HARTOG. Could you relate to us some of the things that you and your staff gathered from your visit to the *Boston Globe*; any policy decisions you made as a result of that visit and your other studies?

MR. BINGHAM. Bob Clark, executive editor of the newspaper, put out the memorandum in August, which was based, at least to some extent, on that visit. I think you may have copies. It is dated August 7, 1975.

Generally speaking, and I will just try to paraphrase, I will be glad to give you a copy if you like, an effort would be made to cover all

aspects of the issue. In other words, to get both the pro- and the anti-busing point of view in the newspaper, to put an absolute premium on accuracy to make sure we covered the story as fully and as accurately as possible. And there were some minor sort of technical details in it but, generally speaking, this was the thrust.

MR. HARTOG. Based upon your visit to Boston, did you make any determinations with respect to private meetings with various groups?

MR. BINGHAM. Yes, the *Boston Globe*—and there had been a good deal of material published in the trade press about this—the *Boston Globe* allegedly was involved in a closed meeting with the mayor, Kevin White, of Boston and other city officials and members of the broadcast media. Supposedly—this is a question of controversy, so I am not sure exactly what happened—but supposedly there was some agreement reached on how they would cover the busing controversy, and, perhaps, even whether they would play down violence and that sort of thing.

The *Boston Globe* people denied there was any such agreement, but they said, just to avoid that kind of controversy, the best thing is not to get into any closed meetings with public officials.

MR. HARTOG. You followed that advice?

MR. BINGHAM. Yes.

MR. HARTOG. So you have participated in no closed meetings whatsoever?

MR. BINGHAM. No.

MR. HARTOG. Thank you. Mr. Chairman, let me ask one additional question. Were these internal guidelines that you prepared, did they ever become the subject of judicial action by the Federal district court, Judge Gordon?

MR. BINGHAM. Well, they were prepared by Bob Clark, executive editor. Yes, well, they were—at one point Judge Gordon asked how the press—and in this case, he was specifically talking about the newspapers—how the press would cover busing. He was given a copy of these guidelines and looked at them and said they looked reasonable to him.

MR. HARTOG. My understanding was that there was a general statement about coverage of school segregation. Are you familiar with these, this general statement and its evolution and basic thrust of it, what it was attempting to accomplish? This was issued in August and was a statement presented to Judge Gordon, is my understanding.

MR. BINGHAM. It's the same one as the guidelines which were drawn up by Bob Clark or dated August 7.

MR. HARTOG. Mr. Chairman, at this point I would like to submit for the record, at the appropriate exhibit number, a document entitled, "General Statement About Coverage of School Desegregation," which is signed by the leading newspapers, TV stations, and radio stations in Louisville. It has addendum I, the Bob Clark memo, Mr. Bingham has referred to. And I believe it has a second—No, I think that is it.

There is a second addendum as well, "The Electronic Media." Those are the guidelines for the electronic media. Along with that exhibit, I would submit a document which at the top has "Memo to All Hands on Boston School Opening," which is the internal guidelines Mr. Bingham got from the *Boston Globe*.

CHAIRMAN FLEMMING. Without objection they will be entered at this point.

[The documents referred to were marked Exhibit No. 16 and No. 17 and received in evidence.]

MR. HARTOG. Mr. Bingham, it's my understanding there was an internal memo from the city editor of the *Times* to reporters, giving them instructions on fair coverage, issued immediately prior to the opening of school, that you have identified for us, and also a retrospective on the reporting of the first week's events by the same city editor written in early mid-September after the opening week of school.

MR. BINGHAM. Yes.

MR. HARTOG. These are the two documents?

MR. BINGHAM. Yes.

MR. HARTOG. I would like to submit these as an exhibit at this point, Mr. Chairman, with your permission.

CHAIRMAN FLEMMING. Without objection it will be entered in the record at this point.

[The document referred to was marked Exhibit No. 18 and received in evidence.]

MR. HARTOG. Reading from page 3 of the—what I have called the "Retrospective on the First Week"—I would like to read just parts of it to give people the flavor of what the document says. This is written by the city editor of the *Louisville Times*, from my understanding:

The school system made a commendable effort to open the schools to the press. The policy was that principals could restrict reporters' access, and not many principals did. But in a few instances we had the devil's own time getting clear that no central office edict had been issued restricting access.

It skips and says, "Rumors have driven us crazy," and skips on and says:

County Government's policy of forbidding anyone but the County Judge to comment on desegregation-related matters was also troublesome and in my view unnecessary. Policemen on the scene having trouble were forbidden to discuss it. Fortunately they often ignored the policy, but sometimes they did not.

At best we were delayed in getting information. At worst we didn't get it at all. The city had a similar policy but I don't recall its being a problem. Probably because it wasn't observed.

On the night of the riot, [I believe that is referring to September 5] responsible county officials put out misleading or erroneous information. They simply didn't check it. One lesson here is to treat official pronouncements with skepticism, for lots of reasons; the folks at the top can be badly wrong.

We called every hospital in town trying to find a child supposedly badly injured in the riots, there was no such child.

Was the county edict, mentioned in this "Retrospective," prohibiting county employees from speaking directly to the press, in fact, troublesome in your opinion?

MR. BINGHAM. I believe it was, yes.

MR. HARTOG. Can you elaborate?

MR. BINGHAM. I don't have any specific examples to cite, but as the city editor states, reporters frequently had trouble getting information because they had to go to the county judge to get it, and it took him time to find out what people at lower echelons already knew. So, since the newspaper business is a deadline business, you frequently miss days and editions when you could have gotten that information into print if you had been able to get it from the policeman who is on the scene, for instance.

MR. HARTOG. Mr. Bingham has been kind enough to supply staff with various editorials published in the two papers. There is one, in particular, the staff would like to put in the record titled, "Tyrannical Tactics, Busing Opponents Can't Cry Freedom and the Use of Threats." The key section from there I will not read for lack of time, but it will be made available to the Commission shortly.

CHAIRMAN FLEMMING. Without objection, it shall be entered as Exhibit 19.

[The item referred to was marked Exhibit No. 19 and received in evidence.]

MR. HARTOG. Mr. Stanley, would you briefly describe the *Louisville Defender*, for the Commission, its circulation, and audience?

MR. STANLEY. It's Kentucky's only black weekly newspaper. We publish all over the State, with circulation all over the State. Primarily, our basic circulation is right here in Louisville. We are a black-owned weekly newspaper. We have been in existence now for 43 years.

MR. HARTOG. Would you, please, describe some of your activities undertaken by yourself and/or your newspaper in relation to school desegregation?

MR. STANLEY. We tried to cover it as fairly as possible, being a weekly newspaper with a limited size of staff and persons we had available to cover it. We tried to give the black community as many times to be able to find in our newspaper as much news things which were going on, events that were taking place in the community, meetings that were transpiring in the community, so our readership would be able to keep up and keep abreast of the various activities

that were going on, so they would be just as aware as anybody else in terms of what was developing in the city at that particular time.

We felt it was very advantageous for us to make an extra effort at this time because of the fact so much was at stake, because of the fact that this was a very, very difficult period for the community, and because of the fact that our singular role, by being the only black newspaper in the State as well as Louisville. We felt we had a dual responsibility, once again, to our readership to fulfill, so this was the direction we tried to play.

MR. HARTOG. Did your paper editorialize during the course of the year on issues of particular concern to the black community? If you could, just very briefly, touch on what those were.

MR. STANLEY. I would say we editorialized each and every week on different issues as they came before that particular time. I think one thing we hit on was, I guess, primarily dealing with what the blacks' advantage would be in terms of supporting the entire busing issue, where this was going to be the best thing, and why it interested them. It was sort of a give-and-take kind of thing because some people felt it would be—but they felt the process we had to go through to achieve it was not well worth getting involved, that there could be an easier way to achieve the same objectives.

So we tried to get the support of the black readership and black community to wholeheartedly endorse and back this particular thing. But there were some people who still felt there could be better remedies and a better way to go.

MR. HARTOG. In your opinion, did some of the issues which you treat in your newspaper which were of concern to your black readership receive adequate treatment in the major media outlets? MR. STANLEY. I think so. I think the *Courier Journal-Times* did an excellent job on the coverage. I watched it on a daily basis and commended them highly for the job they did. I think they covered both sides, pro and con, and generally I applaud them for the effort they made.

MR. HARTOG. And the broadcast media, in your opinion?

MR. STANLEY. Likewise.

MR. HARTOG. Did you or your newspaper experience any threats or efforts to intimidate or impede your efforts to inform the black community and to continue reporting of the issues?

MR. STANLEY. Some of the threats we received, some of our advertisers would receive threats from certain antibusing organizations in the city in regards to the fact that they were advertising in the paper, supposedly with a big hint, asked to stop it, but to justify why they would do it. We had one case where several of our racks on Preston Avenue in front of a Consolidated store were beaten out and Ku Klux Klan papers were put inside in place of ours.

We had a couple other instances where intimidation came across. In some cases it was subtle, and in some cases it wasn't. We had a lot of phone calls coming into the office, threats coming into our or-

ganization, and staff was very tight at that time, so it was a very, very tense kind of situation.

MR. HARTOG. It was very tense? Are there any particular—an example of any of that you could give the Commission to give us a feel for the situation?

MR. STANLEY. I recall talking to the advertising director at A&P who advertises with our paper each and every week. He said an antibusing group had been out to see the president of the store and that they had become very, very violent and disgruntled when asking him to, I think to close down for a day, to support the antibusing movement and also was questioning his advertising in the *Louisville Defender*. He was very upset. The meeting broke up. They didn't get much further into it because of the demands they were placing on him, and he told me A&P was going to stand behind us.

I also recall that Sue Connor stood up at one rally and said, "If you want to know what is going on at the West End, make sure you read the *Louisville Defender*." The next day, some of our advertisers called to say, somewhat in joking, but also with serious concern, what effect this might have, beginning to take our paper to the spotlight and play with it in the sense—in these lines.

MR. HARTOG. Thank you, Mr. Stanley.

Mr. Morton, does WAVE-TV news, is it one of the higher rated among local news shows?

MR. MORTON. I hope so.

MR. HARTOG. Is it the highest in the city at this point, or recently?

MR. MORTON. I think it would depend on what sources you use. If you are asking my opinion, I can give you one.

MR. HARTOG. Let's move right along. I think I will skip WAVE-Radio. As I know you are aware, Mr. Morton, school desegregation and the issue of busing are highly sensitive issues which lend themselves to much sensationalism. Did your station take any special precautions in covering the story in light of its sensitivity?

MR. MORTON. Yes. There was a lot of time spent, particularly by news directors, in making sure we covered it fairly and as accurately as we could.

MR. HARTOG. Do you get involved in issues, questions of journalistic ethics, in terms of covering a story and where news ends and sensationalism begins?

MR. MORTON. I do not.

MR. HARTOG. Does the station have any problem, feel there is any need to explore that issue, with respect to this particular issue, in a little more detail, a little more care than it would normally?

MR. MORTON. Perhaps, yes, in this case. But we were—the way we are set up, at our stations—we have other stations, other than here in Louisville, and we provide quite a bit of local autonomy. It would be up to the—at all stations, they would know what our general standards are of trying to provide the best possible news services we could and to be responsible citizens where we operate.

So in each station, each station manager under that broad guideline would make sure that his news director was carrying that policy out. In our case, our news director, on his own initiative—and he is here, if you want to—Jim Keeler can go into greater detail. But he had—the monkey was on his back.

MR. HARTOG. In your opinion, is there a line which can be described, at which point local coverage of school desegregation or any other sensational issue, where stations could step across a clear line of journalistic ethics in covering a story?

MR. MORTON. I don't think you could draw that clear a line. There is a gray area in there.

MR. HARTOG. In your opinion, could you give us an idea where some of the difficult questions in that area lie?

MR. MORTON. Well, I think putting on as news or as fact things that have not been substantiated would certainly be going too far. We took great care in what we reported as being factual, we could substantiate.

MR. HARTOG. For example, would you report rumor as rumor, but nonetheless report the rumor?

MR. MORTON. Yes, I think we did in this case, because they were set up—again, Jim Keeler could answer that more precisely—but they set up a Rumor Control Center.

MR. HARTOG. At the school?

MR. MORTON. Yes, and you had to deal with rumor, but we tried to, when it was rumor, make sure that the viewer and listener knew that.

MR. HARTOG. Mr. Morton, earlier Mr. Bingham commented upon the county judge, and in that memo, it also referred to the mayor's apparent effort to stop county and city employees from speaking to the media. I have here, and I would like to submit for the record, a WAVE editorial dated August 14 and 15 which is highly critical, in particular, of the effort by the county judge.

[The document referred to was marked Exhibit No. 20 and received in evidence.]

MR. HARTOG. In retrospect, was this a serious matter?

MR. MORTON. Well, as I recall, it kept us from covering the news as well as we thought we could, and it presented a problem for the reporters in getting news quickly. And we were also concerned of just what role Judge Hollenbach was trying to fill, that he was trying to become a news director for our station, and we didn't like that.

MR. HARTOG. Thank you. I have no further questions at this time.

CHAIRMAN FLEMMING. In testimony that we have received at other cities, our attention has been called to communitywide committees, in at least two instances established or appointed by the court in connection with the court-ordered desegregation. These committees have been made up of representatives of all segments of the life of the community. They have had on them persons who were opposed to transportation of pupils under the court order, those who favored it. But

by and large, the committees were composed of persons who believed that the court order was a fact of life and that they should work together as a community in an effort to implement the court order in the most effective possible manner.

Earlier today, Mr. Brown, who had served as president of the chamber of commerce, indicated he had talked to Judge Gordon about the desirability of establishing such a committee. We understand further that this matter was presented formally to Judge Gordon in court. Up to now, anyhow, the judge has not taken any action along this line.

I would like to ask all three members of the panel whether you feel that at this point in the evolution of desegregation in Louisville, it would be desirable to have a communitywide committee of this kind brought into being by the judge, or possibly by other leaders in the community, a committee that would be designed to coordinate the affirmative efforts to make the order work as effectively as possible, in terms of its impact on the lives of children and young people.

Go ahead, Mr. Bingham.

MR. BINGHAM. Mr. Chairman, I really don't know. It seems to me that you would run the risk of that committee falling at odds with Judge Gordon; in other words, not agreeing with every detail of an order which he might issue.

And the other thing, quite frankly, is that all everybody in this community talks about is alternatives. In other words, it seems to me almost everyone is saying, "Anything but busing." Frankly, I don't think there are any alternatives which could be implemented which could do the job as successfully for less money than busing will.

So I think such a committee would probably be doomed to frustration. If it could come up with something more socially and legally acceptable than busing, that would be fine. I don't see that on the horizon.

CHAIRMAN FLEMMING. Well, let me make my question clear. I don't have in mind that such a committee would address itself to alternatives. What I had in mind was that such a committee would address itself to the implementation of the court order as it is now or as it may be modified.

This is the role of these committees in other communities. They are not searching for alternatives. They are taking the court order as is and trying to work within the community to implement it in such a way as to have the maximum positive effect on the lives of children and young people.

MR. BINGHAM. I personally don't know if that would be of any particular value. I would hope that that task would have been performed by the school board, so that there would be a direct, positive relationship between the judge and the people who are responsible for what goes on in the schools.

CHAIRMAN FLEMMING. All right.

Mr. Stanley?

MR. STANLEY. I think it would probably be an asset. But, also, the problem still remains in terms of how it would work out and how effective it would be as a result of it.

Once again, the school board has to play a certain role in it being effective. So the committee, even though desirable, it would still have an uphill road to climb because of the association—Once again, the primary responsibility would be lying between the judge and also the Jefferson County board of education. So they would have to sort of work as a tri-party, three parties involved in trying to assist one another for the implementation of it.

CHAIRMAN FLEMMING. Mr. Morton?

MR. MORTON. I don't believe that such a committee would be particularly effective here. One of the problems that you have—that struck us, that is, from an editorial standpoint—is the great problem you have because of merger of these two huge school districts.

And that has presented in itself so many problems that the outsider can't begin to grasp. And those who have had to deal with them inside, I think the staff of the school board, it's just been monumental in themselves. I just can't see, myself, how such a committee would really be effective at this time.

CHAIRMAN FLEMMING. All right. The first school year of desegregation is at an end. All three members of the panel have had an excellent opportunity to get a bird's-eye view of what has been going on during the past year. What is your estimate of the past year in terms of the impact of the implementation of the court-ordered desegregation on the lives of children and young people?

MR. BINGHAM. I think it has generally probably had a negative impact on the quality of education here. There has been a substantial amount of confusion, especially during the opening months of school when students went to the corner, waited for the bus, it didn't arrive or it was hours late. Students went to the wrong schools. I think there has just been a general confusion associated with busing. And as Mr. Morton says, I think that, at least in part, can be laid to the merger of the city and county school systems. I think that would have occurred anyway to some extent.

I don't think it has been disastrous for education here. I would say it has just reduced the quality of education, as it has, as I understand it, in most other communities during the first year of busing. There is a great deal of disruption, as there was in Charlotte, North Carolina, and St. Petersburg, Florida. And after a few years, maybe the second or third year, things began to settle down. People who are most violently opposed to the system have probably withdrawn their children from the system, and the general rowdiness which may have accompanied the first year begins to settle down, and the educational process begins to settle down, and the educational process begins again as it should.

CHAIRMAN FLEMMING. As you look forward then, to the next year, you feel there will be an improvement?

MR. BINGHAM. I believe so. There are some people who are afraid there will be substantial violence, especially violence inside the schools. This year it was a case of demonstrators on the street, lighting bonfires and throwing rocks and things like that. There is some fear that that violence may move inside the schools themselves.

I would hope not, but I think we always have to be prepared for a really very unpleasant situation at any time, as long as there are a substantial number of people in the community who oppose the busing order.

CHAIRMAN FLEMMING. We took testimony this morning from some students in a high school where, at least two instances, a good deal of emphasis was placed by them on the opportunities that they had as a result of desegregation or integration, of becoming acquainted with other cultures, with persons representing other cultures, and so on, and felt that, from that point of view, it was a very positive experience.

Do you have the feeling that that kind of an experience has been duplicated in other schools in the system?

MR. BINGHAM. Well, I would assume that has been pretty general. There has been a ratio, not always meeting the court order, but there has been a ratio of black and white students in every school, which, in many cases was far in excess, representing blacks far in excess of what it had been before. I think that may have happened in many thousands of cases.

In fact, there are some students who have voluntarily said they want to go back to the school to which they were bused this year, that they want to go back because they felt they were getting a better education there. So I think it has had some positive effects, but like so many things, the positive effects are hard to find. People seldom get up on the rooftops and scream and yell about the positive effects. It is the things they don't like that they raise hell about.

CHAIRMAN FLEMMING. I might say that that is one of the reasons that in all of the cities we have always listened to the testimony of the students, because, after all, they are the consumers, and they can provide us with that kind of information.

Mr. Stanley, would you like to comment?

MR. STANLEY. I feel the quality of education has definitely decreased. Unfortunately, the black community might be the person that sort of has to bear the brunt of that, because maybe they had a little bit more catching up to do initially. And going into the new system, I think they had maybe more hopes of finding a better quality education as a result of busing. Consequently, that, in my opinion, did not occur, and they, unfortunately, have taken a few steps backwards from where their personal education levels were at that particular time.

I do feel like, though, that the social education, people exchange, the new contacts, the new friends, the new teaching experiences, the new places, as a result of the busing and as a result of the past year

has helped them to grow as individuals and to be able to associate more on a better personal level with the white community, basically, at large.

But once again, the final, I guess, crux of the matter is the educational level obtained by the students in the schools, being the main criteria for the entire educational challenge today. This, as a result, I think the black community has not been able to reach that gap which existed or close it up with any great deal of emphasis.

Consequently, you have definitely blacks in the community who are trying to pick certain schools for their kids to go to if at all possible, hoping that certain schools which have always maintained a high quality educational tradition, that they could possibly get their children into this particular school. And this hasn't been able to come about.

As a result, the board of education has talked about some possible traditional schools as something they are going to start in September, on what scale I am not exactly sure, but it would be a possible alternative to the present existing situation as it exists. As I said, unfortunately, as it is, and I really believe that the black student has suffered as a result of this year of school, school busing as it has been carried out to this point. Hopefully, maybe another 2 years from now, it will be able to bridge this problem in much better stride.

CHAIRMAN FLEMMING. Mr. Morton?

MR. MORTON. Obviously, the year was disruptive for students and for teachers and for parents, anybody else involved. And if disruption is a bad thing for education, then this obviously had its effect. I suppose, obviously, there were a number of positive experiences, and I imagine you get as many different reactions as people you interview.

CHAIRMAN FLEMMING. Mr. Horn?

VICE CHAIRMAN HORN. Gentlemen, you are in a unique position as community leaders that sit atop a wide flow of information that comes to you. One of the recurring problems this Commission and others that look at civil rights matters try to sort out is what relationship, if any, exists between socioeconomic class and race, in terms of desegregation of housing, school, employment, so forth.

I wonder, as people who live in Louisville, make their homes here, and have access to survey, polling, and demographic information, how would you answer the question as to the role the socioeconomic class plays in any of these matters of desegregation in other schools, as opposed to simply race?

Mr. Morton?

MR. MORTON. I would think it would be a fairly large factor, but that is based on personal opinion.

VICE CHAIRMAN HORN. How would you support that reaction? I am interested in your reaction as a person on the local scene.

MR. MORTON. Well, I would do it mostly through housing and in neighborhoods where I think in—it seems to me, what I have observed—where the socioeconomic levels are pretty similar, there generally isn't too much trouble.

VICE CHAIRMAN HORN. Would you care to add to that, Mr. Stanley?

MR. STANLEY: I wonder, could you possibly rephrase that question for me? I am trying to get the crux of it.

VICE CHAIRMAN HORN. Let's give you some analogies. People sometimes say, "Look, it isn't the bus that is wrong here; it's white people don't like having black children go to school with white children." That is one argument heard. It might be true. It might be true to a certain degree or varying degree.

The next argument is the one Mr. Morton said, "Well, it isn't just a matter of race, it's a matter of poor children being mixed with middle class children, whether they are white Appalachians from Cleveland or poor blacks from some other urban city."

What I am trying to sort out in my own mind is just what is your view on the subject?

MR. STANLEY. I think it will have to be dealing with the economic situation, because of the fact of economics. People who have all the opportunity provided by a substantial base of economic wealth, they would be able to build up in their own community with these needs they would have. So the economics definitely has to play a part of it.

VICE CHAIRMAN HORN. Mr. Bingham, would you care to add anything, based on the Louisville experience? How do you look at this community and the class makeup of the community?

MR. BINGHAM. Well, I don't have any statistical answer for you. I think that your hypothesis is correct, though. It may be a difference of expectation. In other words, in some income categories your parents are looking for a certain quality of education, whereas in other income categories the parents may be satisfied with something less. Therefore, you get an affluent community which is willing to be more active in PTAs, for instance, and maybe even enrichment of the school to which their children are going. And in some other parts of the community, lower income parts of the community, that incentive just isn't there.

VICE CHAIRMAN HORN. Mr. Bingham, I noticed you visited with the publishers in Boston to get some advice, you prepared guidelines on how to cover desegregation. I wonder if another publisher from another city about to undergo a court order similar to what Louisville underwent came to you for advice, could you succinctly give me an idea of what you would tell him? How should he or she cover desegregation?

MR. BINGHAM. Avoid it if possible. Seriously, no, succinctly, I don't think I can. Our visit to the *Boston Globe*, our meetings with them lasted for about 5 hours. A little bit more than that. It took every bit of that time for them to tell us all of the problems that they had had, even internal problems in their own news organization.

There is just no easy way. It is expensive, it is time-consuming, it is exhausting. It is everything that you can think of that goes along with a crisis.

The best very brief answer I could give is, beef up your organization and make sure that the organization will stand up under stress. In other words, take whatever catastrophe you can imagine in your community and be sure that your newspaper can cover that adequately, and you can handle busing. And by that, I don't mean for 24 hours or 48 hours but for the whole year.

VICE CHAIRMAN HORN. One of the questions that frequently arises has to do with the whole nature of the news media, what is news? News is conflict, not necessarily the good that man and woman do. How do you see, as giving publisher guidelines to an organization, where the appropriate line should be drawn?

The reason for that question is, when this Commission goes to a city such as Boston, as the Chairman mentioned, or Denver, or Tampa, we get students on the stand, and we try to hit all of the schools in the area and get a cross section. We don't just go to south Boston, which has dominated the television news and the front pages of the daily paper.

So as we listen at these hearings, we hear about a lot of progress being made. That story usually doesn't get out to the Nation, at large. It might get out locally, depending upon the particular approach of the media locally. So what I am interested in is, how do you advise a news organization as to what really is news, and is it simply when people are hitting each other over the head?

MR. BINGHAM. Well, unfortunately, that always is news. I think we in Louisville at the newspaper, and also at the *Boston Globe*, made a sincere effort to try to give the big picture. In other words, on the opening day of schools, if there had been violence in one of the schools, we wouldn't have had a headline saying, "Violence in Schools," and had no mention of what went on in all the other hundreds of schools which were peaceful.

In other words, we tried to balance it in a way which I have to admit is not the normal news judgment. To give you an example, if one airplane crashes at Standiford Field, no newsman or television reporter would say, "Well, one airplane crashed, 79 landed safely." That is just not the way news is managed. But when you do get into a highly emotional situation like this, where people want to know everything about it, the best thing is to give them information which you would not normally consider news.

VICE CHAIRMAN HORN. Has your paper, say, covered student reaction in elementary or secondary schools as to the progress, or lack of progress, for that matter, the students might feel has been made, or are you mostly dealing with the adult community outside the schools?

MR. BINGHAM. Well, I think largely our coverage has had to do with the school board itself and teachers. We have had articles in the newspaper, a series of articles written by students, about their personal experiences in each school. And I think those were particularly effective, until either classmates or teachers or somebody got to some of

these kids and asked them to be a little bit less candid. And, frankly, they got to be pretty—not very useful after that.

VICE CHAIRMAN HORN. I wonder, Mr. Morton, would you care to add anything, based on how a television station should cover desegregation, based on your own experience?

MR. MORTON. Again, trying to cover it as broadly as you can, you don't have your—you have got time limitations. We tried to delve behind the scenes, dealing in some more human aspects of it. At the beginning of the school year, we did a special hour program on how the busing order affected the lives of a lot of different people who were involved—students, teachers, parents, bus drivers.

And we did a followup on that just a few weeks ago, of where they were. And it was kind of interesting, because the results of those particular people that we had chosen somewhat at random were, for the most part, quite positive. They had gotten through the year a little better and it was on a high note. But the public reaction to the program was that we just whitewashed it.

That is not what had happened at all. All we were doing was being factual, going back to those particular people. We weren't pretending it was an actual portrayal of what really did take place.

VICE CHAIRMAN HORN. We found in Boston, in both the print and visual media, that the local media had been fairly responsible in how they covered it, looking not simply at persons who hit each other but the more positive aspects of desegregation.

One of the problems that arose in the coverage of Boston is that the national television media or national print media, but primarily television, then discovered Boston, came upon the scene. The feeling was that the negative sides were escalated in that particular situation, which, in turn, pressured the local television media to become much more sensational than it had been. Did you find a similar evolution in Louisville?

MR. MORTON. No. When the networks came, they were very sensitive to this issue and tried to present as balanced a picture as they could. But once violence erupted, and there was violence, they put it on, and it was there. But I don't believe, to my knowledge, we didn't feel any pressure to sensationalize. And the violence was looking back, fairly isolated in a reasonably short time. So I don't think it was quite the same thing that happened in Boston.

We weren't trying to avoid violence or saying it didn't take place, but we tried to put it into the perspective, as Mr. Bingham said, in the newspaper, the perspective of everything that was going on in the community.

VICE CHAIRMAN HORN. I have heard hearsay, and I would like to ask any of you three gentlemen about this next question. The charge was made—and, as I say, it was not in direct testimony before the Commission; it was hearsay; therefore you take it with a grain of salt, but I would like to know if you have heard of similar instances—that some

of the reporters, and I don't know if it was print or visual media, in covering some aspects of the demonstration did attempt to egg on, shall we say, black people who might have been on the sidewalk or whatever when this demonstration was occurring, presumably to get a story that involved conflict.

Did any such incident occur in Louisville, to your knowledge?

MR. MORTON. Not to my knowledge and not to any of our reporters. Better not have.

MR. STANLEY. Not to my knowledge either.

MR. BINGHAM. No, and it would be a violation of our guidelines if it did.

VICE CHAIRMAN HORN. Thank you.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. No questions.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. Gentlemen, as Dr. Horn, I believe, pointed out, you are in a unique position to have the pulse of the community. I wonder whether you could comment on what point, what was it that contributed to the breakdown of community leadership and community efforts to maintain the peace of the community? When did it fall apart? Why did that happen?

MR. BINGHAM. I may go back a bit farther than a specific point, but it seems to me that during much of the spring of 1975, most people here were under the impression that the court order would require implementation in the fall of 1976. In other words, we would have a whole year to implement plans and prepare the community and the schools and so on, that we would have 1 year of merging the city and county school districts, and then the next year we would have busing. That was my impression when I went to Boston in March and the impression of many other people.

Then early in the summer, the order came down that we were going to implement in the fall of 1975, and I think it caught everybody short, quite frankly. All of us could have been better prepared. Now, even with another year of preparation, I don't know if we would have avoided much of the violence we had this year. We might have, but that is a matter of conjecture. I think that at some point there are elements in the community which defy all authority, and it doesn't really matter what the mayor or county judge or publisher or president of a television station or anyone says. If there is something going on they don't like, they are going to get out and demonstrate, and they are going to demonstrate violently.

So even with another year, I don't think we would have avoided all the violence. It is possible, however, the police would have been better prepared, and the whole community would have been prepared for busing.

COMMISSIONER SALTZMAN. Any other comments?

MR. STANLEY. I think also, probably, it was a series of things that happened, while the merger definitely had an effect on it, the fact that we didn't have time to adequately prepare, also, I don't think anybody could judge the resentment which was brewing, sort of, in the community on a day-to-day kind of basis.

It just simply became a powder keg which continued to grow, continued to be fed, and sort of exploded at various points in the riot and disturbances that occurred. Even through all the efforts of many organizations, the news media as well, to try to calm and quell and educate the best possible and be a leading force and to remain calm here in the community, those necessary ingredients to provide a clash had already, unfortunately, been released. So they existed in the community.

COMMISSIONER SALTZMAN. But there was effort under the organization called CALM that was initiated and then stopped, as I understand it, to transmit and convey to the community the responsibility, etc. We found in other communities, where less than Louisville, you had a large segment more vigorously opposed than others, and I would assume Louisville isn't too different than Tampa or Boston or Denver—and I am not sure Boston is the best example, but certainly Denver and Tampa—where the community leadership came together, business, religious, labor, the media, and did make a vigorous effort to tell the community that whether you like it or not, this is the law of the land and we are going to observe it, and we are going to do it peacefully.

But at one point, all the efforts of community leadership began to cease, TV spots stopped, everything fell apart, so to speak, which may have contributed to the sense of intimidation and fear that began to grip the community. What produced that, I wonder?

MR. STANLEY. I can't put my finger on the point as to what actually produced that breakdown, which is what you are looking for, but it did happen.

But I do think the—once again, the community that was working toward this CALM effort totally unescalated. The other party, the other side that was not listening, that was totally upset, that was very angry, very bitter about what happened and what was getting ready to happen, and, consequently, it caught everybody across the board from A to Z, and all kinds of organizations, totally off guard.

Very, very small flash, some words here, police here, people in the street here, a school here, a few things here and there. You have an explosion, you know, of individuals against the police. Unfortunately, it was a very, very bad situation. So that's the way I saw it.

COMMISSIONER SALTZMAN. Mr. Morton?

MR. MORTON. I really can't answer your question.

COMMISSIONER SALTZMAN. In terms of next year, is there anything that you think over these few months of the summer ought to be done to prepare once again for the opening of school in September?

MR. BINGHAM. Well, I really don't believe that we can advertise our way out of trouble. An organization like CALM is commendable, but when people feel as strongly and emotionally as they do about this issue, I don't think you can even reach those people. As Mr. Stanley says, they are not listening.

I think the best thing for next year is for the schools to give the people assignments as soon as possible, be as flexible as possible where there are reasonable cases for transfer, and just try and keep people as fully informed as possible, and also try not to build up false hopes. Every time some politician comes up with three new ways to solve the busing problem and then nothing happens, you have a lot of people out there whose frustrations are raised another notch.

I think if we can get the community to face the fact that we are going to have to have integrated schools, that we are going to have to do it by busing, unless somebody can come up with some other way—which no one can foresee at this point—I think that that would be the best thing that could happen to us.

COMMISSIONER SALTZMAN. One final question. Do you feel that, in general, across the community, there is confidence in the capability of the law enforcement agencies here in town, in the county, the police?

MR. BINGHAM. Yes, I feel there is. I think that they are much better off than they were when the busing order—when the schools first went into session.

COMMISSIONER SALTZMAN. Minority communities, too, have confidence?

MR. BINGHAM. Well, now, I'm not too sure about that. We have had a few incidents here which have racial overtones which I think have undermined the relationship between the black community and the police, especially in the city of Louisville. But I think, generally speaking, as regards the schools and the ability of the police to protect the schools from violence, I think that the community has a pretty fair feeling about that.

MR. STANLEY. Speaking from the minority community view standpoint, I would have to say they do not have confidence in the police and the situation. Unfortunately, it is that way. It goes back very, very far. I guess ever since—well, you can't actually pinpoint any particular situation, except there has been a believability gap between the black community and the police department. I am sure this is not only here in Louisville but across the country.

So you come into a situation involving busing, then you add on to an already—situation which is—the complex problem of the busing situation, which simply works to make it worse, a worse situation, which has not been corrected. As Mr. Bingham was saying, there have been some incidents which have occurred which once again have added more fuel to this whole fire.

I believe there are some efforts on the part of the police department to correct some of their situations, and although, unfortunately, they

are not able to correct them fast enough and with enough believability to gain the support of the black community.

This is a situation which does exist, and it was one which we are living in from day to day, a sort of day-to-day kind of thing as to what is going to happen next to trigger a very sort of explosive kind of situation between the police and the black community. So this is my estimation of the way that I see the picture in regards to the police situation.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. Mr. Bingham, I listened to your testimony that you tried to balance the news on the opening days, and that must have been, indeed, a very difficult task, like trying to balance on a scale a 300-pound person to a much lighter person, because the loudest voices were at that time shrill and tumult, which sometimes do not represent a true cross-section of the majority of the community on true balance, even though it may be the only available news.

Now, there is another segment of our community, a population which is oftentimes referred to by news sources as "the timid taxpayer." He doesn't make news. He's characterized usually by the press as kind of a mousy person, the ultimate sucker, but the paragon of our American stability.

Now, taking you away from that focus—and we have been listening to testimony now where people are beginning to reason; now there is calm and now you have a different type of background. And taking into consideration your having gone to Boston where an assignment was made with respect to this sector, do you believe that at this time, when there is less emotion and less steam, would not be the proper time for all media, television as well as the press, to begin to educate by covering success stories which have taken place in areas of desegregation, including your own community, and which are facts, as you mentioned, which can be substantiated?

Would it be harmful to your circulation to assign some talented person to this area for full coverage in giving both sides news coverage, and prompting more thought? I think this would be provoking. Maybe you have already done it, I don't know. But don't you think it would be fruitful if your newspaper set aside for that specific purpose such type of talent? Mr. Bingham?

MR. BINGHAM. Well, sir, we have reporters who are already assigned to the schools specifically for the purpose of trying to ascertain what is going on in the schools, that is, until the school session was over. I think the worst thing that can happen to the news media, either television or newspapers or radio, is for people to get the impression that we have assigned some reporter to go out and find the good news about anything.

COMMISSIONER RUIZ. No, you assign another reporter to get the bad news, like they did in Boston, where you went for collaboration and advice, where they assigned both sides of the problem. And then you

cannot be criticized. I have read editorials and right next to the editorial policy of the newspaper, a lambasting criticism of what the editorial says. Presenting balance, I'm talking about.

MR. BINGHAM. We had that in the *Courier-Journal* this morning in a letter by someone who suggested that I go to Moscow, where I belong.

COMMISSIONER RUIZ. Well, this is what I am talking about, sir, not that you go to Moscow, no.

[Laughter.]

MR. BINGHAM. When shall I leave? I really don't think you ought to assign anyone to an aspect of the news. Whether Boston did it or whether anyone else does it, I don't think you ought to tell one reporter, "You're going out and find the bad news, and we are going to let these other reporters go out and find the good news." I think every reporter should cover the news as he or she sees it. In other words, your good news reporter may get into a school where there is bad news. What happens? Does he then leave and wait for another reporter to come cover that story?

I don't think it is an effective way to cover the news. What is more, I think the good news reporter, as soon as his or her by-line became well known, most people who oppose busing—and these are the people you really want to reach, you want to tell them the truth of what's going on in the schools—they are not going to read it any more. They are going to say, "There is one of those puff pieces."

COMMISSIONER RUIZ. I am talking about an educational process where everybody is calm, cool, and collected at this time, and when you can get news on balance, which you stated that you wanted to get at a time when you couldn't get balanced news.

MR. BINGHAM. I don't think people are as calm and cool and collected as that. They are just not rioting in the streets. I think if you have any stories in the paper identified as from the reporter on the good news stories on busing, you are going to lose your readership.

The best way to get this is to say, "Here is what happened at Appleton High School," or "this is what happened at Central," and then give them both sides. I just think that that's the best way to impress people of the fact that the newspaper is trying to tell them the whole story and not that you have to look over here for the good news and over there for the bad.

COMMISSIONER RUIZ. Let's go to your example. At a high school there is trouble. You send a reporter out where there is trouble, and you say, "Give them both sides." Now, how about sending a reporter out to where there are successes and saying, "Go out there and give both sides"?

MR. BINGHAM. We have done that.

COMMISSIONER RUIZ. You have?

MR. BINGHAM. Yes.

COMMISSIONER RUIZ. Okay. No more questions.

CHAIRMAN FLEMMING. Thank you. Thank you very, very much for coming here and sharing the views that you have gained from a very important vantage point. I can assure you that it will be very helpful to us as we carry forward this nationwide study. Certainly, you have helped us get a better understanding, a better feel of the situation here in Louisville. We are very grateful.

MR. HARTOG. Our next witnesses are Sister Eileen Egan, James Miller, and Eugene Petrick, all members of higher education. I would like to remind the Commissioners that we will be questioning all three witnesses as presidents of their colleges and then excusing Sister Egan and Dr. Miller to go to some very important meetings. Dr. Petrick has agreed to stay, and at that point we can question him as president of the Community Consensus Committee.

[Sister Eileen Egan, James Miller, and Eugene Petrick were sworn.]

**TESTIMONY OF SISTER EILEEN EGAN, PRESIDENT, SPALDING COLLEGE;
JAMES MILLER, PRESIDENT, UNIVERSITY OF LOUISVILLE; EUGENE PETRICK,
PRESIDENT, BELLARMINE COLLEGE**

CHAIRMAN FLEMMING. Before the attorney begins asking questions, may I express to Dr. Miller our very deep appreciation for his hospitality and the hospitality of his colleagues. We appreciate it very much.

MR. MILLER. We are very glad to have you with us, Dr. Flemming. I think every State university should be more than eager to contribute to hearings of this sort and to the public good. I am sure what you are doing is of outstanding importance, not only to the country, but to Louisville.

MR. HARTOG. Dr. Miller, has the University of Louisville taken a position relating to school desegregation in Louisville and Jefferson County?

MR. MILLER. No, except that we believe in peaceful education and we believe in quality. We believe in supporting the law. Aside from that, there has been no official position. I myself, as a member of the community, have signed the community pledge along with a good many others.

MR. HARTOG. Thank you. What role do you think institutions of higher education, such as the University of Louisville, which is very much involved in the community, do you think they could possibly and conceivably play in the school desegregation process?

MR. MILLER. Well, of course, we are very closely concerned with all aspects of the educational community, and we want to see education have as much impact and have as much quality as possible in this community. Because we do have a school of education which trains both at the undergraduate level and graduate level a high proportion of the teachers in this area, we are concerned, through our school of education, through our professors, with all aspects of operation of the school system.

We have worked very closely with Superintendent Grayson and with the teachers in all of the schools. We operate jointly with the board of education the Educational Park immediately to the north of this building, which is owned by the board of education and operates in many ways like a set of laboratory schools for the University of Louisville.

Also, on the other end, we receive the students who are the products of the educational system of the county. And we recognize the strength and shortcomings of the training we give them and our teachers and the products of the school system, because in many cases we do have to make up by remedial education of various sorts the deficiencies in language, mathematics, and other background, which some of the students do not have but which is essential for them before they go to college and graduate education.

So we are at both ends of the loop, as it were, and to the extent that we have been able, as part of the educational community, to provide some stability and some leadership in this difficult situation that Louisville has been in, all of us, faculty and administration, have tried to contribute.

We have provided a forum at this university for all points of view on the matter of busing, integration, to be expressed during the last year; open forums sponsored by Judge Hollenbach, the county judge, with support from the city which—in an effort to present various alternatives to busing and constructive approaches to higher quality in education—and also forums sponsored by the religious community within the university, the ecumenical center and campus ministry, to present other points of view, and a series of different seminars and lectures and so on, attempting to make available as an open forum this university on this critical matter before the community.

MR. HARTOG. Based upon your school's fairly extensive involvement with the Jefferson County public schools, could you please give us some of your observations regarding the implementation of the school desegregation order in Louisville and Jefferson County? For example, particularly the administrative problems faced as a result of the July and August orders.

MR. MILLER. We recently had the opportunity to meet here at a lunch at the university with the superintendents of schools in this county and several other surrounding counties. On that occasion, I took the opportunity to say that I knew of very few people anywhere who had a more difficult administrative problem than the problem facing Superintendent Grayson, who was relatively new on his job when merger and integration occurred all at the same time.

And I think that it was an almost impossible task to achieve what has been done. It has been done with great dedication on the part of the administration involved. Certainly, it has been far from perfect, but nobody would say that it has been. But considering the brevity of time, which has been emphasized, as I know, by those who testified earlier

today over and over again, I really do not see how we were able to get through as well as we were in this county. It was largely due to the efforts of everyone concerned, and especially, in my estimation, Superintendent Grayson.

But I do believe that it was difficult to achieve this with such short notice, even though there were those who were aware that this might come, and there had been various plans and alternatives inspected publicly when the court order was handed down, the number of days that were observed that were left—the educators in the county system were faced with almost impossible difficulties.

MR. HARTOG. Thank you.

Sister Eileen, has Spalding College, as an institution, taken a position with respect to school desegregation in Louisville-Jefferson County?

SISTER EILEEN. Yes.

MR. HARTOG. What is that position and how is it expressed, please?

SISTER EILEEN. Early on, when the task force for peaceful desegregation formulated a statement of philosophy and principles, I was a member, as were my colleagues, I think, at a meeting there. I brought the statement back to our faculty, at a meeting of the administrative staff and faculty, and presented it to them with a statement explaining its source and its purpose, and asked them if they would sign a statement, if they were willing, individually, which would say after having read the statement, "I am willing that Spalding College approve the task force statement of goals and that it thereby become an active part of the task force for peaceful desegregation," and asked that those signed forms, if the individuals wished to sign them, be returned to my office.

They were returned. Just about 99 percent of them arrived. So we did as an institution, as well as I personally, sign the statement of a task force for peaceful desegregation.

MR. HARTOG. Mr. Chairman, we would like to submit that position for the record.

CHAIRMAN FLEMMING. Without objection, that will be done.

[The document referred to was marked Exhibit No. 21 and received in evidence.]

MR. HARTOG. Thank you. Are there any other activities at Spalding College you are taking with respect to the school desegregation process? For example, did you sign a community pledge?

SISTER EILEEN. Yes.

MR. HARTOG. Anything else in that direction?

SISTER EILEEN. We signed the community pledge. It is hard to tell what is the whole institution and what is individuals within the institution. We have in our statement of purpose a goal expressed to alleviate within an educational setting racism and poverty, to the degree that is possible for us, and to promote peace in our society.

So individuals in the college faculty have written the local newspapers. The college faculty, in fact, got a task force together, feel-

ing that this statement was not sufficiently strong. They got together to try to formulate their own, but then decided that this one was the only one they could go with at that time. So it is kind of internal. I don't think there is any other public statement.

We have established educational programs for individual members of the minority community back in the late—latter half of the '60s. We established a "Better Chance Program," which was to involve students, particularly students of the black race, after their sophomore and senior year in high school to interest them in the profession of nursing. So that program stopped when the Federal program began, which funded students in that area.

We have had a self-help program, which we inaugurated in 1970, which brought into the college eight minority students as freshmen, who were willing to work some 12 hours per week in exchange for a scholarship. Six of those students finished and the other two dropped out for a while, but they are in progress toward a degree. That is the kind of program we have been into for some time. It is earlier than the present crisis.

MR. HARTOG. It is my understanding your school has programs involving Central High School.

SISTER EILEEN. Yes. We are downtown, as you probably know. So we have closeness, geographic closeness, to a heavy percentage of minority students. We have a special relationship with the counselor at Central High School in order to identify promising students who might otherwise not be considering college who might thereby be encouraged to come to college.

MR. HARTOG. Thank you. Just one last question. You indicated, I believe—maybe I did not hear you correctly—that your colleagues are also on the task force? Or did I mishear that?

MR. PETRICK. I was one.

MR. HARTOG. Dr. Miller was not?

MR. MILLER. No.

MR. HARTOG. Thank you. That was my next question of Dr. Petrick, the same question as to the other college presidents. What was the nature of Bellarmine College's involvement?

MR. PETRICK. I would like to make a distinction. In a certain sense, there was no corporate involvement in Bellarmine College since we don't see ourselves as a direct agent of social change, but we do see ourselves as an indirect agent of social change. We are primarily a teaching institution, so fundamentally, I would hope, we are instilling in our students a concern for social justice. I think we are doing that through various courses we offer in ethics and philosophy and so on.

Our campus ministry program was quite actively involved and worked for the principle of peaceful desegregation through preaching at the services on Sunday and during the week, through involvement of student volunteers, and so on. We made our facilities available to groups like the Peace and Justice Commission of the Archdiocese of

Louisville, which was an important part of the Task Force on Peaceful Desegregation. The Community Census Committee also met there. This has been mentioned earlier.

I think the—perhaps the critical thing we did was to try to establish a climate of freedom within which individuals might become involved without any fear of reprisal. I was involved at a number of points as an individual. A member of our library staff was involved. Members of the campus ministry program were involved.

We had a member of our political science faculty involved in a number of ventures of this type. Also, although we did not make a corporate commitment in terms of the board of trustees passing a policy, the climate is such that I think there were many points of involvement. But they would be identified more as individual involvements as a result of a kind of climate that exists at Bellarmine.

MR. HARTOG. Thank you, Doctor. I have no further questions at this time.

CHAIRMAN FLEMMING. Commissioner Horn?

VICE CHAIRMAN HORN. I would just like to ask each of you presidents, in terms of the teacher education component at your respective institutions, to what degree did either the school of education or department of education require the students that they graduated, prior to the desegregation order to have some experience in, primarily or partially, black elementary and secondary schools during their practice teaching period?

MR. PETRICK. Let me respond first of all by saying I am not sure. I can't really give an honest, direct answer to that statement.

MR. MILLER. This is part of the general orientation of our school of education. I should point out that the university has been integrated since 1951, one of the earliest universities in the South to be integrated. There has been a rapid increase in the number of black students, so that by next fall we expect to have more black students from Kentucky in this university than in any other university in the State, probably 10 or 11 percent, which roughly compares to the percentage of blacks in the total county.

Still, we don't feel that we are doing an adequate job in terms of this orientation with the university. It is to be expected, and it certainly is the policy of the school of education that practice teaching and other experiences deal with these problems and be carried out in situations such as multiracial. This is just a standard practice in recent years. I wouldn't say it was true a long way back.

VICE CHAIRMAN HORN. Sister Egan?

SISTER EILEEN. I am not sure that I know the whole picture. I do know that in the sophomore year, the students who are majoring in education were obliged—when the system was an entity in its own right, they had a very innovative educational program—and every student in the educational department was obliged to observe 3 days during the sophomore year in the inner city schools which were involved in this innovative educational school program.

In addition, in the sophomore year they are also invited to attend—or I suppose it is part of the program to attend three different kinds of schools—school in the county, suburban kind of school, an inner city school, and then a school that has a kind of mixed students. Actually, the senior year when they do their own choice, they make their own choice of a school in which to do their student teaching.

The director of the student teaching, however, is herself a former inner city principal and in line with our commitment. We have encouraged participation by our students, feeling that they may bring something of value to that situation.

VICE CHAIRMAN HORN. The reason I ask that is that as a university president who has dealt with schools of education, I am well aware that sometimes those we have on our faculties, if they might have been hired 20 years ago or so, are not completely in tune with the dramatic developments that are occurring in the urban public school.

Too often, potential teachers in their practice teaching are graduated without any multiracial, multicultural, bilingual sensitivity. I think if change is going to be made, often it takes presidential leadership because you cannot wait for the faculty to do it voluntarily. That is why I am just curious what had been done prior to the desegregation order.

Dr. Miller?

MR. MILLER. I don't mean to say that we are by any means perfect in this. I think there are members of our faculty who are conservative or are unwilling to change concerning educational methods, independent of racial issues. Some still have attitudes they have had for a good many years which may not be responsive to the present situation on racial issues as well. But I think the overall policy is fairly clear.

MR. PETRICK. I think in following up, Mr. Horn, on your subsequent remarks, it is safe to say that the type of situation you are describing does not exist at Bellarmine College. I do not know the specifics of just what is done, but we don't have any old mossbacks who are unaware of the realities of the modern day world.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. I have no questions.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. I have no questions.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. No questions.

CHAIRMAN FLEMMING. My principal interests were expressed very effectively by Commissioner Horn by his question, because I do feel there is a tremendous opportunity, as far as the institutions of higher education are concerned, to recognize that we are going to have integrated education and to prepare students for that kind of an experience. It seems to me the whole system of practice teaching, and so on, does provide unusual opportunity along that line.

We recognize that you are all under time pressures, in some cases rather unusual ones, and we are therefore very grateful for your willingness to fit into our schedule and to come here and be with us this afternoon.

MR. MILLER. We are pleased to have the opportunity to interact with a Commission that represents so much joint, combined educational experience in a presidential role and appreciate your comments. I am sure we will pay attention in our future activities.

CHAIRMAN FLEMMING. Thank you very, very much.

SISTER EILEEN. Thank you. It's been a pleasure.

CHAIRMAN FLEMMING. This hearing will—excuse me.

MR. HARTOG. Dr. Miller and Sister Egan, you are excused. We have some remaining questions for Dr. Petrick on the CCC. Dr. Petrick, what is, or perhaps was is a better term, the Community Consensus Committee?

MR. PETRICK. Let me try to give you a little bit of background on that. I was in Louisville for 8 months, at which time I was asked by Mayor Sloane and Judge Hollenbach to become a member of a city-county Community Consensus Committee which was described in a news release on March 7, '74. Essentially, the committee was established in order to serve as counsel to the elected officials to identify community concerns of one type or another, to try to build consensus related to these concerns, and to try to communicate that consensus to the elected officials.

The committee began under the guidance of the Lamar Society, and I suspect that the particular form of activity was actually determined or established by the Lamar Society and was accommodated by the mayor and the judge.

MR. HARTOG. Do you know if the idea originated with the Lamar Society?

MR. PETRICK. I am not certain of that. I really don't know the origins, that part of the origin is rather foggy. I have a suspicion that the connection there may be through a member of the newspaper who is also a member of the Lamar Society. He's on the board and also a close friend of the elected official. So I suspect it may have been some dynamic of that type that led to the formation of the committee.

MR. HARTOG. Were the members appointed to the CCC?

MR. PETRICK. Yes, by the mayor and judge.

MR. HARTOG. Were these members a cross-section of the community?

MR. PETRICK. Yes, they represented a rather wide cross-section, both in terms of background, affiliation, and geographic representation. So we had several students, we had people representing the academic community, the business community, labor, just community leaders, people who have been outspoken on community issues, and so on.

MR. HARTOG. The threefold objective of the CCC is to identify concerns, develop consensus, and communicate these to the parties who

established the CCC, which is, by the way, the mayor and county judge, is that correct? They appoint the persons to the CCC?

MR. PETRICK: Yes, originally they appointed the membership. That is correct.

MR. HARTOG. Now, the stated purpose that you read from the press release, was that the purpose which you understood, in fact, the CCC to be about?

MR. PETRICK. Well, this is the—this was the overtly stated purpose, and this was stated rather consistently. I must admit that there was always an impression that the committee had been formed primarily to deal with the desegregation issue. But, again, that is a personal impression. I think that may have been the impression of some other members.

MR. HARTOG. Could you give us some of the evidence which supports that information?

MR. PETRICK. Well, this is—again, recognize this as personal impression, okay? And I am not trying to say anything more than this. This, obviously, was a major concern in the community at the time, so, in fairness, we have to say that was a major concern.

The evidence that I would bring forth is that there was much questioning in the early days of the committee whether this committee had, in fact, been formed to deal with the desegregation issue. So the evidence I would bring that there was at least this feeling in the committee is that the question had been asked any number of times, and the response generally was no, that it was not formed for this purpose, but it was formed for a more general purpose.

Additional evidence that I would bring to support the assertion is that when it appeared that the committee might not play a major role in the desegregation issue, that some of the support was withdrawn.

MR. HARTOG. We will get to that, I think, in sequence, but there are a couple questions before I get into that withdrawal of support. You became the president of the organization, is that correct?

MR. PETRICK. Yes. What occurred is, for some time we operated under—somewhat informally—under the joint chairmanship of the mayor and judge with Dr. Rose, president of the Lamar Society, playing a strong consulting role and, in fact, informally often acting as the chairman of the committee. The Lamar Society, for its reasons which I cannot identify necessarily—I just don't know what they are, probably related to funding or whatever—began a withdrawal around September of 1974 and expressed its opinion that it could no longer support the activity of the Consensus Committee to the same level as it had in the past in terms of manpower coming in, primarily in the persons of Dr. Rose and Dr. Wayne Braden and a staff person who was acting as a secretary.

And at that point, the committee incorporated as a separate entity. We incorporated some time in September, I believe. If I am recalling this correctly, it was around September 27, somewhere near the end

of September, at which time I was elected president of the corporation, probably because I had not exhibited enough good sense to keep quiet prior to that.

MR. HARTOG. You had not been keeping quiet over the question of leadership?

MR. PETRICK. Well, that was part of it, I am stating it in kind of an offhand way. I don't mean to imply anything by that other than the person who is most vocal often ends up in the position of president or chairman of a committee. That is essentially what happened.

I had been, prior to being elected president of the Consensus Committee, I had been asked by the mayor and judge to serve as chairman of the Public Information Committee, and we had been trying to gear up some mechanisms in anticipation of a pending court order. We had been gearing up some mechanisms to try, at least to try, to cool the community and effect a peaceful implementation of the order.

MR. HARTOG. The Public Information Committee of the Community Consensus Committee?

MR. PETRICK. It was a subcommittee. I had been chairing that.

MR. HARTOG. I see.

MR. PETRICK. Right. And that is what gave me the opportunity to be vocal.

MR. HARTOG. I see.

MR. PETRICK. We had geared up, and just about when we were ready to try to implement, as best we could with the limited resources we had, a plan, which I would be happy to provide, we had the Detroit [U.S.] Supreme Court decision, and so the thing cooled somewhat.

MR. HARTOG. July 1974?

MR. PETRICK. Yes, that is correct. Then I had been on vacation for a time. When I came back I, as chairman of that committee, sometime in August of '74 indicated that I did not think the issue would go away, and I would propose that we continue with the attempt to implement the plan.

Now, fundamentally, our strategy—if you don't mind my saying a little bit more about it—was that we were a committee without any formal power. Consequently, our strategy was to try to work through established institutions, such as the elected officials and the school board and so on.

One of the serious impediments, as was pointed out earlier—I think one of the things that makes this situation a little bit different is the fact that we were going through a merger. That was a rather traumatic experience.

We had two superintendents resign just shortly before the school board would have to swing into action. There appeared to be considerable, oh, hostility, perhaps—I don't think that is necessarily too strong a word—between the county and the city school groups that were operating on fundamentally different philosophies and so on. That problem is still with us to some extent.

MR. HARTOG. I have a letter dated February 10, addressed to Mayor Sloane, requesting him to include funding for the committee in his budget, \$10,000, and indicating that the same request was made to the county.

MR. PETRICK. Yes, that is correct.

MR. HARTOG. I would like to submit that for the record at this point.

CHAIRMAN FLEMMING. Without objection.

[The document referred to was marked Exhibit No. 22 and received in evidence.]

MR. HARTOG. I am going to jump quickly to the following summer.

MR. PETRICK. Fine.

MR. HARTOG. Before I do that, could you briefly describe the nature of the activities between September '74—

MR. PETRICK. Right.

MR. HARTOG. —when you became president—and July of '75?

MR. PETRICK. We were struggling, first of all, with organizational problems. It was a very diverse group and it was to seek consensus in the community. We had considerable difficulty getting consensus within our own group to begin with. But we engaged in a number of activities.

We worked with trying to get the staffs of the two school boards together. And ultimately we found the best avenues of attack were people who were involved in community relations functions in both the county and city schools. So we began working with them rather early. We began getting some media people involved.

I would like to think that some of the CALM activities were an outgrowth of the CCC activities. That may not be valid. But some of the elements of what they did were contained in our original plan, and some of the people active in CALM were involved in our original plan.

We were able to establish what we call the People to People Committee, which ultimately consisted of the leadership of the county and city PTAs. This led to a workshop in June of 1975 which involved membership from the two PTAs sitting down, discussing these issues, and trying to come to grips with what their attitudes and feelings are pertaining to the issues and so on. This was an attempt to cool the activity again somewhat.

We also, I think, were instrumental in stimulating the establishment of the Rumor Control Center in the city and county boards. I don't want to imply that we did all of that. There were many people involved. But I think our prodding and picking and persistence was helpful, at least, in getting some of these things going.

MR. HARTOG. Thank you.

Mr. Chairman, at this point, I would like to submit for the record, minutes of meetings of the Louisville-Jefferson County Community Consensus Committee dated July 28 and the second document dated August 25, 1975, with the appropriate exhibit number at this point.

[The document referred to was marked Exhibit No. 23 and received in evidence.]

MR. HARTOG. On July 28 the minutes state: "In attendance were Mayor Sloane and Judge Hollenbach." At the meeting, according to the minutes, the judge and mayor "asked the group to assume a leadership role." In addition, the minutes continue, "the mayor recommended the CCC meet with either school board or Superintendent Grayson to become familiar with the plan after completed by Judge Gordon. It was suggested it was imperative," the minutes go on, "that the community be made aware that the CCC has been commissioned by the mayor and county judge to carry out this task and ask that they issue a joint proclamation to this effect. This effect, the task, was serving as community catalyst and coordinator. The mayor and judge agreed to issue the proclamation."

Was such a proclamation issued, to your knowledge?

MR. PETRICK. It was not. May I give you a little bit of background?

MR. HARTOG. Briefly, please.

MR. PETRICK. First of all, I was absent for that meeting. I was on vacation at the time. You will note that I was not there. But what you have read is substantially what I was told about what transpired.

And, essentially, the committee asked the mayor and the judge to identify a group that would have the responsibility for coordinating the activities related to peaceful desegregation. At the same time, we had the Task Force on Peaceful Desegregation trying to coordinate, we had other groups, and we felt it was important that one group be designated.

MR. HARTOG. As an official group?

MR. PETRICK. As an official group. And this was not done.

MR. HARTOG. The minutes of the July 28 meeting continue that: "Finance Committee will also meet with the mayor and judge and will begin follow-up of the financial solicitation letters"—which were introduced in the record previously, dated February. "The mayor stressed the importance of having total community involvement in financial solicitation."

The August 25 meeting was a meeting with representatives of the mayor and, apparently, none from the county judge?

MR. PETRICK. Yes, this was the board of directors, that is correct.

MR. HARTOG. Right. It is the board of directors meeting of the CCC. There was a report that the county judge's request of the county of \$10,000 had been denied, and there is no assurance the city will approve the funding request. A resolution was adopted at that meeting at which the CCC suspended its activities until such time as it might have a very definite function to perform in the community. That is on the last page of the minutes of the board of directors meeting.

MR. PETRICK. Right.

MR. HARTOG. Is that a fair summation of the implications in those documents, being lack of support, lack of official sanction?

MR. PETRICK. Well, yes. This was not a case of paranoia. Let me, again, give you some details that are not there.

The request for funding had been going on for some time. We had engaged in some solicitation from the business community also, and we were looking for about a one-third split from the city, county, and business community. We thought that would be adequately representative.

We needed money desperately. We were essentially out of funds. We had, subsequent to the July 28 meeting, I believe it was, of the full committee, we did have a meeting of union leadership in the mayor's office. The judge and the mayor were there. It was—the meeting was chaired by Representative Jerry Clier, who was also a member of the Consensus Committee.

At that time, I was told privately by the mayor and the judge that they were not going to issue a proclamation. They were going to try to get Judge Gordon to do it. This led to several things.

I asked Robbie Braun to call Judge Gordon, as president of the chamber of commerce, thinking he might have more clout and get some answer there. My attempts to get through to the mayor and the judge were unsuccessful. I did not get through by telephone and my calls were not returned. So that is part of what went into the decision. We also—another factor that went into the decision, apart from that, apart from the fact that we were out of money, was that it might be desirable for us to get out of the way of the Task Force for Peaceful Desegregation and hope that they might have a chance to emerge as the coordinating group, in which case we could support them as individuals. And this simply didn't happen.

MR. HARTOG. Thank you, Dr. Petrick. I have no further questions.

CHAIRMAN FLEMMING. Do any members of the Commission have any questions?

COMMISSIONER RUIZ. When were you first incorporated, how recently?

MR. PETRICK. We were incorporated in September of 1974.

COMMISSIONER RUIZ. 19—

MR. PETRICK. '74

COMMISSIONER RUIZ. '74?

MR. PETRICK. Right.

COMMISSIONER RUIZ. When you were incorporated, were you incorporated as a nonprofit corporation?

MR. PETRICK. Yes, that is correct.

COMMISSIONER RUIZ. Have you up until now applied for tax exemption in order to be able to get Federal funding under your various educational resources acts?

MR. PETRICK. Yes.

COMMISSIONER RUIZ. What luck have you had thus far?

MR. PETRICK. We have not applied for any grants directly, but we have applied for tax exempt status and so on. But the committee is essentially defunct now.

COMMISSIONER RUIZ. The committee is essentially defunct?

MR. PETRICK. Yes. Right. The officers of the committee have resigned. We resigned in, I think—I forget the exact date, but it was February 1976. We thought that was a suitable length of time for some kind of action to have begun.

COMMISSIONER RUIZ. Did it become defunct because of lack of funding or other influences?

MR. PETRICK. Well, lack of funding was a major factor. A committee of volunteers, regardless of how well intentioned we are, if it has no teeth, it is not going to get very far. It was quite clear to us we were not going to get the teeth to function. Consequently, we would simply be maximizing our frustration.

COMMISSIONER RUIZ. At that time, you did not go out for Federal funding?

MR. PETRICK. No, we did not. That is correct.

CHAIRMAN FLEMMING. Do you feel that there is still the need for a community committee which would perform the kind of functions you were talking about in relation to the desegregation order?

MR. PETRICK. I have thought about that, Mr. Flemming, and I guess I am ambivalent. I really don't know. I think unless the committee were given a very clear commission, I think the answer, my answer would be no, that there would not be much value.

CHAIRMAN FLEMMING. My question assumed that it would be given very clear commission.

MR. PETRICK. Right. Yes. Then I suspect there might be some value to it.

CHAIRMAN FLEMMING. We are very grateful to you for this background, this insight into this particular activity.

MR. PETRICK. Thank you.

CHAIRMAN FLEMMING. Your testimony and that of your college president colleagues has been very helpful. Thank you.

The hearing is recessed until 9 o'clock tomorrow morning.

Tuesday, June 15, 1976

The U.S. Commission on Civil Rights reconvened, pursuant to adjournment, at 9:00 a.m., Arthur S. Flemming, Chairman, presiding.

PRESENT: Arthur S. Flemming, Chairman; Stephen Horn, Vice Chairman; Frankie M. Freeman, Manuel Ruiz, Jr., Murray Saltzman, Commissioners; John A. Bugge, Staff Director; Lawrence Glick, Acting General Counsel; Jack R. Hartog, Frederick Dorsey, Hester C. Lewis, Assistant General Counsels; Reese Fullerton, Louis Wilmot, Attorney Advisors.

PROCEEDINGS

CHAIRMAN FLEMMING. The hearing will be in order. Counsel will call the first witness.

MR. GLICK. Mr. Chairman, as agreed upon yesterday afternoon, we are going to call this morning as the first witness Mr. James Luckett. Mr. Luckett.

MR. JONES. Mr. Chairman, I am Foster Jones, attorney associated with Mr. Bill Hoge, who is running late today. As you are aware, we filed a motion to quash the subpoena. I believe it's within Mr. Luckett's rights to refuse to testify; he does refuse to testify. We respectfully request that you withdraw your subpoena. He will not be sworn in; he will not testify.

CHAIRMAN FLEMMING. Your name is?

MR. JONES. Foster Jones, attorney, associated with Mr. Hoge, who appeared with him yesterday.

CHAIRMAN FLEMMING. I assume Mr. Hoge informed you of the fact that the Commission would take the motion that was made yesterday under advisement and would render a decision today.

MR. JONES. Yes, sir.

CHAIRMAN FLEMMING. We are now prepared to render that decision.

MR. JONES. Yes, sir.

CHAIRMAN FLEMMING. If you would just join your client.

James Luckett has requested that the U.S. Commission on Civil Rights quash the subpoena served on him on June 3, 1976. He does not claim that the subpoena was improperly served. The subpoena was served

upon him in accordance with 42 USC section 1975(a), which gives the Commission the power to subpoena witnesses for the attendance and testimony at hearings.

Mr. Luckett, in his motion and affidavit, sets forth several reasons for requesting the Commission to quash his subpoena. He first states that he is a defendant in a lawsuit with both civil and criminal liability and that to testify at the hearing would prejudice all defendants.

This claim is irrelevant to the issue of responding to the subpoena. The subpoena is a command to appear. The proper procedure for objecting to a subpoena is to comply with its command and to object to specific questions. Responding to a subpoena does not constitute a waiver of any constitutional rights, and those rights can be raised at any time during the questioning.

Furthermore, both counsel for the Commission and the members of the Commission have assured Mr. Luckett at yesterday's public hearing that no questions will be asked which would relate in any way to the pending lawsuit. If a question were asked that Mr. Luckett or counsel felt related to the pending lawsuit, objection could be made to the asking of the question and that objection would be considered by the Commission.

Mr. Luckett further states that there are others who are as capable or better able to testify, that his testimony may be cumulative, and that he has already furnished documents to the Commission. These reasons for quashing the subpoena are not valid. The statute under which we operate gives the Commission discretion as to whom to call as witnesses for its hearing. The fact that Mr. Luckett has complied with Commission requests up to now is only testimony to his good faith.

Mr. Luckett's last argument to the Commission is that the subpoena does not sufficiently designate the possible areas of examination, so he is unable to properly prepare for his testimony and it therefore constitutes a denial of due process.

First, as mentioned above, subpoenas are a command to attend and by compliance the witness does not waive any constitutional rights which he may claim at any time during his questioning.

Secondly, the fact that the Commission staff has interviewed Mr. Luckett and he has answered and has even provided documents to the Commission has acquainted him with the issues of this hearing.

Finally, the Commission's statute allows a broad scope for Commission investigation. The only limitation expressed in the statute is that hearings be held and subpoenas issued, quote, "for the purpose of carrying out the provisions of this act," close, quote. The subpoena was served in accordance with statutory authority and should be complied with by Mr. Luckett. He may, of course, bring counsel, who may advise him not to answer certain questions or raise any other objection to questions that he desires to raise.

In view of the foregoing, the Commission has determined to deny Mr. Luckett's motion to quash its subpoena and has determined to

require him to testify. If a subpoenaed person refuses to comply with the Commission's subpoena, the U.S. Attorney is authorized pursuant to section 1975(g) to apply to the district court for an enforcement order. If the court issues such an order and the subpoenaed person fails to obey, she or he may be punished by said court for contempt.

I would like to stress, particularly, the fact that the Commission has weighed very carefully the argument in the motion relative to a possible conflict between the testimony given at this hearing and the pending lawsuit where Mr. Luckett is a defendant. As indicated in the statement that I have just read, Mr. Luckett, either personally or through his attorney, can object to any question which in his judgment relates to the pending lawsuit. Both counsel for the Commission and members of the Commission, yesterday and again today, have given assurance that they have no intention of asking any question which would bear in any way on the pending lawsuit.

Now, if Mr. Luckett or his attorneys would like to ask any questions relative to our ruling, they are certainly—it's certainly appropriate for them to do so, either right now, or to do so in consultation with our attorneys. And I would be very glad to spend this part of the hearing to provide Mr. Luckett and his attorneys with the opportunity of consulting further with our counsel before they react to the ruling that the Commission has made.

MR. JONES. We would like 5 minutes to talk with your counsel.

CHAIRMAN FLEMMING. Pardon me?

MR. JONES. We would like 5 minutes to talk with your counsel. It won't be any longer than that.

CHAIRMAN FLEMMING. All right. We will proceed with the hearing, and when that consultation is finished we can resume this part of the hearing.

MR. HOGE. I would suggest that we need to talk to the General Counsel, because we have got to determine what the next step is going to be. If other counsel knows, that's fine.

CHAIRMAN FLEMMING. Mr. Glick is questioning the next panel. Mr. Hartog is prepared to represent him. But if you still want to confer with him, why we can do that a little later, after we have finished with this panel.

Counsel will call the witnesses.

[The witnesses were sworn.]

TESTIMONY OF DR. LOIS CRONHOLM, CHAIRPERSON, LOUISVILLE JEFFERSON COUNTY HUMAN RELATIONS COMMISSION; LYMAN JOHNSON, PRESIDENT, LOUISVILLE CHAPTER, NAACP; GALEN MARTIN, EXECUTIVE DIRECTOR, KENTUCKY COMMISSION ON HUMAN RIGHTS; AND ARTHUR M. WALTERS, EXECUTIVE DIRECTOR, LOUISVILLE URBAN LEAGUE

MR. GLICK. Mr. Chairman, the next witnesses are representatives of both public and private civil rights, human rights organizations in

Louisville and Kentucky. They are Dr. Lois Cronholm, chairperson of the Louisville-Jefferson County Human Relations Commission; Mr. Johnson, president of the Louisville chapter of the NAACP; Mr. Galen Martin, executive director of the Kentucky Commission on Human Rights; and Mr. Arthur M. Walters, executive director of the Louisville Urban League.

MR. GLICK. I will begin by asking each of you, perhaps beginning with Mr. Walters, to identify yourself with your name, your occupation, and the civil rights organization that you are representing. Mr. Walters.

MR. WALTERS. My name is Arthur M. Walters. I am the executive director of the Louisville Urban League, which is an interracial, non-profit, social service agency.

MR. GLICK. Mr. Martin.

MR. MARTIN. I am Galen Martin, executive director and an attorney with the Kentucky Commission on Human Rights.

DR. CRONHOLM. I'm Lois Cronholm, a faculty member at University of Louisville and chairperson, Louisville-Jefferson County Human Relations Commission.

MR. JOHNSON. Lyman T. Johnson, president, Louisville chapter of the NAACP.

MR. GLICK. As you are aware, we are attempting to learn a great deal about the process of school desegregation in Louisville and Jefferson County. We are creating a historical perspective. I would ask each of you to indicate what roles the organization you are representing play in the desegregation process.

MR. JOHNSON. I know that the NAACP has been very, very active and prominent going back many years. Can you tell us how the NAACP participated, principally in the litigation that was involved?

MR. JOHNSON. I will be glad to, as far as I know. It is the purpose of NAACP to try to see the complete implementation of the principles of our democratic society. We ask nothing for ourselves that we do not hope to help establish for any citizen, any person in our country. And we are determined that any right that is available to any citizen is available to every citizen.

We are further determined that any abridgment of the rights and privileges of the citizens of the several States is a flaw that must be eradicated, because when the person lowest in our society is not protected with his liberties and his freedoms, then the most articulate and most affluent is in jeopardy. So on that basis we have worked in this community to try to upgrade the quality of citizenship for all people and, therefore selfishly, of ourselves, mainly, as black people in this country.

We have—oh, may I say this? That sometimes I am speaking for the NAACP and sometimes I get philosophical, and NAACP pushes me to make good on some of the things I have said, and so I don't know when I am speaking for myself individually or when I am speaking for the NAACP, but we work pretty close together.

Now, we have worked in this community for a long time. We established our chapter in 1914 here in Louisville. We are quite proud of Louisville, and when you see us trying to reconstruct a building, don't think that we are anxious to tear the building down. If it needs a roof put on it, we don't get angry at the building and tear it down; we just put a new roof on it.

We have worked on everything that has to do with this business of upgrading our citizenship. Beginning, as I said, in 1914 we established a precedent Supreme Court case right here when the city of Louisville passed an ordinance against residential integration. That law, *Plessé v. Ferguson*, was outlawed in 1917. That was not the case, pardon me, but *Cane Run v. Wall*. *Plessé v. Ferguson* is the most damnable thing we have had on our books for a long time. The NAACP worked on upgrading the Negro teachers when they were paid 15 percent less pay just for working in the classroom with all-black students. We worked that out in 1939 to '41.

The Louisville Free Public Library would not let Negroes come into the main library in this town; they set up branches. We worked on that and now a Negro cannot only use the place but they are members of the board of trustees.

The NAACP saw to it that—they had one little park on one side of town, here, relatively that size. [Indicating postage stamp.] All of the Negroes in town had to go to this one little park. Well, NAACP started working on that in '48, '46. Before a while, we came around to where we could use any park in the city.

MR. GLICK. Before the litigation that resulted in the current school desegregation plan, Mr. Johnson, there had been some school desegregation in Louisville, had there not?

MR. JOHNSON. That started in '56. A gentleman named Omar Carmichael has gotten a lot of credit. Even the President of the United States, Mr. Eisenhower, called him over there and said, "I want to see what this man has done." He has got much more credit than he deserves. He established a system here of freedom of choice. But that freedom of choice was only freedom for the more affluent Negroes to move out to the section of town where there were the better systems of schools. And the whites used it to get out from the inner-city schools. And it was a joke after about 4 or 5 years because there turned out to be perhaps more resegregation after everybody who could use that freedom of choice business to his own advantage began to use it.

Yes, we started that but Mr. Carmichael himself did not consider the use of Negro teachers in spite of the fact that some had graduated from better schools than some of these whites who had lived in the South all their days. He said he was not going to use Negro teachers in this school to teach white children. So Mr. Carmichael started in '56 and it was slow process, until '62, '63. And then Central High School became almost all-black as it always was; Male High School

became almost black, which was primarily an all-white school. Manual became an all-black school and Shawnee became an all-black school. Central was the one that was black all the time. Male, Manual, and Shawnee became black in a period of about 4 or 5 years.

MR. GLICK. But the NAACP very actively supported the current litigation, the lawsuit that resulted in the desegregation, is that correct, the one that began in 1972, I believe?

MR. JOHNSON. Yes. There was one case presented just a little before the NAACP came in, and that was a county situation. We locally know it is the *Newburg* case.

MR. GLICK. Yes.

MR. JOHNSON. And the *Newburg* case was just on the periphery of the whole business of integrating the city and the county setups.

MR. GLICK. Continuing on the history of the litigation, I would like to turn to Mr. Martin, who I know has participated as one of the attorneys of record in the current litigation. Can you tell us how the Kentucky Commission on Human Rights was involved and how you personally were involved, how it developed?

MR. MARTIN. Well, the commission's most significant role in the situation has been to provide a research foundation for the litigation. Picking up from what Lyman Johnson said, we believe that the community had rested on its laurels ever since Mr. Eisenhower invited Mr. Carmichael up to Washington to tell him how he did it. All he really did was to make a good beginning, a very good beginning, but the community did not move forward. Particularly in about 1965, the schools became more and more segregated.

We got a person as a research director for the commission, who developed a report entitled, "Louisville Retreats to Segregation." This 36-page report was intended to show to the community how bad the situation was in the public schools in the belief that most people in the community were really not aware of how segregated the schools were.

The lawsuit was brought on the basis of the facts contained in that report. Thereafter, and in a further effort to overcome this confused self-image that Louisville had of itself, we put out another report entitled, "Southern Cities Except Louisville Desegregate Schools," and in that report we showed 10 of the more or less classic cities in the South—Little Rock, Jackson, many other cities that are well-known names in terms of civil rights difficulties—that these cities had schools and teachers within those schools that were much more desegregated than Louisville.

Our commission has been interested particularly in the matter of staff desegregation, again building on what Lyman said about early foot-dragging in Louisville about staff desegregation. The commission also offered a voluntary school pairing plan for Jefferson County in 1971. This would have paired the schools in the county that were predominantly black—Newburg, Price, and Cane Run—and, of course,

those—the county refused to do anything on this voluntary pairing plan, and those were the very schools that the Sixth Circuit Court of Appeals cited in its finding that the Jefferson County system was segregated.

MR. GLICK. In the investigations that the Kentucky Commission have done, Mr. Martin, have they found a tie-in between the school segregation and governmentally enforced housing segregation?

MR. MARTIN. We most certainly have. We have been very much involved in efforts for housing desegregation. I think your own document that was prepared for the Commission for this hearing, its section on population changes, I think it is Section D in your document, it points up that fact that schools were desegregated. For instance, Shawnee in western Louisville was desegregated about 10 years ago, and if we had had school desegregation at that time, that school desegregation would have reinforced housing desegregation.

But with the urban renewal program in the west downtown area, this set off a movement of blacks toward western Louisville that resulted in a significant change in the housing patterns in western Louisville. If we could have gotten the schools desegregated in the mid-60s when housing was desegregated in west Louisville, we could have tremendously reduced the need for transportation of children that we have at this time. Because of the failure and, of course, our commission believes very strongly that it is HUD's [U.S. Department of Housing and Urban Development] failure to take an affirmative stand in support of housing desegregation and this is a failure that continues to this day. It is because of the failure of other Federal agencies that has brought about the necessity for the transportation of children.

More recently we put out a little flyer entitled "Six Ways to Avoid Busing." Well, all of these ways, as my daughter told me, she said, "But, Daddy, they all sound like the same way, there is not six different ways," and all these ways are housing desegregation.

One of the most interesting aspects of the Louisville desegregation plan is that every family and their children that moves into a housing area where they are—or school area, they are the same—where they are in a minority, those children will not be transported for purpose of desegregation. So, every move that is made to desegregate housing and schools has an immediate payoff or reward in terms of decreasing transportation of children for purposes of school desegregation.

MR. GLICK. Thank you, Mr. Martin. I think you have illustrated that tie-in very well for us. I have a copy of your prepared statement and with the Chairman's permission I will introduce it into the record with appropriate exhibit number.

CHAIRMAN FLEMMING. Without objection that will be done.

[The documents referred to were marked Exhibits No. 25 and No. 26 and received in evidence.]

MR. GLICK. Turning to Mr. Walters, getting into the period before the court order, Mr. Walters, it is my understanding that the Urban

League issued a statement in 1974 relating to public school desegregation and concluded its comments about what it expected from the community. Could you relate that incident to us?

MR. WALTERS. I don't recall the exact date of the particular statement you have reference to, but we have proceeded in connection with this community with, first, stating the belief of our agency and that has emanated from our policy body which is a board of directors that hires me.

Basically, the position of the Urban League relating to the issue is that we strongly believe in a desegregated educational process. The rationale for that belief is that education is more than the mastery of tool subjects. We believe it is important to know how to read, to do arithmetic, and to understand the social trends around them.

But we also believe that because we are part of a pluralistic society that consists of multiracial-multiethnic components, that, in part, education must prepare individuals to be a constructive part of that society. For that reason we think it is just as important for non-blacks to be educated in a desegregated setting as it is for blacks. With that proposition, our primary role has been, prior to the court order and up to this present time, an effort to constructively open lines of communication, to replace fiction with fact, and to be a link between sources of information and the constituency in the community we serve.

MR. GLICK. On that line, Mr. Walters, is it correct that you are one of a group of black leaders who meet with Superintendent Grayson from time to time to discuss school issues?

MR. WALTERS. Yes. Early, as I recall, in this year this process began and it has been a general schedule of twice a month. There have been some exceptions to that.

MR. GLICK. Have you found these meetings to be useful?

MR. WALTERS. Yes, I have.

MR. GLICK. Can you give us some idea of what kind of issues you have discussed?

MR. WALTERS. Well, at the initial meeting I wanted to know what was perceived as the role of the groups that made it up. And I will say that we started as a totally black group meeting with the superintendent and his key staff, and it was my understanding that there was a counterpart white group meeting.

We are now meeting together. But the question concerning what was perceived as our role, and the answer is, I submitted the proposition that I perceived myself as being one element that would facilitate these open lines of communication. Therefore, I would be bringing to the superintendent and his staff, community concerns, and I would be listening to what the policies and mechanisms they had that would address those concerns, and I would be attempting to communicate those back to the constituency.

MR. GLICK. Are you satisfied that the school administration is attempting to respond to the community concerns that you bring to them?

MR. WALTERS. Well, I think that they are attempting to respond. I will not—I will have to hasten to add, I am not satisfied with the response. But—

MR. GLICK. But there is some?

MR. WALTERS. I think there is a plus that exists as a result of those type meetings that would not exist without them. I think there is far more that should have come out of the meetings that have not occurred.

MR. GLICK. Thank you, Mr. Walters.

Dr. Cronholm, how long have you been chairperson of the Jefferson-Louisville, Jefferson County—

DR. CRONHOLM. About 1 year.

MR. GLICK. Were you a member?

DR. CRONHOLM. Yes, I have been a member about 4 years.

MR. GLICK. You are aware of what activities it undertook during the period, let us say, from mid-1974 through—

DR. CRONHOLM. Yes.

MR. GLICK. Late 1975?

DR. CRONHOLM. Yes.

MR. GLICK. Will you give us some description of how the Human Relations Commission attempted to get involved and give some guidance to the community?

DR. CRONHOLM. Well, the commission, as a civil rights and human rights agency, has an unremitting dedication to the principles of desegregation. As a public civil rights organization, we also feel an obligation to play something of a conciliatory role in the community with the attempt to be that arm of the Jefferson County government which attempts to bring people together, diverse points of view, and attempt to promote harmonious relations, and that is somewhat the tack that we took in this issue.

We had, as I say, certainly dedication to desegregation regardless of how it took place. Busing was not really an issue with us. The issue was desegregation and quality education in the way Mr. Walters describes it.

We made many attempts, beginning in 1973, to avoid some of the problems we had seen in other communities. We, for example, invited some of the well-known antibusing leaders to meetings to meet with us to promote open housing, since they had made the statement that they felt that the answer to desegregated schools was housing.

We invited them to join our housing committee and work with us to promote open housing. We felt very strongly that the actions of most groups like ours would probably not be successful without strong commitment to following court orders from the public officials, and rather early, during the time litigation was still in process, we at-

tempted on several occasions to get resolutions signed from public officials and prominent members of industry to follow the court order, the ultimate court order, so that our community would not be rent asunder by the kind of political rhetoric and then demonstration that we had seen in other communities.

We were markedly unsuccessful in our attempts to get these kinds of commitments to following the court orders, I would say.

MR. GLICK. Why do you believe you were unsuccessful, Dr. Cronholm?

DR. CRONHOLM. Well, I believe in part because up until the time the desegregation order finally materialized in its real form, I think a great many people tried to pretend that the whole issue was going to disappear.

I recall there was at first a decision against desegregation and then it went to the court of appeals. There was an appellate decision and I really believe that most people, even including many of the leaders of our community, not only political leaders but others in leadership roles, I think really did not want to face the fact that it was going to happen. And they did not therefore take any actions that would have been realistic had they all admitted to themselves that it was going to happen.

MR. GLICK. Do you think that there were—that on any occasion public officials took positions that were counterproductive rather than productive in terms of easing community tensions?

DR. CRONHOLM. Well, I think it was counterproductive not to say anything. I think it would have been extremely productive had our governmental officials made statements, not necessarily with regard to busing, I do not attempt to impose my own feeling, the commission's feeling necessarily upon our governmental leaders with regard to how they feel about busing, but I think it is important to make a distinction at a time when the community is facing serious problems between the issue of desegregation busing and the baseline issue of public safety.

I think this became a very real distinction to many people. And I think that from the mere standpoint of being sworn to protect safety that it became counterproductive not to take a stronger leadership role, for our government officials not to have taken a stronger leadership role in making the kinds of statements that would have insured our community and those who would disrupt our community that these actions simply would not be permitted.

MR. GLICK. Were you involved at all in the establishment of the Community Census Committee?

DR. CRONHOLM. No, my only association with that was the one time that I was cochairman of the Task Force for Peaceful Desegregation, and that committee was represented on our task force. I was not otherwise involved and know very little about that committee.

MR. GLICK. Was the Task Force for Peaceful Desegregation an effective body?

DR. CRONHOLM. It obviously did not prevent a good deal of disruption in the community, but, yes, I think it was effective. I think it was effective just by the fact that it was there, by the fact that people in the community knew that, despite the impression that may have been given by the local news media that virtually everyone in our community was opposed to law and order and to the busing order, I think the very fact that the task force existed represented another point of view of the community.

And I think there were also specific activities that we were participating in which were of value. I think we would have been much more effective had we received better news coverage. We tended to have very orderly meetings. Our meetings were not sensational from the standpoint of what the news media tends to think is newsworthy, and we therefore were almost never able to get any kind of coverage. So it was very difficult to let people know what we were doing.

MR. GLICK. Thank you, Dr. Cronholm.

I have just one last question that I would like to ask Mr. Johnson. In the disturbances that took place last year around the opening of school, they happened by and large out in the county. And the people that were involved mostly were white people. But there wasn't any kind of demonstration that we are aware of that took place in the black community in Louisville or out in the county. Can you give some idea or some view as to why this is the case?

MR. JOHNSON. I would be glad to. I am afraid I will be longwinded if I give you a complete answer and so I won't. You stop me. But—

MR. GLICK. We are on a tight time schedule, Mr. Johnson.

MR. JOHNSON. Yes, but I would like for the Commission, your Commission, to know that Louisville is a fine place in spite of all of the violence that we went through in September. And I put my finger right square on what I think is the fault.

Our administrative officials, beginning with the city mayor, Harvey I. Sloane, M.D., and Mr. Hollenbach, county judge, backed up by the Governor, Governor Carroll, aided and abetted by the man who is now running scared for reelection to the Presidency of the United States, Mr. Ford. Now, those people, each one, had all of the characteristics necessary to be a great leader. But they let people like the Ku Klux Klan and the John Birchers scare the devil out of them, and they abdicated from a high position of leadership.

Now the people who would not join the John Birchers, who would not join the Ku Klux Klan and the American Nazi Bund or the white peoples party, but would listen to that type of stuff that they dished out and do their devilment, brought on a lot of trauma, a lot of disruption, a lot of inconvenience and violence.

MR. GLICK. But that kind of rabble-rousing did not take place in the black community in Louisville.

MR. JOHNSON. I want you to understand that I highly appreciate the cooperation that NAACP got out of the black community.

We went around in July of last year, we went around to the Negro clubs, all the Negro churches, every organization in the Negro community and we said, "Don't try to match devilment and violence with these people who are coming in from outside stirring up the community with their hate stuff, their bigotry, and their racism. Don't try."

There was one little group that wanted to start down at one of our parks and march right up the very day that a bunch of the other people were going to march and let's just show them that we are not afraid. Now, the strategy in the Negro community was, it would show more courage on the part of these young blacks if they would go out into hostile environments and show a determination to get a good education, to show faith in our constitutional system of government, to show persistence.

It would take more, it would be a better demonstration of courage to go out unarmed, peaceful, quiet, and just let anybody who wanted to play the devil be as big a fool as he wanted to. And I highly commend the black community for following that strategy. It was well planned. And one Negro leader said out in public, the big trouble is we don't have any leader who will lead us down into the center of town and let them know where we stand. The answer to that was, we have a coordinated, diversified leadership of which we are not embarrassed.

And, frankly, I want it on your record that Louisville has come a long way, as illustrated by some of the things I just outlined, and no revolution has ever been worth its salt that didn't bring trauma, disruption, inconvenience, and perhaps even violence. But after we all get over the therapeutic experience of all of this disruption, we wouldn't go back to what used to be for anything.

MR. GLICK. Thank you very much, Mr. Johnson.

CHAIRMAN FLEMMING. Commissioner Horn.

VICE CHAIRMAN HORN. Yesterday we heard testimony from representatives of the print and the visual media about the guidelines that they applied to the coverage of public school desegregation in Louisville.

I would like to ask each of you what your impression is, from your perspective, of the coverage that the local media—and then if you would like to compare that, if there is any comparison, with the national media—gave to events in Louisville last year.

(We can start with Mr. Johnson.

MR. JOHNSON. I highly commend, I have in my notes here to highly commend the *Courier-Journal*, the *Louisville Times*, the three major television networks. I think they did a marvelous job of getting the people to understand what was going on.

Now, some of us did not respond to the information that we got, and that's another story. If I have a chance, I would like to point out some of those who did not respond. But I highly commend these peo-

ple. I think they gave excellent coverage, and we should have seen the handwriting on the wall from what they gave us.

VICE CHAIRMAN HORN. Dr. Cronholm, do you agree with that?

DR. CRONHOLM. No, I cannot agree. I do not necessarily condemn the press, but I think this is another example of what is not a local but a national phenomena, that the press tends to be so totally self-regulatory by defending itself always from the standpoint of the first amendment rights and freedom of the press that it tends to be very difficult to discuss with a member of the press any kind of criticism you have with their coverage.

I personally believe that the widespread front page coverage that was consistently given to the activities, including full page stories of one of the leaders of the Ku Klux Klan, fits into this category of what I found very disturbing. I think the news media tended to decide what was newsworthy which, as far as I can see, was what was sensational and that was what got covered. This is the reason I think this is an important point.

I think there are, in most communities, a very few leaders and a lot of followers. I think the reason there are a lot of followers is that most people tend to act according to expectations that they think others have of them. I think when the news media produced a picture in this community that the great majority of the people, 90 percent or more of the people, were opposed to busing, it became the expectation for most of our citizens to oppose busing because they really believed that not to oppose busing would have meant to have gone against what appeared to be the overwhelming moral current of opinion. From this standpoint, I would criticize the news media.

VICE CHAIRMAN HORN. Mr. Martin, what is your perspective?

MR. MARTIN. I believe that we have better than average media in this city as compared with many cities around the country. I think there are some problems, however. I think most particularly our media people were overinclined to the use of slogans describing what was taking place in the community. Some of the media just repeatedly stuck to these phrases of court-ordered forced busing and across district lines to so and so, and it all came out like it was one word.

I think not only the papers but some of the TV stations overused those terms. Now in the Commonwealth of Kentucky, we have schools desegregated from one end of this State to the other and in large school systems such as Lexington, and they are most certainly using buses. We have had more than 12 court orders for desegregation. But this is the first time when it came to Louisville that the media have ever decided that it was court-ordered forced busing across racial lines to achieve balance and so on. And I think that they failed themselves and they misled the community. It is the use of those terms, the excessive use of them that was unfortunate.

But my long-term concern with the media here is their failure, and they have no inherent obligation in this regard, but where they fail and

where I am not so sure that some of them should always get the national awards that they report in their own media is their failure to tell white people about the problems that black people in this community face every day of their lives.

And the papers, they seem, and the other media, they have not been able to do a job that I think they ought to be able to do in the context of the standards that they talk like their media. They ought to be able to do better at helping people to understand the problems that other people face in the community, and I think that is the long-term problem that we have here, that whites don't understand the brutality of segregation, they don't understand how bad the schools were prior to desegregation, and so they don't see that a little bit of transportation using wheels is better than the defects that we have previously had in the schools.

I think that's the problem. Also, our commission has specifically addressed the problem that Dr. Cronholm mentioned and that is the matter of the glamourization of the hate group leaders. And this our commission sees as more particularly a problem of the printed media in their feature articles, not particularly the news articles, that's a different matter.

But the papers decided that they would do feature articles on some of these hate group leaders that some of us believe are really in this matter for profiteering purposes. They are selling sheets or buttons or what have you. And they get more attention in the media in feature articles as compared with people like Lyman Johnson or Jewish leaders in this community who have worked all of their lives to make this a better place to live and who have never gotten the attention that some of these hate peddlers have.

VICE CHAIRMAN HORN. Mr. Walters, would you care to add?

MR. WALTERS. Basically, I would agree with the comments already made. I think the media had a difficult task to do, and generally speaking they met that task with some success.

The regrettable thing in my mind are the two areas that have been alluded to. One is the labeling or headlining in sensational terms of a legitimate issue. And if you read most of the articles, the articles were in most instances factual and on target. But the headline would lead you to believe something else. And I have spoken to the management of the media about this concern as far as the Urban League is concerned.

The other related to the profiling of negativism in our community through the personalities that represent these negativisms, without doing the innovative and investigative reporting that gave some historical perspective to organizations that we know, as blacks, are not turkey givers away and Sunday school teachers on Sunday morning.

Those were my regrets in terms of the press.

VICE CHAIRMAN HORN. As a university president, I long ago decided that the headline writer is really prohibited from reading the story for which he writes a headline.

DR. CRONHOLM. Last night on the local news show, while the news announcer was in the middle of the picture saying that the Supreme Court had decided not to consider the Boston case, up in the corner of the picture there was a school bus being—the word busing, and the legend was, "Supreme Court Ignores Boston." I think that is an inflammatory kind of statement to make, and this is typical of my complaint against the media.

VICE CHAIRMAN HORN. Good point.

I have got one last question on this area. That is this: Hearsay in this community is that there was one occasion where reporters attempted, I will address this to you Mr. Johnson, to provoke members of the black community during a street demonstration in an attempt to get a story. Is there any truth to that?

MR. JOHNSON. That the news reporters?

VICE CHAIRMAN HORN. News reporters attempted to provoke members of the black community, because news is conflict. Is there any truth to that, or is that not true? I would just like to clarify the record. Do you know of any incident?

MR. JOHNSON. No.

VICE CHAIRMAN HORN. You do not. Does anybody else know of any incident?

Thank you very much.

COMMISSIONER FREEMAN. I want to express my appreciation to all of you for the testimony. As you know, this Commission has determined that desegregation of the schools is an overriding issue. However, one of the areas that is particularly significant is the issue of housing desegregation.

I would like to address a question to you, Mr. Martin, because I believe, in reading the testimony, you indicated that the Kentucky commission, as early as 1973, has documented instances in which decisions on projected housing patterns increased segregation. Our Commission has a particular concern about governmental policy and implications of governmental policy. I would like to know if you can submit to this Commission those instances in which the housing policies, which you have already documented, perhaps they are already in reports sent out and made available to us; if so, if you would identify the pages on those reports in which this information occurs. Further, the extent to which the policies of HUD in urban renewal has increased housing segregation or increased the exclusion of even the poor and the minority from certain areas. If this is included in any of the reports that your commission has, we would like to request that it be made available to us.

MR. MARTIN. It certainly will.

COMMISSIONER FREEMAN. It is already in the reports which you have?

MR. MARTIN. Yes, to a heavy degree. Particularly the report we did—more housing segregation than ever in Louisville and Jefferson County. This sets out eight different instances in which the Jefferson

County Housing Authority failed to proceed with low-income housing in the county. They announced sites and caved in and did not go ahead with the sites for low-income housing. So, to this day, the only family housing for low-income people in the county is in the Newburg area, and it is about 95 percent black.

Now I have to add, there is a very recent addition to that, in addition to this document. Within the last several months, the section 8 program has resulted in some low-income housing in the county. We have also documented that in another document, that there are, you know, a small but growing number of people taking advantage of the section 8 program. But it's minuscule in terms of the problem.

COMMISSIONER FREEMAN. Mr. Chairman, I would like to request that this information, when made available, will be inserted in the record at this point of the hearing.

CHAIRMAN FLEMMING. Without objection that will be done.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. In inquiring further on the subject of the news media, I am going to call attention to the period of time before the court decision, before the subject became newsworthy. Reference has been made by the witnesses to the media profile after things got hot in Louisville. I am interested at this point in the time capsule prior to the court order. For example, Mr. Martin, some proponents of freedom of choice, voluntary desegregation, have testified before this Commission. They have claimed that they are against forced busing, not against integration. That the court order was not necessary, because under freedom of choice they would have been happy to voluntarily desegregate.

Now, it is my understanding that the Kentucky Commission on Human Rights, in 1971 and in 1972, offered Louisville and Jefferson County plans and recommendations for voluntary school desegregation. Where were these people, who are old-time citizens, who testified here at that time, who now claimed they would have, under freedom of choice, been happy to have voluntarily desegregated?

The first question: Were there any press releases on the voluntary plans submitted to the public before the court order? Now, Dr. Cronholm stated that it was difficult to get coverage before the crisis. I am going to follow the procedure of Commissioner Horn and ask each witness to relate any experiences that he or she may have had in getting news coverage in the local press before the court order, with relation to the subject matter I have just mentioned?

I will start with Mr. Martin.

MR. MARTIN. Well, in terms of the school pairing plan we proposed in July or August of '71, I think the most interesting thing directly on your question is that we offered this plan, and a short time thereafter the Jefferson County Board of Education met, and they had the largest citizen attendance at that Jefferson County board of education meeting that they had ever had in the history of the Jefferson County board of education.

And there was overwhelming expression of opposition, and, most interestingly, two particular leaders of the anti-busing movement, people still involved in leadership roles today, came basically from the area of one of those school pairings that we proposed, and they formed their organization then in opposition to that voluntary plan; an organization that remains intact to this time.

I would not, however, have any particular fault with the media. And nothing I said before or now should be interpreted to suggest that the news people in this town failed to report news, in the sense that if our commission or the other civil rights groups really does something, you know, I think we get good coverage. I never felt at all that either the newspapers or the TV people have failed to cover something that we did, you know. It is not that. It is in these other areas, the way they report general events that I think is questionable.

COMMISSIONER RUIZ. What you are saying, sir, is that all of these people who are in favor of integration but against forced busing, were amply notified of the voluntary plan and that some of that leadership is still with us?

MR. MARTIN. Yes, sir.

COMMISSIONER RUIZ. Which leadership is stating what I have said in general terms?

MR. MARTIN. But I think we have to move on from that, to be realistic about the actualities of being a school superintendent or school board member. The plain hard fact is a lot of people who serve in these roles find it difficult to do what they know they have to do.

You know, undoubtedly, as those of us who have worked in the South on school desegregation for 20 years, we know there is a lot of school superintendents that manage to have a meeting with the NAACP chapter and said, "Look, we know we have got to do this and we know what the law is; but won't you go ahead, sue us, make us do this, and then we will have ourselves covered with our constituents."

I am not saying that happened in Jefferson County or Louisville, but I am saying there are political, not partisan, but constituent-type reasons why the the school board felt they couldn't move ahead with this. One might argue that the Louisville board people felt that they wanted to do something, but that they couldn't really do it for those kinds of reasons.

COMMISSIONER RUIZ. Dr. Cronholm, do you wish to add something to that?

DR. CRONHOLM. I am tempted to just say that, with regard to Mr. Martin's observations that he believes that the newspaper reports were newsworthy, I think my complaint is that they decided on the definition of what is newsworthy, and that the kind of calm, orderly meetings in which decisions are made are deemed not to be newsworthy.

But with response to your question of the news coverage prior to the court order, I think from that standpoint agencies like ours are at fault, in that we probably did not do as much as we should have that, even by my definition, would have been newsworthy. I can't recall one instance in which we attempted to get public officials to endorse a resolution, commitment to follow the court orders, which we sent out several press releases and could not get news coverage on this.

Other than that, I would say, the lack of coverage on anything regarding commissions like ours was probably our fault, that we probably did not do as much as we should have.

COMMISSIONER RUIZ. Mr. Walters, do you wish to make an observation?

MR. WALTERS. Yes, sir. The coverage by the media, television, and the newspaper, particularly, I thought was good in the period preceding the court order—

COMMISSIONER RUIZ. No, I mean before the court order.

MR. WALTERS. I say, preceding the court order.

COMMISSIONER RUIZ. Yes, sir.

MR. WALTERS. Was good in that the educational forms that my agency attempted to use as this open lines of communication vehicle was widely covered and well covered. Now, I do hasten to add that I believe the media could have played a very significant role that they did not play, and it was not the media's fault.

The educational process that needed to take place in this community did not happen prior to the fall of implementing the court order, because there wasn't enough time.

COMMISSIONER RUIZ. Very well. Now, Mr. Johnson?

MR. JOHNSON. I still stand by my original statement, that the press and the television did a marvelous job, and I highly appreciate what they did before and after.

COMMISSIONER RUIZ. In substance, the testimony, then, before this panel, is that the public had ample notice of the possibility of voluntary desegregation?

MR. JOHNSON. May I say this, Mr. Commissioner?

COMMISSIONER RUIZ. Yes.

MR. JOHNSON. All of the things that I have attempted to work with in this community for 40 years, I have had the press on my side, to present what I had to offer or what my organization had to offer. And I fought the community of Louisville, the leadership of Louisville, for not giving their side to the press that was willing to take whatever was out there.

I think the press should be neutral. And when one side presents something, I think they ought to let it be presented in the paper and over the radio, and so I highly appreciate what they did. They presented what they saw.

And our churches, there were certain individuals who did a good job, but our churches let the community down.

COMMISSIONER RUIZ. I think the panel has cleared up this point that I had in mind very well. Thank you very much.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. I think it is of profound national importance to try to identify the point at which, in a community attempting to proceed with a constitutional mandated desegregation, what leads to the unraveling of community order to that point of breakdown that Louisville experienced and perhaps a few other cities have experienced?

From what I gathered, and I would like to confirm this impression that you have left with me, and from the impression that I had yesterday, one of the significant causes was the lack of leadership in the community. Yesterday we found that that lack of leadership manifested itself under the guise, in the business community, of neutrality.

Would you identify that, correct my impression if I am wrong, would you agree that that was one of the key factors?

MR. JOHNSON. Let me say this.

COMMISSIONER SALTZMAN. Anyone, Mr. Johnson. Yes?

MR. JOHNSON. My experience as a schoolteacher, 40 years, is that when you tell a child to do something, then be sure you can enforce what you tell him to do. And then he respects you. The mayor told a bunch of people here in September, the 1st of September, not to go in a certain section of town, and he didn't back it up and let the people walk over him. They walked right down through the mall after he said that you will not go.

The county judge did practically the same thing, and the Governor did the same thing. The Governor, when we started in Sturgis, Kentucky, the Governor then said, "Regardless to whether the people in the community stand for this or not, I am going to send State troopers down there, and any child will have a right to go to whatever school he wants to."

Now, the Governor should have done that right here. Out in Little Rock, the President of the United States sent the Federal soldiers out there to Little Rock, and said, "We are going to stand by the Constitution of the United States." Now, when the mayor and the Governor and the county judge abdicated high leadership, high leadership responsibilities, when they abdicated that, then that gave the violent-prone elements in our community a chance to run wild.

And then is when I accuse the leadership of our churches, our business institutions, our social, and political, and other organizations of abdicating. They actually looked like they were afraid. But when the white people were the ones who were acting off and showing all their violence in this town—which is not fair.

I have tried to indicate it's not fair for Louisville to have this national coverage, but when they started doing that, then the Governor and the mayor and the city and county judge became terribly embar-

raised that it wasn't the black people raising hell and breaking up the places; this wasn't Watts. This is Louisville and white people doing it.

Then the white power structure got embarrassed and then they came out, and I think we have come through a lot of trauma, but it was necessary. And I think the future is rosy as it can be.

MR. SALTZMAN. What are your other comments?

MR. MARTIN. Commissioner Saltzman, I think you have very accurately hit on a most significant defect in what happened in Louisville. That, basically, was that some good statements were made by civic leaders prior to the desegregation and maybe even the day or so beginning. But I think there was some clear flaking away after the difficulty developed.

We also had a problem that some leadership people thought that it was enough for them to say that they were almost neutral on the thing or that they hoped this would be peaceful. But many of them made the mistake of going on and saying we are doing this because we are being forced to do it. Instead of saying what they ought to know, that it is the law, it is morally right, it is right under the system of government in this country and ought to be done. They didn't do that. They tried to kind of carry water on both shoulders, and it didn't work.

Many of the people who should have been taking a strong stand for school desegregation got into groups that really tried to reach a lowest common denominator. They were trying to work with so many people to support law and order that they ended up really doing nothing in support of the desegregation plan, and ended up contributing to the confusion.

* COMMISSIONER SALTZMAN. Do you think there is anything that ought to be imperatively done, pending the September '76 opening of school? Yesterday I asked this question of business leadership, and they seemed to feel, as Mr. Johnson did, that we can now continue with our neutrality, because everything is going to be okay. But are there any contingencies that ought to be looked at in case everything is not okay?

MR. MARTIN. Our commission has taken a strong position that we should do everything possible to keep this thing out of the political campaigns. We took a stand on this last summer. I won't say it was with any great effect, because, most certainly, this matter was injected into the political campaigns in Kentucky like it has never been done before in the last 20 years.

But, certainly, anything that could be done to try to get our political and civic leaders to take a strong stand for this Jefferson County desegregation plan, anything that we could do to keep some of our political leaders from continuing to talk about alternatives, I think that this has been very divisive, because it has kept people from accepting what is inevitable. They have created false hopes that maybe we won't have to do it. I think there is tremendously increasing evidence to suggest that there is no alternative.

It's been admitted repeatedly, the rejection of the appeal in the Boston case and many other things ought to bring many more public leaders around to the idea that they have got to support this plan because it is the plan for this community.

COMMISSIONER SALTZMAN. One final question. Was there any intimidation or harassment to you individually, personally, during these last months of desegregation?

MR. JOHNSON. I live with it.

DR. CRONHOLM. All of us.

MR. JOHNSON. I live with it.

COMMISSIONER SALTZMAN. Can you each briefly describe for the record personal experiences related to intimidation or harassment?

MR. JOHNSON. A black cat was hung to a pole, flag pole, at one of the formerly white schools that turned to a recently all, practically all-black school, known as Shawnee High School. And I was called and told, "We hung a black cat. Next time it won't be a black cat. It will be you, nigger." And I have had the police to take stickers off of my car telling me, "Lay off of us white folk. You have done so much, prepare to die."

I have had the police to take off stickers. And they continue, now, to harass my wife, who is at home. When I am not there they call up and want to know, "Where in the hell was that nigger born? We want to carry him back down South, there—such a southern accent, we know he comes from back down South. We want to take him back down, put six feet of dirt in his face. Now do you understand that, nigger woman?"

I get that daily—three and four calls a day, now.

COMMISSIONER SALTZMAN. Thank you.

DR. CRONHOLM. I invested in a recording device for my phone which I think is insulating me against these calls I have after my name is in the newspaper, which I think is typical hate, what I would consider obscene literature, Ku Klux Klan calling card, this time it is a friendly visit, next time it will be real.

I have had many acts of vandalism against my house. I don't know how many are related to my role. I live in the Valley Station area. I am sure many people there know my role in the commission, so I would assume some of these acts are a result of that. Before I leave this, though, may I go back to something about the future this fall?

I would just like to make the statement that I am not quite so sanguine as Mr. Johnson with regard to the rosy future. I think our community has all of the elements present that it had last year at this time, that could very well erupt into the same kind of situation, in addition to which there is one more element it didn't have, and that of thousands of people dedicated against busing who are terribly frustrated now because they were, I believe, sort of led down the primrose path by their own leaders, in being told that certain actions that they were taking would be successful, when they all knew they could not be successful.

So we have these frustrated people in the community. I agree with Mr. Martin that this situation could certainly erupt. And the time has come for, I believe, our community leaders to make statements that should have been made before—

CHAIRMAN FLEMMING. I am very sorry, but as Chairman I have got to protect the schedule to some extent. We are now well beyond the time allowed for this testimony. I want to be fair to those who are scheduled to come afterwards. But I want to express our appreciation as a Commission, not just for your testimony, but for the quality of leadership that is reflected by your testimony.

We are indeed grateful to you. Thank you, very, very much.

CHAIRMAN FLEMMING. Counsel will call the next witness.

MR. GLICK. Mr. Chairman, our next witnesses are senior law enforcement officers in Louisville, Jefferson County, and State. We will call Col. John Nevin, chief of the Louisville Division of Police; Col. Russell McDaniel, chief of the Jefferson County Police; Lt. Col. Leslie Pyles, commander Kentucky State Police Department; and Gen. Richard T. Frymire, adjutant general, Kentucky National Guard.

[Col. John Nevin, Col. Russell McDaniel, Lt. Col. Leslie Pyles, and Gen. Richard T. Frymire were sworn.]

**TESTIMONY OF COL. JOHN NEVIN, CHIEF, LOUISVILLE DIVISION OF POLICE;
COL. RUSSELL MCDANIEL, CHIEF, JEFFERSON COUNTY POLICE; LT. COL.
LESLIE PYLES, COMMANDER, KENTUCKY STATE POLICE DEPARTMENT; AND
GEN. RICHARD T. FRYMIRE, ADJUTANT GENERAL, KENTUCKY NATIONAL
GUARD**

MR. DORSEY. If you would each state your name, occupation, and title for the record.

MR. NEVIN. John Nevin, chief, Louisville Division of Police.

MR. MCDANIEL. Russell McDaniel, chief of the Jefferson County Police Department.

MR. PYLES. Leslie Pyles, director of field operations, Kentucky State Police.

MR. FRYMIRE. Richard T. Frymire, adjutant general, Commonwealth of Kentucky.

MR. DORSEY. Gentlemen, we are, as you know, engaged in investigation regarding the school desegregation process in Jefferson County. I would ask each of you starting with Col Nevin, if you would, to outline for us briefly what your preparations were by you and your staff for your law enforcement role in school desegregation starting in January 1975.

MR. NEVIN. Beginning in January 1975, the Louisville Division of Police initiated a series of staff meetings to discuss the possibility of the court-ordered busing integration of the Jefferson County-Louisville school system, with the anticipation that we had a year's lead time. Then, approximately July, the district court ordered that the program

would be implemented at the beginning of the school year on September 4. Shortly after that I detailed a lieutenant and patrolman to a full-time duty of preparing a plan of operation for the police division. In the course of this plan, we allowed for the maximum number of police officers that were available to be detailed to assist with the integration program.

Our planning, unfortunately, envisioned only police activities during the daylight hours and we found after the first day of school that we were involved in a 24-hour operation which required some major shifts.

However, we were generally set up on the day before the opening day of school, with approximately half the police division assigned to normal police functions and another 400 officers assigned to a task force to deal with any problems that arose with the busing operation.

We were staged at a school that had been closed as a result of Judge Gordon's order, which was very graciously allowed us by the Jefferson County board of education, and we operated from that school as a field staging area for approximately a month. That is where we were up to the opening day of school.

MR. DORSEY. Did your plan as detailed involve also some meetings with other law enforcement personnel, and did it, in fact, include a contingency plan of any type?

MR. NEVIN. By the opening of school we had met with every law enforcement agency which we had conceived of that we could possibly be involved with—of course, the Jefferson County police, who we work with on a day-to-day basis, General Frymire, and, particularly, the National Guard units that are stationed locally, and the Kentucky State Police.

MR. DORSEY. Was there within that plan a contingency plan should you, in fact, need further resources?

MR. NEVIN. We had discussed up to the opening day of school the commission of additional police. I took an extremely pessimistic view from the beginning and had requested that the State police and the National Guard be committed prior to the opening day of school. However, the position was that until such time as we were fully committed, we could not anticipate any additional support.

MR. DORSEY. And did you conduct any training for your personnel in relation to their possible activities in school desegregation?

MR. NEVIN. Yes, during the 2 days before we implemented the busing task force, on the second day before, what would have been minus day minus two, we had all the commanding officers who would have been assigned to the busing task force in for a full day of training which involved, first, a line-by-line examination of the tactical order and a review of the procedures that would be used for mass booking, mass arrests, if it became necessary, the use of squad and other crowd-controlling formations.

And then on the day before we implemented the busing task force, we went on 12-hour duty, and all the patrol personnel who were involved were called out to a parking lot in the rear of Churchill Downs where they spent a full day in refresher training on crowd control tactics and then, with their immediate commanding officers, reviewed for the benefit of the patrolmen, the tactical plan.

MR. DORSEY. Thank you. Was that plan reduced to writing?

MR. NEVIN. Yes, sir, it was. A copy was turned over to the staff. It's dated August 29 and it's labeled school desegregation busing plan.

MR. DORSEY. Thank you very much.

Colonel McDaniel, I wonder if you might respond to the same issues in relation to your organization?

MR. MCDANIEL. Yes, sir. We started having meetings with various officials at the board of education last winter, winter of '75, talking about various aspects of what might happen. We were fairly well assured, and when I say fairly well assured, it was not anticipated that court-ordered busing would start in Jefferson County in the year '75. It would be the following year. This was the opinion of some of the people at the board of education and some legal advisors there.

We met periodically up until the order came down in July. After the order came down in July, there were daily meetings with the board of education, city law enforcement officials, with various people in government. There were various things. Chamber of commerce hosted a breakfast where they brought a representative in from Memphis. People came in from other areas that had had experiences in busing—from Tennessee, Memphis, Nashville, and Charlotte, North Carolina. Some of our commanding officers were meeting on a daily basis discussing various aspects of busing and what some of the potential problems could be and might be.

Jefferson County Police Department has several cities located within the county. Several of these cities has their own law enforcement agencies. There are, I believe, three or four fourth class cities, there are some fifth class cities and sixth class cities. County police department hosted a breakfast. We had Judge Hollenbach, county judge, along with representatives from the county attorney's office. Our legal advisor.

We had prepared some information there on arrests, what the charges would be if demonstrators become unruly. We tried to map out a plan for all of these other law enforcement agencies in Jefferson County whereby that we would all be of one accord, and which units would back up and which units would assist, and wherever the problems developed. So we felt like we were pretty well prepared whenever school started.

MR. DORSEY. Was there any specific training conducted of the leadership staff or the patrol staff of your organization, specifically related to school desegregation activity?

MR. MCDANIEL. Yes, sir, at staff meeting all the command, all of the top command—this was carried back to district level at roll call, shift change by sergeants. We are divided into three districts out in the county and these districts had riot training, formations, and were particularly alerted in the southwestern part of the county. Where we felt there would be problems, it would be in that area.

MR. DORSEY. Did your planning, in fact, contain some contingency plans in the event that difficulties arose which exceeded your ability to handle?

MR. MCDANIEL. Yes, sir. We, in discussing the situation or problem with Judge Hollenbach, it was determined by Judge Hollenbach that if we needed assistance, that the State police would be our first backup unit, due to the fact that Louisville Division of Police probably or potentially could be experiencing some of the same problems that we were experiencing. So it was prearranged that Kentucky State Police would be the first units to assist Jefferson County in the event there would be serious problems.

Colonel Nevin and I discussed the fact of having the Guard called up whenever school started and relying on the National Guard if it became necessary to call them out.

MR. DORSEY. Colonel Pyles, if you will, could you state what activity the State police engaged in in preparation for school desegregation in Louisville?

MR. PYLES. Yes, sir, our role was primarily a backup and assist role, to either one of the two agencies. We were aware, certainly, of the situation much before September the 1st. We alerted our field personnel to have their people brought up to snuff on the crowd control situation. We drew up plans as to how long it would take a given squad to get to Louisville. Then in a meeting prior to the start of school, it was agreed that we would furnish a detail of 30 people, establish a command post at the Fairgrounds to sort of deal with traffic problems on the interstate system.

We also had a detail of 55 people on standby in Frankfort. Now, these were brought in from outlying areas that would take considerable time to respond to any need for assistance. That was the reason this was done. We bordered them in Frankfort. That along with the crowd control squad from Frankfort made a total of 66 people we had on standby there in Frankfort.

MR. DORSEY. Did you have something else to add, Colonel Pyles?

MR. PYLES. No, sir, that's about it.

MR. DORSEY. General Frymire, I wonder if your organization, in fact, anticipated a role in advance, and what activities were engaged in by the National Guard in preparation for school desegregation, if any?

MR. FRYMIRE. Our role would be somewhat limited. You asked initially for the period beginning in January 1975. During that period of time, we monitored local intelligence through the local police or

ganization and relied upon them for a status report. We primarily did nothing in anticipation of busing desegregation other than our routine civil disturbance training, which is an annual training program that we have, a rechecking of our plan for assistance to local officials in the event of domestic emergencies. These are routine matters. We have a routine plan.

We simply made certain that the plan was current, that our—the training of our individuals was current. Then as the event drew closer, in September we did have some meetings with the local police in Louisville and Jefferson County to ascertain from them what their problems would be, and, generally, just to determine what the role of the Guard might be in the event that it was needed.

MR. DORSEY. Directing your attention specifically to those incidents of September 4, 5, and 6 which clearly were the heaviest law enforcement involvements, as I understand it from our investigation, I would like to ask some questions as to the developments of situations on those occasions and the police response to them.

Specifically, I would like to deal with the night of September 5 and the sequence of events which led to the rather heavy law enforcement involvement in the southwest Jefferson County area.

Colonel McDaniel, if you will, could you state at what approximate time the difficulties in Jefferson County required the heavy involvement of your police personnel?

MR. MCDANIEL. Yes, sir. If I may, I would like to go back to the night of September 4. School started on September 4, which was on Thursday, and on September 4 we, as all law enforcement agencies, were on 12-hour shifts.

Our people came out at 0600 hours in the morning until 1800 hours that afternoon. So on the first day of school there were areas provided in all the schools for demonstrators. There were very few demonstrators showed up at any of the schools out in the county on the morning of the 4th.

On the evening of the 4th a few people came out at some of the schools. Then after school had ended, at Valley High School, located on Dixie Highway in the southwestern part of the county, there was quite a number of young people, predominantly teenagers, gathered in front of Valley High School after dark. And they blocked traffic for a short period of time. We had quite a number of police officers on the scene.

At that particular time, we thought it was best, I discussed with our commanding officers, to let them go ahead and have the highway and see what would develop. We did not have any serious incidents; there were a couple of fires started in the highway. We called the volunteer fire department there, at which time they extinguished the fires.

We, after about an hour, started moving the people south on Dixie Highway and we started moving them north. And when we started moving them north and south, splitting the crowd, we only had, when

we started moving them out, about somewhere in the neighborhood of 300, 350 people. So after following south on the highway, we met some resistance, approximately a half a mile south of Valley. There were 11 arrests made. We had no serious problems, no serious incidents. So that ended the first day of school.

On the 5th we came back out; when we came back out on the morning of the 5th, we experienced practically the same thing. Very few demonstrators showed up at any of the schools. It all went rather smooth and rather calm. I think one school had a couple of broken windows was the only thing we experienced on the second day of school.

So I went over to the Van Hoose Center to meet with various elected officials and school administrators. We were discussing what the strategy would be and what things we would do the following week. This was early Friday afternoon, September 5. While I was at the board of education, I received a call, there from one of the commanding officers at Fairdale High School that there was a crowd building in front of the school. There was an FBI agent as well as a Federal marshal assigned to stay with me at all times, so the marshal and the FBI agent—and we proceeded to Fairdale High School.

When we arrived at the high school there were some 4 or 500 people there. Black children were loaded on a bus and they were ready to leave the school. The entrance to the school was blocked. They had Fairdale Road, which is a secondary road, blocked also.

We had a standby unit in the immediate vicinity. We had a backup unit of police officers, I called for those men immediately. They took pre-planned traffic points, they started flow of traffic; the traffic started moving. We took police motorcycles as well as our units, escorted the buses that the black children were on coming back to the inner city, and as they came out of the school there were some missiles thrown at the buses. I think one stick—there were some bottles that missed the buses, there were no broken windows, there were no injuries. A couple police officers in holding the people back—and we made two or three arrests at the school that afternoon. But after we got a sufficient number of people there, got the buses out, and from there on it was fairly peaceful.

There was a meeting scheduled in Judge Gordon's office downtown after school was out. I went down to attend the meeting in Judge Gordon's office. All the officials were down there discussing the various things that had taken place. Determination was made at that time by Judge Gordon that there would be no more demonstrations, protesters allowed on any school property, that they all would be removed. No three people could gather or congregate on any bus route.

Whenever I left the meeting in Judge Gordon's office, they were calling me on the police radio. Commanding officer at Valley High School said they had a crowd building in front of Valley High School. I returned to the scene of Valley, and they had the traffic blocked as I approached Valley High School for approximately half a mile.

I had to proceed south in a northbound lane, the southbound lane was blocked. I arrived in front of the school. I had some commanding officers, there were two majors, a captain, and two or three lieutenants and sergeants on the scene, approximately 70 patrolmen.

I started talking with them and at this time—this was approximately 6:00 o'clock, maybe a little after 6:00—talking with them. There had been no indication or no sign of violence other than a large number of people were gathering in the intersection. They had traffic blocked.

My first instruction was to get the traffic moving. We started the natural flow of traffic, got the traffic moving again. After the traffic started moving, we were able to reduce the crowd somewhat. After reducing the crowd, traffic stopped again. When the traffic stopped the second time, it was getting dark. A large fire ballooned just north of the school. When a large fire broke out, there were two or three other fires, and what had been a fairly peaceful demonstration or fairly peaceful crowd became very hostile just north of the school.

Many missiles were being—the police started getting a lot of abuse just north of Valley High School. Many missiles, bottles, they were—there was some construction going on in the area—a large number of bricks started being hurled at our people.

We regrouped and by that time I had called for assistance. We have approximately 100 men in our criminal investigation division. It was pre-planned that they would go back into uniform. So I started calling for assistance just before I arrived.

MR. DORSEY. What time would that have been that you called for your own departmental men?

MR. McDANIEL. I called for our backup units at approximately 7:00 o'clock. They started arriving 15 minutes later. There were quite a number of people on Dixie Highway at our Charlie District station, which is located some 4 miles north of Valley High School. They started arriving on the scene.

After I got a large number of police, and when I say a large number, we probably had 50 additional people to come on the scene very rapid. I assigned seven, eight, and nine men riot squads to go onto the highway and start trying to move the crowd north and south again, as we had the night before. Traffic backup had grown considerably. At this time there were probably 2,500 to 3,500 people spread over a large area.

MR. DORSEY. At this point, approximately how many police personnel did you have on the scene and approximately how large was the crowd?

MR. McDANIEL. At this time I probably had 125 to 130 policemen, and the crowd was somewhere in the neighborhood of 3,500 people.

MR. DORSEY. In terms of your total force, which, as I understand it, is approximately 400 personnel, what was the maximum strength that you could bring to bear on this particular problem and still carry on the absolutely minimal essential operations of your department?

MR. McDANIEL. That was it, approximately 130 to 140 people.

MR. DORSEY. At what time in relation to this did you indicate any need for help, for additional law enforcement personnel?

MR. McDANIEL. Soon as I saw what was happening and saw one or two officers that were injured, I went into Valley High School in the office. I talked with Judge Hollenbach; I told him we had serious problems—

VICE CHAIRMAN HORN. Excuse me, what time was this?

MR. McDANIEL. There would be much resistance and the situation had gotten out of control.

VICE CHAIRMAN HORN. What time were you making that call?

MR. McDANIEL. This call was approximately 7:30.

VICE CHAIRMAN HORN. 7:30.

MR. DORSEY. Continue.

MR. McDANIEL. I made the call to Judge Hollenbach and talked to Judge Hollenbach and told him what the situation was. At that time at the Van Hoose Center, the Governor's representative, Mr. Jack Hall, and various people from State government, the mayor, they were there. Went back into the school at approximately 8:00, after talking with the judge. I went back in approximately 30 minutes later.

Our people went into the crowd; they came under such resistance that I had them withdraw. We were in front of the school. We backed up to a point where all the missiles being thrown from Dixie Highway were striking the pavement in front of Valley High School. I went back in and called the second time to check on reinforcements, to talk with the judge. I was assured that they would be there very shortly. I talked—

COMMISSIONER SALTZMAN. May I interrupt, I am sorry. Reinforcements from which law enforcement agency?

MR. McDANIEL. Kentucky State Police.

COMMISSIONER SALTZMAN. Were they the closest available law enforcement agency at that time?

MR. McDANIEL. Yes, sir. Where they were housed, they were on the expressway located at the Fairground at the Executive Inn.

COMMISSIONER SALTZMAN. Were they the only backup force present?

MR. McDANIEL. Colonel Nevin had a large number of people north of that location, approximately a mile farther north.

COMMISSIONER SALTZMAN. So both police forces were available to you?

MR. McDANIEL. Yes, sir. So after talking with Judge Hollenbach, I went back outside, and when I went back outside and met with the command, I saw one of our officers that had received a very serious injury, that as a result of the injury lost his eye, and two other policemen had been hurt or received fractures.

So approximately 20 minutes after that, there was a caravan of State police came to our rescue in front of the high school, and shortly after the first caravan of State police arrive on the scene, Col. Pyles arrived shortly after that and told me that he had 66 troopers with him plus

the first group, and with the reinforcement and assistance of the Kentucky State Police we went into the crowd and was successful in dispersing the crowd, breaking up the demonstration there and the violence that had occurred.

The radio was contacting me at that particular time and there was a football game getting ready to break at Pleasure Ridge High School, which is some 2-1/2 or 3 miles from that location and a set of 2—or 300 protesters were in front of the school.

I asked Colonel Pyles to take some of his troopers, that were on their way to Valley High School and send them to Pleasure Ridge High School to assist the county police that were there while the football game was going on. It became necessary to take the crowd out a rear entrance of Valley due to the protesters out front. I never did get to Pleasure Ridge High School.

I was called and we were having problems in the Okolona area. We had two helicopters that were lighting the area on Dixie Highway during the entire demonstration, keeping people from getting on top of buildings and getting behind our police lines. I called one of the copters down and I started to the Okolona Southern High School area. As I started over there, the helicopter pilot told me he was going to turn the running lights out because they had drawn fire on their way down there.

So we proceeded with the running lights out on the copter and as we flew over National Turnpike and Fairdale Road we saw two houses that were burning. I was not aware of the situation there until the helicopter pilot made me aware that there had been a demonstration. We could still see what looked to be a couple hundred, 2-3000 people in the intersection of National Turnpike and Fairdale Road.

MR. DORSEY. May I interrupt for one moment to follow up on two things that you mentioned?

MR. McDANIEL. Yes, sir.

MR. DORSEY. First, that you had not been aware of that incident, and it reminded me that you had indicated that you had made communications by phone. I wonder if you were in a position at that night, being heavily involved as you were at Fairdale and Valley High, to have information from all your different locations of trouble?

MR. McDANIEL. No, sir, our communication at the time, we had ordered and they had been on order for well over a year, hand-held portable radios. We did not have the type of communication we have at this time. I was not aware—we were in general communication on three different frequencies and were talking. But I was not aware of the situation, and they were making me aware in between phone calls, commanding officers that were monitoring all three frequencies there at Valley High School, and telling me of the other incidents.

MR. DORSEY. In that regard, the investigation indicates that other officers were, in fact, requesting additional law enforcement assistance. As I recollect you indicated to me that high level officers from your

organization had asked for assistance from the city police at some point.

MR. McDANIEL. Yes, sir.

MR. DORSEY. could you go into that a little bit?

MR. McDANIEL. I later learned my assistant was at Charlie District located on Dixie Highway. Col. Robert Grant, lieutenant colonel, assistant chief of police. I learned later, early the next morning, 3:30 or 4:00 a.m. that Colonel Grant had had a conversation with Lieutenant Colonel Hicks of the Louisville Division of Police and said that our people were calling for assistance in two or three other locations. And that—asked if we could use any assistance, was what was related to me. This was Colonel Hicks conversation with Lieutenant Colonel Grant. Lieutenant Colonel Grant, monitoring the radio, said it sounds like that we can use all the help we can get, was the conversation. I proceeded on to—

MR. DORSEY. I was just wondering if, in fact, the city responded to those requests for assistance. Is that normal between the two organizations?

MR. McDANIEL. Yes, sir. It is normal for the Louisville Division of Police to give assistance, which they have many times since.

MR. DORSEY. Did they on that night give assistance?

MR. McDANIEL. On that night?

MR. DORSEY. Yes.

MR. McDANIEL. On that night I am not aware—the Louisville Division of Police did not respond to Jefferson County.

MR. DORSEY. I am sorry, but I interrupted you.

MR. McDANIEL. Yes, sir, that is quite all right. So after seeing what was happening at Fairdale Road and National Turnpike, I saw a caravan of State police proceeding to that area. I saw several of our police units. They were located where the buses, compound of buses, were located at Fairdale High School. They had withdrawn from the intersection. They were there to protect the school and the buses until sufficient reinforcements arrived from the State police, at which time they did disperse, break up that crowd.

We circled the area for 3 or 4 minutes. We left the high school, proceeded on to the Okolona area. The pilot, we flew out to Southern High School, we saw several buses that were still burning. Saw several fires up and down Preston Highway from Southern High School all the way north to the substation which would cover approximately a mile and a half.

MR. DORSEY. Excuse me, I am going to have to interrupt the testimony at this time.

MR. McDANIEL. Yes, sir.

MR. DORSEY. Unfortunately, earlier panels got carried longer than was anticipated, so the time for the questioning on the part of counsel has extended far beyond its allocation. At this time I would turn the questioning over to the Chairman.

CHAIRMAN FLEMMING. Counsel, we are allocating exactly the amount of time that was provided for this particular panel, which is 55 minutes. But if you have additional questions, you will ask them so that all members of the panel will have had an opportunity to respond to questions relative to this particular incident.

MR. DORSEY. I did want to move on, if I could.

MR. McDANIEL. Yes, sir.

MR. DORSEY. I would like to ask Colonel Pyles, if I could, at what time State police involvement became extensive on the night of September 5 and how many people and at what point?

MR. PYLES. The most extensive would have been actually at Okolona in the Southern High School area. We at one time had some 100, 110 people in that area—Southern High School and Okolona.

MR. DORSEY. At what point would that have been?

MR. PYLES. They were committed at about midnight.

MR. DORSEY. At what point was the first State police commitment, if you can recollect, at what time did you first commit State police to backup?

MR. PYLES. We had a small detail at around 7:30 or 8:00, just sort of hopefully keep the roads open, if possible.

MR. DORSEY. When—

MR. PYLES. In the Valley High station area.

MR. DORSEY. When were they increased?

MR. PYLES. They were increased, oh, it must have been in the neighborhood of 10:30. We had the original 30-man detail down here. We sent 10 of them out earlier and, then when we received reports back that there was some considerable trouble, why, we took the rest of that 30 that we had on traffic to the Valley area and called, in the meantime, for these people that we had on standby to come to the fairgrounds.

MR. DORSEY. I would now ask Colonel Nevin, in terms of requests made of city forces, are you aware of any request for assistance by the county police, and are you aware of any action taken by the city police in that regard?

MR. NEVIN. Yes, sir. The city police, as I said before, had anticipated that we were going to be involved in a daylight operation. On Thursday, September 4, we had been involved in a rather extensive crowd control operation in downtown Louisville.

On Friday, September 5, we had deployed in downtown Louisville, anticipating that we might find the same problems again on the following day. We didn't. We withdrew the task force to the Audubon School where we held them until approximately 5:00 or 6:00 in the evening and released everybody but a skeleton force that was scheduled to remain around the clock to service vehicles, etc., to go home.

I, with Colonel McDaniel and General Frymire and several others also, attended the meeting in Judge Gordon's office that took place on

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Friday afternoon and at the conclusion of that meeting, went off duty and was available by a paging system. Fortunately, Lieutenant Colonel Kley, who was in general command of the task force, had remained at Audubon School catching up on some paperwork, and our central communications unit at headquarters was monitoring the county police broadcasts. They began to pick up the broadcasts involving the disorders in the Dixie Highway area, and Colonel Kley, on his own initiative, at some time around 7:00 ordered a recall of the busing personnel from home.

Due to a malfunction in my paging system, they were unable to contact me until approximately 8:00. At that time I went directly to the Audubon School, changed into uniform. Mayor Sloane arrived at the school and he and I then went to the State police command post located at the fairgrounds where we talked very briefly with Mr. Jack Hall, who was the Governor's representative on the scene, and with the State police. Then he and I and later Mr. Hall went to the Van Hoose School, our education center.

At that point we met with Judge Hollenbach, eventually with Judge Gordon. During that time several times my radio operator/driver came in the room and relayed word to me that our radio was picking up calls from the county police for assistance. On another occasion, Colonel Grant and Colonel Hicks had talked with each other about the deployment of city police.

At this time we estimated we had approximately 250-300 police officers at Audubon School. However, I was in the presence of the county judge, and I repeatedly relayed to him the fact that we were receiving calls for assistance, and he advised me that his personnel did not need any assistance and under those circumstances, I felt that I could not order a deployment of city police into the county with the executive officer there present saying no.

So we did not deploy to any extent on that night, except we had received some information that some groups were moving north on Preston Highway toward the city, and I dispatched a busload of police over to Preston Highway and the city limits to head them off. However, they never came in as far as the city limits and at sometime that night apparently turned and went back out. We stayed at the school, we just bedded down at the school and stayed the night and the next morning, which was Saturday morning, deployed downtown for an anticipated march.

MR. DORSEY. One final question. That is, if each of you would respond to the following question: What was the maximum number of personnel committed to school desegregation activities that night, how many injuries were suffered by your police personnel, and what was the extent of damage to police equipment and the costs for those activities?

MR. NEVIN. Okay, the Louisville Division of Police committed no personnel. As far as I know, there was no confrontation at any time

between city police and any members of the crowd. There was no damage, no injuries.

MR. DORSEY. Colonel McDaniel?

MR. MCDANIEL. Yes, sir. The County police department, we had our total department committed to busing. We had 72 officers injured, we had some 25 or 30 police vehicles that suffered damage, a larger part of this was window breakage. The injuries have cost us \$4,959.55. Breakdown on damage to vehicles is approximately the same amount. And riot equipment and overtime, we spent approximately \$500,000.

MR. NEVIN. Are you talking about the entire cost of the entire operation or just that Friday night?

MR. DORSEY. Just that.

MR. MCDANIEL. This would include the month of September.

MR. DORSEY. Colonel Pyles?

MR. PYLES. By midnight Friday night we had some 150 people, but by Saturday morning we had, early Saturday morning, we had about 400, give or take 1, or 2. But they were not certainly committed to any—and we received an appropriation, about as close as I can come to that is \$590,000 for the total operation.

MR. DORSEY. And injuries?

MR. PYLES. We had 19 people injured and some 15 or 20 automobiles damaged from minor to severe.

MR. DORSEY. General Frymire?

MR. FRYMIRE. As of midnight Friday the National Guard had not been committed.

MR. DORSEY. Thank you very much, Mr. Chairman.

CHAIRMAN FLEMMING. Commissioner Horn?

VICE CHAIRMAN HORN. I would like to ask Colonel Nevin and Colonel McDaniel to succinctly explain the jurisdiction that operates with the county police and the city, and do the city police have any jurisdiction in the county under regular statutes of either Kentucky, Jefferson County, or the city of Louisville? What is that relationship?

MR. NEVIN. Yes, sir, the Louisville police have been ruled to have jurisdiction in Jefferson County. As a matter of policy, we don't exercise it there under normal circumstances. Certainly the county police have jurisdiction everywhere in the city of Louisville, and we routinely provide backup service to each other, and during the course of the rest of the school busing situation up through December we routinely provided people for each other in other circumstances.

VICE CHAIRMAN HORN. Colonel, is that agreement a mutual assistance pact that has been entered into by the city of Louisville and the County?

MR. NEVIN. There was a formal mutual agreement pact signed several years ago under two different police chiefs, to the best of my recollection. However, it existed as a gentleman's agreement, if you will, between the police departments for as long as I have been here.

VICE CHAIRMAN HORN. How long have you been chief?

MR. NEVIN. Two and a half years, sir.

VICE CHAIRMAN HORN. During that period, what is the usual normal procedure for city police to aid the county police? Have there been any incidents prior to this, large or small, where the city police have come to the aid of the county police?

MR. NEVIN. As a matter of fact, most of the incidents in the past have been the other way around. During the open housing demonstrations of the '60s and the other disorders, county police have responded into the city to the assistance of the city police. It has been fairly rare until now for the city police to respond into the county with additional manpower.

VICE CHAIRMAN HORN. What is your expectation, as the commanding officer of the Louisville police, as to who you deal with, or who makes the decision in Louisville as to whether county police come to the aid of Louisville or Louisville Police will go the aid of the county?

MR. NEVIN. Under normal circumstances, were I not in the presence of the mayor or director of safety, if I received communication from Colonel McDaniel or one of his commanding officers that they requested my assistance of the city police, we would respond immediately.

VICE CHAIRMAN HORN. In other words, you would not check with a political authority, ordinarily?

MR. NEVIN. Unless they were present at the time, no, sir.

VICE CHAIRMAN HORN. Colonel McDaniel, what is your understanding of how the mutual assistance agreement is implemented so that the county could aid the city or the city aid the county?

MR. McDANIEL. Colonel Nevin or one of his commanding officers initiates a call to our headquarters, under normal circumstances. But Judge Hollenbach—I answer directly to Judge Hollenbach. If Judge Hollenbach was in, in his presence I would let the judge make the decision.

VICE CHAIRMAN HORN. I see. So is it unfair for me to conclude after listening to this testimony that ordinarily the command decision would be made by the responsible police executives, in this case, either you as the respective colonels or one of your assistant chiefs, but that due to the peculiar circumstances of who was in the command post that evening, default was given to political executives and that it was a political rather than a police decision that determined whether or not the city of Louisville police would aid the county when it was in trouble?

Is that an unfair conclusion after listening to all this?

MR. NEVIN. It is a very difficult question for me to answer. I have, over the course of the months since that happened, and I assure you that on Saturday, September 6, I had a great deal of explaining to do to 400-and-some-odd city police as to why we didn't go.

I really can't say if I had it to do over again I would have ignored the situation and gone anyhow. I think it is fair to say that had it been simply a call to me and no other—nobody else present, we would have responded immediately.

VICE CHAIRMAN HORN. In other words, the city police was available, armed, ready to go but was prohibited from going by decision, essentially of the county executive, or county judge?

MR. NEVIN. Yes, sir.

VICE CHAIRMAN HORN. Let me ask one more question. Was tear gas used that night at all to control the rioting?

MR. McDANIEL. Yes, sir.

VICE CHAIRMAN HORN. How extensively was it used?

MR. McDANIEL. There was not a great deal of tear gas used. It was very effective. We got out a pepper fogger, when we fired it up the crowd started to break up.

VICE CHAIRMAN HORN. What I am wondering as I listened to how this crowd gathered, why tear gas was not used earlier and in substantial quantities to dispel and disperse them? What kind of judgment went into that?

MR. McDANIEL. I was on the scene. I discussed this with Judge Hollenbach and we were talking about using tear gas. There were so many small children, there were so many women carrying babies in their arms, I hesitated to use tear gas until the crowd became so violent. There were many plate glass windows and once people start being blinded by tear gas, I was thinking largely about the small children, babies in arms. And there were many, many small children in this area. And as a last resort we used tear gas.

VICE CHAIRMAN HORN. In other words, there was no way the county police by bullhorn could have notified the crowd that within 15 minutes, if they are not dispersed and children out of here, tear gas will be used?

MR. McDANIEL. The type noise, there was approximately a thousand vehicles blowing their horns constantly, continuously. It was hard to hear the fellow officer next to you. With the shouts from the crowd, we talked to them on numerous bullhorns and begged them and begged them and pleaded with them to go home from the time they started gathering.

VICE CHAIRMAN HORN. Thank you.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. On this intriguing area of mutual and reciprocal police assistance, Colonel McDaniel, why did you telephone Judge Hollenbach at 7:30 p.m. instead of Col. John Nevin, which it has been stated was your first backup?

MR. McDANIEL. Judge Hollenbach is my first boss, and I answer directly to him. He was available and it was my duty to make Judge Hollenbach aware of the situation.

COMMISSIONER RUIZ. Pursuant to your duty with relation to your first boss, did you tell him that everything was under control?

MR. McDANIEL. No, sir.

COMMISSIONER RUIZ. What is it that you told Judge Hollenbach?

MR. McDANIEL. I told Judge Hollenbach we had a very serious situation and we needed assistance.

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COMMISSIONER RUIZ. Colonel Nevin, as I understand your testimony, you released your force around 5:30 p.m. to go home, and then you started to get reorganized around 8:00 p.m., and thereafter you met with Judge Hollenbach. Is that correct?

MR. NEVIN. Yes, sir.

COMMISSIONER RUIZ. Now, at that time as I understand, you had between 200 and 250 men deployed and ready to go to the county, is that correct?

MR. NEVIN. Yes, sir.

COMMISSIONER RUIZ. As I understand your testimony, Judge Hollenbach said the county does not need assistance.

MR. NEVIN. Or words to that effect, yes, sir.

COMMISSIONER RUIZ. That is all.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. I have no questions.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. No questions.

CHAIRMAN FLEMMING. We appreciate very much your being here. We appreciate very much the frank answers that you have given to the questions that have been addressed to you. Thank you.

Counsel will call the next witnesses.

MR. DORSEY. The next witnesses are Sergeant Thomas Denton, Officer Shelby Lanier, and Detective Vernon Johnson.
[The witnesses were sworn.]

TESTIMONY OF OFFICER SHELBY LANIER, PRESIDENT, BLACK OFFICERS ASSOCIATION; SERGEANT THOMAS DENTON, PRESIDENT, LOUISVILLE FRATERNAL ORDER OF POLICE; DETECTIVE VERNON L. JOHNSON, PRESIDENT, LODGE-14, JEFFERSON COUNTY FRATERNAL ORDER OF POLICE; AND MANNY H. FROCKT, LEGAL COUNSEL, FRATERNAL ORDER OF POLICE

MR. WILMOT. Would you please state your names and occupations and positions in your respective fraternal police organizations?

MR. LANIER. Shelby Lanier, police officer with the Louisville Division of Police, patrolman. I have been in the Department 15 years. I am also president of Louisville Black Police Officers Organization.

MR. DENTON. I am Tom Denton, president of Louisville Lodge 6, Fraternal Order of Police.

MR. FROCKT. Manny Frockt, legal counsel for the Fraternal Order of Police.

MR. JOHNSON. Vernon L. Johnson, president of Lodge 14, Fraternal Order of County Police.

MR. WILMOT. Will you please describe your local organizations and the racial membership in your organization?

MR. JOHNSON. Our membership consists of 526 members. The racial balance, I don't really know. All members of the Jefferson County Police Department are members of the FOP.

MR. WILMOT. Officer Denton?

MR. DENTON. The membership of the Fraternal Order of Police in Louisville, you have to understand when a person retires he becomes a lifetime member of the Fraternal Order of Police, our membership is better than a thousand. I would say we have a membership of around a thousand people. The majority of the active police officers—by a majority, I mean we probably have maybe 15 active police officers that do not belong to the Fraternal Order of Police, which would consist of probably 5, may 10, blacks that don't belong. The rest of them do.

MR. LANIER. Membership of the Local Black Police Officers Organization consists of 33 members. We have been in existence since 1972. It is a nonprofit community organization which was formed in 1972 after a lot of problems developed within the department between blacks being upgraded, promotion, promoted. A lot of other problems that developed in the community, as far as relationship between police officers and black citizens, and we have been in existence since 1972.

MR. WILMOT. It is my understanding that your respective organizations took stands on the desegregation order after it was issued last year. Would you please tell us the position that you took, how it was arrived at, and what percentage of your group voted on this particular stand, starting with Mr. Johnson?

MR. JOHNSON. Would you restate your question, sir? I am sorry.

MR. WILMOT. It is our understanding that your various organizations, respective organizations, took particular stands on the desegregation order, public stands. Would you please tell us what position you took, how it was arrived at, and what percentage of your membership voted on this matter, if indeed, there was a voting?

MR. JOHNSON. I don't believe we really took a stand on the order. We were put in the role of county policemen. At the general membership, which is under our constitution and bylaws, the motion was put on the floor that the—we go on record as letting the citizens of Jefferson County know that we, as an organization, were opposed to forced busing.

However, this did not affect in any way our job as policemen and our job of maintaining law and order, protecting the lives and the property of all citizens of Jefferson County. We were put in the position during the early days of the busing where the policeman was, as an individual, coming under attack. He was receiving phone calls threatening his children, if they went to school, with violence. He was being disassociated or disclaimed by his friends and his family throughout the community and on many occasions they would have to clean up garbage off their yards and their police cars when they got up in the morning.

It got to the position where it looked like policemen were being singled out as the ones responsible for busing, which was not true. Our role in the busing was to keep law and order and to enforce the laws. To these ends, this is what we continued to do throughout the entire situation.

MR. DENTON. My remarks would be practically like Vernon's. We did hold a meeting that was called for by a group of men. Our bylaws say five or more members, by writing the presidents can call a special meeting. Feeling was running so high, I called a special meeting on my own without the letter.

We had close to 300 people at the meeting, just off the top of my head. They voted unanimously to go to the news media and let the public know that though we did not like forced busing, we asked them to help us in keeping the peace and dignity of the Commonwealth, not to break the laws.

MR. WILMOT. Was that your public stance?

MR. DENTON. That was our public stance, yes, sir.

MR. WILMOT. How did you relay this to the public?

MR. DENTON. First of all, the news media, we had a press conference and told the news media. But the very gist of it in that news media reporting was that cops oppose busing, which didn't let the public know that we want their assistance and not to violate the law, that we wanted to keep the peace and dignity of the Commonwealth.

We didn't like it. But we wanted them to know that we were going to enforce the law, we were going to carry out our duties. And we put an ad in the newspaper, by the way, on that, to let the public know, since the news media did not give us the proper coverage, we put an ad in the newspaper that states just exactly what I have told you.

MR. WILMOT. Was this the ad of September 4?

MR. DENTON. I don't know the date. That is your date.

MR. WILMOT. Officer Lanier?

MR. LANIER. We took no public stand against of for court-ordered desegregation. Our position has and was, has always been, that we would enforce the mandates of the court. We have expressed this to various people in the community, that our first obligation and only obligation is to the mandates of the court. So, we have taken no position pro or con for forced busing or court-ordered desegregation.

MR. WILMOT. Thank you.

Starting with Officer Denton, could you tell me if there was any participation by you in the desegregation activities of September 4, 5, and 6, and whether you had any choice in this participation?

MR. DENTON. Are you talking to me?

MR. WILMOT. Yes, Officer Denton.

MR. DENTON. Fourth, 5th, and 6th; did I take any participation in the demonstrations or the enforcement?

MR. WILMOT. The enforcement.

MR. DENTON. I was assigned at that particular time to the 5th Police District. I was the head of the district detectives. My duties at that time were in the district, and I don't know what you would have called me, but if there were troubles at any place, I could go to those places, I had an automobile and could go to those places and to really see, I mean, to really see that our people were acting properly. If they

weren't acting properly, I wanted to make sure they weren't mistreated in any way either.

MR. WILMOT. Officer Johnson, did you participate in the desegregation activities that took place the 4th, 5th, and 6th of September last year?

MR. JOHNSON. Yes, I did. I work out of the Criminal Investigation Division and I was on standby. We were not called out on the 4th. However, on Friday night, the 5th, somewhere around the neighborhood of 6:30, I received a call to report for duty at the Charlie District on Dixie Highway, which I went at that time. I was on Dixie Highway the night of the 5th and also the night of the—or 5th and the 6th, Friday and Saturday night.

MR. WILMOT. Did you have any special instructions on how to handle the crowds?

MR. JOHNSON. No, sir, I was assigned to make beat runs.

MR. WILMOT. Excuse me?

MR. JOHNSON. I was assigned to make the beat runs north of Valley High School. The uniformed patrolmen worked Valley High School and I was assigned to make the normal runs, normal operation of the police department that come to the course of domestic troubles, accidents, things of this nature, out of the area of the riot.

MR. WILMOT. Thank you.

Officer Lanier?

MR. LANIER. You said—

MR. WILMOT. The activities, the desegregation activities that took place the 4th, 5th, and 6th. I want to know, did you participate, whether you had any choice to participate in these activities, for instance, on the task force, and whether there were any special instructions given to you on how to handle the crowds.

MR. LANIER. I think on the dates you are speaking of I was assigned to the task force that was housed at the Audubon School, if I have the dates correct. Are you speaking of the same dates that the chief and—

MR. WILMOT. That is correct.

MR. LANIER. Right. On those dates I was assigned to the task force that was housed at the Audubon School. As far as instructions on handling crowds, I don't think that—we were more or less there on a standby basis in case trouble did occur.

MR. WILMOT. Were you given any option whether you could participate in the handling of the crowds in the county?

MR. LANIER. No, sir.

MR. WILMOT. Would you compare the instructions and experience of those days with those experienced during the 1968 demonstrations?

MR. LANIER. Well, if you are speaking of that particular date, or if you are speaking of our instructions prior to the first demonstrations which occurred on the opening day of school—now, the instructions prior to that were that we would make no arrests, that a commanding

officer would make decisions to make arrests. We would have to take a lot of verbal abuse and things of this nature.

Now, compared to the instructions during the riots of 1968, open housing demonstrations and the public accommodations instructions, we received no instructions other than to enforce the law and that we would make arrests when violations of the law occurred.

MR. WILMOT. At this time we have no further questions, except I would like to submit into the record the advertisement taken out by the city FOP [Fraternal Order of Police] we had mentioned, dated September 4, 1974, and it was in the *Courier-Journal*.

CHAIRMAN FLEMMING. Without objection.

[The document referred to was marked Exhibit No. 27 and received in evidence.]

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. Officer Lanier, you indicated that you have been a member of the Louisville Police Department for 15 years?

MR. LANIER. Yes, that is correct.

COMMISSIONER FREEMAN. And that your organization was organized in 1972 as an organization to try to work with some of the problems within the Louisville Police Department?

MR. LANIER. Within the department and within the community.

COMMISSIONER FREEMAN. With respect to promotions, would you relate to this Commission some of the specific concerns that your organization has or problems in connection with promotion of black police officers?

MR. LANIER. Well, in the history of the Louisville Division of Police we have never had any black to obtain the civil service rank above the rank of lieutenant. That existed in the past and exists that way today.

COMMISSIONER FREEMAN. There are no blacks—are there any—no blacks above the rank of lieutenant?

MR. LANIER. Yes, that is correct. We have consistently had a low percentage of blacks overall employed by the Louisville Division of Police, and that has consistently remained between 4 and 6 percent. I think that it is at 6 percent presently. We have had problems of what we considered dual standards, as far as disciplinary action against officers, where black officers have been disciplined more severely, we feel, in the past, problems of this nature.

COMMISSIONER FREEMAN. What action has your organization taken with respect to remedying the complaint of unfair and uneven disciplinary procedures?

MR. LANIER. Well, we have currently—well, we have filed a complaint with the EEOC [U.S. Equal Employment Opportunity Commission]. We have also had a case with the Federal Government that comes up in September, a discrimination complaint, which also includes the disciplinary action aspect of the promotion aspects of it.

COMMISSIONER FREEMAN. There is a litigation now pending against the Louisville Police Department based upon employment discrimination?

MR. LANIER. Yes, ma'am.

COMMISSIONER FREEMAN. Thank you. I have no further questions.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. No, thank you.

CHAIRMAN FLEMMING. Commissioner Horn?

VICE CHAIRMAN HORN. No, thank you.

CHAIRMAN FLEMMING. Thank you very, very much for being with us and offering this testimony.

Counsel will call the next witnesses.

MR. DORSEY. The next witnesses are County Judge Louis J. Hollenbach, City of Louisville Mayor Harvey I. Sloane, and Assistant to the Governor of the State of Kentucky Jack Hall.

[Louis J. Hollenbach, Harvey I. Sloane, and Jack B. Hall were sworn.]

TESTIMONY OF LOUIS J. HOLLENBACH, III, CHIEF JUDGE, FISCAL COURT, JEFFERSON COUNTY; HARVEY I. SLOANE, M.D., MAYOR OF LOUISVILLE; AND JACK B. HALL, ADMINISTRATIVE ASSISTANT TO GOVERNOR JULIAN M. CARROLL

MR. GLICK. Beginning with Mayor Sloane, may I ask you each to identify yourself by your name, your position, and your address—business address.

MAYOR SLOANE. Harvey Sloane, mayor of the city of Louisville, 6th and Jefferson, Kentucky.

JUDGE HOLLENBACH. Mr. Chairman, I am Todd Hollenbach, county judge of Jefferson County, Courthouse, Louisville, Kentucky.

MR. HALL. I am Jack Hall, chief administrative assistant to the Governor of Kentucky.

MR. GLICK. Gentlemen, as you are aware, I am certain, the Commission has been holding hearings here in Louisville, beginning yesterday and running through tomorrow, as part of our national study of school desegregation, following up on the hearings we held in Boston last year and Denver and Tampa.

We have called a broad range of persons from the Louisville and Jefferson County community, and I think we are getting a fairly good picture of what occurred around the events of school desegregation of last year and prior years.

What I would like to do this morning is to run through with each of you the role that you played as political leaders, and you, Mr. Hall, as representative of the Governor, in the school desegregation process, not only about certain events but about the entire process, let us say, beginning in 1974 when it became fairly obvious that the litigation was going to result in some kind of court order.

I would like to begin with Judge Hollenbach. Judge, as the chief executive officer of the county, what kind of steps did you take as a political leader to help the community get ready for what, clearly, was going to come? It was obvious, certainly, in the spring of 1975.

JUDGE HOLLENBACH. Mr. Glick, I think the first major step that was taken was the coordination with the mayor of the city of Louisville in appointing a citizen committee representing every ethnic, racial, religious, geographic area of representation in the city and county and a community consensus committee, not exclusively to deal with the anticipation of the Federal court order, but, as importantly, to assist the mayor and myself in participating and dealing with varied community problems.

We met fairly consistently with this committee, coordinated with the national Lamar Society, Dr. Frank Rose, and their assistants, in efforts to gain insight as to what might be anticipated, what we might be able to do in terms of preparing ourselves and preparing our community for the potential of a Federal court order, not knowing specifically when that court order would come, not knowing specifically what the content of it would be, and not knowing, having never experienced it, what the consequence of such Federal action might be within this community.

The mayor and I met consistently with that committee up until a time just prior to the actual implementation of the Federal court order, at which time my responsibilities—and I won't speak for any others—became so focused and so concentrated that—just in mere terms of preparing the administration in the short timeframe that we had from the merger of the schools to the issuance of the court order itself to the actual opening of school—that the time constraints, in terms of preparing this community, were such that we did not continue to meet with the committee, as we had previously, for the many months.

MR. GLICK. Judge, that committee is what is commonly referred to as the Community Consensus Committee; I assume that is what you are referring to?

JUDGE HOLLENBACH. That's correct.

MR. GLICK. It is my understanding that during its first year of operation, that would be beginning in 1974, I believe, that some county funds were provided for staff support for that committee; am I correct?

JUDGE HOLLENBACH. That's correct.

MR. GLICK. Then subsequently, during the period that you described when your time constraints were such that you could not meet with the committee, that further funding was not provided.

JUDGE HOLLENBACH. I expect you are probably correct in your facts.

MR. GLICK. Do you think it would have been useful if that committee had continued in existence?

JUDGE HOLLENBACH. I think the committee served a very valuable purpose in the months that it was active. There were periods when it

was difficult to encourage the actual full complement of citizen participation, because the people appointed to the committee are and were very active and involved people in their respective areas of endeavor, but I think the insights that were provided were, certainly, helpful to me.

I might point out that the Community Consensus Committee was just one element in what I feel is important, in terms of the input that was provided, the insight that was given.

MR. GLICK. Did you recommend to Judge Gordon that the Community Consensus Committee, or some other vehicle, be utilized by the court to monitor and oversee and get the community together?

JUDGE HOLLENBACH. Mr. Glick, as I recall, the mayor and I met and felt that it might be of benefit to the Federal judge if he would consider the appointment of that committee, or a complement of that committee, to assist him in analyzing various decisions that ultimately he would be faced with during the implementation of the Federal court order.

The judge did deliberate on that suggestion. I think Judge Gordon, in the final analysis, felt that under the circumstances as they existed, that it was not necessary.

MR. GLICK. The judge felt no such committee would be useful or serve any--

JUDGE HOLLENBACH. I am not saying that he didn't feel it would be useful. I am saying that under the circumstances, as he viewed his responsibilities, he did not feel that it was going to be necessary for him to appoint a citizen committee.

MR. GLICK. Judge Hollenbach, there is another vehicle that could have been used, and to some extent, I believe, it was used, but perhaps not fully. That is the Louisville-Jefferson County Human Relations Committee. It is my understanding that, although it was available, it was not given a mandate by you and by the mayor to proceed to attempt to fill a vacuum of community leadership; am I correct in that?

JUDGE HOLLENBACH. Mr. Glick, I don't accept the premise that there was a vacuum of community leadership. Possibly it was possible that the Human Relations Commission could have been utilized more than they were. I don't think that they were, certainly, in any way dormant, nor have they ever been. I think they have always been a very active and involved group of citizens within this community, not only with regard to this issue, but with regard to any issues that are pertinent to human relations and human rights.

MR. GLICK. Thank you.

I turn, now, to Mayor Sloane. I will return to you, Judge Hollenbach.

Mayor Sloane, faced with the inevitable desegregation and the very likely merger of the two school districts, can you give us an idea of what efforts you undertook during the period of, let us say, late 1974 through the rest of the year, to try to calm the community and get

them prepared to accept the desegregation order, which must have been anticipated?

MAYOR SLOANE. In the spring of 1974, as Judge Hollenbach has indicated, we organized the consensus committee, and that committee became active. Through 1974 they had a series of meetings with people who were in favor of court-ordered desegregation and people who weren't, to bring a consensus, hopefully, out from those meetings, to hear all sides of the story. They didn't take a position themselves.

As you alluded, we did fund the committee from city and county government in 1974 and part of '75. The committee started a very important program. I think if we had had more time, it could have been very, very effective; and that was the people-to-people program that was started in conjunction with the board of education, working with the PTAs; and they had a very constructive workshop that I attended for a period of time in the summer of 1975, before the final order came down.

It is my feeling that if that sort of activity could have continued throughout another year, and it was the general consensus among the legal advisors that I had communication with that the final implementation would be in the fall of 1976, I think a lot of the human relations aspects of the desegregation plan and implementation could be—could have been better understood and better dealt with.

We did ask Judge Gordon if he would consider appointing the consensus committee, or a part of it, as an overview body, similar to what the judge did in Denver and similar to what Judge Garrity did in Boston in the second year of the school desegregation. That appeared to be in those communities, a valuable tool in overseeing the desegregation and working out the differences that occurred among the various factions.

Judge Gordon didn't feel that that was particularly appropriate in the situation here in Louisville. There was a hiatus there of about 6 weeks where a final decision was not made by the judge and the committee was in limbo. I had approached the committee as to whether they wanted to consider an administrative and desegregation grant, which was becoming available from HEW, and they decided that they felt that they would like to work on a voluntary basis and develop the people-to-people program and that developed, as I said, through the summer of 1975.

We did receive the assistance of the Lamar Society and their expertise in other communities faced with similar problems, and that was helpful. Once the order was clear, some 6 weeks prior to implementation and the opening of schools, the county judge, the board of education, and our staff worked together to work out the plans for the safety, work out plans for human relations, and the general coordination that was going to be needed between these three bodies of government to see that the desegregation implementation occurred peaceably and as effectively as possible.

MR. GLICK. Returning just for a moment to the Community Consensus Committee, I would like to ask of you, Mayor Sloane and Judge Hollenbach, whether it might not have been possible, if that was a useful vehicle, to have it organized and created on an executive basis as a joint city-county committee, without it being part of the judge's order, and yet still have had some effectiveness in the community in maintaining calm?

MAYOR SLOANE. My particular feeling was that it needed to have the judge's approval, since he was predominantly responsible for the overview of the plan. I think to have a committee develop that did not include his office, talking about Judge Gordon, would not have been particularly productive. Certainly the board of education should have been an integral part of it, and I don't think, at that time, we should have separated any components of government in terms of the implementation.

MR. GLICK. Judge Hollenbach, can you comment on that?

JUDGE HOLLENBACH. I would concur with what the mayor said, Mr. Glick.

MR. GLICK. Mayor Sloane, did you personally undertake any activities and meetings with people, such as labor leaders, business leaders, in the spring of 1975, that you hoped would lead to some kind of security in the community?

MAYOR SLOANE. In the summer of 1975 we had a meeting of labor leaders. It was an adjunct to the activities of the consensus committee. One of the members of the consensus committee chaired that meeting. We asked that the labor leaders do everything that they could to see that there be peaceful implementation of this court order.

I had met on a private basis, with leaders of labor and discussed with them the impending court order, with the hope that they would be able to use their influence with their membership to see that peace and order was maintained.

MR. GLICK. Did they follow through?

MAYOR SLOANE. Some of them did and some them didn't.

MR. GLICK. In other hearings that we have held, there have been expressions of views by political leaders that a strong Federal presence in the form of representatives of the Justice Department—perhaps the U.S. Marshal's service is very useful—in maintaining law and order and calm in a community that is undergoing a rapid desegregation.

Would you want to comment on that, Mayor Sloane?

MAYOR SLOANE. In July, the end of June, the first of July—before the court order became clear for the implementation in September of 1975—I was in Boston for the United States Conference of Mayors and spent considerable amount of time talking with people in the mayor's office, the mayor's staff, talking with various people with the news media and individuals who had been involved with the desegregation problem in Boston. And the strong message I got from them, that a Federal presence was very, very important, a strong Federal presence.

I asked—I think Judge Hollenbach did, too—asked Judge Gordon to request as many Federal marshals as he felt necessary. I think we ended up with only 45 Federal marshals, and we didn't feel—at least I didn't feel—that was an adequate representation of the Federal presence for the implementation of this order to be as effectively carried out as possible. So my feeling was that—is that that is a very important component in the early days of the implementation of the order.

MR. GLICK. Thank you, Mayor Sloane.

Judge Hollenbach, is Mayor Sloane correct in his suggestion that you also requested Judge Gordon for Federal marshals?

JUDGE HOLLENBACH. Yes, I did, Mr. Glick. My feeling was that with the impending order to be implemented, that it would be important, since it potentially would involve, at least from the standpoint of the public peace, all units of government—city, county, State, and Federal—that it would be important that there be shown a consistency of solidarity behind the commitment of all governmental units to preserve and protect the personal property of the people within the community, anticipating there could be some problem as there had occurred in other areas of the country.

MR. GLICK. How did Judge Gordon respond?

JUDGE HOLLENBACH. Favorably.

MR. GLICK. He did request some marshals?

JUDGE HOLLENBACH. Yes.

MR. GLICK. Do you believe that he requested an adequate force?

JUDGE HOLLENBACH. Mr. Glick, as I recall, and I wasn't privy to the actual request, the Federal judge probably requested more marshals than were provided.

MR. GLICK. I see. Along the same line, or somewhat so, with respect to public order, Judge Hollenbach, did you begin to take any measures, rather, order the county police to begin preparing themselves, let's say, sometime before the order was issued, when it appeared that it would be—begin to prepare themselves for any kind of public disturbances, to raise their training and equipment, in that area?

JUDGE HOLLENBACH. Anticipating that there might be problems and anticipating that there appeared to be more resistance in areas outside of the city of Louisville, I did discuss, on many occasions, with command the preparedness that I felt was important. I discussed with the command the fact that, in my judgment, people who probably had never violated any law may feel a frustration with regard to this law.

My attitude was that if people were to be arrested, that I wanted the police to handle them with an attitude of, they will almost have to arrest themselves. That we did not want to precipitate citizen confrontation. People were probably going to be very emotional; and, so, the general instruction was that the men of the force had to anticipate that they would be dealing with a situation that, in all probability, they had never faced before.

I did not feel that it was important to demonstrate a great expression of physical force towards the people of this community, because I thought that might serve to either anger them or put them in apprehension. But I did feel it was important for the public to know, and I think consistently our posture was that with the responsibility of preserving and upholding the public peace, that the county police would take any reasonable measures necessary to assure the protection of persons and property.

MR. GLICK. Obviously you were concerned with public safety. Did your concern lead you to coordinate for contingency planning with other law enforcement agencies, the county police with city and State, National Guard, perhaps even Federal?

JUDGE HOLLENBACH. Yes, it did.

MR. GLICK. What kind of contingency arrangements were worked out, do you recall?

JUDGE HOLLENBACH. Mr. Glick, the plan that was discussed on many occasions was an anticipation that there might be disturbance in the county outside of the city, a concern on my part and the part of others involved that if there was any kind of disruption or conflict in the city that it could project more of a racial connotation than it would in areas outside of the city, because of the predominance of concentration of our black population in the city of Louisville.

The plan was that in the event there was disruption in the county, that if the county police needed assistance, that the first call would be for assistance from the State police. The reason and thinking there was that the city - I don't mean to speak for the mayor, but this is my understanding of it - the city needed the resource of its men and women of the force to stand ready to assure and preserve the peace in the city of Louisville.

The actual time of the opening of school, the actual time of the disturbance as it first occurred on the 5th of September, it was anticipated that there was going to be, in the city of Louisville on the following day, a massive demonstration involving 15,000 or 20,000 people; and, certainly, the primary jurisdictional responsibility for that demonstration would rest upon the shoulders of the city.

My judgment and the judgment of those involved was that the resources of the city needed to be available for the city, and that the best first backup for the county would be the State police. The State police were in reasonable and close proximity to Jefferson County, either immediately in the county or immediately accessible to the county. And those were, essentially, the procedural backups.

MR. GLICK. Was there ever a written plan drawn up to this effect, that the State police would back up the county if they needed assistance, rather than using city police?

JUDGE HOLLENBACH. Mr. Glick, I don't recall that there was a written plan.)

MR. GLICK. The basis for not utilizing the city police department was the possibility of disturbances within the city and also the possibility that there would be racial connotations to it, am I correct that that is your understanding?

JUDGE HOLLENBACH. That is my understanding yes, sir.

MR. GLICK. Mayor Sloane, may I turn to you with the line of questioning that deals also with law enforcement planning? Did you have Chief Nevin and his top officers negotiate with the county and State police and, perhaps, even the National Guard for contingency planning with a view towards controlling any disturbances?

MAYOR SLOANE. Yes, we did. The city police started their training program in January. When the court order was handed down, I appeared before the roll calls of all the police officers and indicated that I expected them to uphold the law, to implement the—assist in the implementation of the plan as well as they could.

We met with the county officers, at least they did. My chief prison person, Allen Bryan, subsequently because, before the opening of school, the safety director, and he was deeply involved in all discussions. And we met with Mr. Hall, from the State, and in the last weeks worked out a coordination plan.

MR. GLICK. Was the plan, in your understanding, that for backup purposes the State police would be second the county police or city police if they were in trouble, or was it that the city police would be utilized in the county?

MAYOR SLOANE. From the city standpoint, we were calling on the county. We, at the opening day of school, had a large demonstration downtown, there was a confrontation on the mall, where the demonstrators wanted to progress down the mall, and for various reasons that has significant safety hazards. We felt, the police department felt, chief of police felt, that there was a very tenuous situation there, and he called on the county police to provide the assistance they could. They did provide some officers. It was my understanding that it was a reciprocal relationship between the city and county, that if we needed them we would call to them, if they needed us they would call us.

MR. GLICK. So that it was your understanding that city police would be available if called on by the county?

MAYOR SLOANE. It was my understanding and we had made those plans accordingly.

MR. GLICK. I am sorry, I missed your last statement.

MAYOR SLOANE. Yes, that was my understanding and we made plans accordingly.

MR. GLICK. Was there a written plan that you may be aware of?

MAYOR SLOANE. I am not familiar with a written plan.

MR. GLICK. Thank you.

Along the same line of preparation for maintaining law and order, Mr. Hall, as representative of the government did you participate in planning for law enforcement activities, particularly with respect to the State police, together with Jefferson County police and city police?

MR. HALL. I did not personally attend the meetings that Mayor Sloane referred to. However, there was a representative of the State police and National Guard at the meetings, and reported back to the State.

MR. GLICK. Mr. Hall, may I ask you to speak a little louder, please?

MR. HALL. I said I did not personally attend the meetings that Mayor Sloane referred to. However, there were representatives of the State police and the National Guard present for those planning meetings.

MR. GLICK. Are you aware of what developed in terms of planning?

MR. HALL. I received a report on each meeting, yes, sir.

MR. GLICK. Can you tell us what finally emerged in terms of planning?

MR. HALL. In terms of planning? I can speak to what our agreed role was in the plan.

In relation to the State police, we agreed to provide 30 State police to patrol the interstate highways. This was done upon written request from the city of Louisville. We also agreed to—well, let me say we didn't agree—we agreed in addition to provide whatever help was necessary to provide protection of lives and property. Then separately we placed 55 people on standby in Frankfort, plus the 11 people from the Frankfort post, a total of 66.

MR. GLICK. And these State police would be utilized in either the city or the county, depending on need?

MR. HALL. Upon request, yes, sir.

MR. GLICK. Upon request? What would be the travel time for the State police from Frankfort to Jefferson County?

MR. HALL. It would depend upon the location in Jefferson County, but approximately 40 minutes.

MR. GLICK. Approximately?

MR. HALL. Right. It was 45 minutes from the time of the call to the time of arrival of the 66 people from Frankfort to the fairgrounds.

MR. GLICK. I would like to turn briefly to the events that occurred on the evening of the 5th of September, last year. I don't want to overemphasize, but I think it kind of set a tone and had an impact that lasted throughout the entire school year with the disturbances.

Our state investigation has indicated that there are some contradictions in impressions that people have had as to what actually occurred, perhaps because of faulty communications, so that no one individual has a complete impression.

I would like to start with Mr. Hall. Who was responsible for ordering the State police into action? Give us your view of the events that occurred and why it was that county police got trapped, so to speak.

MR. HALL. I don't know that I can give you the why it was that the county police got trapped, but let me say that beginning with a conversation with Chief McDaniel, we had agreed to patrol in the area near Valley High School on the evening of the 5th. There was some growth there in demonstrators, and we moved 10 of the units closer to the

Valley High area. At the time we had a call for help, which was somewhere around 7:00 o'clock, 7:00 to 7:30, I can't be specific on times without—I think probably Colonel Pyles could give you the exact times from the log—we utilized those 10 units in conjunction with the county police, later sending an additional 20 units to them. This was based upon their request for help.

MR. GLICK. Do you think that the time frame in getting the State police on the scene where the county police were in difficulty may have contributed to the fact that so many county officers were injured? That is, the lapse of time?

MR. HALL. Are you talking about in relation to Valley?

MR. GLICK. Yes.

MR. HALL. Well, of course, they were in very close proximity, but this was a demonstration that involved roughly 2 miles of automobiles, and it was quite difficult to get to any particular incident within this blockade of automobiles because they were blocking the highways.

MR. GLICK. Do you think there was any—is there a possibility that the need to call troops from, police from, Frankfort and the time lag in their getting on the scene where they were needed may have contributed to the extensive injuries the county police suffered?

MR. HALL. I could not make a guess at that. They were familiar with our plan, they knew the times, lines involved, and we could react in approximately 40 to 45 minutes time.

MR. GLICK. Judge Hollenbach, earlier this morning Chief Nevin of the city police testified that during the evening of the 5th of September of last year that he had received information through channels that county police were in difficulty and that they would appreciate some help from the city police. And Chief Nevin indicated that he relayed this information to you. And with the request, not request, but, rather, direction as to whether he should proceed to take some of his policemen into the county to assist. Do you recall that?

JUDGE HOLLENBACH. Mr. Glick, I don't recall it, specifically. I do recall being in contact with Colonel Nevin, Colonel McDaniel, Mayor Sloane, Federal Judge, Mr. Hall, all of us coordinated. Specifically with regard to that request, I don't recall it. I am not saying that he didn't make it. He may well have. I am certain if it was made that my response to the Colonel was exactly my response to you, that is, that the State would be called as the first line of defense.

MR. GLICK. I see. So if Chief Nevin did make that call, you would have refused because of the prior planning, the reservations you expressed this morning about using the city police?

JUDGE HOLLENBACH. That is correct.

MR. GLICK. Mayor Sloane, you, of course, were present on the scene at the command post at the education building, I believe, during the events of that evening. Can you give us an impression of what was actually going on, as you understand it?

MAYOR SLOANE. It was our impression that there was a significant problem in the county. I was unable to get in communication with Judge Hollenbach. Chief Nevin and I went over to the National Guard stationed at the fairgrounds, and Judge Hollenbach was pleading with the community on mass media about the amount of people in the area around Valley.

When I finally met up with Judge Hollenbach, at the Van Hoose Center, it was his feeling that the situation was under control. That was much later in the evening.

MR. GLICK. Judge Hollenbach indicated that he thought the situation was under control?

MAYOR SLOANE. [Nods yes]

MR. GLICK. Was it your understanding that at that time the State police had already been called in?

MAYOR SLOANE. Yes.

MR. GLICK. Thank you. There are a number of questions but, of course, our time is limited. But I would like to ask both Mayor Sloane and Judge Hollenbach a question relating to alternatives to the kind of court order that Judge Gordon issued with respect to Louisville, that might be applicable here, and also in other desegregated cities around the country.

Can we begin with you, Judge Hollenbach, and I will have to ask you to briefly describe your alternative plan.

JUDGE HOLLENBACH. Mr. Glick, that plan is currently, or will be this week, on appeal to the 6th Circuit Federal Court of Appeals. A very brief background—my feeling has always been that if you were to criticize something or if you feel something is inadequate, it's only responsible, in terms of taking a position, that you be able to offer something better.

To that extent, my feeling was that the vast majority of the people in this community and other communities have been faced with the same Federal court order, have felt that the Federal judiciary has had a closed mind—at best, is confused with regard to this issue—that the Federal Congress has turned its back on the issue of effective quality of education and social integration, and that the executive branch of the Federal Government has, at best, been jawboning the issue.

I think with that background there has been sincere frustration on the people's part, that those three traditional branches of Government, that all of us have learned to look to for recourse, were not available. My feeling was that if I was to be critical of this method, that I had to offer something better.

To that extent, we initiated the National Forum on Alternatives, which to my judgment was the first time that men and women of the caliber who came to Louisville were ever brought together with the purpose of analyzing and looking at this method of achieving quality of education and social integration to see if, in effect, it is the best way or if there might not be a better way. We conducted a series of

eight forums through the eight geographic areas of the city and the county to bring people together in what began as a very hostile atmosphere in many of those meetings, but to focus their attention or the communities' attention on looking for alternatives or better ways.

We contacted Dr. James Coleman, of Chicago, asked him if he might be of assistance to us in seeking to develop an alternative plan. He has done that. That plan was dismissed by the Federal district court. My hope is, and I sincerely anticipate that ultimately that plan may be the plan for a better educational process for the children of this community and one that might assist other communities throughout this Nation.

We retained the services as co-counsel of Dr. Philip Curtin [phonetic], who is one of the most eminent constitutional legal scholars in the Nation, to analyze the plan as to its legality and constitutionality.

The alternative that we have offered is one that would focus on a multi-magnet school concept, creation of laboratory schools, of academy schools, a myriad of different types of educational opportunities for children, a plan that would provide voluntary assignment, but differing from previous cases, such as the *Green* case, to this extent: transportation would be provided for every child within the county school system as a requirement of the board of education, and no child could transfer into a school, the result of that transfer being to increase that child's racial mixture in the school of transfer, so as to provide a check so that you could not have a system that would encourage segregated schools.

As I mentioned, the record speaks for itself on that. This plan and this case is currently before the Sixth Circuit Federal Court of Appeals and will, in all probability, be tried this summer.

MR. GLICK. Judge Hollenbach, yesterday we heard the testimony from some young people who had just graduated from high school and from one person who is still in high school. Several of them indicated that they thought it would take 2 or 3 years before things really smoothed out and then win general public acceptance of the existing court order. Do you think it might be possible that pursuit of alternatives to an existing court order might, perhaps, impede this process of 2 or 3 years smoothing down and accepting of the plan?

* JUDGE HOLLENBACH. No, I don't at all, Mr. Glick. I think if there were inadequate alternatives offered that had no substance or merit to them, that it could, in fact, do that. I think this, probably, has been the case in other areas of this country where people have become frustrated because they have been given hopes by false prophets in the political arena. But I think the character, the merit, and credentials of the plan that we developed and the capacities of the people and experts who developed this plan are such that not only is it going to properly provide for meaningful and purposeful quality education and social integration in a positive, affirmative-action way, but I think it's not going to serve to frustrate the people of this community.

I do think this and it is very disturbing to me that those who have favored this vehicle don't want it questioned and whenever someone refuses to have an open philosophical or educated discussion of any particular issue or method, then I question them.

I think we need to look for a better way. I think we have devised, at best, a clumsy way to seek to bring about quality education and social integration in this country. I think there just has to be a better way.

MR. GLICK. Mayor Sloane, you have proposed a national commission that would take the jurisdiction to make determinations about school desegregation, rather than the Federal district courts. Could you give us a brief description of that proposal?

MAYOR SLOANE. This National Commission on Quality Education would relieve the responsibility from the district judge in the district courts of the implementation of desegregation. One of my feelings is that there needs to be a uniformity throughout the country. There needs to be a time period to allow for implementation of desegregation, in allowing for alternatives to develop that that community can develop.

One of the great problems that I think we had was the 6-week time limit. I think we were very lucky that serious accidents didn't happen in terms of the school system transporting children, because of inadequacies of not having enough buses, bus drivers with being intimidated, and they had to hire many new bus drivers. The approach that Congressman Pryor has talked about, in terms of allowing some period of time in years that would allow for effective implementation of the desegregation process—the Quality Education Commission with the staff of expertise in the areas of education, in the areas of transportation, in the areas of school construction, for instance. And I think many of the problems perhaps could be alleviated if there was a plan about school construction over a period of years, in terms of where the demographics are and the populations and racial ratios—that would be the general approach.

MR. GLICK. Your proposal really would be to put experts in control of the situation rather than persons who have a broad range of responsibilities, such as Federal district judges?

MAYOR SLOANE. Yes, sir.

MR. GLICK. Gentlemen, I appreciate the fullness and depth of your answers, and, Mr. Chairman, I have no further questions.

CHAIRMAN FLEMMING. Reference has been made in your testimony in response to questions to Federal presence, request for—including a request for additional marshals. Was the only formal request for additional marshals one that was made through the district court judge?

JUDGE HOLLENBACH. I think as to Federal marshals, Judge Gordon's request was exclusive, but the additional Federal presence, of course, is one that was requested by the mayor and myself through the Governor and through the National Guard.

CHAIRMAN FLEMMING. Could I ask then whether there was contact between Judge Hollenbach or the mayor or the Governor with the Assistant Attorney General for Civil Rights, Mr. Pottinger?

JUDGE HOLLENBACH. I don't recall, Mr. Flemming.

CHAIRMAN FLEMMING. All right. To your knowledge, did the Assistant Attorney General or any representative of the Attorney General come to the city or the county or the State to talk with you about forthcoming events?

MR. HALL. I am not aware of any contact by the Governor. It doesn't mean there wasn't any. I can't speak for him today. I can only speak in relation to my role in Louisville during those 2 weeks I was here.

CHAIRMAN FLEMMING. All right.

MAYOR SLOANE. I don't recall.

JUDGE HOLLENBACH. I don't recall any direct contact, no.

CHAIRMAN FLEMMING. Do you recall any contact with Mr. Holman of the Department of Justice, who has responsibility for the operation of the Community Relations Service?

JUDGE HOLLENBACH. Now, as I recall, that branch or that division of the Federal Government had a presence in our community, but I don't recall these individual names.

CHAIRMAN FLEMMING. You don't recall any conversation with either Mr. Holman or one of his representatives?

JUDGE HOLLENBACH. I talked to people from the Justice Department during this period of time, but I don't recall the names at this time.

CHAIRMAN FLEMMING. You don't recall what units they represented in the Department?

JUDGE HOLLENBACH. If you cited the name, I probably would, sir.

CHAIRMAN FLEMMING. Okay. Mayor Sloane, do you have any recollection?

MAYOR SLOANE. Not before the implementation or the opening of the schools. There was contact I can recall afterwards, and I am not saying there wasn't, I just don't—and perhaps Alan Bryan, who is the safety director, could testify here because I think his knowledge would be important.

CHAIRMAN FLEMMING. The contact that was made after the opening of the schools to which you referred, who made that contact? Do you know?

MAYOR SLOANE. You mean whether we initiated it or not?

CHAIRMAN FLEMMING. You indicated that possibly there was contact on the part of the Department with either the city or the county after the opening of school. And I was wondering whether you recall what the nature of that contact was. Who made it?

MAYOR SLOANE. During the implementation in the first weeks, we were meeting constantly with Judge Gordon and his staff and the Federal attorney, and we were coordinating all of our activities. Now perhaps through Judge Gordon's office the contact went through. I just cannot recall.

CHAIRMAN FLEMMING. Well, prior to the implementation of Phase II of the order in Boston, the Assistant Attorney General, Mr. Pottinger, did have the responsibility for coordinating the Federal resources in relation to the situation in Boston. And I was just trying to establish whether or not the Attorney General or the Assistant Attorney General came into the city or the county or the State for the purpose of coordinating the Federal resources and the Federal presence. And I gather from the response to the questions that, that none of you are aware of such activity in either the city or the county.

JUDGE HOLLENBACH. Mr. Chairman, we met constantly with the Federal judge and with State officials, and to a great extent Judge Gordon was coordinating. He is a very active gentleman. He was coordinating so much of the Federal presence, so we may have met with him in his chambers on occasion.

CHAIRMAN FLEMMING. In other words, the Assistant Attorney General or his representative was working with the U.S. district court judge and you met with the U.S. district court judge—there may have been representatives from the Department there but you were not aware of it?

JUDGE HOLLENBACH. Yes, sir.

MR. HALL. I might comment that there were representatives of the Justice Department present in a couple of meetings, at least, with the judge.

CHAIRMAN FLEMMING. All right. You have now completed the first year of operation under the court order. In the light of the experiences that you have had during the first year, have you developed any new plans in terms of the resources of the county, the city, and the State for the opening of the coming school year, 1976-77 school year?

JUDGE HOLLENBACH. Are you talking about from a public safety standpoint, from an educational standpoint, from a socioeconomic standpoint?

CHAIRMAN FLEMMING. From any point of view. I appreciate the fact that the planning on the educational side undoubtedly is being done by the board of education and the superintendent. They have not yet appeared as witnesses. They will appear later on. But I am thinking of it from an overall community, county, city, point of view. As you think of the various aspects of the impact of an order of this kind on the life of the community, law enforcement or safety is obviously one of them. But do you have any plans in terms of the carrying on of an educational program in the area of human relationships or in the area of developing a better understanding of the significance of the program?

To be more specific, do you have any plan for a communitywide committee similar to your Community Consensus Committee that you have? Are there any specific plans that are being developed looking forward to the opening of school and looking forward to the impact that the opening of school will continue to have on the life of the community?

The reason I ask the question, of course, we are interested in the past, we are interested in reconstructing what went on here as well as in other communities, but our primary interest is in the present and the future and in learning about what the plans of the county and the city may be, in terms of what they confront as far as the opening of the school this fall, for instance.

JUDGE HOLLENBACH. Certainly, we will continue to coordinate our efforts from a public peace standpoint, the city and the county together. From the standpoint of education, I have had staff consistently working on the development of alternatives and have submitted at this time four alternatives to the members of the school board for their discussion and consideration and have continued to work very closely with the superintendent of public instruction and the chairman of the school board in seeking to bring a focus to the real issue of educational opportunity, to try to develop a positive attitude about what we are going to be able to provide for the children of this community. I think that a lot of our time in the last months has been playing defense, and I think it is time that we as a community, and I think we are seeing this as a community, start taking a positive approach to finding a better way to bring about the real objectives. And I think the problem has been that oftentimes you lose sight of the real objectives when you have the impact of something such as this court order.

CHAIRMAN FLEMMING. You mentioned the fact that you have submitted what you referred to as alternatives to the school board. Are those alternatives within the existing court order?

JUDGE HOLLENBACH. No, sir. There hasn't been much alternatives within the existing court order.

CHAIRMAN FLEMMING. Have you submitted any recommendations to the board designed to facilitate the implementation of the order under which the board is now operating?

JUDGE HOLLENBACH. Consistent with, Mr. Chairman, the alternatives that we have offered, they are alternatives that I feel would be consistent with bringing about the purposes and goals that the Federal court is seeking, but, of course, whether or not they would, first of all, be accepted by the board and then, secondly, whether they would be accepted by the judge himself, I can't answer that.

CHAIRMAN FLEMMING. They are alternatives that would require a modification of the court order if they were to be implemented?

JUDGE HOLLENBACH. Not a modification so much as a positive approach to education.

CHAIRMAN FLEMMING. But in any event, you indicate that they are before the board. If the board should accept them, then they would have to go to the court for consideration?

JUDGE HOLLENBACH. Yes, sir, I feel confident that is true. I don't think that the board has been able to actually implement anything without court approval since the order came down.

CHAIRMAN FLEMMING. Have you made any recommendations to the board which the board, if they accepted, could implement without going to the court?

JUDGE HOLLENBACH. I can't answer that question, Mr. Chairman, because I don't know what the court will allow and what the court will disallow.

CHAIRMAN FLEMMING. Okay. Have you and the mayor—I will address the same question to the mayor—have you taken any steps designed to bring together the various segments of the life of the community so that they can consider ways and means of bringing about a better implementation of the court order?

JUDGE HOLLENBACH. I don't think there are any groups that exists that the mayor or myself or both of us have not appeared before and talked to and focused, tried to focus the attention of alternative methods or positive involvement in seeking better education for our children.

MAYOR SLOANE. The Task Force on Peaceful Desegregation will continue their activities. I think the point is well taken. The need to get the coalition of business, labor, various geographic, racial units, backgrounds, individuals together is important. We go back to the idea of the consensus committee, which I frankly think is a very viable vehicle. I don't think that it should be implemented without concurrent and full support of the board of education. I just—it is not going to work if the county judge and I do it. I think that is a viable approach and I will pursue it personally.

CHAIRMAN FLEMMING. Up to now it hasn't been discussed with the board of education?

MAYOR SLOANE. No, it has not.

CHAIRMAN FLEMMING. All right. Is there anything that you would like to add, then, Mayor Sloane, in terms of the plans you have underway, looking forward to the opening of schools this fall?

MAYOR SLOANE. Of course, our law enforcement agencies or police departments are planning toward next fall. Hopefully, we will not have the confrontations we had this fall. It has been our philosophy, in the city and mine, that there needs to be a strict enforcement of the laws and the rules. We have tried to apply that in the city and we will continue to approach it in that manner.

CHAIRMAN FLEMMING. In other words, the law enforcement plan is being looked at in the light of the experiences you have had up to the present time?

MAYOR SLOANE. Yes.

CHAIRMAN FLEMMING. I assume that is true in both the county, the State, and the city. Am I correct?

JUDGE HOLLENBACH. Mr. Chairman, I think something that might be important for the Commission to consider and that is to consider the striking of the delicate balance between the constitutional right of the people to legitimately and peacefully express themselves through

protests and the assurance that that right does not become violative when it poses a threat to the personal property of other citizens. It is a very delicate balance to have to strike, but there are two absolute, unconditional, constitutional rights involved there.

CHAIRMAN FLEMMING. I assume those are the kinds of considerations that are entering into your review of the plans that are dealing with whatever situations may develop this coming fall.

Commissioner Saltzman?

COMMISSIONER SALTZMAN. Judge Hollenbach, we had earlier testimony this morning that the voluntary choice, or freedom of choice, voluntary desegregation was attempted in the Louisville area, initiated around 1954, and that this produced only intensified segregation, whereby Male, Manual, and Shawnee became all-black, and that essentially the freedom of choice possibility does not produce equal educational opportunity for a desegregated school system, which I gather from your words, you certainly commit yourself to as a principle of constitutional imperative here in the United States. So that the program that you seem to be advocating, which would advance voluntary efforts already tried here and in other cities around the country and equally counterproductive—is that a viable alternative to go back to?

Second of all, it seems that you have implied that the—I think Mayor Sloane perhaps too—that the court has acted in almost capricious haste in ordering desegregation and that the Federal court ought to be more sensitive of the time period.

Isn't it also true we have been engaged in the effort for over 20 years, that the Federal court orders pupil transportation only as a last resort wherein the city efforts to voluntarily desegregate by the school boards have not met with any commitment or have not secured adequate commitment to proceed to guarantee educational opportunity for the children of the community? So that the implication that the courts have acted hastily and capriciously in ordering pupil transportation is part of the program for desegregation and cannot be validated by the facts.

JUDGE HOLLENBACH. Let me address myself first to your question as to the voluntary transfer proposal that was made. In those instances where the Supreme Court has stricken down the concept of voluntary transfer, the *Green* case, in particular, was a guise that had been developed by a school board to actually assure segregation, in no way provided an incentive to provide children with an integrated quality educational program. The other Supreme Court case was one where transportation was not provided. The difference in this instance being—and that is just one element of the total proposal that was drafted by Professor Coleman—that voluntary transfer would provide transportation for each and every child within the system to attend any school within the system that they so chose to attend, with the check and balance being made that you could not transfer to a school, thus

increasing the majority of your race at that school, so as to assure that there would not be an attraction or even the availability to provide for segregated schools. That makes this totally different from anything that has ever been offered with regard to the concept of voluntary transfer. I think the fact that the precedent for it and the methods that were developed in other communities, primarily southern communities, in the past were a facade, a guise, and I think the Supreme Court was correct in striking those down as unconstitutional.

As far as the courts acting capriciously or hastily, in our community the Federal court of appeals found that in a handful of schools there were vestiges of segregation that existed—when I say a handful, I think the number was six. There are approximately 110 schools in the system. Our contention has been—and again this is a matter of the record and that matter of litigation—that under the principles of equity, the constitutional principles of equity, that the remedy should never exceed the problem found and that if in fact—and the facts show that there were vestiges in five schools—that those schools should be remedied but that the remedy that was applied by the Federal board was far excessive of what it should have been. I hope that I have answered your questions.

COMMISSIONER SALTZMAN. Mayor Sloane, would you like to respond?

MAYOR SEOANE. Let me just address the issue of time, sir. In 6 weeks the board of education had to develop a transportation plan that included a lot more students than they previously had transported. Buses were borrowed from neighboring counties. In one instance we were in competition with Saudi Arabia. That country was ordering buses from a firm in Arkansas, and they had a lead on us for various reasons. I think they had a little more finance.

The problem that developed was that many children were not picked up for the first weeks on a regularly scheduled basis. This often happened in the black communities. The drivers, some of whom resigned, new drivers needed to be hired, they were intimidated. I think we were very lucky that we didn't have some serious accidents in those opening weeks and months of school. You layer on top of this a merger of the city-county school system, which in itself was traumatic. Each system has a different point of view and comes from a different philosophy of education, and there is some antagonism between the two. To do this in a short period of 6 weeks without a significant disruption within and without the school system seems to me something that the courts should have considered.

It is my understanding that even the plaintiffs did not feel that the court order would come into effect in September of 1975. And I think for a community to adequately prepare—and I go back to some of the human relations programs that were in existence, and they were gradually picking up some momentum and reaching more and more people—that there could have been a more effective and less disruptive implementation if we had had more time.

COMMISSIONER SALTZMAN. One further question, Mayor Sloane. We have heard testimony where repeated harassment and intimidation and threats to the lives of citizens of this community have been a rather pervasive and continuing experience during this period. Is there any way the city can respond to this atmosphere of intimidation in the community?

MAYOR SLOANE. The county judge and I joined in a declaration of independence from bigotry. The problems of racism that have surfaced—and I have an annual city walk throughout the various neighborhoods of the city, and I have found that the tensions in at least the city communities were a lot higher than they were in previous years—and the anti-Semitic approaches that were developing through the various segments of the community, we deplored this and have tried to generate a feeling and movement within the community to denounce this and to deal with the human relations aspect of the whole school.

And I don't think it is just related to the school desegregation process, but I think in those sorts of instances and types of approaches we can assert leadership to try to diffuse these problems and these attitudes that I think are causing overt hostilities in the schools and outside the schools.

COMMISSIONER SALTZMAN. Do you have any record of the pronouncements or the announcements that you and Judge Hollenbach issued relative to these questions of human relations in the city and rejection of bigotry?

MAYOR SLOANE. Yes, certainly, we can give them to you. We earlier made statements before the opening of school about the Ku Klux Klan and its potential involvement in this issue and how we felt this was totally unacceptable to this community. We disapproved strongly of it.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. I just want to clear up one matter for the record.

Judge Hollenbach, Colonel McDaniel has testified under oath that he communicated with you at 7:30 p.m. on the night of the big disturbance, that he did not communicate directly with the backup police force of Col. John Nevin because you were his superior, his boss. At that phone conversation in answer to the question, did he tell you that everything was under control? He answers in substance that he informed you that matters were critical, that his officers needed help. Were you in the hearing room while Colonel McDaniel testified?

JUDGE HOLLENBACH. No, sir, I was not.

COMMISSIONER RUIZ. Given that statement of facts, is it your desire to modify what Colonel McDaniel testified to under oath?

JUDGE HOLLENBACH. Commissioner, I don't know what you mean, is it my desire to modify? I talked to the Colonel, as I recall, immediately, subsequently contacted the State, and as I recall there was another—

COMMISSIONER RUIZ. I am not asking you about what happened afterwards. The substance of the testimony that he gave under oath from that witness stand, that is Colonel McDaniel, was that, or is it, substantially correct?

JUDGE HOLLENBACH. Commissioner, I did not hear Colonel McDaniel's testimony.

COMMISSIONER RUIZ. Do you want me to repeat it, because I want to ask you the question as to whether it is a fair statement? The testimony was as follows: that he communicated with you, at 7:30 p.m. of the night of the big disturbance by telephone; that he did not communicate directly with the backup police force of Col. John Nevin because you were his superior and boss; and at that telephone conversation he had with you at 7:30 p.m. he told you that things were not under control; that he informed you that matters were critical and that his officers needed help immediately.

Now my question is: Is that a fair statement of what occurred on that night, not what you did afterwards? You can say yes or no or modify it.

JUDGE HOLLENBACH. I don't really recall, Commissioner. I remember Colonel McDaniel calling me as his superior and requesting assistance, at which time I immediately requested the assistance of the State.

COMMISSIONER RUIZ. Now there was likewise testimony from Col. John Nevin that after 8 p.m. that his intelligence and communications indicated that the county police were calling for assistance and that Col. John Nevin had between 200 to 250 police officers deployed in readiness to give immediate assistance to their county fellow police officers.

Now, would you say that, did you, in fact, that evening confer with John Nevin?

JUDGE HOLLENBACH. Did I in fact confer with Colonel Nevin?

COMMISSIONER RUIZ. Yes.

JUDGE HOLLENBACH. As I mentioned in my earlier testimony, I am sure I had discussed it with Colonel Nevin on that evening. He was present.

COMMISSIONER RUIZ. And do you recall ever telling him that the county police did not need assistance?

JUDGE HOLLENBACH. I don't recall saying they did not need assistance. If they hadn't needed assistance, I wouldn't have requested the State.

COMMISSIONER RUIZ. Col. John Nevin testified under oath that at that point in time, when he talked to you, that you informed him that the county police did not need assistance. He stated that under oath.

JUDGE HOLLENBACH. I am not saying that he didn't say it nor am I saying that that might not have been correct. I can say to you that if I did say it, it was because I called upon the State police and they were coming according to the plan.

COMMISSIONER RUIZ. Now, if the county police did not need assistance, why did you call the State police?

JUDGE HOLLENBACH. You are saying they didn't need assistance. I never said they never needed assistance.

COMMISSIONER RUIZ. No, I am talking about a prior witness' testimony. And you say you don't recall such testimony?

JUDGE HOLLENBACH. I didn't listen to the testimony, Commissioner.

COMMISSIONER RUIZ. Under your plan, sir, was there anything which would have prevented you from calling for assistance from two different sources? For example, the city police at 8 o'clock and the county police at 8:05 and the State police at 8:05?

JUDGE HOLLENBACH. Is there anything that would have precluded me doing that? I don't think anything would have precluded it had I felt it necessary at the time. As I told you earlier in my testimony, my understanding was and the design was that in the event the county needed assistance, we would call upon the State, leaving the city police force intact to protect and preserve the peace with regard to 350,000 people in the city of Louisville and anticipating massive demonstrations on the following day.

COMMISSIONER RUIZ. Given the situation of 3 miles of traffic, that it was tied up, construction materials were being used as combat instruments, assault weapons by citizens, and fires were being started, I believe you testified that, with that knowledge, perhaps—did you know that or didn't you know that?

JUDGE HOLLENBACH. I knew it immediately when it happened.

COMMISSIONER RUIZ. And you went on radio as well as television for an appeal, did I hear you testify to that effect?

JUDGE HOLLENBACH. During that evening I did, yes, sir.

COMMISSIONER RUIZ. What was the basis of your decision that a radio appeal to automobile drivers involved in honking their horns, making noises would listen to your words over the din of battle, when you had received an offer by the chief of police of the city to be of immediate assistance to you?

JUDGE HOLLENBACH. Commissioner, I think you need the combination of the reaction at a time like that. The combination of reaction at a time like that was to call upon, to restore the peace, what you consider to be an adequate force, taking all considerations in mind. The concern I had was that many people in the community may feel that it is interesting to go out and see what is going on. You find that in communities, particularly when you have something that is unusual that is occurring. And my concern there was that people stay in their homes and not go out to view upon or to take witness to what might be happening. That was one of the primary reasons why I thought it was important to go on television to ask people not to leave their homes, not to go out, not to view what was going on.

COMMISSIONER RUIZ. Looking back at the events, is it your opinion that you did well, did correct, from the events that occurred in not receiving the assistance of the city chief of police?

JUDGE HOLLENBACH. I think under the circumstances that the decision that I rendered, and I guess no one is a Monday morning quarterback to me more than me. If I had it to do over again, I think I would have followed the same sequence that I did at that time.

COMMISSIONER RUIZ. Thank you.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. Judge Hollenbach, I would like to refer to your testimony concerning the events of September 5 and specifically to your statement that there were quite a number of people in this demonstration who had not previously been arrested, and you had reluctance to have them arrested.

Now, these people constituted several thousands of persons who were all white persons, who became a mob who were violating the law. And I wonder if you, if your reluctance to cause this arrest was because they were all white?

JUDGE HOLLENBACH. Not at all. Not at all.

COMMISSIONER FREEMAN. Well, you, as the chief law enforcement official, or as the person who would be the supervisor, would be responsible in having made a judgment and having told a person to be sort of easy in making the arrest, this would be an example of unequal law enforcement? Would you agree there? Would it have all been the same if it had all been black people?

JUDGE HOLLENBACH. I won't agree with your statement at all. I think, regrettable as the incident was, if there was any fortune or any positive aspect to it, it may have been that it was all white people, because I think it would have been horrendous and terrible had it been a combination of races at the time.

COMMISSIONER FREEMAN. But because you failed to enforce the law with respect to all white people, quite a number of white police officers got clobbered, beaten up?

JUDGE HOLLENBACH. I don't think that talking to the people, the citizens of the southwest that you would find very many of them that would tell you that I failed to enforce the law.

COMMISSIONER FREEMAN. Would you recognize that there was uneven law enforcement?

JUDGE HOLLENBACH. No, ma'am, I do not.

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN FLEMMING. Commissioner Horn?

VICE CHAIRMAN HORN. Mr. Hall, I would like to ask you, as the Governor's assistant that was liaison to both the city and county prior to these events on September 5, what was your understanding as to the degree to which city or county units would reinforce each other, either in the city or in the county depending upon where a particular disturbance occurred, prior to asking State authorities for relief?

MR. HALL. I, personally, as I said, did not attend the meetings of the various police agencies. But it was my understanding from those meetings that they would first turn to each other. But our mode and plan was to respond to the requests of either

VICE CHAIRMAN HORN. So you understood that if an incident occurred in Louisville and the county forces were available, they would aid Louisville first before calling on the State. Contrarywise, if the incident occurred in the county and Louisville forces were available, they would aid the county first before calling upon the State. That is your understanding?

MR. HALL. When you put "before calling upon the State," I can't say that, except that I know that it had been their practice, it had been the discussions of the police agencies that met that that was their past practice. And it was my understanding that they would do that.

VICE CHAIRMAN HORN. As I understand it, there was no real written agreement of this strategy at the time, but this was based on extensive discussion at the State-county-city level. What is the understanding with reference to law enforcement in the fall of 1976? Has any of this now been committed to writing since you have had 1 year of experience? What is the plan?

MR. HALL. If you are speaking of this particular question, it has not been committed to writing. However, I can respond and say that we have assured both the city and the county that we will respond to their requests for help in relation to the protection of personal property.

VICE CHAIRMAN HORN. Judge Hollenbach, do you have an understanding, after going through this experience, as to how such a situation might escalate and what forces would be called upon under particular circumstances, and has that been reduced to any plan that exists within county government and city government in case an incident occurs in the fall of 1976?

JUDGE HOLLENBACH. It has not been reduced to any written plan. Our understanding is that we will continue to cooperate with the city and with the State in making all plans necessary and anticipating the continuance of public peace.

VICE CHAIRMAN HORN. Mayor Sloane, is there any contingency plan with regard to the escalation of law enforcement should an incident occur in the city of Louisville in the fall of 1976, or is the oral understanding that we have heard about in this testimony still the guideline?

MAYOR SLOANE. I think your point about the fact there should be a written plan that everybody is totally familiar with is a good one. To date it hasn't been done.

VICE CHAIRMAN HORN. Do you think that is worth pursuing as a leader of one jurisdiction?

MAYOR SLOANE. Yes.

VICE CHAIRMAN HORN. I don't like to make conclusions for the Commission, but I would certainly think, as an administrator who is also sensitive to the problems of Monday morning quarterbacking—like you, Judge, who has been Monday morning quarterbacked by many but most severely by oneself and has also been in a riot control center in relation to student demonstrations and had to use

force—I certainly would commend some of this be put in writing so everyone understands what the ground rules are prior to the occurrence of an incident. And I would think, based on the testimony we have heard, that perhaps there should be an understanding as to who makes what decision when, although I must say that, as an executive, I would certainly feel that it's the executive prerogative to make that decision if the executive were present as opposed to letting any police chief, be it campus, city, or county make that decision.

Thank you very much.

CHAIRMAN FLEMMING. This Commission appreciates very, very much your cooperation in connection with the hearing that is underway. As you know and as counsel indicated, this is the beginning. This is one of a series of hearings, and then through our State Advisory Committees we are having case studies made, and we intend to present a report in the latter part of August to the President and to the Congress to evaluate the status of desegregation in our country up to the present time. Your willingness to share with us and your sharing of your experiences in this very frank way is deeply appreciated by the Commission. It will help us in arriving at our findings and our recommendations. Thank you very, very much.

JUDGE HOLLENBACH. Thank you, Mr. Chairman.

CHAIRMAN FLEMMING. The Commission will be in recess for 15 minutes so that it can consider a matter that has been presented to it.

[Recess.]

CHAIRMAN FLEMMING. The hearing will be in order. I will ask counsel to call the next witnesses.

MS. LEWIS. Could I ask Paul Brown, Scott Horan, Martin Montgomery, and Fannie Gul to come to the stand, please?

I want to introduce two exhibits. The description of the Louisville Division of Police response to court-ordered busing for school desegregation in 1975, and included in the report is the Jefferson County October Grand Jury Report. The second exhibit is the "Louisville Division of Police Task Force Policy and Procedure Manual" for August 29, 1975.

CHAIRMAN FLEMMING. All right, they will be entered into the record at this point.

Would you mind, would you stand, please, and raise your right hands?

[Paul Brown, Scott Horan, Martin Montgomery, and Fannie Gul were sworn.]

TESTIMONY OF SCOTT HORAN, INTERGROUP AND COMMUNITY RELATIONS SPECIALIST, JEFFERSON COUNTY BOARD OF EDUCATION; FANNIE GUL, HUMAN RELATIONS COORDINATOR, VALLEY HIGH SCHOOL; PAUL BROWN, HUMAN RELATIONS SPONSOR, SHAWNEE HIGH SCHOOL; AND MARTIN

MONTGOMERY, HUMAN RELATIONS SPONSOR, PLEASURE RIDGE PARK HIGH SCHOOL.

Ms. LEWIS. Let me just give a bit of background to the human relations program before we go on with this panel, so it is clear what this is meant to deal with.

CHAIRMAN FLEMMING. I am not hearing you.

Ms. LEWIS. Can you hear now?

CHAIRMAN FLEMMING. Yes. That's better.

Ms. LEWIS. In the spring of 1975, at the direction of the court, the Jefferson County school system developed a human relations program to ease the desegregation process in the schools and in the community by promoting interaction among students, teachers, and parents. Within the larger human relations program it was required that a human relations committee be established in each secondary school. These committees varied in their organization and operation from school to school, but there has been general consensus that the in-school human relations program has been a quite successful part of the total human relations program in the Jefferson County schools this year.

The next two panels will be devoted to explaining how these committees functioned in four schools, which are part of a cluster that includes a downtown Louisville high school and five south county high schools.

The first panel includes three persons who sponsored the human relations program in their schools plus a gentleman who works with the central administration and coordinates the human relations programs in several other schools.

I will start by asking each of you to identify yourselves by your name and the school or the administration for which you work.

MR. BROWN. Paul Brown, assistant principal, Shawnee Senior High School.

MR. HORAN. Scott Horan, human relations specialist for the school board.

Ms. GUL. Fannie Gul, human relations coordinator of Valley High.

MR. MONTGOMERY. Martin Montgomery, human relations sponsor, Pleasure Ridge Park High School.

Ms. LEWIS. Mr. Brown let me start with you because I understand that the Shawnee High School has had a human relations program for several years, and this was started, I believe, in anticipation of the school desegregation order, which you saw was coming ahead. I would like to know how you got it started at Shawnee, why you started it, and give us a little detail of how it operates.

MR. BROWN. Well, at that time, 1973, I believe, Shawnee was 98 percent black and with the news media giving us so much information concerning the possibilities of desegregation and of court-ordered busing, we felt at Shawnee that we ought to at that time begin to prepare our students to meet their anxieties, and under the principal, Mr. John

Whiting, and the counseling staff under Mrs. Maulpin, we began to set up student groups of counseling. It really began, as I said, to try to help meet the needs of our students at that time, who did not know what would be coming down upon them in the event that they might be bused. So we began setting up discussion groups, small groups of students, say, with possibly 2 student leaders and 18 or 12 other students, and they began discussing any problems in the school other than desegregation, but also desegregation.

Ms. LEWIS. Were these students picked to do this, or could they volunteer to do it, or how did they get interested in it?

Mr. BROWN. Some of them were referred to the counseling staff as persons who needed some counseling because of their anxieties. Some volunteered. It was thrown open, in a sense, to the school that they might come to meetings and that kind of thing.

Ms. LEWIS. And the program continues to operate and has improved?

Mr. BROWN. It is a voluntary kind of thing. The student body has the option to attend the meetings and to get involved in the leadership groups, yes.

Ms. LEWIS. What kind of background did the students have, or did they get some training to do the leading of the groups?

Mr. BROWN. Yes. At first I suppose, it was under the tutelage of the counseling staff, and eventually it evolved into quite a training session thing. We gave the students quite a lot of training in order to lead groups and keep the conversations on track and that kind of thing.

Ms. LEWIS. And by the time of the desegregation order you had had considerable experience with this, and I understand that Shawnee was asked to serve as kind of a training—trainer, I suppose one would say—in the training that went on, put on by the school system last fall for other schools. Is that right?

Mr. BROWN. Yes. The first year I think we were mainly dealing with our own students. Then the following year we were invited by some other schools, a presentation, I think, in the city, and I think Westport also asked that some of our students visit them, our leadership groups visit them. And then during the past year after the desegregation order, we were asked by the superintendent's office to help to train other student groups throughout the county.

Ms. LEWIS. Is that something that just went on at one point in time or did it continue throughout the year?

Mr. BROWN. No, mainly it took place during three training sessions whereby schools in various clusters came together. Say, it was like 2 days' training and there were three workshops of this sort.

Ms. LEWIS. I see. So most of the high schools participated in this?

Mr. BROWN. I think practically all of them. I am not aware of any one that did not.

Ms. LEWIS. In terms of the desegregation order and what went on at Shawnee this year, how do you view desegregation as having af-

lected Shawnee High School, and what role maybe did human relations play in that over the year?

MR. BROWN. Well, it drastically changed Shawnee High School from the fact that, as I said, at one point it was 98 percent black and during this year it was at least 70 percent white. So that was quite a change for everyone. Our senior class was mainly black except for maybe five students, and I think that they helped to set the tone of friendliness at the beginning of the school year. We met during the summer before September with our senior class and other student leaders, and we talked about the situation and about how we would present ourselves as students and administrators and so forth at Shawnee. In that way I think we prepared for the coming in of so many other students who would not be acquainted with Shawnee.

We are very proud of the student body we had and felt that they went out of their way to be friendly and to make the students who were coming in feel at home.

MS. LEWIS. Let me ask you one other thing. Have you done this all year? What kinds of things do you think the human relations committee might undertake next year to do even more in this direction? Has that been discussed? Do the students have any ideas about that?

MR. BROWN. We have continued with our student meetings throughout the year. I might say that in the beginning, under Mrs. Maulpin, that the leadership groups met with all of the students in the whole school through their English classes. We continue a process similar to this. However, this year our peer group leaders for the discussion groups met during the study hall and met with small groups of students, and we carried this out throughout the year as best we could. However, we were giving quite a lot of our time to help other human relations student groups in visiting them and that kind of thing. We did have some exchanges between our school and other schools in the county and especially in our own cluster where our groups went to their schools and they visited us.

Mainly, this year we had what we called the discussion groups. So next year we have a lot of other students who have shown interest in the training types of things that we were doing. So next year we hope that we will open that up even wider. Although it was as wide open as we could get it, there weren't as many students as we would like taking the option to join. But toward the end of the year, there were many students who indicated they wanted to be leaders in some way. So next year we are going to try to have at least two leaders in each homeroom who will help with discussions in the homerooms. The leaders we have trained already who have, say, 2 years' experience or a completed year this past year, we feel that they are now ready to work more closely with even smaller groups in a counseling way under the advisement with the counselors. So that is where we are aiming. We are going to have a larger number of students actually in discussion groups, leading discussion groups, trained to lead discussion

groups, and then those who have done so in the past will be working directly with the counselors in more minute counseling groups.

Ms. LEWIS. Thank you.

Mr. Horan, you work with the central school administration and you have responsibility for a couple of schools in this area, what is the administration's focus on the Human Relations Program? What have they indicated they hope to achieve?

MR. HORAN. You mean the administration of the local schools or—

Ms. LEWIS. No, I mean central—I mean the Jefferson County Public School System. What kind of overall thrust would you say the program has had?

MR. HORAN. Our main thrust is, one, to initiate and monitor human relations programs within the schools. And that is the main part, and that breaks down into a number of different directions. One is human relations committees. Another one is the peer group counseling program that Paul was talking about, which started at Shawnee but then through proposals that were written, it expanded throughout the rest of the school district.

Ms. LEWIS. In your role in this—your role is to have several schools under your jurisdiction?

MR. HORAN. That is correct. And there are more different specialists who work in the same capacity as I do. Different ones of us have different numbers of schools. I have two high schools and one middle school—Knight Middle School in the southwest part of the county, Moore High School in the southcentral part of the county, and Fairdale High School in the southwest part of the county.

Ms. LEWIS. You have spent a good deal of time at Fairdale this year, is that correct?

MR. HORAN. Most of my time I've spent at Fairdale, yes.

Ms. LEWIS. Why did you spend more time there, and, secondly, what kinds of things did you want to see happen at that school that you were able to help during the course of the year?

MR. HORAN. One reason I spent more time there was that there was more to do there, but also there were other programs I was working with that were independent in nature. Moore High School and Knight Middle School had people that were relatively experienced in human relations. They were pretty well versed in it and so they didn't need my efforts as much. But Fairdale was a new thing to them—the whole idea of having human relations activities at a school. So, much of my time was spent there. From the beginning it was observing. In the first week of school I just observed to try to provide a neutral kind of observation.

Secondly, then, my task was to initiate a human relations committee and the beginnings of human relations activities within the school.

And, thirdly, after that was begun, it was kind of a coincidence, once we reached that stage in the process, the whole human relations department was moving into the thrust of peer group training, peer

group leadership discussion groups. And so from that point, which was early December, we moved into peer group discussion. And that was the major thrust of the human relations activities in all of the schools.

Ms. LEWIS. And in the course of all this, what kinds of particular problems did you find Fairdale having that you maybe didn't find at other schools, or is that so?

Mr. HORAN. I found problems that were unique to Fairdale. Other schools may have had problems that were unique to them, but some of the Fairdale unique problems was that there was a real strong idea of community ownership within that community. That community is very, very Fairdale-oriented.

CHAIRMAN FLEMMING. Could you get the mike a little closer?

Mr. HORAN. This one?

CHAIRMAN FLEMMING. Yes.

Mr. HORAN. I will try.

CHAIRMAN FLEMMING. We are having a little trouble hearing.

Mr. HORAN. At Southmore there is a pretty transient population. I don't know if I could back that up demographically, but it is a relatively new school. There is no town around which it is based, and the same thing for Valley, Pleasure Ridge Park. But Fairdale High School, it is around a town, a town called Fairdale. It has a real community spirit. And so they took the idea of busing desegregation very much harder than other communities did. There was a great deal of resistance.

Ms. LEWIS. How did that operate in the school to cause problems that you felt needed to be taken care of?

Mr. HORAN. From the beginning it operated in—that they gave a very stormy reception outside the school to the black students coming from the city. That carried through the rest of the year, in terms of a memory that black students had and kind of like a wound to lick. Through the rest of the year, other problems that I encountered, that related to it, was a certain amount of—the teachers, some of the teachers from Fairdale grew up in Fairdale, went to Fairdale High School. They did not exhibit but they had the same kind of idea, this was our school, and it is just a lot of ownership. And so there were problems in the new population being there.

Ms. LEWIS. Did the teachers at Fairdale involve themselves at all in the human relations program, or was there any kind of training provided for them?

Mr. HORAN. Largely not. From the very onset, some teachers who were asked to participate quit for fear of the perceptions that other teachers would have of them. Finally one teacher became a sponsor and she was a new teacher who had been transferred into the system, into the school, from Shawnee. There was a training program from late January to late April which was pretty effective. It drew around 20 teachers into it. It was sponsored by the University of Louisville, and both the University of Louisville and myself helped work with the pro-

gram and it was pretty effective. But it involved mostly the younger teachers. It involved mostly younger teachers.

MS. LEWIS. So it was somewhat limited?

MR. HORAN. Yes.

MS. LEWIS. In the course of this year, it is clear from the record that Fairdale had several incidents resulting in racial tension among the students, both in December and May. From your experience, can you identify any causes for these problems? And again let me go back to the Human Relations Program and ask you if it helped at all in dealing with these issues.

MR. HORAN. I could write a book about that. From the beginning there—let me say this very generally. There were problems at Fairdale as probably there were at other schools with black students. Black male students in that, if a white student was at Fairdale, a boy that got into trouble, there were teachers, there were male teachers who kind of took them under their wing. It is not required of the teacher to do that. It is just something that, a little bit of human compassion.

But that generally didn't happen for the—most of the black teachers who were transferred were female and that's difficult for them to do. So it generally didn't happen for the black boys. They didn't seem to have anybody taking them under their wing, and it was very, very difficult for those students to—it is kind of like they were students and were expected to abide by the rules, period. Many times with other students, people say, a teacher might say, "Look, I have known your mother for 10 years, and she wouldn't like you doing something like that." But that didn't happen with the new population because there was not that kind of identification with the teachers to the students. So from the outset—and it got worse throughout the year—there was just the black male students who were kind of out there by themselves and who were expected to perform as well as the other students.

MS. LEWIS. Did the black male students participate in sports?

MR. HORAN. Largely, no. Again, some students went out for sports and when—there was a large quitting rate in terms of students who go out for a sport and maybe 15 or 20 black students would go out for football, 6 or 7 go out for basketball and then they would drop out. They would just drop out because of that factor. At least in my perception that was one of the large factors involved.

MS. LEWIS. Coming back again to the Human Relations Program, do you think overall that the Human Relations Program in Fairdale was successful this year, and, if so, how was it successful?

MR. HORAN. Okay. I think it was successful but that the success was limited in this way: Many times for many different reasons there would be a separation of the groups and a depersonalizing within the groups toward the other groups. Like, the white students and black students would kind of, like, pull away from each other. When that happened people tended to quit seeing each other as human beings, like, "That's not Gene, that's a white football player," or something like that. One

thing that was good in December and later on in the spring, when those tensions tended to rise, the discussion groups provided a forum for those students to sit down, talk to each other, and find out that a lot of their problems might be the same problems, that they were people, and that tended to eliminate much of the tension that would be growing in the school.

Another way that really helped was that when the students were having problems—and this probably doesn't just exist in Fairdale, it probably exists elsewhere—there is not much of a way for students to have an arena to talk about things they are experiencing. So when that arena existed and when students saw that many of the things they were talking about actually would be discussed, that helped reduce the tension, but it didn't always help everyone because not every problem that a student has can be dealt with—students having problems because a particular teacher doesn't like him, and he is not doing well in class, or he is just having trouble academically. Many times that just can't be erased by the principal doing something, and so students would be more impatient for other things to happen, especially once you start smelling success.

Does that answer your question?

Ms. LEWIS. Yes, thank you. Let me move along because we are desperate on time today.

Ms. GUL, let me ask you about the program at Valley. I understand that you have a variety of things going on at Valley. You talked about peer group counseling and about the human relations committee. I understand you have both of those at Valley. You have expanded the program to include other kinds of ideas that maybe other schools would be interested in knowing about.

Ms. GUL. Yes. In addition to the peer group counseling program that the other two gentlemen have talked about, we used that extensively and very successfully to alleviate many of the frustrations of the students. Also we have human relations counseling and this is composed of students, teachers, administrators, and parents in the community. This council met periodically this year and each meeting we looked at what we were facing at the time. We also made recommendations to the administration about things that we felt needed to be done to improve Valley High School. We also acted as sort of a grievance committee to help the parents or teachers or students or administrators who had a complaint or a situation that they wanted human relations, council to deal with, we would.

And there were times when we would set up a three-member fact-finding committee to go out and get both sides and come back and make a recommendation to the council. And then in turn this human relations committee would make a recommendation to the faculty as to what we felt could and should be done to alleviate whatever the problem might be. And most always the administration, they did take our advice.

MS. LEWIS: It sounds as though you had a fairly successful year then at Valley?

MS. GUL: Yes. And we did other things to help students and faculty members feel like they were actually a part of making the decisions in the school, because we felt that was very important. We had a suggestion box that we located in the library. All of the faculty members and the students knew where it was, and we asked them to drop ideas, suggestions, recommendations, maybe things that they thought were problems in the school, and periodically we would take these out and go through them. Lots of them were complaints that you have always heard about—the lunch room and this sort of thing.

There were very good suggestions that came from this suggestion box that the council would discuss and then we would make recommendations. We also did things, like, we had what we called a rumor control system, and when there were rumors in the school and, of course, they might have been just strictly rumors or they might have been rumors about something that actually happened, but in order to control the rumors and to make sure that the students and the people in the community had the facts about whatever the rumor was about at the time, we would call in our peer group leaders, there were about 35 students who were trained in this area, and we would actually explain to them what had happened—you know, that there was a rumor about something.

The people that were actually involved, I am not saying the students, but I mean if there was a teacher involved or administrators who actually knew what happened, we would have them to explain what happened, and then we had 35 people who could go back out into the school and back out into the community and say, look, I know what happened. And that seems to be very effective.

Also we had programs with the faculty this year. We did what we called a "needs assessment survey" right at the beginning of the year to see what their concerns were—I don't recall all of the different areas that they listed as concerns. But we did rank them in priority, you know, that the teachers had listed. After we did that, we set up many workshops for teachers to attend on planning periods dealing with the areas in which they had asked for assistance.

After we did the first series of mini-workshops, we went back and did another needs assessment survey, because by this time it was January and time had lowered many of the emotions among both the students and the faculty. And so we felt that we needed to do another assessment to see where we were. We did that in January and as a result we set up workshops involving teachers at Frost Middle School, which is a feeder school, Valley High, and Shawnee High School. And then we had one lengthy workshop, and, of course, we met jointly with these different schools.

The schools had representatives and we agreed on a priority that would meet the needs of the teachers at the three schools and then

we met. We also planned to have other workshops this summer. We had a request to the county board for a workshop to be held this summer, because our teachers do feel like that there are needs that they need to address at this time—classroom management techniques and ways in which students themselves can master self-discipline better.

Ms. LEWIS. Have you had any response on that program?

Ms. GUL. Yes, I have. They have said that they will be able to provide us with that.

Ms. LEWIS. You pretty well know that you will be able to do that, then?

Ms. GUL. Yes.

Ms. LEWIS. Mr. Montgomery, the one thing that is very unusual about the program at Pleasure Ridge Park is the rap room. I wonder why you set it up that way? What is it designed to accomplish?

MR. MONTGOMERY. We set it up in the hope the teacher would consider sending the students to the rap room rather than sending him down for discipline on the first offense in a class. If there was a misunderstanding, the student could tell his side of it, some of the things that led to it, perhaps, and then some feedback would be given back to the teacher, and maybe we could avoid making a disciplinary issue out of it and having it written up as on the principal's list and things of that nature.

Ms. LEWIS. Did you find that effective?

MR. MONTGOMERY. Yes. We don't have the final results of it because we started it near the end of school. I think there was some satisfaction.

Ms. LEWIS. Thank you. Let me turn it over to the Commissioners at this point.

CHAIRMAN FLEMMING. Thank you. I am very much impressed with your commitment to this work, with the positive results that you are receiving as a result of your investment of time and talents. I assume that probably all members of the panel would agree that the system would profitably invest more resources in this type of activity. I gather that you won't take issue with the statement, with a statement of that kind. I am sorry that we don't have time to pursue it further, although counsel has done a very good job in terms of the questions that have been asked and you have done a very good job in responding.

Do my colleagues have any questions?

COMMISSIONER RUIZ. I have a great deal of empathy for the frustrating problems which confront this type of dedication. I realize that not everyone is equipped to do this type of work. One really has to have a natural, God-given talent to begin with. Since the primary job is to clear up misunderstandings between contending forces and those contending forces usually act in good faith, I will join with what my colleague has said; the record you are making here and the perceptions are most important.

It isn't particularly newsworthy in the sense that many of the things that have transpired here have been, but it's going to be used, believe it or not, when they look at these reports by social scientists. This is the type of nitty-gritty information that goes on the record, and I do want to express my appreciation for you people coming here and sharing with us your points of view. Thank you.

COMMISSIONER SALTZMAN. Just one question, if I may. Yesterday four high school students submitted testimony to us, and their attitude was that the desegregation process of this year had contributed profoundly to their understanding of the majority—minority students in the student population, that their own education had been significantly advanced as a result of the desegregation process and coming into contact with people of other racial and ethnic backgrounds.

Would you concur with them that desegregation within the schools has advanced the educational quality that is available in the school system by bringing people of varying racial and ethnic backgrounds together?

MR. HORAN. I would, yes, but I think it depends on whether you consider education as advancement through the written curriculum or education in a larger context. Sometimes the curriculum that a teacher is bound to follow within the classroom is slow in dealing with day-to-day problems of interaction and behavior, which probably, in a hidden curriculum way, is a much more important education for kids to get.

COMMISSIONER SALTZMAN. You would concur that intergroup relations have been advanced in the schools of Louisville as a result of the desegregation order?

MR. HORAN. I would say that, yes.

CHAIRMAN FLEMMING. Let's assume we are dealing in the larger context, if the answers could be brief.

MS. GUL. I think there has been a great deal of understanding of different values that different people have and perhaps different beliefs, different ways of life. I think this has occurred. And I hear this from students very often.

COMMISSIONER SALTZMAN. Mr. Montgomery, did I see you indicating that you wanted to respond?

MR. MONTGOMERY. No, I really have nothing to add.

MS. GUL. Could I add one thing?

CHAIRMAN FLEMMING. Sure.

MS. GUL. I think the human relations programs need to be increased in the schools. And I would also like to add one thing about our experience at Valley High School, that our philosophy is that the human relations program is to deal with all personnel who are involved with the school, and it's something that I didn't touch upon. But we work with the students, the peer group programs and all of these things. And I also feel that it's very important to deal with other school personnel, like, for instance, the cafeteria workers were receiving many com-

plaints and at times even abuse. And we brought them into our program because the students didn't understand the guidelines under which they had to operate. And once the cafeteria workers went into the classroom and let the students ask questions and explained the program, it alleviated a lot of tension in the cafeteria at lunch time. So I think we need to include all areas of personnel.

Also there was one other area that I thought was very important. As a human relations coordinator at Valley High, I acted as liaison between the faculty and administration, and I think this year that the frustrations were greater for everyone involved. But I think because of the circumstances they were greater, and I think there needs to be a very direct means of communication between faculty and the administration. It doesn't always happen as much as it should. We did lots of things in this area this year and I think this needs to be included.

CHAIRMAN FLEMMING. Thank you very much. We appreciate your testimony. Counsel will call the next witnesses.

Ms. LEWIS. Our next witnesses are Gene Bolton, Monica Wheatley, Nina Booth, and Vicki Brewer.

[Gene Bolton, Monica Wheatley, Nina Booth, and Vicki Brewer were sworn.]

TESTIMONY OF GENE BOLTON, STUDENT, FAIRDALE HIGH SCHOOL; MONICA WHEATLEY, STUDENT, VALLEY HIGH SCHOOL; NINA BOOTH, STUDENT, PLEASURE RIDGE PARK HIGH SCHOOL; AND VICKI BREWER, STUDENT, SHAWNEE HIGH SCHOOL

Ms. LEWIS. Would you each give your name, the school you go to, and the grade you are in?

Ms. BREWER. Vicki Brewer. I go to Shawnee High School, and I will be a senior this coming year.

Ms. BOOTH. I am Nina Booth, and I will be a senior this coming year at Pleasure Ridge Park High School.

Ms. WHEATLEY. I am Monica Wheatley. I go to Valley High School and I will be a senior.

Mr. BOLTON. I am Gene Bolton, and I am a graduate of Fairdale High School.

Ms. LEWIS. Gene, let me start with you. When you went back to school last year, I understand that one of the very first things that happened was that as part of the football team you all decided to meet the buses the first day they arrived at the schools. Is that right?

Mr. BOLTON. That is right, yes.

Ms. LEWIS. Whose idea was that?

Mr. BOLTON. It stemmed from the board. It was suggested to our administration at the high school, and they asked us if we would be willing. It was said that we were forced to do this, but we were not. We were asked. And most of the people felt that this would be a good gesture and so we did it on our own.

Ms. LEWIS. Did it work out all right?

MR. BOLTON. Yes, ma'am. We met the buses the first 2 or 3 days, and we accompanied so many students allotted to each person to the classrooms, and we introduced them to the teacher and other people around the schools and to some students, also, so they would feel more at home.

MS. LEWIS. Did you get any feedback from that? Were they glad you were there?

MR. BOLTON. They seemed like it made them much happier. And it made it easier for them to get along the first 2 days. They got along better than they thought they would.

MS. LEWIS. Okay. Now, how soon after school started did the human relations program begin to function and how did you get into it?

MR. BOLTON. I am not sure about how long it was, approximately a month, and at the time there was a lot of demonstrations going on in Fairdale, and a lot of people were really involved in it.

Mr. Horan, who was up here in the last group, was appointed to our school by the board, and he came and he came around to our study halls, and he asked for any person that wanted to do something about what was going on, and do it in a legal way and make something happen, that they should see him. And he would go through the board and through the school and we would have a human relations program at our school.

MS. LEWIS. Did that get a response from the students?

MR. BOLTON. The first month or so it got, like, 30 people, and we went through a workshop, and we came back and we started our own program at the school and through our study halls, and that got a pretty big response.

MS. LEWIS. What would you say about the school participation in the course of the year? Did most everybody participate in some way, meaning, did you reach most of the students?

MR. BOLTON. More or less, yes. They participated in something we did.

MS. LEWIS. Let me ask you this, what did the program consist of and how did the peer group counseling work?

MR. BOLTON. The program consisted of 2 days a week. One day we met with Mr. Horan and we discussed what we would be talking about the following day in our study hall with other students that volunteered to be in discussion groups with us, and then every other Friday we held, like, a dance during fourth period, and we had some basketball games after school involving study hall vs. study hall. On Tuesdays we tried to show movies, through the board, on Tuesdays in study hall—movies that they could get for us so it wouldn't cost the school any money.

MS. LEWIS. I am assuming—did you have both black and white students involved in the human relations program?

MR. BOLTON. Yes.

MS. LEWIS. About what numbers?

MR. BOLTON. Really it was more or less close to even. But I guess it would have been more black than white.

MS. LEWIS. Let me ask you how you would rate, having discussed what was involved in it, how you would rate the success of the program over the course of the year.

MR. BOLTON. Well, it is hard to rate the success of our program against other schools. So, I will just have to—I thought we did a whole lot. We really, it is hard to pick up material objects that you came up with, but you look back and think of the situations that were on the verge of happening and you can look back and say, well, they didn't happen. I feel like I had a part in stopping it. As far as that goes, I feel like our group was very successful.

MS. LEWIS. Let me go into something that we talked about before and that is the school spirit in the various high schools this year. A lot of people have said that school spirit was a problem in some schools, maybe not in all. I know you mentioned to me the other day that you thought the school spirit hadn't been as good as it had been before. I wonder if you could tell us why.

MR. BOLTON. Well, I really don't know the reason. But I have heard some people say that they didn't support the school because a lot of them said their parents would not let them go to extracurricular activities so they couldn't be there. And then a lot of people that were bused in, they were new to the school and so they didn't come out for sports. And in turn the people that didn't come out for sports but still supported it that were bused in, they didn't support it because they didn't know anybody that was active in it, and they didn't want to support a bunch of people they didn't know. So, that cut about half of our population of our school down that was active. So, we only had a few people.

MS. LEWIS. Were there any cutbacks in the actual program as a result of this, or was it just nonattendance?

MR. BOLTON. Well—

MS. LEWIS. Did you have the same schedule, the same game schedules?

MR. BOLTON. Yes, we had the same schedules. But they changed the times and things like that, because they changed it, they changed the games from Friday night to Saturday afternoon. They said it would make it easier to have protection and would attract a larger crowd because they were losing a lot of money.

MS. LEWIS. So evening activities were a problem? What about homecoming?

MR. BOLTON. Yes. We didn't have a homecoming. This was a decision of the administration. And we didn't have a dance or any floats or anything. It was always our tradition to have a parade, and homecoming was always on Friday night, but it was changed to Saturday morning.

MS. LEWIS. How did the kids feel about that?

MR. BOLTON. Well, you could tell how they felt about it by the number of people that showed up. Before—our homecoming—the stadium was always packed, but this time there were about 150 people. A lot of people were bitter about it because this was something that they looked forward to all year long and something that would be a memory to them maybe 20 years later. It is really a big deal, and this was taken away from them. There wasn't anything they would do about it but they were still bitter.

MS. LEWIS. In stopping that from happening, in cancelling it for the evening, what do you think the students' feeling was about that? In terms of being able to control—if the concern was danger, of what might happen, some kind of demonstration within the school—do you think the students would have been able to control it? In terms of being able to control, do you think they could have controlled the situation?

MR. BOLTON. We really got more trouble out of not having it than we did having it. Like, everybody wanted this a lot, and everything. So they said we are not going to do anything to spoil it. We've worked so hard for this, so why would we cause trouble like they expect us to on something we have tried so hard for and then ended up in a mess. But—

MS. LEWIS. Okay. Your view would have been to go ahead and give it a chance. What about extending that into the community? If the concern was over the community causing the problem rather than the students in the school, do you think this would have been any effect on keeping the community cool?

MR. BOLTON. As Mr. Horan mentioned before, Fairdale, the community, is very oriented to the school. Many members of the community are active in things like homecoming, for example, and those types of things. And this upset them as much as it did the students, the lack of not having the activities as we always had had them. And they were really upset over it. And I think it caused more dissension in the community than it did if they would have gone on and had it just like the student body—

MS. LEWIS. Thank you.

Vicki, let me ask you about going to Shawnee. You live in the Valley area and have gone to Valley High School and then you were transferred to Shawnee?

MS. BREWER. Yes.

MS. LEWIS. How did you feel when you were first assigned?

MS. BREWER. Rotten.

MS. LEWIS. Why?

MS. BREWER. When I first found out, I found out the day we got home from cheerleading camp. I got home, my mom read something in the paper saying that I had to be moved.

CHAIRMAN FLEMMING. I am sorry to interrupt. We are not hearing at all. Maybe if you put the mike right close, take it off and put it right close to you. Was the audience able to hear?

[Voice. No.]

Ms. LEWIS. Maybe if you hold the mike right in front of you.

Ms. BREWER. I found out when I got home from the cheerleading camp—we had just won a trophy—and I found out about it and I was so upset. I thought it was the most horrible thing.

CHAIRMAN FLEMMING. Let's just assume we don't have a public address system. Just talk a little louder.

Ms. BREWER. Okay. So, it went on like that. When I went to cheerleading practice in the summer with people I had been going with, I felt like—after I found out about it, I would go to cheerleading practice, but yet I felt that I belonged, but I didn't because they all knew I was going to be bused and I wouldn't be there much longer.

So, I called our sponsor and I said that I was just going to quit coming to practice because I am not going to be here next year, so it would be just a waste of time. I called the captain of the Shawnee cheerleading squad. I talked to her for a little while, and she said she would like to get her squad together. Out of our cluster, I was the only varsity cheerleader that participated. I went on and cheered for Shawnee. Shawnee lost about half of their squad. Half of their cheerleaders got bused, too. So, for our squad, we only had, like, five cheerleaders.

So, then our sponsor at Shawnee, Ms. House, she said she was going on and let sophomores be varsity cheerleaders so that we could have an equally balanced squad, socially, and that worked out pretty good because we ended up through the year, people would come and people would go. Some people quit, some got transferred back and caused problems with the uniforms. That was a mess, trying to get enough uniforms for everybody. Through the year we had a total of about 13 or 14 cheerleaders, but we didn't have that many all at once, like, we had 12 at one time. That is the most we had, and we ended up with 11 through the year.

Ms. LEWIS. Now, let me move away from cheerleaders and back to all of the other things we were talking about previously. When you first went to Shawnee, what was your approach toward going there? How did you feel when you found out you had to be assigned there?

Ms. BREWER. I decided I might as well make the best of it. I tried to get involved in school activities, but the only thing that was bad was any time you want to participate in anything, like, I remember times I had to get up at 5:30 because school started at 7:30. I had to get to the bus and get there and that took quite a lot of time. And sometimes I didn't get home until 7:00 o'clock at night.

Ms. LEWIS. That is a long day. While you were there, you participated in the human relations program. Was that something you knew about before you went, or did you find out about it when you got there?

Ms. BREWER. I found out about it when I got there. I decided I wanted to get involved in the school. If I have to go there I might as

well make the best of it. I went to some of the human relations meetings. I liked it and so I kept with it. We had workshops and we taught five other schools. Well, all of the schools had workshops and I worked with a couple of them. We had six schools involved. And we taught other schools about things we already knew how to do, things like that.

MS. LEWIS. Have you participated in this all year?

MS. BREWER. Yes.

MS. LEWIS. Do you think the human relations program was useful and helpful at Shawnee?

MS. BREWER. Yes. I think it is good because people got to express their feelings publicly instead of keeping everything locked up inside of them. They got to stand up in front of a group of people and say, I don't think this, or, I think this should be changed.

MS. LEWIS. Can anybody participate in this?

MS. BREWER. Right.

MS. LEWIS. Do they have to sign up ahead of time?

MS. BREWER. If you want to be a leader, it is best for you to sign up for it at the beginning of the year. Just to come in and talk, anybody can come. It is open to everybody but it is for students.

MS. LEWIS. Is it run at particular times during the week so that everyone knows that?

MS. BREWER. Yes. We had ours during study halls.

MS. LEWIS. Oh, okay, so that anytime you are in a study hall—
[inaudible]

MS. BREWER. Yes.

MS. LEWIS. Thank you, Vicki.

Monica, how has this year been at Valley?

MS. WHEATLEY. What do you mean, you mean academically or—

MS. LEWIS. You went through a big change this year. You had students bused into Valley and it changed from the way it was before. How did the change affect you and what kind of reaction did you have to that?

MS. WHEATLEY. For the past couple years, like this is my fifth year at Valley High, kids have grown up and they have got more money. You got a car when you're 16 and there are other things to do besides school activities. But this year was, I mean like some organization—we really didn't do anything because of busing. We hit rock bottom this year. Nobody cares about nothing anymore. I am going to school, coming home—just forget everybody.

Sports. I remember, like everybody, like years and years and years ago my mom and them, everybody supported the sports teams. They would get something to eat and come home. But now they don't do it. At the games we just sat there and there was nobody there. If kids aren't loyal to their school, what are they going to be loyal to? You got to get stable and start caring and get involved in something.

If you are going to start off in life being really active in the community and everything, you have got to start with school. Kids aren't doing that. So I am afraid that's going to hurt later on when they grow up and they are not used to being involved or doing their part, except doing what they had to do, getting their grade and leave. And busing, I don't know. It was just, everybody thinks Valley is going to be so bad because that's where the riots were. Everybody's read about Valley—everybody's just a bunch of rioters. Valley is a very good school. I mean it was just, we are friendly. We got along. We had no trouble hardly at all.

Ms. LEWIS. Let me ask you, is that one of the reasons you got involved in human relations, because of your reaction to this kind of apathy and stuff that you were hearing?

Ms. WHEATLEY. I always wanted to, 'cause friends had been on human relations committee and stuff before, but I had never been asked to be on it and that's how you got it—you had to be recommended. But then they called us, they called down a list of students, and we came down there, and they told us that we had been picked by the teachers and the principal, and whatever, to be on it and then talk to kids, big deal. It's just another group the board has set up to make busing look good, so I guess I'll be on it. I got on it, I really liked it.

We got into groups. First, we went into the study halls and then into English classes, because all the kids had English. We got in there, we talked to them. It was really neat, 'cause at first we didn't just talk about busing or school problems even, we talked about anything. We had a list of problems and we had people from the board there helping us. We went to the training sessions and we learned how to make people who don't usually talk, talk and people who talk too much to shut up and just listen how to be a facilitator. We learned how to lead groups and that was a good experience. We got the kids in the classroom. Besides just having fellow students in the classroom, they got to know each other personally and that helped the student relations, and kids were getting along. And when kids are getting along, you have more easy going in the schools, more spirit. And so I was really glad I got into it.

And we had rumor control. We tried to stop rumors. We told the real story. This is what happened. You got to listen to us because we know, and they did, they listened to us because most of us were leaders in the schools anyway. So they kind of took our word for it and so that was good. I think we stopped something that time, if it was ever going to turn into anything, and I imagine everybody would have loved for something to turn into something. You know, okay, we haven't had much excitement lately, let's have some big old fights here. That was good and I was really glad I got into it.

Ms. LEWIS. So that, all in all, you would say the program worked pretty well?

Ms. WHEATLEY. Yes, like, you can't write down what we got accomplished but it's just a general feeling. I mean, the feeling needs to be improved and it still does.

Ms. LEWIS. Will you go with it next year?

Ms. WHEATLEY. Yes, if I am asked to I would like to.

Ms. LEWIS. What kinds of things do you think the program could do next year that would improve it over this year?

Ms. WHEATLEY. We had the groups and the classes, that was real good. The suggestion box, we had it but the kids—I don't know how many used it. And I wish we had some kind of teacher review board because there were teachers—I don't care how many people try to make busing look really good, if they are really for it—teachers aren't getting along real good. There's definitely prejudiced teachers both ways. And something has got to be done, 'cause look how impressionable a teacher, I mean, can make a kid, you know, 'cause besides a parent, your teacher's the one that sort of molds your attitudes and stuff.

Ms. LEWIS. Do the teachers ever participate in any of these discussions, in any of the peer group discussions?

Ms. WHEATLEY. They weren't really in the room. They were glad for us to come into their class and take care of their class so they could go to the teachers' lounge, or whatever. They weren't really in there. Sometimes, like, after we would leave, a teacher would come up to me and say, thanks for coming. This was really good. It got our kids talking. I know one teacher made them write a paper after we left about what they thought about it, you know, what they talked about and some more of their opinion they didn't get to say. And I hope next year we can have more of a teacher thing where the kids can say, that teacher is hassling me. The principal, the teachers are the authority. I agree with that. I have respect for my teachers and stuff. But they are always right. They are always right, the students are wrong. Always, 'cause you're the teacher and you're the student.

Ms. LEWIS. You would like to see that changed?

Ms. WHEATLEY. Definitely, 'cause we are people, too, really we are and we have got opinions. We are not trying to boss the world around. We are just trying to say what we feel, 'cause if something needs changing we want to change it.

Ms. LEWIS. Okay, okay next—Nina, why don't you talk a little bit about the program at your school and tell us how you got into it and what kinds of things were accomplished this year.

Ms. BOOTH. Well, we went through a series of things, like, third quarter we had a session where we went into the English classes and explained the discipline code that came out third quarter. And the reason why we did that was, like, the principal said that whenever a student got in trouble, they said they didn't know they couldn't do that. So he thought that if we went to each class and told each student, then they would know what they were supposed—expected of and so they

couldn't come up with, well, I didn't know that. And it worked because a lot of students didn't know different rules, because I didn't myself.

And then there were a lot of students don't ever do anything wrong, so naturally they don't know. I guess it's better to know instead of going right on into it and then acting dumb about it. And we had a peer group also, and we went into the study halls and we asked the students, they volunteered. We explained to them that we were going to have a rap session and we were going to talk about maybe busing or whatever happened in the school that day, and then they would decide whether they wanted to talk to it. And, like, our first two or three sessions were really nothing. They just wanted to get out of study hall, because people always complain about study hall. So, really, we had to ease them up a little bit and let them be able to talk and tell us what was on their mind.

Ms. LEWIS. Let me ask you something specific about this, and I understand this to be true at most of the schools. When you picked the groups to, when the students volunteered to be in the discussion groups, when you put the groups together, I understand that one of the things you tried to do is balance them racially. Is that right?

Ms. BOOTH. Yes.

Ms. LEWIS. So that everybody gets a chance to talk?

Ms. BOOTH. Yes.

Ms. LEWIS. What kinds of differences did you find between Manual, where you went before, and Pleasure Ridge Park, where you went this year?

Ms. BOOTH. Well, I guess with Manual being in the city, the black people there were more oriented. You know we were able to talk to each other and really get along, but out there at Pleasure Ridge everybody was sort of scared. Blacks were scared of blacks and the whites—everybody was scared. Nobody wanted to talk to each other. It was kind of hard to really relate and then, like, the work wasn't so much as hard, but there was more of it, and the students complained about that. All in all, it was just a difference. You felt like you were in a different city, like you were led there blindfolded or something.

Ms. LEWIS. And I gather from when we talked before, you think that the human relations program was helpful in assisting the kids who came into Pleasure Ridge Park to be able to understand what was going on better.

Ms. BOOTH. Yes.

Ms. LEWIS. Did many black students volunteer for the human relations program, at first?

Ms. BOOTH. No. It was just me and another friend of mine. We were the only two and when we got on it and found out what it was about, we decided to go and recruit some more blacks because, like, they were always complaining to us, you know, "well Pleasure Ridge doesn't do this for blacks," and, like, we would explain to them, if you

want something done you have to get on board and let them know how you feel, and so we started going around and recruiting a couple of people, to let them know.

Ms. LEWIS. So then more people joined after that?

Ms. BOOTH. Yes.

Ms. LEWIS. Thank you. I don't have any further questions, Commissioners.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. Gene, do you understand why the Federal court ordered desegregation?

MR. BOLTON. As far as I can understand it, it was to achieve a racial balance in the school and to achieve an educational quality higher than what the city school system and the downtown schools had. More or less, we were supposed to have a better educational quality. I know some people that will debate that, but as far as I can tell that was the general purpose.

COMMISSIONER SALTZMAN. Monica, in your school was there any effort to discuss the reasons for desegregation and the constitutional implications in any of your courses or in the school in general? Was there an effort on the part of the teachers to acquaint you with what was happening?

Ms. WHEATLEY. The only time there was really a discussion was when the kids were discussing it among themselves, really. They would discuss it around the lunch table, or something like that. Most of the teachers didn't because they were afraid to say, one way or the other, how they were feeling—

COMMISSIONER SALTZMAN. I don't mean whether they supported it or not, but whether the process—why it was happening, the law and the motive for the law. Was there any information imparted to you in your school about why the country was undergoing desegregation?

Ms. WHEATLEY. No. They really didn't do that. I guess they just took it for granted that we were either getting that from the news or the papers, or wherever, but no teacher ever really went into that.

COMMISSIONER SALTZMAN. Nina, do you think that your school year experience in getting to know whites has helped the quality of the education you are presently getting?

Ms. BOOTH. No, not really, because I went to the city school last year and it was predominately white. So it wasn't really a big change, and like I said before, it's not the quality of the education is better or worse, it's just more.

COMMISSIONER SALTZMAN. Well, what I am talking about, would you agree that the quality of education has to do with getting to know people of different backgrounds, different races, and learning how to live with them? Isn't that a part of the quality of education?

Ms. BOOTH. I don't really think so because I don't think it matters what the quality of education you are getting as long as you know how to deal with the people and to talk to them and meet them.

COMMISSIONER SALTZMAN. That's what I mean. Isn't that part of the educational process, to learn how to get along with people?

Ms. BOOTH. Well, like, when you are growing up and you are a kid, you don't sit down and talk to people about education or anything. I mean, I think you should just be able to know how to talk to people. I don't think it's so much education in a sense. You should just be able to talk to people in a worthwhile manner.

COMMISSIONER SALTZMAN. Thank you.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. The enthusiasm and the good humor and the friendliness of this panel, I think, spells success for human relations. And this panel is well equipped with all of those elements.

Gene, I understand you are a football player.

MR. BOLTON. Yes, sir.

COMMISSIONER RUIZ. You are a tackle?

MR. BOLTON. Yes, sir.

COMMISSIONER RUIZ. How much do you weigh?

MR. BOLTON. 235 pounds.

COMMISSIONER RUIZ. 235 pounds?

MR. BOLTON. Yes, sir.

COMMISSIONER RUIZ. Being a tackle, you are always in the center of trouble. Aren't you?

MR. BOLTON. Yes, sir.

COMMISSIONER RUIZ. And you are the sergeant at arms?

MR. BOLTON. Yes, sir.

COMMISSIONER RUIZ. With relation to the experiences you have had, can you say, comparing this year with last year, have misunderstandings between the black students and the white students diminished or have they increased?

MR. BOLTON. Well, as far as our school is concerned, there were no disagreements last year because there were only two black students in the school, and so they didn't have much of a chance to disagree. But as far as the percentage this year, there was a lot of misunderstanding.

COMMISSIONER RUIZ. Now, with respect to the advance in percentage, what has been the numerical number of more students this year, black students?

MR. BOLTON. I really couldn't tell you for sure.

COMMISSIONER RUIZ. With relation to your committee, do you come in contact with it?

MR. BOLTON. Yes, sir, I do. Our committees, we try to make them sexually and racially balanced, where everyone gets a chance, more or less, to be involved with everyone.

COMMISSIONER RUIZ. Are you having rap sessions?

MR. BOLTON. Yes, sir, and we try to balance our rap sessions where it would be two white males, two black males.

COMMISSIONER RUIZ. This is on a one-to-one basis?

MR. BOLTON. Sometimes it's a one-to-one and sometimes it's in a group, which is led by a facilitator and you have 8 to 10 and 10 to 12, depending on the number of people that you have, according to the number of group leaders you have.

COMMISSIONER RUIZ. Now, with relation to the experiences that you are having, are you learning how to get along with the black student at this time by virtue of the opportunity the rap sessions are giving you?

MR. BOLTON. I would have to say, yes, sir, I am. It's presenting the opportunity that maybe I wouldn't have had if I was not involved.

COMMISSIONER RUIZ. This is part of your educational process, isn't it?

MR. BOLTON. Yes, sir, it is.

COMMISSIONER RUIZ. Nina, do you have open discussions in your school?

MS. BOOTH. Yes, we do.

COMMISSIONER RUIZ. Between the various students?

MS. BOOTH. Yes.

COMMISSIONER RUIZ. Do they discuss their problems?

MS. BOOTH. Yes.

COMMISSIONER RUIZ. Do they have more or less the same problems?

MS. BOOTH. Yes, really.

COMMISSIONER RUIZ. Does this develop into friendships?

MS. BOOTH. Not really, no. Well, usually we have the type of discussions where one person will bring up a topic, say, like busing, for instance. And everybody is going to air the same problems, but they are just there talking. I mean, it doesn't really develop into a friendship type of thing.

COMMISSIONER RUIZ. You seem to be a well-adjusted person, in the sense that you don't see problems. Apparently you treat a white person like anybody else, and you don't see any problem as a consequence of these rap sessions. Is that so?

MS. BOOTH. Yes.

COMMISSIONER RUIZ. Adults usually see problems, and I get from your testimony that you are a part of a new generation where these problems are no longer problems.

Now, Vicki, I notice you are waving your dukes in the air. What did you wish to say?

MS. BREWER. I agree with what you said. I think we are a new generation and the kind of thing about, like me and Nina were talking about a while ago, by the time that us kids get together and we start realizing that we are just becoming friends and forget about that you are black and I am white, by the time we start becoming real close friends like if somebody brings it up, they make such a big deal over black and white and I just think that's sick.

[Applause]

COMMISSIONER RUIZ. I guess that answers my question.

[Laughter]

CHAIRMAN FLEMMING. As I indicated to the group of students that appeared at the hearing yesterday, we are always very appreciative of the testimony that comes from students who are in positions of leadership, who are really the consumers of desegregation. Your testimony has been great. We appreciate it very, very much. Thank you for being as frank with us. It helps all of us. We appreciate it very much.

CHAIRMAN FLEMMING. Counsel will call the next witnesses.

Ms. LEWIS. Shirley Warren, Samuel Robinson, Reverend Thomas Quigley, Mary Elizabeth Womack, and Iris Irish.

[The witnesses were sworn.]

TESTIMONY OF SHIRLEY WARREN, VICE PRESIDENT, SAVE OUR COMMUNITY SCHOOLS, INC.; SAMUEL ROBINSON, CO-CHAIRPERSON, TASK FORCE FOR PEACEFUL DESEGREGATION; THE REVEREND THOMAS QUIGLEY, DIRECTOR, LOUISVILLE AREA INTERCHURCH ORGANIZATION FOR SERVICE (LAIOS); MARY ELIZABETH WOMACK, CHAIRPERSON, EDUCATION COMMITTEE, LEAGUE OF WOMEN VOTERS; AND IRIS IRISH, CHAIRPERSON, LEGISLATIVE COMMITTEE, JEFFERSON COUNTY PARENT-TEACHER ASSOCIATION

MR. FULLERTON. I would like to start out by asking each one of you, beginning with Ms. Irish, to please briefly describe, state your name, address and occupation, your organization and the number of years you have either lived in Louisville or Jefferson County.

Ms. IRISH. I'm Iris Irish. I live at 4000 Manor Dale Drive here in Louisville. I'm legislation chairman for the 15th District PTA of Jefferson County, and I work with the community outreach program, which is in the department of human relations for the Jefferson city schools.

MR. FULLERTON. Ms. Irish, will you also tell us what your function is with the PTA?

Ms. IRISH. Legislation chairman.

Ms. WARREN. I'm Shirley Warren. I live at 4035 LaMondé Drive. I'm vice president of Save Our Community Schools, and I have always lived in Louisville. What else did you want to know?

VOICE. [faintly] Start again.

Ms. WARREN. I am Shirley Warren. I live at 4035 LaMondé Drive. I am vice president of Save Our Community Schools, and I am past president of the Schaffner PTA.

REV. QUIGLEY. My name is Tom Quigley. I live at 1261 Willow Avenue in Louisville. I'm a minister, the coordinator of the Louisville Area Interchurch Organization for Service, which is the ecumenical mission planning and program developing agency for nine denominations in the Louisville area, and I have lived in Louisville since 1967.

MR. ROBINSON. I'm Sam Robinson. I live at 7323 Glen Arbor Road. I'm the executive director of the Lincoln Foundation. I also serve as vice chairman of the Task Force for Peaceful Desegregation. I have lived in the Louisville area for over 15 years.

Ms. WOMACK. I'm Mary Elizabeth Womack. I go by the name of Tish. I live at 2218 Brighton Drive in Louisville, and I have been here

for 9 years. I am presently the education chairman for the League of Women Voters.

MR. FULLERTON. I see that you are all involved in schools in one or two or three ways.

I would like to start out with Ms. Irish and have you briefly describe for us the PTA and its organizational changes this year and its purposes.

MS. IRISH. All right. The PTA's purpose is dedicated toward ensuring that all children and youth receive the best possible that public education has to offer. Our particular PTA is now merged. We started out as two separate units with a former county and former city PTA. As soon as the merger and the court order came through, we did vote to merge. We accomplished this in October and have been working cooperatively together ever since. We work very closely with the administration, and this year, in particular, we have worked very closely in cooperation with the Human Relations Department of the school system.

We have established 15 new units in the former city system, that wasn't real, real strong, with PTA units in all schools. We have a possibility of having PTA units in 150 schools. We have them in 146 schools. Is that enough?

MR. FULLERTON. Would you describe the activities that the PTA has organized or participated in this year to help the schools through the desegregation process?

MS. IRISH. We started back in June, last June we had three, a 3-day workshop—this was prior to the court order—for parents across this county, trying to work with the merger in getting all sections and all communities together to talk, to talk out our concerns and how we were going to handle the problems that we knew we would face if the busing order did come through.

Then, after the court order in July, we had people-to-people committees, which was made up of PTA people who were on hand within 2 1/2 hours after the court order was made public and with their operating hotline telephones to the community. We participated with the Human Relations Department and other organizations in the community in keeping volunteers on the hotline and training volunteers through October. Oh, I can't think of anything else, and I know we have done a lot.

MR. FULLERTON. Could you tell us what position the PTA has taken with regards to court-ordered busing and why?

MS. IRISH. The national district and the local PTA units, as a whole, have taken the stand that we are opposed to forced busing for the purpose of racial balance in the schools.

We have worked to be very supportive of public education and have mainly dedicated our efforts to seeing that public education goes on and that the quality of education does not deteriorate because of a forced busing order.

MR. FULLERTON. Do you welcome the involvement of non-PTA community groups in schools?

MS. IRISH. Yes.

MR. FULLERTON. Can you tell us why, what importance you feel that parents have in affecting quality education?

MS. IRISH. I think parents are a very supportive group, and through PTA, of course, we are very much involved with most of the committees that are formed through the administration throughout the system. PTA parents have served on curriculum committees, on advisory boards, all sorts of educational and structural program committees. And I think they have quite an input and do have influence in the decisionmaking powers at the administrative level.

MR. FULLERTON. Thank you very much.

MS. WARREN, you are the vice president of Save Our Community Schools. Would you describe the purposes and goals of your organization?

MS. WARREN. We have three purposes. One is to work toward the prevention of forced busing of children to achieve a mathematical ratio. Second, to work toward a better education for all children without regard to race or creed. And third, to encourage the attention of the elected officials to the desires of the majority. And I would also like to say SOCS is a non-profit organization.

I heard some testimony this morning from a witness, and he stated that he felt that the antibusing organizations were profiting. We are not. We are a non-profit, tax-exempt organization. The money that we do collect, or that is donated, is used for legal fees, and it's also used to keep our members informed of what's happening. The SOCS officers have been involved in PTA and school work long before busing became an issue.

MR. FULLERTON. Could you tell me what particular steps have members of your organization taken to improve the quality of education this year? Go on with your comment that many of your members have been involved in PTA, etc., and whatever else they have done.

MS. WARREN. We have encouraged our members to become more involved in the schools this year than before, because we feel that in order to know what is happening and in order to make our schools better, we are going to have to be involved. We have not been too successful in this, in that many of the parents will not work in the schools this year because of the busing.

I have remained active in the school. I have two children in the public school system, and I have no intentions at this time to take them out because I do believe in the public-school system. I was president of the school last year. I had a hard time. In fact, we had to do away with some committees because we couldn't get parents to work. However, we had a successful year at the schools where my children attend.

MR. FULLERTON. Thank you. Given the fact of school desegregation in Jefferson County, how does the leadership of SOCS feel about the importance of parental involvement to affect the quality of education in a desegregated atmosphere?

MS. WARREN. SOCS officers are and always have been supportive of public education, actively involved in the schools long before busing was an issue. When busing was imminent, I, as president of SOCS, helped to plan workshops designed to help minimize the trauma of our children in our community. I helped to train security persons, bus monitors, and outreach workers for the school system and served on the human relations committee at the local school. I felt it was imperative that parents maintain a close relationship with the schools.

I and other officers of SOCS worked diligently to try to spare our children and the community the fate of others that had faced court-ordered school desegregation, knowing full well that we could not really be successful. We have seen some 13,000 students leave the Jefferson County schools this year. Some moving to other counties and some enrolling in private schools, and more than double the usual number of students have quit school this year. PTA membership decreased about 40 percent. Property values are down, and homes are very hard to sell. Our schools face a tremendous budget deficit for next year.

The saddest thing for many of us has been watching helplessly while our children learn racial hatred, where before, there had been tolerance. We still believe that busing for integration will be stopped, because it is counterproductive to a better quality of education and to race relations. SOCS is now and has always been opposed to court-ordered busing of children for the purpose of obtaining a racial balance. SOCS will continue to work through every legal means available towards its elimination, while still working to preserve our school system and protect our children.

The Federal courts may order tax increases to relieve the financial strain. But, unfortunately, the emotional scars and divisiveness in our community cannot be cured via a court edict or legislation.

This is a statement by Joyce Spond, president of Save Our Community Schools.

MR. FULLERTON. Thank you very much.

Reverend Quigley, please describe the Louisville Area Interchurch Organization for Service, and would you please tell us how it has been involved during the past year in the Jefferson County School desegregation process?

REV. QUIGLEY. The Louisville Interchurch Organization, as I said before, is a mission planning and program development agency, an ecumenical agency sponsored by nine denominational bodies which serve the metropolitan area. As such, we develop programs in response to community issues and concerns. And in March of 1974, we convened an interfaith task force on school integration, primarily in response to

the Sixth Circuit Court of Appeals initial ruling overturning Judge Gordon's order. At that point, the religious community decided that school desegregation was coming and that the religious community was going to have a role and needed to take a role in helping the community respond to the massive changes which would come.

That group has then been our primary program arm since March of 1974. And it did what it could to keep information flowing within the religious community about the court order, about the decisions that were being made, about the response of religious communities in other parts of the Nation. We held seminars, conferences for clergy and for lay leadership in the religious community. We sponsored, along with the school system, a major conference for religious leaders in May of 1975, held out of town, with about 100 religious leaders in attendance.

We sponsored a conference just after school opened, called "School Desegregation: Chaos, Order, or Justice," which we brought together parents, administrators, teachers, students, religious, community folks and other interested community people. One of the first times that they were talking with each other about the changes which had occurred in our community.

Since approximately March of 1975, we have worked very closely with the Task Force for Peaceful Desegregation, Dr. Robinson will describe to you, and have tried to work alongside other community groups in that organization.

MR. FULLERTON. What degree of support did LAIOS receive from the various denominations in Jefferson County in their activities regarding school desegregation?

REV. QUIGLEY. The initial response to the task force participation came from about 15 or 16 religious community organizations. Those were denominational bodies and, in some cases, neighborhood ministerial associations or neighborhood ministry groups. I think that was a pretty solid and broad response from the religious community to that group.

I must say, that funding was never very great from the religious community. That group has always suffered a lack of funding. We have been able to find monies here and there to provide staff and to do the conferences which we did.

There were a number of statements made by various parts of the religious community. Denominational agencies, local churches, clergy groups, ad hoc groups that would come together, and I have supplied the Commission with a file folder of 20 or 25 statements, I think, which you may want to enter into the record.

MR. FULLERTON. Mr. Chairman, at this time, I would like to submit these documents referred to by Reverend Quigley for inclusion in the record.

CHAIRMAN FLEMMING. Without objection, it will be done.

MR. FULLERTON. I would like to move on to Dr. Robinson. Would you please describe briefly for us the purpose and the activities of the Task Force for Peaceful Desegregation?

DR. ROBINSON. Yes. The Task Force for Peaceful Desegregation is made up of approximately 43 religious, social, civic, and other community type organizations. The main purpose of the task force is to see that the court order is implemented in an atmosphere of peace. And that was the unifying force which brought the organization together.

We have members of the groups who are probusing. We also have members of the group who are antibusing. But the main objective of the group was this, that we wanted peace, no matter what, within the Louisville community in September.

Now, we were under the impression that we would have a longer time to work toward getting more organizations involved. But, however, at the present time, there are 43 organizations involved in the activities of the task force.

MR. FULLERTON. You mentioned one hindrance. Could you describe other hindrances or problems that the task force has faced this year in achieving its goals?

DR. ROBINSON. Yes. One hindrance has been that the task force has been perceived as a probusing group. And I think that that perception has come about because members of the task force who believed, who shared the pro-busing concept, were more vocal in their comments in meetings and in press conferences, and so forth. And so that has made some organizations leery about becoming involved with the Task Force for Peaceful Desegregation.

MR. FULLERTON. Did the task force ever address the problem of intimidation in the community?

DR. ROBINSON. Yes, the task force went on record as saying that we did not want anyone within our community intimidated. Also, I would like to—getting back to the other question—we also had initially a problem of funding and we were, we received \$11,000 grant through the ESAA grant, which helped us in the implementation of our program. But, there was some intimidation, and we felt that we should work to see that individuals within the community should not be intimidated.

MR. FULLERTON. In line with that testimony, I would like to introduce at this time documents referred to, or at least documents that are minutes of the task force meeting of September 9 and September 16 that deal with the issue of intimidation in the community.

CHAIRMAN FLEMMING. Without objection, that will be entered into the record at this point.

MR. FULLERTON. Ms. Womack, would you please briefly describe the League of Women Voters and its activities this year regarding school desegregation?

MS. WOMACK. The league arose out of the suffragette movement some many years ago, and it is to basically create an informed voter and an informed public. We have been very active on a, not on the front level so much as on a lower level, because we too have suffered the same perception or the same stigma as the task force, as being a

probusing organization, although we are not probusing, per se. We do feel that busing is a tool of many tools that must be held available in desegregation, and we do believe very much in integrated education.

We were very active with the task force. We were very active on the rumor control hotline, we watchdogged the board of education quite closely, and we have talked to them frequently. We have written to them. We have come before them to speak on many issues. And that primarily has been our thrust this year.

MR. FULLERTON. How has your children's experience this year affected your attitude toward school desegregation, Mrs. Womack?

MS. WOMACK. I have three children, one in junior high and 2 in elementary, and their experiences have been very good, especially on the junior high level. And I think one very good experience bears repeating.

I have a child who oftentimes needs a little prodding, and he met a teacher who was, who really challenged him. And he started to falter and I sat down with him and I talked to him, and I said, "What are you going to do? Are you going to let this teacher pull you down or are you going to get busy and study and pull yourself up and show him what you really do have?" And he decided that studying was much the better route.

And it wasn't until he brought home his yearbook that we knew that the man was black. And this child had seen no purpose, had felt no reason to tell us any time during the two quarters he had had this man, that the man was black. And I think this is tremendous. And I feel that he is able to deal with a teacher on a teacher-pupil basis and no other basis. And there was no need for him to deal on any other basis. I was very proud of him and I was very pleased that he was able to transcend the issue of desegregation as a black/white issue this year.

MR. FULLERTON. Thank you very much.

I have one further question for Reverend Quigley. Would you please briefly describe for us the ESAA grant project that LAIOS sponsored this year and what activities you plan for next year?

REV. QUIGLEY. The Louisville Interchurch Organization has been the applicant agency for an Emergency School grant of \$70,000 to begin July 1. The project is to develop a coalition for quality integrated public education, the coalition being made up of representatives of vast, broad—a broad group of community groups, religious, civic organizations, civil rights organizations, women's organizations, neighborhood groups of one kind or another, business, labor groups. It will also develop 12 cluster community support councils in 12 of the cluster areas, which were high school and middle and junior high school clusters created by the court order. The idea being—

The whole philosophy of the project is to move the community's attention and focus away from the polarization over busing or even over the court order of desegregation and to turn the community's attention, if we possibly can, into what happens at the end of the bus ride,

how do we work together as a community to provide quality integrated public education for all students in the county?

We are very excited and have a lot of hopes for the good that that project can do in our community. And I have given you a description that was in that other package.

MR. FULLERTON. Thank you very much.

I would like to include that description in the record at this time.

CHAIRMAN FLEMMING. Without objection that will be done.

MR. FULLERTON. I have no further questions.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. I have no questions.

CHAIRMAN FLEMMING. Commissioner Horn?

VICE CHAIRMAN HORN. I would like to ask just one question and get your response.

All of you as leaders of the community, with varying views on the appropriateness of the court's order, have had an opportunity to observe the events of the past year. What is your judgment as to the fairness and the adequacy with which the print and visual media covered the past year's events in Louisville? Ms. Womack, would you like to start?

MS. WOMACK. I have rather ambivalent feelings on this. At the beginning it appeared that there was, whenever anything came down from the court, my perception was that the media was forever in the antibusing people's camp, looking for reaction. They did not come to the more moderate forces for reaction also. It seemed for a while when things started coming down rapidly, one thing right after another, that consistently antibusing leaders would be consulted as to their particular reaction to the latest event. But no one, and certainly there were many people who could have spoken for the other point of view, specifically Bishop Reid who at that point was spearheading a group that eventually became the peaceful desegregation task force. There were many people in this community who did have things to say who were never consulted.

And it got to the point, at one stage, where a press conference was called to bring this to their attention. And I think things began to become a little more balanced thereafter. But still it appeared that the antibusing was certainly the first to be consulted.

VICE CHAIRMAN HORN. The essence of your testimony is that those that favored the court order had to use their own initiative to get visibility, whereas those who were opposed were sought out by the media and got visibility?

MS. WOMACK. That was my perception.

VICE CHAIRMAN HORN. Dr. Robinson?

MR. ROBINSON. I share Mrs. Womack's perception regarding the news media. It was my feeling that the antibusing leaders received a disproportionate amount of news media coverage and that those of us who had positive feelings regarding the peaceful implementation of the

court order at times had difficulty getting the media to talk with us regarding what we had to say.

VICE CHAIRMAN HORN. Reverend Quigley?

REV. QUIGLEY. I have basically positive impressions of the role of the news media, particularly the daily papers. I would, the only exception I would take to that has to do with the headline, the use of headlines and the use of labels to brand organizations and individuals as either pro- or antibusing, when they were doing all they could to talk about the peaceful implementation of the court order in the community. I guess I have a positive feeling about the papers because I have lived in other parts of the country and I know how bad newspapers can be.

VICE CHAIRMAN HORN. I would share that, just having read the papers here, I agree with you. I wish we had a few of them in California.

MS. WARREN. I think the papers are biased. And I think this has been part of the problem in our community, and I think from talking with parents they do not feel that the news media or the paper gives the true facts of what is happening in the schools. If you are not involved in the schools, you probably don't realize this quite as much, but I know there are a number of things that have happened that have never been in the paper or on the news, and I think that parents have a right to know what is happening.

VICE CHAIRMAN HORN. Mrs. Irish?

MS. IRISH. I think I am probably looking at the newspaper with rather a jaundiced eye, too. I feel they have really zeroed in on one aspect of what's been going on in the desegregation case, and I do feel they probably covered more antibusing issues. I feel that they have skipped a great deal of the organizations in the community that are neither working for or against but just supportive groups of the public educational system, and I am thinking particularly of the PTA, naturally. I think we have been unfairly labeled as the rubberstamp of the administration, and I do think that we are a challenging organization to those things that we don't believe in that the administration is doing. But I don't think the newspapers have covered this well.

VICE CHAIRMAN HORN. Thank you.

CHAIRMAN FLEMMING. I would like to ask if any of the members of the panel were involved in the, as members, in work of the Community Consensus Committee?

REV. QUIGLEY. I would like to respond to that. I was not, Dr. Flemming. I understand that the Community Consensus Committee had made a decision to not involve the formal religious community leadership in its work.

CHAIRMAN FLEMMING. Anyone else have any contact with the Community Consensus Committee?

MS. IRISH. I serve as cochairman of the People-to-People Committee, which originally was a branch of the original Community Consensus Committee, and my understanding was just the opposite of

Reverend Quigley's, that the clergy and other organizations were invited to participate with the Community Consensus Committee.

CHAIRMAN FLEMMING. A little problem of communication then.

REV. QUIGLEY. The invitation never got to us.

CHAIRMAN FLEMMING. Do you, in effect, serve as an area council on churches?

REV. QUIGLEY. Yes, sir. We are the successor to the Louisville Area Council of Churches.

CHAIRMAN FLEMMING. Right. Is the Catholic Church represented?

REV. QUIGLEY. Yes.

CHAIRMAN FLEMMING. How about the Jewish community?

REV. QUIGLEY. The Jewish community is not, nor is the major religious group in our county, the Southern Baptists.

CHAIRMAN FLEMMING. You referred to the fact that you served as a member of the People-to-People Task Force. Is that still functioning?

MS. IRISH. Yes.

CHAIRMAN FLEMMING. Whereas, as I understand it, the Community Consensus Committee on an overall basis is not functioning at the present time, is that correct?

MS. IRISH. That is correct.

CHAIRMAN FLEMMING. What was your, or what is your evaluation of the work of the Community Consensus Committee when it was in operation? Did you feel that it was serving a constructive purpose?

MS. IRISH. Yes, I did, and I thought it was just getting off the ground. I think it sort of got pushed in the background because we were so hurried and rushed in the desegregation case. I do think some form of it is intended to be revived. I think it had great potential because it did involve community leaders from all over the county.

CHAIRMAN FLEMMING. Dr. Robinson, I gather you did not have association with that committee.

MR. ROBINSON. No, I did not.

CHAIRMAN FLEMMING. Was your organization at any time invited to become a part of the committee?

MR. ROBINSON. I do not recall our organization being invited to become a part of that group.

CHAIRMAN FLEMMING. Let me ask this. All of you represent organizations, have you at various times been called into consultation by the board of education, by the superintendent of schools, by the mayor, by the county judge?

MS. IRISH. Are you speaking as an organization?

CHAIRMAN FLEMMING. Yes.

MS. IRISH. Yes.

CHAIRMAN FLEMMING. You are here representing your organization, and I am just wondering whether or not your organization, maybe you as a representative, or someone else, whether your organization has been asked to meet with the board of education, with the mayor, with the county judge, on issues dealing with the implementation of the court order?

Ms. IRISH. The PTA has, by all of these groups, yes.

CHAIRMAN FLEMMING. I see. How about your organization?

Ms. WARREN. Yes. Joyce Spond has been asked by the human relations department of the board of education to work in training some people. She was also invited to attend a conference in Nashville, Tennessee, on February 25, 26, and 27, which she did attend. She serves on a committee with Superintendent Grayson and also she did serve on the Community Consensus Committee.

CHAIRMAN FLEMMING. Okay.

REV. QUIGLEY. I would say that we have had good, healthy, close, working relationships with the Department of Community Relations and the Department of Human Relations of the school system. But as to the board itself and the administration and the mayor and the county judge, it was the other way around. We sought audiences with them to give them our advice rather than being invited.

CHAIRMAN FLEMMING. You have never been invited to participate in a meeting with other organizations by the mayor or the county judge or the board of education?

REV. QUIGLEY. I don't recall that we have.

CHAIRMAN FLEMMING. But you have had contact on the basis of your own initiative?

REV. QUIGLEY. Yes.

MR. ROBINSON. And I would say that that would be also true for the Task Force on Peaceful Desegregation. We have had excellent relations with the department of community development of the school system as well as with the Human Relations Department. But we have had to seek out meetings with members of the board of education, with the superintendent, and we have also had to seek out meetings with the mayor and county judge.

CHAIRMAN FLEMMING. How about the League of Women Voters?

Ms. WOMACK. The league has sought input but we have never been invited to do so, to my knowledge, at least not as an open invitation. We have on occasion, I think, sort of invited ourselves.

CHAIRMAN FLEMMING. I will just ask this question and anyone can respond to it. Do you feel as you look forward to the opening of school this fall that it would be advantageous to the community if the Community Consensus Committee or committees like that were brought into existence?

MR. ROBINSON. I think it would be extremely advantageous. I think that if we have a positive atmosphere at the corporate and religious levels, I think that we will have a peaceful atmosphere within the community. I think that we have to have individuals who will make a commitment to quality integrated education, and until we are able to get individuals to come forth with that type of posture, we are going to have problems within the Louisville community.

CHAIRMAN FLEMMING. Does anyone else want to respond to that question?

REV. QUIGLEY. I would respond in two ways. One, to say—you said the Community Consensus Committee or something like it, and I guess I do think there might be a role for a blue ribbon committee of some kind. I think it needs to be broadly representative of the total community. I am somewhat aware of the Denver situation, and I think that one of the reasons that the blue ribbon committee there worked was that it had a charge, a formal charge, and responsibilities from the Federal court. And I think that might be an essential ingredient.

CHAIRMAN FLEMMING. The Commission did take testimony on the work of that committee and was very much impressed with the contribution it made to the community. Does anyone else care to comment?

MS. IRISH. I think I have. But of course I am in favor of it.

CHAIRMAN FLEMMING. Right, yes, you did.

MS. WOMACK. I would like to comment too. I think this would be a very helpful thing, and I think if we could have people from across the spectrum—have people from across the spectrum—and I even get to that stage, I think we must have a commitment on the legislative branches, I think we have got to have it on the local scene. We must have commitment, and I think we have got to stop saying, "I am against busing but"—I think that is the first step to doing something in a positive nature.

CHAIRMAN FLEMMING. Okay. I think counsel would like to ask one additional question.

MR. FULLERTON. Mrs. Warren, I would like to know if SOCS organization is the only antibusing organization that has urged involvement, parent involvement in schools this year and, if so, why do you think that the fact is true?

MS. WARREN. Of course, I can't say with certainty that SOCS is the only antibusing organization that has parental involvement. However, I do feel that SOCS is the only antibusing organization who encourages this. At the beginning of, or right before September 4, the starting of school, we did lose several members because we would not advocate a boycott and this type thing. However, we have gained these members back.

We try to keep our members informed of what is going on. We don't tell them just what they want to hear. We tell them what is really happening. Of course, sometimes this isn't what you want to hear and it doesn't make you happy. But we do encourage our members to stay involved in the school because we feel this is the only way we can have a better school for all children.

MR. FULLERTON. Thank you very much.

CHAIRMAN FLEMMING. May I express our appreciation to each member of the panel for being with us and sharing with us in this way your views and convictions and commitments. Thank you very, very much.

CHAIRMAN FLEMMING. Counsel will call the next witnesses.

MR. DORSEY. Camellia Brown, Rochelle Edmondson, Benetha Ellis, and Reverend Charles E. Kirby.

[Camellia Brown, Rochelle Edmondson, Benetha Ellis, and Rev. Charles E. Kirby were sworn.]

TESTIMONY OF CAMELLIA BROWN, CHAIRPERSON, LOUISVILLE-JEFFERSON COUNTY DEFENSE PROJECT; ROCHELLE EDMONDSON, FOUNDER, OPERATION GRASSROOTS; BENETHA ELLIS, SPOKESPERSON, UNITED BLACK PROTECTIVE PARENTS; AND REVEREND CHARLES E. KIRBY, PRESIDENT, KENTUCKY CHAPTER, SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE

MR. DORSEY. Starting with Mrs. Brown, please state your name, address, and occupation.

MS. BROWN. My name is Camellia Brown, my address is 1723 West Ormsby. I'm unemployed.

MS. ELLIS. My name is Benetha Ellis. I live at 100 S. 45th St. I am the center supervisor for Port Duval Neighborhood Service Center, and I am a member of the United Black Protective Parents.

MS. EDMONDSON. My name is Rochelle Edmondson. I live at 3234 Herman. I am an outreach worker for the Community Action Commission Program. I am a founder of Operation Grassroots.

REV. KIRBY. My name is Rev. Charles E. Kirby. I live at 2312 Cotton Parkway. I am Pastor of Southern Star Baptist Church, and I am the State president of the Southern Christian Leadership Conference.

MR. DORSEY. Thank you. I wonder if you each could very briefly summarize the purpose of the organization that you are connected with, starting with Reverend Kirby and specifically concerned with your activity as State chapter president of the Southern Christian Leadership Conference.

REV. KIRBY. The purpose of SCLC is to work in the area of helping minority people. Are you speaking of the school system or some of the other things we are doing?

MR. DORSEY. Particularly related to the school desegregation.

REV. KIRBY. We briefly got started with school desegregation because of the busing problems, and from that we just got deeper and deeper into it.

MR. DORSEY. Mrs. Edmondson, I wonder if you would speak about your organization, Operation Grassroots, and its activities, both before and during school desegregation.

MS. EDMONDSON. Okay. In 1973, Grassroots started as an educational program for black children. We have been tutoring children since that time. In 1974 Grassroots ran a tutorial program for black children. We had 94 black students at Russell Junior High School. At that time they were going to close Russell, and we felt that we could run a program of volunteers. We had people from the former Louisville Board of Education, from the University of Louisville, from other private sectors, and we ran a \$6,700 program off of 49 cents.

The year after that we had a program called Save The Children. And the University of Louisville—we had six inner-city schools—and the University of Louisville sent students in those schools to tutor black students and help them with their homework.

Last summer we ran two tutorial programs. One at Clement Urban Center and one at the West Louisville Community Center. Again, this was our tutorial program for educating children. This year we ran a tutorial program at the Manley Community Center during the week or after-school. This was during busing, and we ran one on Saturdays.

About 2 weeks ago, we had a commencement exercise for black children right here at this auditorium in which we gave certificates, which were printed by the University of Louisville, and just to show our appreciation to our children, which the ages ranged from 4 to 18 years of age. And I felt that Grassroots had done a good job, because while other people were talking about the quality education of the black child, we were out trying to do something about it.

MR. DORSEY. Would you state the purpose of your organization, the Black Protective Parents Association?

MS. ELLIS. United Black Protective Parents was an organization made up of parents that was created after the desegregation order was handed down. We knew we had to do something. At first we started standing on corners watching the buses go out and the whites watching the blacks out and the whites in. We did this to insure that the whites were protected and to see our blacks off to school. After we got into it, we found out that there were many areas that we had to start dealing with.

So, we started going into the schools like when the blacks were getting suspended almost from the first day of school. We started out by going back to the schools with the students to try and get them reinstated, and from there it just blossomed and we were really involved with the board of education and every kind of educational process that we felt that we could be helpful.

MR. DORSEY. Thank you.

Cameilia Brown, you are currently involved in the Louisville-Jefferson County Defense Project. Could you state some of the factors which led you to work on that project and what that project is designed to achieve?

MS. BROWN. Well, I am also a member of the Kentucky Southern Christian Leadership Conference. In fact I am on the executive board. Like Reverend Kirby said, when busing started, complaints started. In working with the students and the parents, we feel that there was a great need in our community for a communications base. We also felt that there was a great need in the grassroots community for a lay advocacy program.

We are presently working toward a communications and the lay advocacy program. This program will advise the parents as to students' rights, and this is something that just hasn't been done by the board.

There are very few parents in the community who know, really, what constitutes a suspension.

MR. DORSEY. It is clear from your testimony that each of you has been closely involved in the educational process. I will ask you this—the investigation has revealed that you have, in fact, assisted in the process directly. Reverend Kirby, you had some involvement both at the beginning and through the school year, in terms of visitations and assisting in the process of desegregation. I wish you would outline to the Commissioners, at this time, some of the things that you did to assist the process.

REV. KIRBY. Well, at the beginning we had problems with the school buses. The pickup places were at different schools. So, what I did, I worked with one of the members of the school board, down to Parkman Jr. High and helped him map out a route for the school bus, for all of the buses in the West end; and we did map that out one day, at Parkman Jr. High.

Since then we made the pickup points on the corners because it was dangerous at the school. The bus would come up to the schools and there were about 1,200 kids on the lot. They all tried to get on the bus at the same time before it would come to a dead stop. Then from that we led onto suspension, as Mrs. Ellis said. We had a problem, so many of our students at the beginning of the first year were suspended from school because of, I guess they didn't know how to act in school, in the county school. They made out all right in the city schools. But then some of them, they were late because the buses didn't run. Some of them were behind and they just dropped out of school. Some of them went on through to the end of the school year and they still didn't pass.

So what we did, we tried to set up a communication with the board. Mr. Grayson has a community group that he meets with, I think about once a month or every 2 weeks, something like that. We meet with him and try to help solve the problems. But what I have found in working with the school system and that is that you only hear from the school board, and the school board only hears one side of the problem.

In other words, if a black child does something wrong in the school and a white child does something wrong, they will take the teacher's word, the white child's word and never let the black child have a chance to speak. And we found, well, I don't know whether they are trying hard to get the true story or not. But whenever we go into the suspension room we find that the man over there, I don't know the name right now, but he always hands down a piece of paper that has the report from the school but never from the black student. It is always a one-sided thing.

And so we found out that it's more blacks suspended from school, I have records here, than it is whites. And the report that was brought in, that Judge Gordon requested to be brought in, this report is not

right. The percentage is far more. I have just the report of the first of the year, just around December, just to give you an idea of what I am talking about. This is not the whole year. This report is—

MR. DORSEY. Excuse me for one moment. The report you are referring to, is that a document which you received from the school department itself?

REV. KIRBY. No. This is one that I turned over to you the other day, that I got—

MR. DORSEY. We currently have that report ourselves and the Commissioners have it.

REV. KIRBY. Okay. So what I am saying is that we are concerned about suspensions, and we are concerned about those who did not pass. But we understand that there is some funds, I don't know, that the State has accumulated over the years, and what we've done we've gone to Frankfort trying to get this money to pay for the summer tuition. But the way the State is set up, they can only pay so much a year for a child. And we don't feel that it is right for a student to have to pay 160-some dollars to go to summer school when, due to the buses not running at the first of the year, this is why most of them were not able to pass. We feel that the State, or the county, or someone should foot the bill.

MR. DORSEY. Mrs. Edmondson, you have, in fact, been very involved in education, in assisting black children in their education. As I understand it, you have had involvement with the schools. You have some very strong feelings about the quality of education that is going on, particularly as it relates to the education of black students; and I wish you would relate that concern of yours, based on your observations, to the Commissioners at this time.

MS. EDMONDSON. Okay. I haven't been too much involved, as far as busing here is concerned, with the schools because I have been trying to tutor the black children. But, I feel that one reason we are in the shape we are in, the State is not spending enough money on education. If the State of Kentucky ranks 48th in the Nation in regards to education and at the same time ranks at least about third or fourth in the Nation in regard to revenue spending, then somebody's priorities are wrong in spending that money. That puts the people of the Commonwealth of Kentucky in trouble.

Somebody should be made to spend more money on education. Whenever a teacher has to go right next door to Jefferson or across the bridge to Jeffersonville, Indiana, and that teacher gets paid more than a teacher in the State of Kentucky, we are in trouble.

As far as the school system, the board of education, the board of directors, I feel that the people have lost faith in the board of directors. Whenever you have a board of directors who act as children and cannot make a decent decision without looking to the parent, which is the department of education, that puts the people of Jefferson County in trouble. So I have lost all faith in the school system.

I have talked with Dr. Grayson and the only way I can help him is with our tutorial program, which by the way, we are trying to start a black private school because the schools aren't doing its job; it can't do its job, with putting money on buses.

Many of my students who came to me didn't even have text books because the schools couldn't afford them. They brought me these little mimeographed papers. So this is very frustrating to people who are interested in education and who are interested in the students. And the reaction that I got from some of my students, they came to me, they did not want to be bused, they hated the school that they went to. And some of these students were suspended from school.

We had all kinds of trouble with these students. But yet they were at the tutorial program on Saturday morning. So that tells you that these children don't want to be bused and that they are not forced under the court order to come to a Grassroots tutorial program on Saturday morning, but they are there before I am. And now, as we saw their report cards, and we have been looking at report cards throughout the year, and we have seen improvement in some, some still stay the same. But the parents have said that they have seen improvement and a tremendous amount of motivation in these students.

So I feel that something should be done as far as quality education is concerned. Black children don't need integration. All they need is a good education and they are not getting this in the State of Kentucky.

MR. DORSEY. Thank you very much.

Mrs. Ellis, you also have been very intimately involved in the schools and made several visits to the schools, and you have observations as to the quality of education being provided to black children, also, and I wish you would share them at this time with the Commission.

Ms. ELLIS. I have three children being bused. Two go to one school and the other goes to another school. I think the quality of education was very nil this year. I don't think the children learned that much because the teachers were not teaching them.

When you go to the board of education to one of their board meetings, that is just like going to a Klan rally because everybody on that board is antibusing. We went to the board in October and asked for a list, asked them for some concerns that we had. The buses were not picking the children up. They still were not picking them up until they got ready in June. The children were standing on corners in the rain and the sleet. They were there. If you called the transportation department, they would tell you, "we don't know what happened." They had no way of maybe having buses on standby. I really want to deal with the board that makes decisions that affect the lives of our children. You have four city board members, and out of 12, one resigned, thank God, and the rest of them are county. The county ones were mostly anti.

And when we would go with our demands or something, that we were only asking for what was rightfully ours, we weren't heard. We were talked down to. The antibusers would get up at the board meeting, and they boycott schools and things, and they were given standing ovations. The meeting that Dr. Grayson has with his handpicked persons, which I happen to be one, I go when I feel like it, is that his agenda is set when we get there. He tells us what he wants us to know. He does not, we have never since this whole year got at the core of any problem because he knows the problem. We have gone to him on numerous occasions. We have gone to him on suspensions. His Human Relations Department is made up of PTA's and antibusers.

We have had nowhere to go this year. We are a group of parents. We don't have any money. We are from the inner city. We volunteer our time. We have been in the schools almost daily trying to just make sure that some of our children do not get hurt. We have been in schools where they have "Nigger Go Home," you know. We have been in schools where the blacks have had to run for their lives.

So as far as quality education, mine probably got the best they could because I didn't let them move. And I think that is the only reason. But they didn't get it.

MR. DORSEY, Thank you very much.

Mrs. Brown, I wonder if you have some concerns that you want to share? I understand that you also were involved in the schools and made several school visitations.

Ms. BROWN, Yes, and I would have to agree with Mrs. Ellis. A child can never learn in fear and while he is being intimidated and harassed by what is supposed to be a teacher. One of the incidents that we ran into was an incident at Moore. We had had several reports concerning a tank room that existed at Moore. We operate on a complaint system. We have to have a complaint and we do investigate after we do receive the complaint. We went to the school simply because we were asked by the principal to come in and visit. He wanted us to take a look at this, at the program that we were told was a tank room. He denied it; he said it wasn't a tank room.

When we went to the school, we were met by several people from the board of education, the human relations department. We were allowed to observe the so-called tank room. But we were told that on March 5 this tank room was approved as a y.d. program, which was a youth development program whereby students with social adjustment problems were placed in these rooms if they were having a social adjustment problem within a class.

In our observation, we found that the tank room was just what the students said it was. It was a tank room. We reported back to the board. We also stated that this sort of room should not be allowed to exist in an educational institution in the name of education. We also stated that it was a form of institutionalizing subordination, that there was a lack of not only school concern for the student but there was

a lack of communication between the principal, who had gotten this program approved, and the people that he had working under him who were supposed to be supervising the program.

And in many, many cases—there was another case that we investigated, and we found just about the same thing. So our point and our bit was to show the principal, and not only the principal but the other school personnel, that they were not really sympathetic with the needs of the grassroots child.

And when I talk about the needs of the grassroots child, I am not just talking about the black child, but I am talking about the white child, the poor white child. And we have found through our investigations and really digging into different cases and through our rap sessions that we hold with the students, that the suspension problem is not a race problem, that it's done classwise. There is a cold war that exists at the county board of education between city and county members of the board. So if you are fighting, how can you very well help our children?

MR. DORSEY. Thank you very much. I have no further questions at this time.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. Mrs. Brown, I would like to ask if you and also the other members of the panel would have any specific recommendations which you would like to make to this Commission, for the record, and which you would make through us to the board of education as to what should happen in this community in preparation for September?

MS. BROWN. There should be a coming together of forces. First of all this board has got to get together. Like I said, there is a cold war that exists, the city against the county, and this shouldn't be. Number two, the communications between the grassroots people, and I am talking about the poor people, that area has got to be torn down.

The school board, the administration has got to realize that they are servants of the people. And in order to make the desegregation work and to make it work peacefully and become meaningful, they have really got to meet the needs of not the black child and not just the white child, but they have got to meet the needs of the grassroots.

Number two, we have not seen, I have not seen and I have not read in its entirety a disciplinary code. This disciplinary code is a form of institutionalized subordination that is used to not only put black children and grassroots children out of school, but it's used as a means of pushout. And there has to be a better way, there has to be. Instead of running around and trying to find an alternative to busing, it seems to me that it would be more sensible for our governmental officials and for our elected officials and for the school board to try to find alternatives to suspensions.

[Applause]

COMMISSIONER FREEMAN. On the question of suspensions, has your organization or any other organization with which you are working or know about made any complaints about the discriminatory implementation or handling of suspensions to the Department of Health, Education, and Welfare?

Ms. BROWN. No, we have not. Let me explain right here that the Louisville and Jefferson County Students Defense Fund is in the embryo stage. We are still trying to get a sufficient amount of funds to provide lay advocates in not only one cluster but all over the city of Louisville. We were unaware of the complaint process. We have had a year to get our heads together. We have had a year to get ourselves together. Maybe I should state at this point, the Commission on Civil Rights has really helped, simply because of the information that it has been able to provide us.

The Students Defense Fund has been a tremendous help. The Robert F. Kennedy Memorial Foundation has been a tremendous help inasmuch as they have provided us with meaningful literature that we can use. And most of the literature is literature that has come from studies. And we find that these problems are not new. The problems that exist in Boston exist here in Louisville, in Texas, anywhere else in the United States. And like I said, we were not aware of the process.

We have not had the opportunity to hire a full staff. But with a full staff and with people working on a full-time basis and being able to follow up, I think that we can render to the community a great service.

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN FLEMMING. Commissioner Horn?

VICE CHAIRMAN HORN. I would like to ask Mrs. Edmondson, since you have had extensive experience in a tutorial role with the black child, and among other occupations I am a university president concerned about what schools of education do and what type of teachers we ought to be turning out to man the public school systems—what advice would you give to schools of education in the country as to how they should prepare teachers in order to be effective and successful in providing learning experiences for the black child?

Ms. EDMONDSON. Okay. First, I am glad you asked me that, sir, because my staff is working on this for this university now. And I have seen, as far as the department of education here, I think the professors of education should teach student teachers the basics of reading, writing, arithmetic. You have too much of this new math and new English, and I think that the educational system today is trying to prepare the children to be scientists and that's erroneous. I have a child that can get geometry but can't get fractions and that's awful.

So what we need to do right now, go back to our State colleges and universities and get the professors to teach these people the basics of reading, writing, and arithmetic. When I say basics, I am going to break it, English-wise—teach them how to teach these children your

nouns, your pronouns, your verbs. Your high schoolers, teach them how to write good sentences and outlines. And your math, teach the children to read the subtraction and multiplication and division. Then you go on to your higher arithmetic, such as banking. This is what we are doing now, the Liberty National Bank gives us a little banking check book to teach the child how to write checks. These things need to be taught. And all of this new math and new arithmetic—because I talk to white parents and many of the white parents are saying that they would love to teach their children and help them with their homework, but they don't know the new math and new arithmetic.

So I think we need to get back to the basics of the old reading, writing, and arithmetic. If the teachers can do this and the colleges can turn these teachers out in numbers of basic education, then we won't have to worry about a child learning reading, writing, and arithmetic.

VICE CHAIRMAN HORN. Do you find as a tutor that it's just a question of the teacher, in this case you, sitting down with that student and telling him, look, get with it and start learning this from A, B, and C? Is that the approach? What approach do you see that is most successful to get these children to learn the fundamentals?

MS. EDMONDSON. Okay, the first approach I use when the child comes in they tell me, well, I don't want to get that English. I say, "Well, I am not giving you what you want, I am giving you what you need." Okay, first we have little problems about teaching the child the basic reading, writing, and arithmetic, but then we use the peer group thing. Well, look at Johnny over here. He might get math pretty good, but he can't get the English so Johnny doesn't want to get English. Suzy may be Johnny's pal. She can get the English and he can get the math. So we get the peer group to help each other. So that peer group pressure, we use that little peer group pressure, well, you know—I got math, you didn't get yours, but, we don't use—I try to keep them from using that A, B, C thing because that does put a child at a disadvantage to a point, well, she got A and you didn't. Because to me that doesn't measure learning or retention.

So I feel that I try to coach a child. If a child is a slow learner we don't try to pressure him. We will teach that child according to how much that child can learn. If a child is a fast learner then we take the child on. We don't try to hold the child back like the school system is doing to some of our children, holding them back. This is the problem we have found in Grassroots, that some of our children who have mastered the basic reading, writing, and arithmetic and they go back to the classroom, well, Mrs. Edmondson taught us this and we already know that, the math, the English." But they still want to hold some of our children back and this is not right.

VICE CHAIRMAN HORN. Mrs. Edmondson, I share your concern about the new math. When my son was in the sixth grade, I gave up on trying to help him at home and turned it over to my wife. When you think back for the last decade, we have heard a lot about the black

family, the role of the parents in terms of reinforcement of what the child is learning in school; we increasingly have the same problems with the white family, with other ethnic groups. Often absentee fathers, often children from any poverty situation, regardless of race, where the parents don't have an opportunity to get an education, perhaps go beyond elementary school, therefore, they can't really be much help at home in terms of reinforcement.

What advice can you give as to what community organizations should be doing or this Commission should recommend that would help provide that type of reinforcement or encourage certain actions to take place to meet what I think, and maybe you do, too, is a deficit in this area? When the child goes home, you have got television, which sort of absorbs all of us nowadays, you have got a lot of other things, but you don't have any reinforcement of a learning environment in most homes.

Ms. EDMONDSON. Sir, I will give you an example. The center that we were in at Manley, many of our children were not motivated to learn. We really had problems at first with those children. But we worked with them because the parents, some of the parents, did not care enough about the children. They just sent them there to get them out of the way. But I feel that some of the parents, like you said, did not have the education to help the children. So we tried to work with the parent and show the parent, this is what we are trying to teach Johnny. And sometimes as the Bible says, a little child has to lead the parent. And, when the parents start to see that the child was really learning something, we were trying to help the child, in some cases the parent went back to school himself or herself and tried to learn.

Now with the boy, I feel that instead of putting so much money on the buses, let's start tutorial programs from the board of education or get the State to start tutorial programs to help these children. And I think this will be worthwhile and I think the Commissioner should put this in the recommendations, that the State and board of education should get together and provide enough funds to pay staff, and even people like Grassroots, who would volunteer their help to start after-school tutorial programs, or even on Saturday, for the children who are having problems in their work. I think this would be the best approach to helping children, you know, and to motivate them, too, because children, one thing I have seen about children, if you are really dedicated—that is the name of the game with Grassroots, dedication—if you are really dedicated in trying to teach those children, you don't have too much problem with them.

VICE CHAIRMAN HORN. I like your thought that parents ought to be taught, too. One of the saddest things I think in America is that the public schools often only operate from 9 to 3 and are vacant after 3 when they could become real community centers in many cities and be available to upgrade the parents with adult literacy, which would help provide that reinforcement you are talking about.

Now, you have mentioned there ought to be more stressing of the 3 Rs in, let's say, elementary school. If you could wave a wand and whatever way you waved it the education system would be reorganized, what else would you propose that elementary education ought to have nowadays as an approach to education, besides the 3 Rs which you have already mentioned?

Ms. EDMONDSON. Okay, first I feel that, say, a child, let's say from the fourth grade on up to the sixth, I think that child should be taught elementary banking, business, because I know that the Jewish child is taught this, on just business, business ethics. I think this should be taught.

Another thing, I feel that the child, and this is what we are doing with our children, too, we went down to the unemployment office and got unemployment forms, and she taught that child how to make out an application. Of course, we know he is a little young for it, but when he gets ready, he will know how to do it, right? So let's teach him the everyday business ethics.

I feel that as far as black children, and even white children, most people, as Barbara Sizemore once said, think that English is the universal language. Why should a child go 12 years to learn English? He already knows how to talk when he comes in school, right? The universal language is mathematics. Every time you punch a button, it is mathematics. We should stress more mathematics with those children.

We have a \$1,200 machine right now, called an Auditor, down at the center. It has over 6,700 different programs and these children, my 8-year olds, know how to operate that machine. So I think we should stress everyday business ethics; I think we should stress more, in our schools, mathematics instead of English. Children know how to speak English. I got somebody a job teaching English 12 years, but when we go into a technological world and these children, you are talking about building these machines, we are talking about scientific things, these children need to know mathematics and that should be really stressed in the school system.

VICE CHAIRMAN HORN. Do any other members of the panel have anything to comment on the exchange of questions that we have engaged in, any ideas, thoughts?

REV. KIRBY. Not on the school, the program she was speaking of, but a question Mrs. Freeman, I believe, asked about what could be done. One thing, I think, that could be done, as Mrs. Brown pointed out, see, our elected officials have caused most of this trouble. When they were running for office they would say, "I don't like busing, but," and, see, this would give the antibusing group more ground to fight back. Even when we went to Washington and testified in Washington, our representative there told a lady, "I heard you are doing a good job in Kentucky; go on back and keep the good work up."

Now what I am saying, these are things that cause trouble. I believe that if we could control our elected officials and if they would enforce the law, I think that we would have a pretty good thing this next year.

Ms. ELLIS. I would also like to respond to Mrs. Freeman's questions about what steps I think the school board should take. As far as the discipline thing is concerned, as far as back when they started rewriting, they had to go back and rewrite the discipline code when the desegregation came down and the blacks were bused out. The discipline code was illegal by the very fact that it wasn't compiled; like, I have the thing here where it is supposed to be compiled with students, teachers, parents, and the like. That wasn't done. We went to the school board. We asked them about their discipline code. That discipline code needs to be thrown in the garbage can and another one needs to be compiled where the students have rights; the students in that discipline code have no rights whatsoever. That would be the first place to start because that discipline code that they use, it wasn't in comparison with Judge Gordon's desegregation order.

And the desegregation order says that your discipline code, they have to be compatible. This was not done. We have raised the question numerous times. If they rewrite the discipline code, do it like it is supposed to be done, do it fairly, where students will have rights as well as teachers, principals, and the like; that would cut down on some of your problem.

Also, like, if your mayor and county judge would not handpick their committees; they pick persons to be on committees that they feel comfortable with. If this was done for—let the community pick the persons that they want. The inner city was not heard at all. I don't know anything about the people to people, or the inner city where we were at, they know nothing about these committees. They are not on these committees. That would be the only way to stop it. I would almost—by dealing with the school board the whole year, I hope Judge Gordon just tells them all to go home and he handles the school system because it is not fair. There is no fairness about that school board. When you have one section fight against the other section, and they all should be about the same thing anyway, that is where your basic problems, I think, where they really are.

CHAIRMAN FLEMMING. Thank you very much.

Commissioner Ruiz?

COMMISSIONER RUIZ. I got a little bit late here, but I have been listening with avid interest. This panel has a pride and identity, a black heritage and background, which indicates a recognition that our American democracy is indeed a pluralistic society wherein first we are all Americans, but that we are all special kinds of Americans, all contributing equally to what makes this Nation preeminent. I am sorry that I got here late, but all of you have thrilled me. Thank you.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. Just for the record, I would like to address myself to a statement Mrs. Edmondson made. I am afraid, Mrs. Edmondson, we all come with our stereotypes to a given situation or a given group. May I just inform you that Jewish children are not necessarily taught business in their family environment. I should hope what they have been taught through history is the love of learning, and I think that love of learning to some extent explains what you may feel is the meritorious success of some Jewish people. And I think in general we, as a country and all segments in our Nation, must come to that love of learning, which I feel you deeply represent and are committed to, and I appreciate that deep conviction in you toward learning and what you believe would be the best kind of learning to advance the interest of black children.

I would only merely add that just as important as I think mathematics is, I also think the learning of English, in terms of being capable to convey ideas, to have ideas, is also crucial, for it is ideas in the exchange, ideas of growth that make freedom possible.

Finally, I think crucial also to the kind of education we must have and which our children must have, whether they are black or white or yellow, Indian, whatever religion, the education it seems to me must also include contact with others not of similar background. We are a pluralistic society; we are a pluralistic world. It is not sufficient, it seems to me, to merely be able to earn a living. We must also address the quality of life in which we understand one another, are sympathetic to one another, and in some way can be supportive of one another in our special attributes, in our special backgrounds, and in our special aspirations. Thank you.

MS. EDMONDSON. Could I comment to that, sir?

COMMISSIONER SALTZMAN. Please.

MS. EDMONDSON. Okay, and I won't take your time. But one reason I felt that we should have a segregated school system, because I was looking back at black history, sir. I am looking at the black educators in the past who were forced into segregation, but yet they produced fine young men and women. I am looking at Whitney Young, Sr. who was president of Lincoln Institute, and under his leadership he produced fine young black students who went out to serve. Likewise his son, Whitney M. Young, Jr., who was denied admission to the University of Kentucky and had to go to Kentucky State College, but he made it. And other black men and women. But now I am hearing, sir, because—the only way a black child can learn is by going to a white school or across the county or being taught by a white teacher or can sit right next to a white child, and I just can't abide that, sir, because I feel that it is an insult to black educators everywhere who are dedicated to teaching black children.

[Applause]

COMMISSIONER SALTZMAN. Pardon me, if I may momentarily respond, I don't think anyone on this Commission feels that a black

child to have a good education has to be taught by a white teacher or sit next to a white student. I don't think that is the issue.

CHAIRMAN FLEMMING. One member of the panel indicated that she served as a member of the advisory committee to the superintendent of schools. Was that Mrs. Ellis?

Ms. ELLIS. Yes, sir.

CHAIRMAN FLEMMING. Could you—reference was made to that committee earlier today. If I recall the earlier reference, it was that, initially, a group of white citizens would meet with the superintendent, and then separately a group from the black community would meet with the superintendent, but that more recently, both groups meet with the superintendent at the same time. Could I ask how often does that committee meet?

Ms. ELLIS. Before school was out, we were meeting, like, 2 weeks. I know they are meeting June 25. One of the reasons that he had to bring the two groups together is because we were wondering, if we were talking about integration and desegregation, why would we meet with one group over here and one group over there because we wanted to know if he was telling that group—to make sure he was telling us all the same thing.

So after we started asking questions, they were meeting about every 2 weeks, they haven't met in that time. The next is June 25. But when we go there the agenda is set. He tells us what he wants us to know. Like, I have an agenda for—I know that in Federal programs you have to have community input for some of the Federal programs, I think probably for most of them, they are all basically made up of the same—HEW and all of that. So I think that at one of the meetings we were to have all the Federal programs spelled out. I have them here. The money had already been allocated. It was going to who it was supposed to go to. We had no input as to the implementation. The only input is, "this is what we have."

CHAIRMAN FLEMMING. Have you at any recent meeting been presented with any plans for the new school year on the part of the superintendent?

Ms. ELLIS. No, sir, the only thing—no. Nothing about the—the only thing we get information is, we try to have ways to get it, like the papers coming out and said the board of education, next year, will be \$10 billion, a million, whatever, \$10 billion or a million. We were lucky enough to get a copy where they were giving a million dollars in raises.

CHAIRMAN FLEMMING. I gather from what you have said that you are presented with an agenda for these meetings. Do you, as a member of the committee, or do other members of the committee have the opportunity of adding items to the agenda, raising questions about issues that are of concern to you?

Ms. ELLIS. Okay, if we are at a meeting and after his agenda, you know, we have discussed what is on his agenda, and someone in the

group might bring up the fact that they want to know what is going on about a certain thing, he will say, "Well, we will have that on at the next meeting." But as far as helping him plan the agenda, no. I know I don't.

CHAIRMAN FLEMMING. Where it is stated that that will be on the agenda for the next meeting, does it, in fact, appear on the agenda for the next meeting?

MS. ELLIS. Yes, I guess.

CHAIRMAN FLEMMING. Approximately what is the size of the committee—25, 30?

MS. ELLIS. No, no, no, it is about 10 or 15.

REV. KIRBY. About 10 of us.

CHAIRMAN FLEMMING. 10 or 15? Do you serve on the committee also?

REV. KIRBY. Yes, sir, I serve also.

CHAIRMAN FLEMMING. Do you want to make any comments on the role of the committee?

REV. KIRBY. Well, the total thing on the committee and school board and everything, all I have to say is that we have some problems and the community doesn't have a chance to investigate. In other words, we had one problem at Fairdale, I think it was Fairdale, and we asked, "Could we have a citizen from the community to go along with the school system to the school?" And we were denied that. So everything else works the same way. In other words, the agenda and everything is made up by the system.

Okay. Now I am a fellow like this. I don't feel, hate to call this but it happened so it is true. I don't feel Watergate should check Watergate. You understand what I am saying? I feel that some outside people should be on the committee to investigate different schools and also school systems.

CHAIRMAN FLEMMING. Can you think of an instance where, as a result of the discussions that took place at a committee meeting, a decision was made on the part of the school system to change the policy that they had explained to the committee at the opening of the committee meeting?

REV. KIRBY. In other words, at the opening of the meeting they had one statement?

CHAIRMAN FLEMMING. Yes, the superintendent puts before you a policy or proposed policy that is discussed.

REV. KIRBY. No, no, no, it is already made up, for instance, like the discipline code. The community had no input into that. That was all drawn up by the board and handed down to us to swallow.

CHAIRMAN FLEMMING. Did members of the committee try to bring about some changes in the discipline code?

REV. KIRBY. We tried but they wouldn't hear us.

CHAIRMAN FLEMMING. At the meeting of the committee?

REV. KIRBY. Yes, we tried. We tried, but they wouldn't hear us.

CHAIRMAN FLEMMING. But nothing happened? I mean changes were not made, as I understand it?

Ms. EDMONDSON. Okay, I don't think the discipline code was drawn up before this committee was formed.

REV. KIRBY. The discipline code came out in late January.

CHAIRMAN FLEMMING. May I on behalf of the entire Commission, thank you for coming here and really giving us some very important insights. It will be very, very helpful to us as we try to arrive at findings and recommendations. Thank you very, very much.

Prior to calling the next witnesses, I would like the counsel to present a matter.

Mr. GLICK. Mr. Chairman, yesterday, at the Commission hearing, Mr. John Luckett, a witness who had been properly subpoenaed by the Commission, presented through counsel a motion to quash the Commission's subpoena and refused to be sworn and to testify. Thereupon, the Commission took the motion under advisement and, stating that the subpoena was still in force, required Mr. Luckett to return to the hearing this morning to be advised of the Commission's decision.

At 9 o'clock this morning the Commission announced it rejected Mr. Luckett's motion and again asked Mr. Luckett to be sworn and to testify. He again refused. Subsequently, through his counsel, Mr. Luckett was offered the opportunity to appear before the Commission in a closed executive session. This offer was refused. Therefore, the Commission has determined and instructed me to announce that Mr. Luckett's conduct constitutes a refusal to obey the Commission's subpoena and is contumacious and that pursuant to the statute, this matter will be referred to the United States Attorney for this district, who will be requested to seek an order from the Federal district court requiring Mr. Luckett to appear before the Commission and to testify without waiving his constitutional right to refuse to answer any specific question.

CHAIRMAN FLEMMING. Thank you very much.

Counsel will now call the next witnesses.

Mr. DORSEY. Joseph McPherson, Gene Andrews, Gloria Fischer, and Barbara Stringer.

[Joseph McPherson, Gene Andrews, Gloria Fischer, and Barbara Stringer were sworn.]

TESTIMONY OF JOSEPH MCPHERSON, PRINCIPAL, CENTRAL HIGH SCHOOL; GENE ANDREWS, COUNSELOR, CENTRAL HIGH SCHOOL; GLORIA FISCHER, PRESIDENT, PARENT TEACHER ASSOCIATION, CENTRAL HIGH SCHOOL; AND BARBARA STRINGER, TEACHER, CENTRAL HIGH SCHOOL.

Mr. DORSEY. Would you each state your name, address, and occupation for the record, starting with Mr. McPherson?

Mr. MCPHERSON. My name is Joseph McPherson. I am principal of Central High School.

Ms. STRINGER. Barbara Stringer, teacher, Central High School.

MR. ANDREWS. Gene Andrews, counselor, Central High School.

MS. FISCHER. Gloria Fischer, housewife, president of the PTA at Central.

MR. DORSEY. Mr. McPherson, would you please give us a brief history of the school and the area?

MR. MCPHERSON. Brief history of Central High School?

MR. DORSEY. Yes.

MR. MCPHERSON. The present school building has been at 1130 West Chestnut for 23 years. The school name, Central High School, is itself approximately 98 years old. Until this year, we were 100 percent black. In the past 5 years we have had four white students to attend Central High School. This is probably due to the fact that a student could transfer out of the district. Our faculty has been integrated for the past 8 or 9 years. This year our faculty was 60 percent white, 40 percent black. Our student body was 60 percent white, 40 percent black. That's about it.

MR. DORSEY. Thank you.

Mr. Andrews, as I understand it, you're new this year to Central, part of the teacher transfer system of school desegregation. I wonder if you might share with us some of the comparisons that you might have from your old school, which, as I understand it, was in southwest county, to your new school at Central.

MR. ANDREWS. It wasn't in southwest county, it was in northwest. It was Western Junior High School. It's kind of hard to compare a junior high school to a high school. The school I came from, we had already had an integrated student body. We had approximately 30 percent black, 70 percent white students. So I guess it's rather difficult to compare the junior high with the high school.

MR. DORSEY. Can you share with us some of your observations this year at Central and how school desegregation proceeded at Central?

MR. ANDREWS. Yes. I think we have had a good year at Central High School. At the beginning of the school year, the students were apprehensive, unsure, really didn't know what to expect, being bused from their home school. As the year progressed, I think more students coming from the white schools to Central began to like Central for a number of reasons. Some of the reasons given to me—they like the curriculum that Central had to offer. We offered—or had a swimming pool, some of the old schools did not have. Another reason, some of the students were able to get a fresh start. Maybe they had some trouble at their home school. They were able to come to Central and begin a new start. Another reason that some of them gave was that they just liked Central. And I assumed by that there was the attitude or atmosphere surrounding Central—we are probably a little less structured than some of the former county schools.

MR. DORSEY. Thank you very much.

Mrs. Stringer, after a year, what kind of effect do you think school desegregation has had on the students at Central, the interaction

between black and white students there is new to Central, and I wonder if you might share your observations on that?

Ms. STRINGER. I think that there have been a number of things that one might observe. The school year did present many new experiences for all of the students involved. I think that the students who were there previously, the black students, came to hold on a little bit more to what they thought was tradition and to be a little bit more guarded in what they wanted to let go, what they wanted to see come in as something new. The students who came into Central and accepted it as their new school, which they certainly did by the end of the year, some of the things they brought with them from their home schools to seek having included in our program.

Some of the attitudes they had there, they came to share, polish up, eliminate in some instances where necessary. They began to accept the total situation as a unified thing after the newness wore off, and after everybody got used to it, they looked upon one another as people, not as new students coming in or white students invading, but as fellow students and students who had experience and were there to offer guidance and offer a way to do the things that kids all like to do everywhere.

MR. DORSEY. As I understand it, you taught drama and English this year?

Ms. STRINGER. Yes, I did.

MR. DORSEY. What kind of racial composition did you have, actually, in your classes themselves?

Ms. STRINGER. Well, it varied according to the course and the popularity of it. In the drama courses, I had a majority of white students. I think the main reason was that many of the seniors really had to be about the business of getting some basic things understood, because a majority of them considered themselves college bound, and they really needed to opt into those English courses whereby they could get—

• VICE CHAIRMAN HORN. You're going to have to speak up a little bit, the reporter cannot hear you.

Ms. STRINGER. Many of the seniors opted into courses that would really help them in their future college years, and drama was one of those elective types of courses that one takes when they have everything else out of the way. Many of my students came from other schools and had had training in earlier years and had been involved in many dramatic programs in the community. So they brought with them a wealth of interests and ideas, and we were able to incorporate that into the curriculum.

MR. DORSEY. Thank you. Mrs. Fischer, you're president-elect of the Central PTA, as I understand it. I wonder if you might share with us how and why you got involved in the PTA at Central.

Ms. FISCHER. Well, I didn't get involved until late in the year and I have a son, Jimmy, that was bused to Central this year. And of course at the beginning, I was a little bit disappointed that he was to

be bused from his home school. But we decided, my husband and I, that if this was to be his life, why, then we would go right along with him. And he seemed to be happy, and he went on to Central and he began to love Central. He said there was something there that he had not found anyplace else. Although he does go part-time—he works half his day.

But then I went down in—the first time they took us down on the buses. I rode the buses to Central for the first time in August, that very hot day, and this was quite an experience for me. My husband was out of town, and I went by myself with a group of others, all the other parents. And I went into Central and I went into the auditorium and I heard Mr. McPherson speak. And he impressed me as a man who knew where it was at and how to take hold of the situation. And I thought to myself, this is going to work, and I liked Central very much. It was my first trip down there. And then I didn't go to the PTA, because actually they didn't have a meeting until January. And I signed a volunteer sheet that I would volunteer. Well, they called me, it wasn't too soon after that, but they did call me and I did telephone. I worked a telephone committee. Then I went to a board meeting and I became interested in the school and I thought, well, maybe I can do more.

We started into the PTASA. We needed to make some money so we could put out a newsletter, which they had never put out before, so we had started out by having cupcake days. On March 22, we sold cupcakes which we called around to the parents, and they were very happy to donate something because they wanted to help something in the school. So the first cupcake day we had, we made, I believe \$60, which was great we thought. This was just a few cupcakes that came in. Then we decided to also have another cupcake day, April Fools' Day. So we did this and we also had good results with this. And this was among the first projects that they had in the school along this line.

And then they were looking for a president, and they asked me if I would like to be president. And I said I do not have any experience but I do have time and I would like to try it. And that's how I became president.

MR. DORSEY. Is the Central PTA an integrated PTA involvement?

MS. FISCHER. Yes. They haven't had one at Central for several years, I understand.

MR. DORSEY. Mr. McPherson, we have already heard of the orientation session that was apparently held. I wonder if you could tell us a little more about the kind of things you informed that group of that might have lessened their apprehensions about Central.

MR. MCPHERSON. First of all, the orientation session was partially planned by the Jefferson County Board of Education. All schools were to have visitation nights. We decided on a date and we sent out bulletins as to where the meeting was going to be held. We didn't anticipate the crowd that we had. But, I think we had close to 1,200 peo-

ple and our auditorium was not air conditioned at the time. We met part of the people in the auditorium and part of the people in the courtyard adjacent to the auditorium. We had the majority of our teachers at Central High School. They were instructed to talk to the parents and the students about the curriculum that we anticipated having the next year. We had refreshments in the courtyard for the teachers. We had a brief orientation with our ROTC commander, the band director, the football coach, basketball coach, the drama teachers, newspaper sponsors.

These people gave a short synopsis of what their program was all about. We also informed the parents that they didn't have any reason to be afraid for their children to come into that section of town, because if the students were coming to school for the sole purpose of going to school, they would stay inside the building, and they wouldn't have to be afraid of what was going to happen outside. Also, I told them my own children had to get up at 5:00 o'clock, 5:30 in the morning to go to school, so don't cry on my shoulders about you're having to ride the bus, because my kids have to ride the bus—14 miles, to be exact—to school, to Valley High School.

So everybody was trying to do what the court order had suggested that we do. We told them that we were going to be fair, that we would treat them like adults if they wanted to be treated like adults. If they wanted to be treated like kids, we would treat them like kids. We would not be unfair. We wouldn't suspend a student the first time out unless it was something they had done that warranted suspension. And I told them that this was a new school; also told our senior class that they would have to help us make the thing go, because this is what we were directed to do whether they liked it or not, whether they felt put upon or not. I know in talking to some of them, they felt like they were being put out of their school.

In talking to the administration, I told them this was a new school and that we had to do something different than they had been used to doing, no matter what it was. I had one new assistant principal and two new counselors, and we met periodically to talk about what we wanted to do. I think we got it together. We were all headed towards the same thing, and I don't feel like the kids that came to Central High School felt like they were being crowded all the time. I can only talk about Central High School. I can only say what the kids tell us.

Some say they had cliques in other schools. I don't think we had any cliques at Central High School. At least we haven't had to this point. The kids did not mix at first, but I think they kind of got together a little later on in the year. About midyear they were talking to each other. They were having their fun and doing things they were supposed to do in school.

MR. DORSEY. I would ask each of you, briefly, to just suggest to us what you might feel are the main reasons why you had, what appears to be, from what you said, a primarily successful experience in

desegregation of a school which was, in fact, a totally segregated school and now is substantially changed. Can you say what things you feel are primarily responsible for the smooth transition that has occurred?

MR. MCPHERSON. Okay. I'll start off. First of all, I do believe, and I said this before, that the students that we received at Central High School this year probably didn't have—and I say probably because, like I say, I can't speak for other schools—probably didn't have some of the hang-ups that some of the other students in the county system have. We were told that we received students from some of the influential areas in the county. Some of the students who did come to Central were open minded about being in a new school, being in a downtown school, and they helped tremendously. They went along with our program.

We didn't have too much friction between the races, black male-white male, white female-black female. And I think with the students coming to Central High School with an open mind as they did, I think this is the thing that really helped us. You could see fear in some of their faces the first couple of days, but after that we didn't even have to come out and watch the buses. We would send one person out, but the first couple days of school we had 15, 20 people out surrounding the buses just to see that nothing happened.

I will have to digress a minute and go back to the fact that our seniors did a wonderful job. We talked to them at some of the senior meetings, and we told them, "whether you like it or not, it's here, and we want you to help us keep it going." And they really did their share.

MR. DORSEY. I think we should explain for the record, however, that the reason why you emphasize the senior class—it did stay all-black under the court order?

MR. MCPHERSON. That's right.

MR. DORSEY. I wonder, Mrs. Stringer, if you would like to speak to the same question?

MS. STRINGER. I think one of the big factors in a smooth year is the administration and the manner in which it approaches not only the student body, but the teaching staff. If you go into a year with a feeling of security, usually you can make it. We had a lovely year. It wasn't without some problems, but it was a lovely year, for the most part. I think that those students who went to Central last year can say they did have a well-rounded experience.

As a teacher on that staff, I had a chance to see from the first day the change beginning, and it was just interesting to observe. You really couldn't feel what went on unless you were truly involved with the students. By involvement, I mean being there to make certain you knew what was going on and you had the right to tell them what to do when it was time to tell them to do it. For many students that came in, it was the first time they had had black teachers at all, and they were a little bit reluctant at first to sort of warm up.

But when they found your watchword is justice and fairness, then they were willing to trust you to really know them. The only thing I might be a little frustrated about, as far as the year was concerned, was the fact that we had so little time to do the many things we would have liked to have done. The programs we would have liked to really see meld and really be going strong for our new year simply just didn't have too much time to really get together, because we had to divide our year into 12-week segments, which was new for us.

We tried to get together all of the ideals, the ideas, the theory, the practice that goes with academia, and that was a little frustrating for some of us who were used to having a little more time to really get to know the student as an individual. But for those times that we did have a chance to do it, it was a lovely thing. I like to be involved with what is going on with the students. That way I think I can keep my mind sharp and keep myself ready to go on and answer the call whenever it arises.

We did try to provide experiences for them—experiences that were different, experiences that might have been the same as they had before, and challenging things that they could look back on and say, "I want to include this in my memory book." I think there were many students that got very close to us. This was proven by the response from the students at the end of the school year.

I had some lovely things that really moved me from new students who came in. When little girls bring you corsages and put notes in there telling you that you're a grand lady and they were happy to have met you just for one year, knowing that they wouldn't be back again, that does give you a good feeling. For our seniors it was a time of transition, and I think the level of their maturity was apparent in the manner in which they handled themselves. They were willing to sort of wait and let things sort of settle down to some routine pattern before they started requesting different activities that were especially for them. I think they learned to play the waiting game, and, in so doing, everyone was willing to make certain that their last days were happy ones. At least we made certain that they had activities that were especially senior, activities that were especially Central.

And I think that they went away from us with a very good feeling. And I look forward to the new year because we have the beginnings of a very united senior class. And that is indicative by the fact that over half of them have already planned to have pictures made in the summer so that they might be in the yearbook on time. This means a lot, you know. Only persons who work with the yearbook and getting it out on deadline know what I mean.

Then we have a number of organizations that are planning to have summer sessions simply for planning. This means kids are going to come from all ends just to meet and talk about things they would like to do for the new year. We have the beginnings of an excellent drama program, and I think that you're going to be looking at some of the

students from Central in a number of activities, cause we are going to walk away with many prizes. You know they say we are number one.

MR. DORSEY. I wonder, Mr. Andrews, if you might briefly summarize the elements you think of.

MR. ANDREWS. In addition to what Mr. McPherson and Mrs. Stringer have mentioned, I feel like the smallness of the school had a lot to do with it. We had something like 1,100 students this past year, and it feels good even to an adult to be recognized as you walk down the hall, "Hi, Joe," or whatever your name is. So I think this had a lot to do with it, this past year.

MR. DORSEY. Mrs. Fischer?

MS. FISCHER. Well, I think everything that has been said—and I feel like, too, that the administration and the friendliness of Central, I know I would go down the hall and I am sure they would wonder, well, who is this, and they would always smile and say hello. I think this also helped our students because it seemed like there was a friendliness there. If you got lost, why, they would be glad to show you where you belonged. And I think the senior class at Central has helped tremendous. The PTSA and Booster Club asked the Central graduating class what we could do for them, for something to show our appreciation, and they asked if we wouldn't give a reception, and we did. We gave a reception for their parents and friends, and I think they enjoyed that. I know I enjoyed it, and I am looking forward to a very productive coming year.

MR. DORSEY. Thank you very much.

Mr. Chairman, I have no further questions.

VICE CHAIRMAN HORN. Commissioner Saltzman.

COMMISSIONER SALTZMAN. Mr. McPherson, could you describe what you think were the benefits to the black students as a result of the presence of the white students? Prior to this year, yours was a 100 percent black school. This year it became 60 percent white, 40 percent black, approximately, if I am correct. What were, from your point of view, the benefits to the black students of the desegregation-integration process?

MR. MCPHERSON. Well, the first benefit, I think, was the mixing of the races. We told our students any number of times that you are going to have to learn how to compete when you're out in the world, and if you have never mixed with a race of people, then you will never understand that race of people. So I think that might be the most beneficial thing that our students realized out of the new desegregation plan.

Another thing that they probably realized was the fact that they had to know how to compete. Some of them felt like they were being sidetracked in their classes this year, because they said they didn't possibly know how to compete as some of the white students did. At first they showed frustrations by saying that the teachers were moving too fast or the teacher was not teaching them, they were teaching the

county kids. We had a couple cases of parents saying that the teacher was not taking time out to talk to their kids, they were mainly talking to the county kids. Well, one reason for that is the teachers were under a strain. They were doing something new because they were teaching from curriculum guides that year for the first time, possibly, other than the new teachers that were bused into Central.

If you are going to have a system, if you're going to have an educational system and talk about quality education—I think if all of us are doing the same thing, this is what we did this year, then all of the students in the county, black and white, are going to learn from this new educational system. I think this is what our kids did this year. They learned, or they can say they were on the same system that all the students were in Jefferson County and they should have benefited from it. It might not show this year, but the procedure they learned from being with new teachers and students in their classes will benefit them, next year or even when they go to college.

COMMISSIONER SALTZMAN. Can you tell me, was there an effort to deal with the issues related to desegregation? It would seem to me that this is a profoundly significant issue in our Nation, and we have an obligation—as we would teach the children any issue in school that has political implications, we would teach this, too, despite its political and controversial implications, the constitutional background and, in particular, it would seem to me it would be imperative that our students understand what is going on in the Nation.

Was there an effort made, as far as you know, by the administration to transmit to the high school on the high school level some materials related to the desegregation of the schools, and was there anything in particular in your school done either on a total school level or in the social studies programs?

MR. MCPHERSON. We didn't do anything on the total school level other than have our human relations meetings with some of the students. This was brought in by the human relations committee. In fact, we had a human relations committee and we also had a human relations club. These students got together periodically, and they talked about problems that they wanted to talk about. We didn't have only this at the beginning of the school year, because I felt that if you were to make the kids go together too fast you would create problems.

COMMISSIONER SALTZMAN. I don't mean from a human relations viewpoint, Mr. McPherson. I mean from an academic standpoint, to understand one of the great crucial issues of our American society today. Was there any in-depth treatment in the high school programs on this issue or of this issue?

MR. MCPHERSON. Not to my knowledge. In some of the social studies classes, they have to deal with the busing plans and desegregation plans of the Nation, Louisville included, because the classes were of that nature where they have current event days, or—

COMMISSIONER SALTZMAN. But no particular effort to inform the children?

MR. MCPHERSON. No.

COMMISSIONER SALTZMAN. Thank you.

VICE CHAIRMAN HORN. Commissioner Ruiz?

COMMISSIONER RUIZ. No questions.

VICE CHAIRMAN HORN. Let me just ask one question having to do with suspensions. This has been an issue that has occurred in hearing after hearing in this country, as the Commission has looked at various suspension rates. I would like to ask you, Mr. McPherson, do you feel it's fair to assume that because there is a higher statistical number of suspensions of black students in a system in proportion to their numbers that we should draw the conclusion that, therefore, the disciplinary system is unfair and discriminatory? Do you have any feelings on that?

MR. MCPHERSON. You should probably draw that conclusion by the number of students that were suspended this past year. However, I think you would have to find out what is going on in the particular school to see if it has been a disproportion in the number of students suspended and find out what the reasons were for them being suspended.

VICE CHAIRMAN HORN. In other words, you would agree that you really need to look at this on a case-by-case basis?

MR. MCPHERSON. That's right.

VICE CHAIRMAN HORN. And mere numbers don't tell the whole story?

MR. MCPHERSON. That's right.

VICE CHAIRMAN HORN. For example, in going through the interview reports I noticed that you had five or six fights at Central, but four or five of the six were really by black students and among black students. It wasn't a question of interracial fights, as such, as I saw mentioned in one of these reports.

MR. MCPHERSON. Even the interracial fights that we had, they were just maybe a student fight.

VICE CHAIRMAN HORN. On behalf of the Commission, I want to thank you. What you do by your appearance and the spirit with which you testify is proof of a conviction that I have long held, that where there is successful desegregation, where there is an effective school, it usually gets down to the quality of leadership exhibited by the principal, the faculty, and the parent leadership. I think you have all exemplified that you have those qualities of leadership. So thanks for coming.

Counsel will call the next panel.

MR. DORSEY. Buford Pullin, Terry Bottger, Tuwana Roberts, and Gregory Dodge, students at Central High School.

[Buford Pullin, Terry Bottger, Tuwana Roberts, and Gregory Dodge, students at Central High School were sworn.]

TESTIMONY OF BUFORD PULLIN, TERRY BOTTGER, TUWANA ROBERTS AND GREGORY DODGE, STUDENTS AT CENTRAL HIGH SCHOOL, LOUISVILLE

MR. DORSEY. Would you each state your name, age, and school and what grade you are in?

MS. ROBERTS. Tuwana Roberts, 17, graduated senior of Central High School.

MR. PULLIN. Buford Pullin, Jr., Central, age 16.

MR. DODGE. Gregory Dodge, age 16, came from J-Town, going to Central now.

VICE CHAIRMAN HORN. We are going to have to speak up. It is hard for the Commission to hear. Are those microphones attached?

MR. DORSEY. You are really better off if you just hold it in your hand and speak into it.

VICE CHAIRMAN HORN. Let's start in, counsel, again.

MS. ROBERTS. Tuwana Roberts, graduated senior of Central High School, 17.

MR. PULLIN. Buford Pullin, Jr., Central High School, 16.

MR. DODGE. Greg Dodge, 16, home school is J-Town.

MR. BOTTGER. Terry Bottger, my home school is Wagner, and I am 17.

MR. DORSEY. Gregory, I wonder if you would tell us what grade were you in this last year?

MR. DODGE. Tenth.

MR. DORSEY. Terry?

MR. BOTTGER. I was in 11th.

MR. DORSEY. I want to start again with you, Tuwana. You have now been through a year of school desegregated experience. You were a member of the senior class that has received a lot of praise and a lot of conversation. I wonder if you might share with us, if you would, your feelings about the positive aspects and the negative aspects of this last year of school desegregation.

MS. ROBERTS. Well, being class president, there were a lot of positive aspects, so far as—we had a lot of people who really were backing us, you know, teachers. And they really wanted to see us make it, and then again, the senior class wanted Central to have its good name, as it always has in past years.

And looking on the negative side, I would say that when school first started we had our doubts about going to school with white people because we were used to going to an all-black school, and most of the people in the senior class came from all-black elementary and junior high schools. So, our first feeling of busing was negative, you know. I had my negative feelings because I felt like they didn't have to bus in order to achieve the things they were trying to achieve and really they didn't have students' feelings at stake, because if they did, I think more students would have been on the councils that the superintendent had.

I was on the advisory council, but I never did make it to the meetings because they had it at the Van Hoose Center and I had no way to get out there. I called several times to tell them that I had no transportation, and I felt like, if they really wanted me to be on this advisory council and really wanted to hear what I had to say, there would have been some way for me to get out there.

And, again, talking for the senior class, on our negative views, a whole lot of us felt like we were cheated out of a lot of things, because we felt like we went to school for competition and not necessarily for learning. We had to prove ourselves to be much better than the white students did because, you know, the white student came in with those stereotypes. He felt like that the black person couldn't compete with him. I don't fault the white student, maybe this is what he's been taught at home.

On the positive side of this, I felt like busing did a good thing because it let us come together and to learn about things we would have to deal with in society. But I really don't think that they had to bus for us to learn this. Then, again, maybe they did because a person's feelings are not in the textbook. And, you know, this year was really an experience for me because I had to face a lot of problems. Being the president, I had a whole lot of people who to me were trying to bring me down, and I really only had two people I could talk to when things really got heavy, and there was two teachers and not my senior counselor, you know.

A whole lot of the staff changed and this turned me against busing because I felt that, like, through busing they made our faculty, the white people, the prejudice came out and the black teachers, it seemed like they were for us more. It helped our black teachers more because they saw we were really trying to make this thing work because we had Central at heart. And that's just about all I can say because, you know, we went through a whole lot of things and you just can't remember everything, every little detail.

MR. DORSEY. Thank you very much.

Gregory, you were formerly a Jeffersontown student, as I understand it.

MR. DODGE. Yes.

MR. DORSEY. You came to Central as part of the school desegregation plan. I wonder if you would share with us how you originally felt, how you now feel, and what transition you made:

MR. DODGE. When I first learned I was going to be bused, some friends and I got together, we were all pretty, I guess you would say, apprehensive. We didn't know what to do. So, we decided that we would go down to Central in August for football practice. We met some of the new people, some of the blacks that had been there, and we decided that we would make the best of it. During the year we learned more people, people from out in other parts of the county—and we just made a lot of friends. So, we decided that it wasn't all that bad, but they had gone about it wrong.

MR. DORSEY. You were scheduled, as I understand it, to return to your home school for next year, that is, under the plan you would be returned to your home school. Are you going to return?

MR. DODGE. I have applied for a transfer to go back to Central.

MR. DORSEY. As I understand it, Buford, you have spent 2 years at Central now, so you saw it before and after. In your desegregated year, you were in integrated classes, unlike the senior class in many cases. Can you describe your feelings about the last year?

MR. PULLIN. For myself, the seniors there, they really took more interest than we did because it was their last year. Now, most of the whites, I think there was meant to be some whites graduating with them, but they didn't get to make it because some of the teachers didn't want none of the whites, since this was supposed to have been the last black senior class that was supposed to graduate. I visited half the classes, during lunch hour we had some more classes going on. I went to some of the floors and actually stood right there at the door and heard how some of the students, some of the white students, talked to the teachers. And, well, the black students talk to the teachers as well as the white students, but the black students didn't talk more to the teachers, as well as the white students did.

MR. DORSEY. How do you feel personally about school desegregation? As I understand it, you have very strong feelings about Martin Luther King, Jr. the late Martin Luther King, Jr. and how that relates to school desegregation. Would you share it with us?

MR. PULLIN. As I told them when they came to Central, that the black and white students should get together, like he said, because we all got to live and die. Like my mother said, that God doesn't matter what color he was, he could be black or white, but when we all get to Heaven, it is not going to be the blacks over here and whites over there; it is going to be all colors mixed together.

MR. DORSEY. Thank you very much.

Terry, as I understand it, you were bused in from Wagner High School, which was, in fact, almost if not entirely all-white. You have, in fact, made the adjustment at Central. Could you describe your experience?

MR. BOTTGER. Well, I came from a school where things were pretty strict, it was a pretty strict school. I wasn't used to black kids at all; I didn't know how they were, their culture, nothing. I knew nothing about them. At first I was scared to go down to Central. I wasn't really ready to go down there, I don't think. But when I got down there I had some bad experiences, but for the most part, it was really nice. I really liked it there and I wouldn't go back to Wagner for anything. I would rather go to Central than anything. It is more fair, I have more friends down there, everybody feels—I think everybody this past year felt pretty much at home with each other, and the black kids and white kids think it is pretty good.

MR. DORSEY. Do you ever have conversations with people who still go to the school that you used to go to, Wagner, and do they ask you about your experiences? How does that work?

MR. BOTTGER. People think, they ask me how fights have been down there and how many riots, and they are really surprised when I say, you know, there haven't been as many as out in the county schools, that is, it is more just people getting into fights together you know. It is not people saying he was black and he was white and they fought, you know. It was just two people.

MR. DORSEY. Greg, would you compare, if you will, Jeffersontown as you see it and Central, in terms of what it is like to go there this year?

MR. DODGE. This year I had brothers going to J-Town and they would come home and tell me every day of several fights, but at Central there was a relaxed air. There were maybe six fights the whole year that I could think of. Most of these weren't interracial fights. So I think Central, it worked better because people tried harder.

MR. DORSEY. Thank you very much. I have no further questions at this time.

VICE CHAIRMAN HORN. Commissioner Freeman?

COMMISSIONER FREEMAN. I think you said at Central it worked better because people tried harder. That I think is a lesson probably that a lot of people need to learn. We have heard from other students. We have heard from other students who have given testimony similar to yours. And the experience has been that even though you made the transfer with certain concern, and in some instances some of you had fears and some of you were hesitant, that when you actually got into the school that you benefited from the school and also benefited from the experience of getting to know somebody whose color was different from yours.

What I would like to ask each of you is, how you think you can get the lesson that you have learned across to the adult community in this city? Do you believe that there is a way in which maybe they would listen to you? I am reminded of what happened in Pontiac, Michigan, when there was similar turmoil, and some of the students decided they were going to take it upon themselves to let the adult community learn a lesson in human relations.

I wonder if you want to comment on whether you, with other students, could do anything like this here in Louisville, and we can begin with Miss Roberts and then take it in turn.

MS. ROBERTS. I don't think it is possible because this society, or this generation now that we call adults, have certain things in their minds, such as mental blocks, you know. In the black community maybe you could get your parents to understand the things that we learn. But then again most black parents say, "Well, I am an adult and I have lived through more than you have and I should know." But going out into the white community, as far as I can see, but in Valley Station or

something like this, I wouldn't even try to tell my parents the things that I learn because of the hostile feelings that they showed during the time that we went to school at first, when they had all of the riots and burnings of crosses and things like this. If I lived out there and my parents were involved in this violence, I wouldn't even try to explain to them things I had learned in school about life.

MR. PULLIN. I think if the parents would stay out of it, like most people said, if the parents will stay out of it the students would get along. And some of the students did get along with the whites and the blacks. They got along, but like she said, some of the parents don't understand. You go tell them something, they say, "Well, I have been through it. I know what it is about," and some of them don't. They need to sit down and try to let the students explain to them, or else come over to the school where the child is going to and see what it is like over there instead of going on their own, saying, "I ain't doing nothing," and such things like that.

MR. DODGE. Get pretty much the same way. The only way you could explain it to them was for them to come down and observe and see how you learn and how you get along with other people.

MR. BOTTGER. I don't think they will ever learn. I think the only way a parent can learn what it is like going to school there was to be with us through the whole year, because they think that every day things were happening, you know, their poor babies were going downtown to school, and it didn't turn out to be anything like that. I just don't think they would understand it until they experienced it. It is just totally different.

COMMISSIONER FREEMAN. Do you think an open house maybe one week in which the parents would be invited to come into the school, and if they would come down, that would help?

MR. PULLIN. I think so, because they would have a chance to get to talk to some of the teachers, and the teachers can explain what the students are doing at the schools.

MS. ROBERTS. I think if they had open house during the day, and the parents would come in and sit in during the class, then they would realize the things that were really going on, instead of going on what they hear on the news, you know. And if they had more—if this idea had come up during school time, I think that a whole lot of the impressions the parents have gotten, they wouldn't have gotten because they would sit in on what was really going on.

COMMISSIONER FREEMAN. You mentioned the news. Have any of you ever tried to, to get your story across, to be reported in the news? Obviously you are talking about something that is negative, that is always in the news. Do you have a story that is positive? Do you know of any efforts that have been made to get this story in the news?

MR. DODGE. Well, at the end of the year, when all of the transfers went in for the sophomores that wanted to go back to Central, there were a few of us that were interviewed and I think they got that across pretty well.

COMMISSIONER FREEMAN. Thank you.

VICE CHAIRMAN HORN. Commissioner Saltzman?

COMMISSIONER SALTZMAN. No questions.

VICE CHAIRMAN HORN. Let me just ask one question. Apparently, at this point you do have a choice as to whether you will return to Central. Do I understand that correctly, for some of you? Mr. Dodge, is there any problem when one makes that choice to return to Central, have you felt any peer group pressure in your neighborhood not to return to Central?

MR. DODGE. I felt a little. People couldn't really believe I wanted to, yes. But when I tried to explain, it was completely negative. They have gotten into their heads that if you go down there, that there is something the matter with you. It is completely wrong.

VICE CHAIRMAN HORN. What can be done to overcome that? Apparently, you had to explain the situation on a number of occasions. Does reason ever work?

MR. DODGE. Not usually. You have to try to explain it, maybe try to bring them down so they can see. That is about the only way.

VICE CHAIRMAN HORN. Well, we deeply appreciate each of you coming here and sharing with us your experiences, and we wish you the very best of luck. Thank you.

CHAIRMAN FLEMMING. Counsel will call the next panel.

MR. DORSEY. W. Carlyle Maupin, Barbara Cummings, Sylvester Sivils, and Jill M. Sparrow.

[W. Carlyle Maupin, Barbara Cummings, Sylvester Sivils, and Jill M. Sparrow were sworn.]

TESTIMONY OF W. CARLYLE MAUPIN, PRINCIPAL; BARBARA CUMMINGS, TEACHER; SYLVESTER SIVILS, STUDENT; AND JILL M. SPARROW, STUDENT

MR. GLICK. For the record, would each of you please state your name, your occupation, and in the case of the students, the schools that they attend?

MR. MAUPIN. I am Carlyle Maupin, principal of Crosby Middle School.

MS. CUMMINGS. I am Barbara Cummings. I am the instructional coordinator, Crosby Middle School.

MS. SPARROW. I am Jill Sparrow. I am a student at Crosby Middle School.

MR. SIVILS. I am Sylvester Sivils. I am a student at Crosby Middle School.

MR. GLICK. What grade are you in, Jill?

MS. SPARROW. Seventh.

MR. GLICK. Sylvester?

MR. SIVILS. Seventh.

MR. GLICK. Jill, is this the first year that you have gone to Crosby?

MS. SPARROW. No, I attended the first year, the sixth.

MR. GLICK. The sixth grade?

MS. SPARROW. Yes.

MR. GLICK. So this was your second year?

MS. SPARROW. Yes, sir.

MR. GLICK. There were more black students in Crosby this year than there were the previous year because of the desegregation order. Did you find that made any difference in school for you?

MS. SPARROW. For me, no. I had met a lot of new students that were black and had a lot more black friends though.

MR. GLICK. There had been some blacks in the school the year before? Did you find there was any trouble between black students and white students?

MS. SPARROW. No, sir.

MR. GLICK. Sylvester, was this your first year in Crosby?

MR. SIVILS. Yes, sir.

MR. GLICK. How did you like it?

MR. SIVILS. I liked it.

MR. GLICK. Were you surprised when you found out last summer that you were going to Crosby? Had you expected to?

MR. SIVILS. No, sir.

MR. GLICK. Where did you expect to go to school?

MR. SIVILS. Western Junior High.

MR. GLICK. Western Jr. High, and how do you feel that you as a black student were received in Crosby where there hadn't been many black students before? Were they friendly?

MR. SIVILS. Yes.

MR. GLICK. Did you make any white friends?

MR. SIVILS. Yes, sir.

MR. GLICK. Have you taken part in any extracurricular activities, such as clubs or athletics?

MR. SIVILS. I made the basketball team.

MR. GLICK. You are on the basketball team. How far do you have to ride on the bus to get to school? How long does it take?

MR. SIVILS. It left at 7:00 o'clock, and it got there—around 20 minutes to go across.

MR. GLICK. Is it about a 20 minute bus ride?

MR. SIVILS. Yes.

MR. GLICK. How do you get home after school, if you have basketball practice?

MR. SIVILS. Our coach.

MR. GLICK. Your coach drives you home?

MR. SIVILS. Yes.

MR. GLICK. Is there ever a bus provided by the school district to take you home?

MR. SIVILS. Yes. If we practice late, the late bus comes and picks us up—the school bus.

MR. GLICK. There is a late school bus that takes you home?

MR. SIVILS. Yes.

MR. GLICK. Thank you.

Mr. Maupin, is this your first year at Crosby as principal?

MR. MAUPIN. This is my first year as principal of Crosby Middle School.

MR. GLICK. Prior to that, how long have you been in the system?

MR. MAUPIN. I have been in the system 15 years.

MR. GLICK. Fifteen?

MR. MAUPIN. Yes, 15 years.

MR. GLICK. Was that in the city system or the county?

MR. MAUPIN. The city system.

MR. GLICK. In the city system—the now merged city/county system.

MR. MAUPIN. That's correct.

MR. GLICK. And what school were you at prior to this past year?

MR. MAUPIN. Last year I was principal of the Noel Middle School, which is part of the University of Louisville Education Park.

MR. GLICK. Part of the university education park, but run by—

MR. MAUPIN. It was run by the Louisville Board of Education.

MR. GLICK. It was part of the board of education's system?

MR. MAUPIN. Yes.

MR. GLICK. Mr. Maupin, were you transferred to Crosby pursuant to the desegregation order which also required faculty desegregation?

MR. MAUPIN. Yes, I was transferred to Crosby. The principal at Crosby and I interchanged schools this year.

MR. GLICK. Have you found it a satisfying year at Crosby?

MR. MAUPIN. Yes. I really enjoyed this year at Crosby.

MR. GLICK. Did you feel it necessary as principal to take any special measures to welcome and integrate the black students coming into Crosby for the first time this last year?

MR. MAUPIN. No specific measures did I take. However, we did have orientation before school began. We had buses and the parents to go down to Meyzeek and Lincoln districts and pick up students who would be bused from Lincoln and Meyzeek and who were brought to Crosby, and we had orientation 3 days prior to the opening of school.

MR. GLICK. For the students?

MR. MAUPIN. Yes, and we also had orientation for the parents.

MR. GLICK. There was some outreach to the parents?

MR. MAUPIN. Yes.

MR. GLICK. Were parents generally receptive? Did you get a good attendance, good participation from them?

MR. MAUPIN. We didn't get good participation from the parents, no. However, we did get good participation from the students.

MR. GLICK. Was this both the students from the black community that were coming into the school for the first time as well as the white students? Was it all the students, or only the black students?

MR. MAUPIN. It was all of the students, both black and white, and also parents, both black and white.

MR. GLICK. How would you characterize the academic standards at Crosby this year? You have been in the system for a long time, I as-

sume, probably as a classroom teacher as well as a principal. Would you characterize the academic standards at Crosby as high or low, in your experience?

MR. MAUPIN. I think we would have probably the highest academic standards of middle schools for Jefferson County. We have many students who are eligible to attend the advanced program, but most of these students request to remain at Crosby to take their instructional programs there.

MR. GLICK. What do you think makes Crosby the best academic school in the system?

MR. MAUPIN. Because—well, this is biased, but I think first our teachers, our staff. They are quite competent; they are humanistic; they are dedicated; and also the parents. It comes from a fairly high social, socioeconomic area. These parents want their children to learn and, of course, the students are highly motivated students. And then the community itself is one which stresses academic achievement.

MR. GLICK. Is there an active PTA at Crosby?

MR. MAUPIN. Yes, very active.

MR. GLICK. Are many parents of the black students who have come in for the first time this past year active in the PTA?

MR. MAUPIN. There are not too many, but we do have some that are active. We have had buses to pick up parents at Meyeek and Lincoln, and the reception has not been too great. However, we do have parents who will drive from downtown to Crosby to attend PTA meetings and also other programs.

MR. GLICK. Thank you, Mr. Maupin.

Mrs. Cummings, you are the instructional coordinator for Crosby Middle School. Could you give us a definition of what instructional coordinator functions are?

MS. CUMMINGS. Primarily, it is more or less a helping type teacher, where one would go into the classroom, work with that teacher, planning instruction, implementing instruction. We will help in diagnosis of students. We will do just about anything that needs to be done.

MR. GLICK. Do you actually handle the classrooms from time to time so that you have an opportunity to observe the students in their classroom setting?

MS. CUMMINGS. I could, I have not recently. I have only been instructional coordinator since February. Prior to that, I was the reading teacher for the school.

MR. GLICK. How many years have you been at Crosby?

MS. CUMMINGS. This is the second year the school has been in existence, and this is my second year at Crosby.

MR. GLICK. You have been there throughout its history?

MS. CUMMINGS. Right.

MR. GLICK. Have you noticed any differences in instructional patterns, instructional needs, needs of the students this year as opposed to last, and I am referring not only to the black students who have

come in, where there were few before, but also to the white students who are of necessity, an influence?

MS. CUMMINGS. I don't see any major needs. I think the teachers are more concerned with meeting any needs. Maybe I shouldn't say that. What I am really saying is that the teachers were very concerned this year about making sure that students related to one another, that students understood one another, that students really began to become involved in the educational program in a multicultural way, and I think we did much of this last year. But I think there was a sensitivity on the parts of the teachers this year that perhaps we had had not so much of last year.

MR. GLICK. Did you see any situations in which you would characterize the learning motivation of the students as being diminished because of the trauma of desegregation?

MS. CUMMINGS. We saw, really, no trauma. So I don't think there really was a major difference at all.

MR. GLICK. That's interesting. I use the word "trauma" and you say there wasn't any trauma, and yet the descriptions that we have gotten about school desegregation from some of our witnesses would indicate that it was a real traumatic situation. I wonder why there is such a divergence of views.

MS. CUMMINGS. Well, I can only answer as to what I saw, my perceptions of the things that happened at Crosby, and I must say it was a very calm situation and I think one that was very conducive to learning and to instruction.

MR. GLICK. Thank you, Mrs. Cummings.

Jill, will you be going back to Crosby this coming school year?

MS. SPARROW. Yes, sir.

MR. GLICK. You will be an eighth grader?

MS. SPARROW. Yes, sir.

MR. GLICK. Is that the highest grade in the school?

MS. SPARROW. Yes, sir.

MR. GLICK. Where will you go to high school from there?

MS. SPARROW. Eastern.

MR. GLICK. Is Eastern an integrated school?

MS. SPARROW. Yes, sir.

MR. GLICK. Do you think that you have gotten a broader perspective and understanding of people because you have been in an integrated school this year?

MS. SPARROW. Yes, sir.

MR. GLICK. What kind of new things have you learned about people? Can you give us some description?

MS. SPARROW. Well, I guess I have learned to get along. I understand some of the feelings that the blacks have. You know, they think like we think. They are just like we are, I guess.

MR. GLICK. Do you see any social relationships between the black students and the white students, like participating in the same clubs

and eating at the same tables in the cafeteria and things of that nature, or do they pretty much keep to themselves?

MS. SPARROW. No, we do integrate a whole lot, except at lunch we don't sit together. In the clubs we work together.

MR. GLICK. Are you active in any clubs?

MS. SPARROW. Yes, sir. I am the vice president of the student council, and I was on the yearbook staff.

MR. GLICK. Sylvester, do you think this has been a good experience for you this past year, going to a school with both black and white students?

MR. SIVILS. Yes, sir.

MR. GLICK. Why do you think so? What benefit do you see from that?

MR. SIVILS. Well, I got along with the whites. Some of them were good and some of them weren't. Some of them don't like the blacks.

MR. GLICK. Have you found any hostility from any of the white students?

MR. SIVILS. No, sir.

MR. GLICK. Do you have white friends as well as blacks?

MR. SIVILS. Yes, sir.

MR. GLICK. Mr. Chairman, I have no further questions. Thank you all.

VICE CHAIRMAN HORN. Commissioner Saltzman?

COMMISSIONER SALTZMAN. I am pleased and I want to make special note of the testimony that, confirm it, if you will, Mrs. Cummings, that desegregation produced no decline in the academic quality offered at your school. Is that what you said?

MS. CUMMINGS. I would say that, yes.

COMMISSIONER SALTZMAN. Would you agree with that, Mr. Maupin?

MR. MAUPIN. I really can't make a fair evaluation since I was not at the school last year. However, since I maintain that we have the highest academic standard, I can't see how it could have declined.

COMMISSIONER SALTZMAN. Jill, if you could go back to last year, would you prefer to have the school as it was last year or do you think it is better this year?

MS. SPARROW. I think it is better this year, but a lot of the reasons is that I was older and got to do a lot more in school.

COMMISSIONER SALTZMAN. I see. But what about the fact of that the school composition racially has changed, does that make it, from your point of view, better this year too? Or are you not sure if it makes any difference?

MS. SPARROW. Well, to me it didn't make much difference.

COMMISSIONER SALTZMAN. Do you have friends among black students?

MS. SPARROW. Yes, sir.

COMMISSIONER SALTZMAN. Thank you.

VICE CHAIRMAN HORN. Commissioner Freeman?

COMMISSIONER FREEMAN. As I listened to this testimony, I am getting the impression of two separate worlds here in Louisville. One is the school, the actual consumer, the student or the teacher or the principal that is actually engaged in the educational process and that is going on about the business of getting an education and the best education possible, and yet another world of people who apparently don't know anything that is happening in the schools. Those are the people who happen to be screaming. Is that a pretty accurate assessment of this community?

VICE CHAIRMAN HORN. Who do you want to answer that?

COMMISSIONER FREEMAN. Anybody.

MR. MAUPIN. When you say, community—

COMMISSIONER FREEMAN. The protesters, the mobs that we read about that were actually involved in the demonstrations on September 4, 5, and 6. Those people were not the people that were actually involved in the school, in the operation of getting an education or teaching children. Is that correct?

MR. MAUPIN. I would agree with that. I can say that as far as demonstrations are concerned, in person, I have never seen one in the school year. And the climate at the school has been quite conducive to education. It has been wholesome; it has been calm. So the demonstrations and the protests and the violence that occurs, I only know about it from the media, the newspapers, and the TV.

COMMISSIONER FREEMAN. Mrs. Cummings, do you have a comment?

MS. CUMMINGS. Well, I would also comment that I really don't think that the people in our community, I am talking about our school community, were probably those that might have been involved in some of the active protests. I do know that many of the parents have stated that they were not in favor of the desegregation plan, but most of them have gone ahead and explained that they were responsible people, law-abiding people, and that they were concerned about the students or about their children and hopeful that the students were getting an education. This is what they seem to be primarily concerned with, and as a result joined with us, worked with the staff, and actively participated in the school program. So I see our community as being a responsible community.

MR. MAUPIN. I might also say that when school opened, before school opened, one of our major problems was that there were too many parents who wanted to volunteer to help us. We had parents, we had clergy, community people who wanted to come to school and volunteer their help, and we really didn't need a large number of people to assist us.

COMMISSIONER FREEMAN. So that in spite of the absence of leadership at the top of government, that actually there has been compliance with the court order, and there has been an effort made to carry out the business of getting an education in the public schools of Louisville?

MR. MAUPIN. Yes.

COMMISSIONER FREEMAN. Thank you.

VICE CHAIRMAN HORN. Did the reporter get the nod as being affirmative?

REPORTER. Yes.

VICE CHAIRMAN HORN. Let me ask Mr Maupin, in an earlier panel I mentioned that I dropped out of being a parental reinforcement for the new math at about the sixth or seventh grade and that is the area in which you are devoting your educational career. I am curious when you mix the middle class white, upper middle class white, the affluent socioeconomic area that you mentioned, with students from the inner city, when you mix them, often poor, students, in this case minority black students, do you find any problems in the parental reinforcement that comes from these respective communities, and what kind of plans do you have underway to aid in this endeavor if there are problems?

MR. MAUPIN. I believe that parents of students from the so-called inner city want their children to succeed as much as the parents of those who live in suburbia. Now, one part of our instructional program is that we have a lot of individualized instruction, which means the students work at their own pace. It means that each student can succeed at the lesson that the student has for that particular day. Therefore, in math students work at math exercises that they can work comfortably with and that they can succeed with. So that means that by using instructional packets, by subgrouping, we can facilitate the learning in math for students who have different competencies and different motivations.

VICE CHAIRMAN HORN. Do you find no differences, then, in terms of family home backgrounds, environment, no problems in terms of reinforcing what is going on in the schools?

MR. MAUPIN. Yes, there is a problem, but it is not a major problem. For example, a student who is slow in math is given work on his level, and it is the type of work that that student can perform, and it requires less reinforcement than a student who might be taking algebra, which is one of the higher maths.

VICE CHAIRMAN HORN. So you have broken down the learning task into manageable units with individualized instruction, and most of the mastery of those tasks can occur on the school site rather than through homework, which is sometimes not understandable in any household?

MR. MAUPIN. That is correct.

VICE CHAIRMAN HORN. Mrs. Cummings, would you like to add anything to that, as to your observations?

MS. CUMMINGS. Well, yes, I would say that our instructional program is an activity-stressed thing, and I think that one of the things that has made students, well, really, naturally begin to work together, no matter what color, has been the fact that our instructional program is active, that students will be working on contracts, will be working on learning stations and will work together to achieve whatever the instructional objective is. And in response to your question about parents, I have called parents of students who live in the inner city;

I have called parents of students who live in the suburban area; and have received essentially the same type of response from both. If I called with a concern about their child, they were also concerned about their child.

VICE CHAIRMAN HORN. Thank you very much. Are there any other questions that members of the panel have? If not, we appreciate your coming here. It is always invaluable for the Commission when they visit a particular city to hear from the people that are really at the grassroots, in terms of the principals, faculty, and students, and we are immensely grateful to you for taking your time to share your experiences with us. Thank you very much. You are excused. The Commission will stand in recess until 9 a.m. tomorrow morning.

[At 5:45 p.m. the hearing was adjourned, to reconvene at 9 a.m., Wednesday, June 16, 1976.]

Wednesday, June 16, 1970

The U.S. Commission on Civil Rights reconvened, pursuant to adjournment, at 9:00 a.m., Arthur S. Flemming, chairman, presiding.

PRESENT: Arthur S. Flemming, Chairman; Stephen Horn, Vice Chairman; Frankie M. Freeman, Commissioner; Manuel Ruiz, Jr., Commissioner; Murray Saltzman, Commissioner; John A. Buggs, Staff Director; Lawrence Glick, Acting General Counsel; Jack P. Hartog and Frederick Dorsey, Assistant General Counsels; Hester C. Lewis, Reese Fullerton, Louis Wilmot, staff attorneys.

PROCEEDINGS

CHAIRMAN FLEMMING. Hearing will be in order. I will ask counsel to call the first witness.

MS. LEWIS. Will Edward Simpkins and Larry Hillman please take the stand?

[Edward Simpkins and Larry Hillman were sworn.]

TESTIMONY OF EDWARD SIMPKINS, DEAN, COLLEGE OF EDUCATION, WAYNE STATE UNIVERSITY; AND LARRY HILLMAN, PROFESSOR OF EDUCATION, WAYNE STATE UNIVERSITY, EDUCATIONAL SYSTEMS CONSULTANT, U.S. GOVERNMENT ACCOUNTING OFFICE

MS. LEWIS. Will each of you give your name, address, and occupation for the record, please?

MR. SIMPKINS. I am Ed Simpkins, currently dean of the College of Education at Wayne State University in Detroit. Did you ask for an address?

MS. LEWIS. Yes.

MR. SIMPKINS. That's 4425 W. Outer Dr., Detroit, Michigan, is my home address. The business address is College of Education, Wayne State University.

MS. LEWIS. Dr. Hillman?

MR. HILLMAN. I am Larry Hillman. I am a professor of educational administration at Wayne State University. My current address is 15 Arbor Court, Cincinnati, Ohio.

MS. LEWIS. Will each of you give a brief description of your academic background and your relevant work experience to this project?

MR. SIMPKINS. I am currently working, as I said, as dean of the College of Education at Wayne State University. I have worked with Detroit public schools, Baltimore city public schools, Philadelphia public schools, with the Washington, D.C. public schools. I have been a consultant for a number of school districts in dispute settlements, problems incident to labor relations, community relations, social, and civil rights type problems over the past 20 years. I have worked in the schools; I have worked at three universities—Wayne State, Harvard, and Tufts. I have also worked before as consultant to the U.S. Civil Rights Commission and to the Michigan Civil Rights Commission.

MR. HILL. I am a native Kentuckian, grew up in the southeastern part of Kentucky, have been a teacher, administrator in Ohio, Kentucky, and Michigan, am presently a professor of educational administration at Wayne State University. Formerly, I was chairman of the Department of Educational Administration. The experiences that I have had were outside—outside the university activities—is that I have been involved in writing desegregation plans starting about 1968, '69, and in Florida, and I recently worked in the Dayton, Ohio, plan development and was involved in developing the metropolitan desegregation plan for the metropolitan Detroit area. I am presently serving also as a consultant for organizational development to the Comptroller General of the United States.

MS. LEWIS. Thank you both. You were both asked by the Commission to study the educational process in the Jefferson County School System and to assess that system's response to the joint challenges of—I understand you have made findings as a result of your study and ask that you share that with us.

Dr. Simpkins, could you describe the scope of your study, your methodology, and what you hope to accomplish?

MR. SIMPKINS. The scope of our study involved, this was a problem in operations research, and the methodology involved in operations research is not unlike that involved in legal research and in journalism. One interviews witnesses or persons connected with the problem, and one tries to find a representative sample of people who are in a position to know the answers to questions that one seeks, and people who are in a position, in fact, to know what the appropriate questions are that ought to be raised.

Consistent with this, we interviewed members of the board of education, both the former Louisville Public School Board, members of the former Jefferson County School Board, and those currently on the school board of Jefferson County public schools. And we interviewed administrators in the school district. We interviewed members of the JCTA and we talked, of course, with members of your staff. Ideally—

CHAIRMAN FLEMMING. Could I interrupt and ask what JCTA is?

MR. SIMPKINS. Jefferson County Teachers Association. We interviewed representatives of the teachers.

Ideally, we would have gone beyond those interviews and sought a larger sample by reducing the appropriate questions to writing and circulating a questionnaire to get a better reading on the attitudes, the beliefs, and the understandings that people in this community hold toward their public schools. But because of the press of time, largely, we were not able to do that.

However, we do think that the—what the interviews revealed to us are accurate indications of what the feelings are, the beliefs are, and the facts are with respect to the Jefferson County schools, particularly incident to the problems of merger and desegregation.

Ms. LEWIS. Thank you.

Dr. Hillman, would you start simply by addressing some of the areas that you studied, policy and administration, primarily?

MR. HILLMAN. Yes. The area of policy, the major responsibility for policy in the school district by State law, as it is in most States, Kentucky included, the activity is delegated and the basic responsibility is in the board of education. In this particular area, as we met with different people from the board of education, people who are serving presently on the board of education, we found that to be a rather interesting and difficult area because of the split that we found from the city-county activity.

CHAIRMAN FLEMMING. We are not getting any volume as far as the public address system is concerned.

[Pause.]

MR. HILLMAN. When I talk about the city-county split, naturally, by the nature of the desegregation plan itself, it allowed, first of all, for five and five—five members from the city and five from the county—on the board. Since then, because of the plan, it's moved now to 12 members, basically being roughly 7-5. The situation is one where, as we interviewed different people, a lot of the votes that come up are very much along city-county lines. That is kind of unique and different because it makes it difficult for all voices to be heard.

Many people spoke to that. Some of them were, I think, more adamant than others in trying to find ways to accommodate the beliefs and feelings of the particular communities which they represented. In the policy area, the superintendent of schools is the chief executive administrative officer, who makes recommendations to the board on policy. In that arrangement then, the board will take the development that has been done with the superintendent and his staff and at that point study and go a direction.

The reason for making that, is that one of the reasons for—On the issues that arise, if you have a split along city-county lines, it makes it difficult then for you to arrive at an answer, an equitable answer, if, at the same time, you are not allowed to have any informal meetings. I refer specifically there to the sunshine law in Kentucky, as

it is in several other States, that does not allow for that informal discussion. That has been very much of a problem.

The problem in two ways: One way, it has not allowed people to get together and resolve their own individual problems as to the way they might feel about different positions taken before merger and positions taken during merger and since merger. So this situation is one which naturally we feel has to be cleared up. It has to be one where the people have to sit down and develop a format where they can actually hear each other's views, discuss those, and arrive at a conclusion that will represent both sides of the group.

I realize this as being a difficult area. Nevertheless, we recognize it as being one of great importance because it speaks to the basic policy of the school district. At that point we recommended that an arrangement be made and a discussion be made, a discussion take place whereby you could find a way that these people could get together on more of an informal basis, not a decisionmaking basis, but to discuss the issues without having the pressure of the press, the public, whatever, so they could arrive at some conclusion. Now that is in the area of policy.

In the area of administration, as I said, the chief executive officer of the school district is the superintendent. The superintendent in this case has been in the school district for a good period of time. He was with, as we know, the Jefferson County School District prior and has had this job now for some 17 months.

In this particular situation, with the superintendent having been a member of the Jefferson County School District before, it is an interesting position, because with a 7-5 vote, roughly, on the board, it makes it difficult for that superintendent to find a way to accommodate both sides himself. I say that, in all respect for the political situation, that the superintendent has to find some way in which to survive.

But at the same time, the issues that come before the school district are supposedly—and I say "supposedly" because I have questions on this—are supposedly discussed with the administrative staff which will give both sides. But at the present time, out of the top 40 positions in the school administration, those are pretty much staffed by former county people.

Now if that former county split, city-county split, exists on the board of education and you have that political arena in which the people operate and administer the board policy, then the possibility of getting that kind of view and recommendations would be certainly difficult. Not difficult in the sense that the people are doing something, you know, unfair or dishonest; it's difficult in the sense that as I worked with superintendents across this country that is a difficult political arena in which to survive.

There might have been a situation there, in the beginning, of the question as to whether the superintendent should have been selected

from each one of the school districts, but the superintendent possibly should have been an outside person who would have come in, taken a look at the situation; realizing that his loyalties would lie basically with developing a very workable school situation. Now in the interviews with people, many people were talking and discussed the area of competence of, particularly, the administrative staff. That area of discussion was somewhat split along city-county lines, also, as to whether we would ask how people felt about what was going on and how people were carrying out their jobs. I will say that the question there deals with if people have views and a philosophy that is related or whether those views are oriented toward in a city situation and in a county situation. When you merge those two together, some way you have to either merge those philosophies which, as described by some people, were conservative-liberal—I think that those two categories, the harsh reality of those, somehow wouldn't allow for complete understanding.

But when you merge those two, you have to merge those two philosophies. In this case, those two philosophies weren't merged because the Louisville district was smaller and it was merging into the county. The situation was one where, more or less, the county philosophy prevailed. So when I am speaking of administrative officers, then, I speak of them carrying to their jobs, carrying out their jobs, they carry with them the understanding of the political environment in which they live.

Now, recommendations from that, recommendations on that kind of situation, I think, would be ones where we ought to look at, certainly, the staff, the administrative staff. We ought to look at the way the administrative staff is organized and would be organized. At the present time, there's an organizational chart that's been presented. I don't know the discussion, at this point, on the organizational chart, but I will speak to that maybe later.

But I think what needs to happen is that we need to look at the number of people that are housed in the central administrative offices, the central administration, and talk about the kind of things that need to be done. Have, at that time, city and county board members involved in this respect, not the entire board, but three members from city and three members from county, and at that point they can discuss the organizational structure, central administrative organizational structure, what needs to be done, and make recommendations and get any kind of help they need, professional help from the outside that they need, and make recommendations back to the board of education on the—what should be done in the organization. I mean in the structure of the organization.

Ms. LEWIS. Dr. Hillman, let me interrupt and ask you to clarify what that organization chart is. Is this something new that is going on?

MR. HILLMAN. Yes. The organization chart, to my understanding, was a chart that was commissioned by the board of education, and a

Mr. Alexander was retained by the board, if I understand it properly, to develop this chart. I don't know how public this chart is. I have a copy of it that I have studied. Dr. Simpkins and I have studied this. We—of course, the narrative going with the chart is unclear. It's difficult to ascertain the complete direction from the narrative. But the way the chart is drawn, it gives us reason to have several questions.

First of all, we question whether in the development of the chart, as sensitive as this issue is in the city of Louisville, sensitive in the sense that it's a city-county vote in many situations and that merger truly hasn't taken place except in the legal, physical way, that the question would arise immediately, from our standpoint, as to whether someone from the inside, inside being Mr. Alexander, who was formerly in the county school system and has been connected with this area for a good period of time, should be involved in drawing the chart.

It should be possibly someone from the outside, someone maybe even from outside of State. Maybe a private consultant or a university someplace that could get involved and do what we would call at this point a completely open, shall we say, unbiased—and the bias is not being negative in this sense, this is simply saying if you live in the situation you would be more biased by it. That would be a better way to get at it. That is the first point and we would recommend that.

Secondly, we think that this chart has a tendency to clog—it clogs up the particular top area of the superintendent's office. As we look at it, there are some 3, 6, 8, 9, 12, there are some 12 different groups that will be reporting directly to and responsible to the superintendent. In that situation the school district being this large has an awful lot of people that are going to be reporting to the superintendent, number 1. Number 2, at least this is the way the chart is drawn, number 2, or point two, would be that the areas that are drawn for reporting to the superintendent will generate information that will be of utmost importance to the three deputy superintendent areas. With those, with that information, there should be a vehicle where that could be fed back through the deputy superintendents and in a cabinet arrangement whereby they might get the benefit of developing their areas of business administration, instruction, and pupil-personnel services.

This would give the opportunity for complete development. As we see it here, the information will be fed back to the superintendent's office, evidently developed in a cabinet in the superintendent's office, and then fed back through to the deputy superintendents. If that is not the case, then I don't think the chart explains that.

The other situation, though, we would say is that we would believe that in a situation such as this, that a deputy superintendent, an executive deputy superintendent, should be put in this chart. An executive deputy superintendent should be a member of the former Louisville city school activities, or school administrator. That person could then serve as an executive to the superintendent, and this information then,

with the exception possibly of an executive assistant to the superintendent, could be fed back to that executive deputy. This would make it so that the superintendent who has a multitude of things to do in the community and surrounding area would at that point be free to do many other things.

That is our concern about the chart at the present time.

Ms. LEWIS. Thank you.

Dr. Simpkins, would you just continue with the areas of personnel, budget, and finance?

MR. SIMPKINS. Yes. First of all, a general statement about characterizing the schools as we found them through our interviews.

There is a tremendous amount of dissatisfaction that comes through as one talks to board members, school administrators, teachers, which does not make the Jefferson County public schools greatly different from the—from other big school districts. I think that is a key point. The Jefferson County schools are very similar to other school districts of comparable size in the country.

There is a difference in the way in which people approach the solutions to their problems. And in Jefferson County it appears to us that schools, which when they are successful in dealing in a nonpathological way with their problems, are open systems which means that they respond to their environment.

What we find in Jefferson County appears to us to be pathological, an attempt to become a closed system and to become nonresponsive to a part of that environment. That part, of course, is the former Louisville school system. If you were a closed system like a military organization, of course, that did not have to respond to its environment, and even that is becoming less true in this country, as we all know, but, clearly, social systems like schools cannot take that attitude or that position successfully.

Yet we hear this when we discuss matters relating to personnel, and Dr. Hillman has talked briefly about that. We hear statements such as these: From a former Louisville administrator: "The former county system deliberately downgrades the city teacher who goes to work in the county." From a JCTA official, we hear quotes like these: Teachers want a chance to be treated fairly. We ask that the Jefferson County Teachers Association be provided a voice in working out transfer plans that are developed. We represent not only the teachers and the former Jefferson County System but also teachers in the former Louisville County System, and we believe that a fair system can be developed.

And the Jefferson County Teachers Association did have the belief that their views tended to be misrepresented in discussions over the teacher transfer plans, that the administration had shut them out. Also, the former Louisville people felt that the administration had shut them out.

Another former Jefferson County Teacher Association official had this to say, that city teachers generally are placed in lower positions out in the county. They may be entitled to teach higher grades because of their seniority were they to stay in the city, or they may have an opportunity to teach special classes that they desire, but once they are transferred to the county, those opportunities are diminished. On the other hand, teachers in the former county system tend to get special inducements attached to their transfers to the former city system.

So there is a belief that personnelwise, at the teacher level and at the administrative level, the Jefferson County administration is viewed as a closed administration that does not listen equally to all the separate views that are present in the Jefferson County community.

And we have recommended that the school board enlist the support of a blue ribbon committee, that it be made up of outstanding citizens from the former Jefferson County schools, from the JCTA, and from prominent independent organizations, and that this committee have a specific task of making recommendations to the board and to the superintendent on the implementation of fair and open personnel practices.

With respect to budget and finance, again, we did not find that the problems impacting on the Jefferson County schools are radically different from problems impacting on school districts throughout the country. Most school districts believe people themselves to be underfunded; they think they could do a lot better job if they had more money.

Most school districts have some kind of concern about discrimination, either with regard to race or sex or ethnicity. Those are real problems in most districts, but here we get comments like these from a former city school administrator: "There appears to be a great reluctance on the part of the current school administration to apply for Federal money to help us solve some of the problems for which monies are available. In fact, I am afraid that we might even lose those Federal monies that we formerly had."

There is clearly a belief among some of the administrators identified with the former Louisville school system that the present leadership is not particularly interested in continuing some of the programs that were federally funded prior to the merger. A former county administrator made this comment, that "we made a lot of mistakes in our original approach to busing and, therefore, we spent a lot more money than was necessary. I think we have learned some things and can do it better next year."

Now, we heard this kind of comment over and over again, people believe that the monies are being misspent, that actually we are not getting the biggest bang out of the dollar in Jefferson County. And this kind of a comment from a former city board member, "I am really amazed at how disorganized the administration was when it approached the transportation problems. It appeared that many of the

parents making the complaints were more knowledgeable than the administration."

Now, I don't know if this is true or not, but this is what people perceive, this is what they believe. As I said earlier, ideally, we wanted to test these questions across a broader population which we did not do.

At the recent discussion on the budget, one former city administrator, now in the Jefferson County schools, made this statement: "At a recent discussion on the budget, it appeared that no one had the answers. It was embarrassing at times."

Now, some of these problems are incidental to any problems associated with merger. There is going to be some disorganization. There is going to be some dissatisfaction, clearly. But we think that there are at least two things that the Jefferson County public schools can do to reduce some of the dissatisfaction, budgetarily-speaking, or about the ways in which the budget is being managed, and I am not going to talk about the computer groups that happen in any big organization that really upset the teachers. I think everybody is familiar with those. But I believe that the same citizens committee could undertake, as a part of its charge, helping the system to establish its priorities in such a way as to obtain as equitable a share of Federal sources as the school district received when it was, in fact, two school districts. Depending upon whose figures you take, the school district, the two districts together, were receiving approximately \$17 million in Federal funds separately, or maybe it was as low as \$14 million, it depends upon whose figures you take on that. But, clearly, about \$15 million, it appears, could come into the merged district, and an effort should be made to establish priorities in such a way as to help the district with the funding from outside sources.

Secondly, it does not appear that the system uses a PPB system, that is, a planned program budgeting system, in which one can actually cost out a program as well as trace line item costs. It appeared to us that the system that is being used is essentially a line item accounting system, which makes it virtually impossible to determine what the actual transportation costs are connected with busing.

One can guess, and one gets wide ranges, but a PPB system could be established in the district, and we recommend that one be established in the district so that, clearly, the board and the superintendent and the public will know precisely what the cost of various programs are.

Ms. LEWIS. Dr. Simpson, can I just stop you here, because we are very short of time in our hour of testimony. I wonder if you could just state the recommendations in that section, and then the Commissioners would like to ask you some questions.

MR. SIMPKINS. I am concluded on those two, on budget and finance.

MS. LEWIS. Thank you very much.

CHAIRMAN FLEMMING. Thank you very much.
Commissioner Horn?

VICE CHAIRMAN HORN. I would like to ask Dr. Simpkins a question. As I understood your testimony, you said there is perception among the Louisville teachers that in the integration and merger with the former county system, they have not been treated fairly. And that given similar seniority situation, when the merger occurred, Louisville teachers have essentially been downgraded as a result of the merger. Did you have an opportunity, as the consultant to the Commission, to examine any of the personnel files on a random sample basis of both city and county teachers in order to determine the relative qualifications, academic credentials, evidence of teaching effectiveness, and, therefore, are you in a position to make a solid recommendation as to whether or not this perception is true or false?

MR. SIMPSON. No, we are not in a position to say whether those perceptions are true or false. We did a random sample on administrators and we wanted to do a random sample on the teachers. We did not complete the random sample on administrators and didn't even begin the one on teachers because of the press of time.

We don't make recommendations with respect to the assignment of teachers, except to say that a blue ribbon committee comprised of representatives of the teachers, of people from prominent organizations, the old Louisville system, old Jefferson system made a study of the problem, which we didn't have an opportunity to do, to determine whether or not these perceptions are, in fact, real so that people at least can deal with a factual basis, as opposed to their gut reaction, to what they see happening to them.

VICE CHAIRMAN HORN. Well, I would agree with that approach, because, Dr. Simpkins, as an administrator I find some of the wildest things are said about organizations by employees within an organization and that often when you are trying to upgrade a system substantially as an administrator, those that are left out look for every excuse but merit and competency as a reason why they were left out, and that is why I asked the question if there had been any objective analysis of either academic credentials or evidences of teaching effectiveness. And as I listen to your answer, because of a lack of time there was no such analysis.

MR. SIMPKINS. That's correct, that's correct.

VICE CHAIRMAN HORN. Do you think it might be a good idea if the school district engaged in such an analysis?

MR. SIMPKINS. That's correct.

VICE CHAIRMAN HORN. But this Commission has no evidence before it, other than comments which employees make in any organization, at this point?

MR. SIMPKINS. That's correct; that is what we have.

VICE CHAIRMAN HORN. Thank you.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. No questions.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. Yes, Mr. Simpkins, as former chief labor negotiator for the Philadelphia public school system, you have an expertise as a negotiator between management and employees, which I deem to be quite valuable. I am going to ask you one question. Allow me first to give you my analysis and understanding of the background as a predicate for the question.

I understand that the educational community has been divided into factions under the general outline of city and county forces competing for power as well as bread and butter. Jobs and administrative accommodations are leaving scars, compounded by problems of finance, school desegregation, educational responsibilities, and so forth. You have described a pathological complex and referred to environmental influences.

If such a behavior, behavioral situation has developed which is captive to the influences beyond the control of the participants who set policies, I understand it is your recommendation that the policy recommendations be formulated by citizen representatives which perhaps in turn would be politicians.

How would you select your citizens' committee? How would this blue ribbon committee be formed in such fashion as to minimize all of these rigid influences that are at work at the present time? How would you get that off the ground so that people would have confidence in that type of a blue ribbon committee?

MR. SIMPKINS. Well, I think we need to look at some other models that have been employed around the country when people have been faced with similar problems.

COMMISSIONER RUIZ. Do you have a particular model in mind from other parts of the country, or two or three, that you could submit?

MR. SIMPKINS. Yes, I do have. I am thinking particularly about the role which the educational task force has played very successfully recently in the city of Detroit, which has—by the way, what we have described here is not unique to the Jefferson County schools. It may sound very bad, but most school districts sound pathological today, and what's going on. I want to make that point very clear. The difference is the way in which people are responding to pathologies.

The response of the educational task force, despite the fact that there is a current board of education in the city of Detroit and also a number of regional boards of education, the education task force which was made up of a former—presided over by a prominent physician, a former city comptroller, who everybody trusted—he had been on a university faculty, a man who had no axe to grind. I assume that communities, all communities, across the country have people like these, that is, people who most of the people in the city will say, "he's fair."

COMMISSIONER RUIZ. Has a thesis of any kind been reduced to writing with respect to this Detroit experience?

MR. SIMPKINS. I am going to defer to Dr. Hillman on that.

MR. HILLMAN. Yes, I am sure that that could be provided, that information could be made available, even as a part of our report.

COMMISSIONER RUIZ. Would you provide that particular thesis and background material concerning this type of a committee that would be helpful to the Commission and to the community and make it a part of the record?

MR. HILLMAN. Yes.

MR. SIMPKINS. Certainly. And I would point out, too, that the Detroit people actually brought in a Vernon Cunningham, an outsider, to head their task force.

COMMISSIONER RUIZ. I know you two people are outsiders, in the sense of the word, but your expertise is being used, which is very salubrious. Now, I see that you find that that is an objective approach.

Continue, please.

MR. SIMPKINS. Yes. So they brought this Vernon Cunningham, who put together the task force to work with the school board, and the general feeling and belief by school board members has been that that task force over a 2- or 3-year period has been extremely useful.

Dr. Samuel Brownell, now, I believe, at the University of Connecticut, former U.S. Commissioner of Education, also used a task force a few years back, headed by then corporate executive George Romney, to help the schools accomplish some things that they could not have accomplished, despite the fact that they had a highly credible board without the divisions.

My key point is that when a system is faced with lots of problems, the tendency is, in any bureaucracy, is to close ranks and shut out all opposition. The successful models seem to be to open up your system and to invite in, let the light in, and you try to build a strong base of confidence among the people who are being led.

COMMISSIONER RUIZ. Allow me to interrupt you. Dr. Hillman, do you have an alternate—Dr. Simpkins made reference to the Detroit plan. Do you have in mind a second, by way of comparison?

MR. HILLMAN. I am thinking of one you might find. I know the Commission has studied Denver. Denver has a monitoring plan which has evidently been fairly successful in doing some of the things it wanted it to do. I am familiar with that one. I know when we were developing the desegregation plan for Dayton, Ohio, we recommended to the court at that time something very similar to the Denver plan, as a committee that would observe and assist in solving issues, as Dr. Simpkins has spoken to.

So, yes, I would have two or three that I am sure we could include in a final report that would be ones that would be very—

COMMISSIONER RUIZ. Mr. Chairman, may we make reference to the offer made by Dr. Hillman to provide those specific plans and give it a number at this time to be inserted?

CHAIRMAN FLEMMING. Without objection, it will be inserted in the record. [The document referred to was marked Exhibit No. 28 and received in evidence.]

COMMISSIONER SALTZMAN. Can you identify some of the crucial differences in educational needs between the county and city students relative to the curriculum content?

MR. HILLMAN. At this point I would say we spent time looking at information that was collected and available about what was going on. In other words, we talked with people to find out and we read everything we possibly could.

The city, the city had taken an approach in speaking to curricula that more or less, let's say more, focused on the child himself. The direction as discussed by the administrators in the city was one in which they were developing an activity in the classroom which spoke to humaneness, focusing on the child, letting the activity environment be child-centered.

That is sometimes looked upon as being progressive liberal. But as my interpretation of what I saw that was the way it was taken. That is not unusual for cities, in the sense that as cities are facing a multitude of problems with youngsters, with their children, what they are doing is trying to find out a way to speak to all of those differences.

Now, at the same time there was an approach in the county, which was at the elementary school, which is basically a nongraded approach. It had some 19 levels. Students would progress through as they went through the early grades of school. That was, in essence, a structural activity which spoke to competencies that students would acquire as they went along.

Those were two different approaches, and I think that the city child could fit into and be rewarded, certainly by the 19-level approach that I gave, but I think a great deal of care has to be taken to spend time to understand the varied needs of a child in the city. I think that is one of the things that was being done definitely in the old Louisville district, as I found it.

I think the focus in the county was more on structure, changing the structure. I refer to the extended school year program, which they had. I refer to the TV programs that they have. I look at the advanced placement activity that they have, and I think there were two differences there.

Now, I think that Louisville at the time was doing a good job of speaking to the needs of the children in the city. I do not think that I can say, as I would approach the county, I think the county was speaking to the perceived needs of their children at the same time. I think there were just two different directions that the people were going.

What I am saying is this, that as we move a city child into a different environment, into a mixed environment, we have to proceed to develop curriculum, I believe and would recommend, that centered directly around the child. That has to be—I think that is a key direction I would recommend. As to specific titles and names, there are those, but I think that I would have to take time to explain each

one of them, but the basic focus I think would definitely have to be on the child. I think it would work in both cases, though, both city and county.

COMMISSIONER SALTZMAN. Thank you.

CHAIRMAN FLEMMING. The Commission appreciates very much your bringing your professional expertise to bear on the issues that confront the merged school district. What you have presented to us orally, and what I am sure you will be presenting to us in writing, I know is going to be very helpful to us as we attempt to evaluate the situation.

Thank you very much.

CHAIRMAN FLEMMING. Counsel will call the next witness.

Ms. LEWIS. Will Joel Henning take the stand?

**TESTIMONY OF JOEL HENNING, ASSISTANT SUPERINTENDENT FOR
INSTRUCTIONAL ORGANIZATION; ACCOMPANIED BY HENRY TRIPLETT,
COUNSEL**

Ms. LEWIS. While we are changing, I will submit for the record a series of documents identified as follows: series of memoranda dealing with the areas of suspension, hardship transfer, alternate school and youth development program placement, and educable mentally handicapped and learning disability referrals, and a series of data on the same topics.

CHAIRMAN FLEMMING. Without objection, it will be entered in the record at this point. Would you mind standing and raising your right hand? [Joel Henning was sworn.] [The documents referred to were marked Exhibits 29 and 30 and received in evidence.]

Ms. LEWIS. Would counsel please identify himself for the record?

MR. TRIPLETT. Mr. Chairman, members of the Commission, my name is Henry Triplett. I appear as counsel with Mr. Henning.

CHAIRMAN FLEMMING. Delighted to have you with us.

Ms. LEWIS. Dr. Henning, would you state your name, address, and occupation for the record?

MR. HENNING. My name is Joel T. Henning, currently assistant superintendent for instructional organization with the Jefferson County Board of Education. My address is 119 Lower Revalle, Louisville, Kentucky.

Ms. LEWIS. Could you give us briefly a description of your background, academic and work?

MR. HENNING. My academic background—I recently completed my doctoral degree in educational administration at the University of Kentucky, received my master's degree in learning theory and counseling from the University of Kentucky, and I am currently completing a Ph.D. in social and philosophical foundations of education at the University of Florida. I have been involved with the national training laboratories and their sequence of training related to organizational development, management of school systems.

I have for the last 6 years been involved in public education in a number of capacities, primarily with the Louisville Board of Education and since merger with the Jefferson County Board of Education. I might note that I have resigned, effective June 30, my position with the Jefferson County Board of Education to be taking a position elsewhere in the country in public education.

MS. LEWIS. During the course of the last year, your responsibilities under the merged school district were what?

MR. HENNING. Within the merged school district I reported to the deputy for instruction. At the time of merger that was Mr. Farmer. Since the time of merger that is Mr. J.C. Cantrell. Under Mr. Farmer, I worked primarily in the area of desegregation and handling some difficult situations in the schools as he assigned them to me.

I served on the desegregation design team that drew up the Gordon plan, or assisted the court in drawing up the Gordon plan, July of 1975. I also have served on the desegregation implementation team, which was another group to monitor the implementation of the plan. My duties also included monitoring the plan and developing data for the deputy superintendent for instruction during the course of this school year.

MS. LEWIS. Can you describe for us how the desegregation plan was designed and objectives the design team had at that time, and did the plan as ordered, in July of '75 achieve those objectives, in your opinion?

MR. HENNING. The design of the plan was carried out under Federal Judge James Gordon. In July of 1975 he requested, or ordered, that the former Louisville desegregation team and the Jefferson County desegregation team merge into a single team. They became officers of the court under Judge Gordon, and given some general guidelines that he provided, drew up the plan. Judge Gordon wanted to achieve four things in the plan that we finally produced. Those were stability—by stability, it was my interpretation that he intended the plan would not require major revisions from year to year, but that the community could count on the plan remaining stable over a period of years and minimize the change that had to take place over a long period of time.

I think it was his thinking that it was better to go through one traumatic change than a series of changes over a period of years. He also wanted the plan to be predictable, in the sense of students and parents knowing where student assignments would be so that I as a student in July of '75 would know exactly when I would be responsible for participation in the plan, particularly if I was going to be transported for purposes of desegregation. That element of the plan was an important one, and we built into the plan a student assignment methodology which allowed a student to know exactly what school he would be at over a period of 12 years and what years he would be transported for desegregation.

Judge Gordon also wanted the plan to be equitable. By equity, he meant that its impact upon students would be distributed as equally as possible within racial categories. I might note that because the student distribution in the Jefferson County system is approximately 20 percent black and 80 percent white that required blacks to participate more often than whites in transportation requirements for desegregation, but within racial categories, the requirements were roughly equal.

He also wanted the plan to be as simple as possible so the community could understand how it worked, its mechanics, and how it would impact them. In order to achieve predictability, equity, and stability, he also provided guidelines regarding the racial ratios he wished to achieve at the individual schools. At the elementary level, he wanted all schools to fall roughly between 12 1/2 to 35 percent black—I am sorry, 12 1/2 to 40 percent black—and at the secondary level, 12 to 35 percent black. His thinking, as I understood him in regards to that, was that if schools appeared, in the perception of the community, to be generally alike in regards to racial composition, movement of black or white families from one section of the county to the other would not occur. In other words, if I am living one place, the school I am going to is going to be roughly like a school anywhere else in the county.

With those guidelines, the design team as officers of the court went about, on July 18, 19, and 20, or during that period, in constructing a plan. Generally, I think that the four goals he laid out were achieved. I believe the plan was stable as designed. It was equitable within racial categories as designed, and it was predictable as designed. There were two or three flaws in the design which could not be spoken to at the time for a number of reasons, but in an overall sense, I think the design was a good one and achieved the goals the court laid out.

MS. LEWIS. During the implementation phase and after school was in session, did the administration develop any mechanisms for monitoring the school system's compliance with the plan?

MR. HENNING. There were two mechanisms that I am aware of, there may have been others, but two that I'm aware of regarding monitoring. Within the text of the plan itself, there was a requirement that the court be supplied data on a number of variables that would give it some indication of what was occurring during the implementation phase. That information, generally, was retrieved by the chairman for the implementation team, Mr. Brucchieri, deputy superintendent.

The only other monitoring I am aware of was what I was requested to do by Mr. James Farmer, the deputy for instruction. In early October we talked several times, and he asked that I look at several measures of implementation to see what condition of the plan was in regards to implementation.

MS. LEWIS. Could you just go on and elaborate on those areas?

MR. HENNING. I will be glad to. He gave me a good deal of latitude in responding to those measures. What I did was to try to identify

several measures that would indicate to the administration whether or not implementation was going on in such a manner that the integrity of the design was being maintained. I identified four or so measures which I considered important.

The first was suspensions. I felt that suspensions by school and by race would indicate two things—one the climate within the school, and secondarily, whether or not suspensions were acting as a pushout factor regarding particular groups of students, be that on racial categories or on other lines. So, suspensions was one measure I chose to pursue.

The second measure regarded alternative programs provided primarily for disciplinary reasons. There were two programs and currently are two programs in Jefferson County schools to which students are—or into which students are enrolled if they have particular problems in a regular classroom. One of those is the youth development program, which is a former county program. The other is the alternative school program, which was a former city program. But I felt that that would be some indicator as to what was going on in implementation, what kinds of students were being referred to those programs, what numbers were being referred by race.

The third measure regarded hardship transfers. We did build into the plan provisions for students who would undergo a terribly difficult hardship during implementation to apply for exemption from transportation requirement for desegregation. I thought it was important to look at the number of students who were receiving hardship transfers, again, by race and by school, to indicate if that was becoming an avenue of escape from participation in the plan. And a fourth measure that I thought was important to look at was assignment to the special education classes. All categories of special education have been exempted from the plan except EMH and LD resource room children. But there were a number of other categories that were exempted, and I thought that placement in special education would be an important item to look at in terms of maintaining the integrity of the plan.

In addition to those four measures, I was involved in looking at decisions regarding the design of the plan itself, specifically this year those involved exempting the first grade as well as EMH and LD children, and the effect on the plan of those decisions as they were handled by the administration and board.

Ms. LEWIS. And what conclusions did you draw from your monitoring?

MR. HENNING. I am sorry?

Ms. LEWIS. What conclusions did you draw from your monitoring?

MR. HENNING. Well, it is difficult to jump to the conclusions without looking at the data, but maybe we can go in that direction. The conclusions I drew were that in each one of the areas that I looked at, there was an indication that there were problems developing. By problems I mean that there was, at least as far as I could interpret the data, indications that the integrity of the plan was being threatened by

a number of events that were occurring, as indicated by these measures. It was my feeling that unless there was some action taken to reverse the trend which I saw developing, that there would be serious difficulty in maintaining the original design of the plan, particularly as relates to stability and to predictability.

I can go through those measures individually if that is helpful to you.
 MS. LEWIS. Yes, why don't you do that?

MR. HENNING. Can I have about a minute to sort through this? [Pause.] Let me start with the data I initially developed and presented on December 17 to the Instructional Council. The Instructional Council was a group of administrators convened by the deputy superintendent for instruction for purposes of sharing information, problem solving and decisionmaking. I had written to the deputy superintendent for instruction in October and indicated in a general way, in a memorandum which I have here, let me refer back to it, that there were problems in regards to hardship transfers, suspensions, and assignment to alternative schools.

I first developed that data, shared it with the deputy superintendent, and on December 17 he convened a meeting of staff to discuss it. That data indicated in each one of these measures some general trends. In regards to suspension, it indicated that blacks were being suspended at significantly higher rates than whites, particularly in the senior high school. It indicated that at the former black secondary schools, and there are seven of them, three high schools, and four junior high schools, that hardship transfers were being granted at a rate which would become problematic and already was.

Let me refer you to those three schools, and I don't know, do you know—if you are following me, I am looking at the December 17 memorandum and chart from myself to James Farmer, deputy superintendent.

At Central High School, there was—there had been through November 2, 61 hardship transfers granted to whites, or at a rate of approximately 8 transfers for every 100 whites enrolled at Central. At Shawnee High School, on the second page, there had been 74 hardship transfers granted for every 100 whites enrolled, or at a rate of approximately—I am sorry, 4 overall; a rate of 16 per 100.

And at Male, 16 or a rate of 5 per 100. The same trend was indicated in the junior high schools, that a number of students assigned to be transported for desegregation were being returned to their district schools, or what is generally referred to as their home schools. That had the effect of making former black schools blacker and former white schools whiter.

The problem around that is that, generally, we felt that the more schools appeared to be black or white, the less participation we could expect in regards to students and that as they separated themselves out and the former black schools became more black and the former white schools more white, that participation would tend to decrease.

In regards to the alternative school, the problem was—could be stated very simply. At this point in the plan, and this would be through December 15, there had been 81 black students assigned to the alternative school, while only 16 whites had been assigned. And that indicated that, in regards to senior high school students, at least, the rate of assignment was for blacks per 100 enrolled, was significantly higher than that for whites. Those three indicators all seemed to be going in the same direction, and I felt it was important that some action be taken in regards to them.

Subsequently, I worked up other data regarding these measures, and if it is helpful why don't I just go through that data now, and then I can come back and answer any questions on it, if that will be of any help to you?

I am now looking at this long sheet on suspensions. It is a number of pages and carries suspensions through April 30 of 1976. Looking at suspensions in the senior high schools, where they are most significant, what I found was, that as I continued to accumulate data on a monthly basis from November through April, that in a number of schools the differential between black suspensions and white suspensions became significant. I might mention that just using the November data on suspensions, that first section, I found there was statistical significance at the point 0-0, one level at a large number of schools regarding distribution of suspensions between blacks and whites. That meant in simple terms that the probability of getting this distribution just by chance was about one in a thousand.

Now, let me just take one school and read it across to you. Using the first school on the chart, Ahrens, using the November 17 data report, there were 314 blacks, 594 whites enrolled at Ahrens. Through November 30, the total number of suspensions was 8, the total number of black suspensions was 6, and the first asterisk column is an indication of the rate per 100 enrolled. There had been 1.9 suspensions per 100 blacks enrolled, 1.9 black suspensions per black enrolled. The next column indicates 2 white suspensions through November 3, or there had been 1/3 of a white student suspended for every 100 whites enrolled. The column with the little cross indicates the difference on rate per 100. For every white student suspended, 6.3 black students had been suspended on a rate per 100. Of course, those numbers at Ahrens are not significant; there aren't enough suspensions to really draw statistical significance. But as you move down the chart, for instance, and come to the third school, Ballard, there had been a total through November 30 of 177 suspensions; 143 had been black, or just through November 30, a rate of approximately 39 black suspensions per 100 blacks enrolled. There had been 34 white suspensions or a rate of approximately 2 per 100 enrolled. The rate for blacks was 20 times greater than the rate for whites.

VICE CHAIRMAN HORN. Let me interrupt at this point, just so we are very clear on what we mean by suspensions. This can be, I think, very

misleading to the Commissioners and listeners. That could be a 1-day suspension?

MR. HENNING. Yes, or it could be one person suspended a number of times.

VICE CHAIRMAN HORN. That is right. It could be 1 person suspended 39 times.

MR. HENNING. It could be, yes.

VICE CHAIRMAN HORN. Do you have any evidence as to the incidence in terms of individuals and the length of the particular suspension?

MR. HENNING. I have no information regarding the length of individual suspensions, and the data base I used, which were computer printouts which the school system supplies, did not indicate whether or not the suspensions are multiple suspensions for one person. They just indicate incidence of suspension.

VICE CHAIRMAN HORN. That is what concerns me. If it is white or black, Susie or Joe, you can have one troublemaker that just completely makes disproportionate what is really going on in a particular school, in terms of patterns of behavior.

MR. HENNING. There is no question about that. Of course, the same could be true of whites or blacks, what you could be dealing with. I followed the suspensions through each month until April 30 of 1976, and that shows the cumulative suspensions for the schools through that date. Again, those columns indicate exactly the same thing. At Ahrens through November 30, the suspensions had increased or, I am sorry, through April 30, the suspensions had increased to 110; 58 were black at the rate of approximately 18.5 suspensions per 100 blacks enrolled and 52 for whites at a rate of approximately 8.8 suspensions per 100 whites enrolled—two times, approximately, based on rate for blacks than for whites. If you read down the very last column on April 30, you can see exactly what the indications were at the individual schools. As a cumulative total, if you turn to the last page of the senior highs, which ends with Westport, it is the fourth page into the report, you will find that through April 30, at the senior high schools there had been 10,990 suspensions, 5,886 black suspensions, at a rate overall for all blacks enrolled in senior high schools of approximately 59 for every 100 blacks enrolled. There had been 5,104 white suspensions or a rate of approximately 14 for every 100 whites enrolled. Overall suspension rate for blacks was 4.3 times greater than for whites.

Now, in regards to hardship transfers, this is another exhibit I think you have with you. It shows approved through December 31, 1975, and it shows for all schools in the system.

Let me explain why I did this again so quickly after the December 17 report. After the December 17 report I had occasion to talk to two senior high school principals, and they indicated to me that their record of transfers was not consistent with the figures that I had submitted on the December 17 report. I talked to Mr. Goodman, who is

in charge of hardship transfers, and based on the records that he had worked up, these figures, the absolute figures, are somewhat different but they do indicate the same trend—that black schools tended to be losing a large number of white students assigned to them through the use of hardship transfers. Central, Male, and Shawnee in the senior high schools; at the junior high schools, which we haven't looked at, we had DuVal, Meyzeek, Parkland, and Shawnee. This is on the third page. At DuVal through December 31, there had been 36 hardship transfers granted for whites; at Meyzeek, 42; at Parkland, 60; and at Shawnee Junior, 87. Since that time there have been a number of reports developed by the office of Mr. Goodman. I have been familiar with those reports, but I haven't developed them along this format.

I might indicate that as I have read Mr. Goodman's latest report, it indicated the same trend. I believe that particularly at Shawnee Senior High School the number of transfers for whites was up to approximately 110, while a large number of blacks had been transferred back to Shawnee. Again, it had the effect, from my point of view, of threatening the stability of the plan. As that trend continued, the schools became more and more unlike in regards to racial composition. As relates to the alternative school and the YD program, the latest report on the alternative school, which is as of May 1, 1976, indicates that the same trend, which was identified back on December 17, continued. There are at the alternative school, currently, 193 black youngsters and 13 white youngsters, which is consistent with the trend which was initially identified back in December. The YD program, and I might explain there is a significant difference between the YD and alternative school program, the YD program is carried on within the local schools themselves. It is not separated out from the local schools. In other words, if I went to Fern Creek and I was enrolled in the YD program, I would stay, most likely, at Fern Creek, although I would be in a special class and would be no longer going to the regularly assigned classes I had initially been enrolled in.

The alternative school program is an off-campus program at another actual building, individual site. Longfellow is an old elementary school in the city. The YD program, on January 12, 1976, indicated that of the total number of students, 105 were black and 353 were white. It is not all that far separated from the general racial guidelines or composition of the school system.

But my concern was what was the criteria that separated a YD student from an alternative school student, and was that explicit enough for a reasonable person to be able to understand the difference and assign them. From my point of view, I was not clear on that nor was that ever clarified sufficiently for me to understand why the alternative school program was primarily black and lacking white participation as opposed to the YD program. I also was involved besides—I might mention that I said initially, by the way, that I was assigned to look at the assignment of people to special education during this period. I found

in November or December of 1975 that records regarding referrals to special education as well as placement in special education were not kept by race, beginning in September—they may never have, but they had not been since the implementation of the plan.

I had talked to the superintendent about it early in January, and he agreed that that ought to be done. I talked to Dr. Lee, who was the associate superintendent for special education, and beginning in February, testing and placement in special education programs was indicated by race, but I have no current figures on that.

Besides those four measures, I also had occasion to be involved in the decisionmaking regarding the exemption of EMH, LD, and first graders from the plan itself. That is a whole other line of data. Do you want to pursue that now or not?

MS. LEWIS. I will let the Commissioners do that if they choose to. Let me just ask you what kinds of procedures were used by the superintendent and other staff members to solve the problems you have outlined, and how much awareness do they have that these problems were existent?

MR. HENNING. Regarding just these measures, I have explained in detail suspensions, hardship transfers, and alternative school programs. I worked very closely with Mr. Farmer during this period. Some time in October I wrote a memo indicating, roughly, these problems but not in the detail that I submitted them in this chart form in December. At the December meeting there were a large number of administrators who were affected by these problems present. They were discussed in some detail. At the conclusion of the meeting, it was agreed that no specific actions would be taken regarding this data until we again would—until it would be developed further in subsequent months.

I might mention that my own orientation to problem solving was somewhat different than that which I experienced, at this point in my—at the time I spent in the Jefferson County system. At that meeting I thought it would be a place where these problems, we would work through some problem-solving strategy to work with the principals and other groups that were directly affected by these problems. A number of people indicated that they felt that is what needed to be done. There was an administrative decision not to do anything at that time.

I also supplied the superintendent with this data, I think just on December 16 or 17, as well as the other deputies, Mr. Maupin and Mr. Brucchieri. In fact, Mr. Brucchieri was at the December 17 meeting. Subsequent to the December 17 meeting, Dr. Robert Wynkoop, desegregation advisory specialist for the school system, came to me and asked me to look at the data. He indicated—although there had been tight restrictions placed on who could see the data, I thought it was proper that he saw it as he acted as a policy advisor to the superintendent on matters of desegregation. He looked at the data, indicated to me that he thought the problems were significant, and said

he would talk to the superintendent about it. He did, to the best of my knowledge, do that some time in December. At least he indicated that to me.

I talked to the superintendent about the data on January 6 or 7 and on January 15, again expressing my concern as to what trends were indicated by these measures and that I thought that at least we ought to develop further information as to whether or not there was a serious problem, as indicated by these measures.

Ms. LEWIS. Dr. Henning, let me interrupt you and let the Commissioners ask what they will of you since they have questions they would like to address to you.

CHAIRMAN FLEMMING. Thank you. Commissioner Ruiz?

COMMISSIONER RUIZ. Mr. Henning?

MR. HENNING. Yes, sir.

COMMISSIONER RUIZ. You have been close to the design of desegregation plans as a member of the design team appointed by Judge Gordon after the merger?

MR. HENNING. Yes.

COMMISSIONER RUIZ. You have been making reference to the fact that the integrity of this design has been influenced by the pushout program, disciplinary program, the alternative school program, the hardship transfer program, and you have given us many statistical items.

Now, I understand that our superintendent of schools has an outstanding background in finance and accounting, as a problem solver with relation to data and statistics. I noted that you amended your testimony by saying that on January 6 and 7 and again on January 16—

MR. HENNING. 15.

COMMISSIONER RUIZ. 15—that you spoke with the superintendent of schools, am I correct?

MR. HENNING. That is correct, sir.

COMMISSIONER RUIZ. Now, if you were the superintendent of schools, what instructions would you give and to whom? It should be rather easy for you to tell us what action you would take if you were the superintendent of schools because you are leaving us at the end of this month, is that correct?

MR. HENNING. That is correct.

COMMISSIONER RUIZ. Now, I think you can leave us a legacy during this brief instant while you are on the stand as superintendent of schools, about to become emeritus, so I would be very much interested, with this accumulation of data, the suggestions that you have made. You have formulated policy, and I want you now to put on the other hat and tell us exactly what you would do.

MR. HENNING. Okay. Well, I think, first of all, in regards to desegregation and the implementation of it, you would have to expect that you are going to have overwhelming problems to begin with and

to anticipate anything less than that would be naive. I don't think anybody in the school system, the superintendent included, would have to make an excuse regarding the development of these kinds of problems. They have happened in other school systems; they are serious; but they are to be expected when you go through a massive program change such as is indicated with desegregation.

My own orientation to administration would make me think that, if I were wearing that hat, some of the actions which I would consider appropriate and which I think would be important to take would be to develop—well, let's take suspensions, for instance. There were going to be problems in the schools, disciplinary problems. Suspensions is one way to deal with those, but when suspensions develop to the point where the rate of suspensions per 100 students enrolled is, for instance, blacks, in a number of schools, is 115 suspensions for every 100 blacks enrolled, I think you have an indication that's an ineffective way of dealing with things.

COMMISSIONER RUIZ. Now, with respect to the suggestion made by my colleague, Commissioner Horn, concerning the integrity of the suspension statistics because of repeats, what would you as superintendent do in order to get that cleared up?

MR. HENNING. First of all, I think you need to retrieve more data, if you want to look at whether or not there are multiple suspensions for one student as opposed to individual suspensions.

COMMISSIONER RUIZ. You would expand the analysis of that particular subject?

MR. HENNING. Oh, sure. I think this is an indicator. It only indicates that maybe further action is necessary, and that further action—the immediate further action you might want to take would be to develop further data to give you a clearer picture and analysis of what was going on. I believe that, given what you found with that further analysis, you might take a number of steps. One would be, from my point of view, to develop ways of dealing with disciplinary problems other than suspensions, such as counseling, contracting, or in-house suspensions—that has been done at a few individual schools—and to develop other strategies as appropriate for the problem. I think the key thing would be to acknowledge the problem and to indicate that although you may not have all the answers to the problem, you are going to enter into a problem-solving cycle to try to relieve the specific problem, i.e., suspensions.

COMMISSIONER RUIZ. Would you call in other people?

MR. HENNING. Oh, I would call in the people who are involved in the suspensions and that would be teachers, principals, and students.

COMMISSIONER RUIZ. What instructions would you give them?

MR. HENNING. I would hopefully ask them to manage a problem-solving sequence that would arrive at some alternatives that might relieve this problem.

COMMISSIONER RUIZ. Very well, continue.

MR. HENNING. In regards to hardship suspensions, or hardship transfers, I again would move on a problem-solving cycle on that. In other words, you recognize, on the one hand, there are students who have legitimate reasons for not being involved in a transportation requirement, whatever it may be. But when those numbers reach the size they do at Shawnee, for instance, I think that indicates that you need to acknowledge there is a problem regarding the maintenance of the integrity of the plan.

COMMISSIONER RUIZ. What specific instructions would you give with relation to—after having acknowledged that there is a problem?

MR. HENNING. After having acknowledged there was a problem, I would call together those most affected or most responsible for the management of that particular problem and again indicate to them that we needed to enter into a problem-solving cycle. I think that also might include, in this specific instance regarding this measure, people external to the system. For instance, doctors, parents, other groups that recognize that if you don't maintain the stability of the plan, you have just got to redraw the whole thing all over again, and that that is a far worse thing than just maintaining the integrity of the original order.

So that is what I would do in regards to that. I don't claim to have some specific and guaranteed answer to these, but I think that you have to acknowledge the problem exists and do the best you can, develop alternative strategies to deal with it.

COMMISSIONER RUIZ. Now, we still have left the alternate school program.

MR. HENNING. Right.

COMMISSIONER RUIZ. What instructions would you give with respect to that?

MR. HENNING. As regards the alternative school program, there would be one thing that I would do somewhat differently than this. Again, I think the first step is to acknowledge that there is a problem, that the rate of assignment to the alternative school is so disproportionate in regards to racial categories that there seems to be some indication that needs to be looked at.

Given that, one thing that I would do is make the criteria for assignment to the alternative school and criteria for assignment to the Y.D. program very explicit. I would ask those who are most affected by the problems of student behavior to do that and the management of problematic behavior. That would be people like those who direct the alternative school program, the Y.D. program, and principals.

COMMISSIONER RUIZ. Thank you.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. One question, Dr. Henning. Has the court had the statistics, information, conclusions that you have drawn—has the court been made aware of this? Do they have this information? Does the judge have this information?

MR. HENNING. To my knowledge, not in the form in which I am presenting it. Let me try to answer that a little more fully. An area we haven't talked about, that I was directly involved in, regarded the exemption of the first grade. As you know, Judge Gordon in his action of May required the first grade plan be redrawn. During the school year there was data developed on a number of occasions which indicated that if the first grade were exempted, the elementary schools would go far beyond the racial parameters established by the court, regarding what the court wanted to see regarding racial ratios in the school.

One of the difficulties with the management of the plan speaks to your question. As that data was developed, and political pressures increased for the exemption, it became—it seemed to me as I followed those events, and I was one of the persons who was to testify on that question when it originally came up—that data in a format that would let the court know the impact of its decision if it should exempt the first grade, or interpretation of data, to the best of my knowledge, wasn't provided. But, again, that may have been done in chambers; it may have been done by counsel for the school board; it may have been done by any number of persons who I would not have knowledge of. I know that in regards to the format of the first grade data or the suspension data, to the best of my knowledge, it was never presented to the court, or it was presented in a different format than the one which I provided.

COMMISSIONER SALTZMAN. Just may I pursue it for one moment? The court order, I believe, was sensitive to the possibility that the design would be subverted by some of these factors. Was the monitoring procedures a failure on the part of your, at least, point of view, on the part of the court or upon the part of the school administration to present an adequate information to the court?

MR. HENNING. That is a matter of conjecture, to some degree. It was my own view that the design team was appointed and became officers of the court and that the responsibility of the design team, at that point, was to fully inform the court, in this case Judge Gordon, of the implications and consequences of the decisions it was making, particularly regarding the original design.

Given that Judge Gordon is not an educator, that desegregation plans are highly complex things, and that school administrators had a better grasp and understanding of the problems and statistics they were using to monitor the problems than the court did, I have heard opinions expressed that were contrary to that view, that it is the court's responsibility to find out what is going on. It is my own view that that is not the question, that the important thing is that there be full information provided to the court, interpretations, and varied interpretations, of that information and that the court have a solid base of data and data interpretation and then make its decision, because if that doesn't occur, the consequences regarding the stability of the plan become very difficult.

COMMISSIONER SALTZMAN. Weren't you an instrument of the court?

MR. HENNING. Was I an instrument of the court?

COMMISSIONER SALTZMAN. Yes, in the design—

MR. HENNING. Yes, I was.

COMMISSIONER SALTZMAN. Then couldn't you have presented this to the court?

MR. HENNING. No, I could not have.

CHAIRMAN FLEMMING. Am I correct that you did serve as an officer of the court along with others?

MR. HENNING. Yes.

CHAIRMAN FLEMMING. In connection with the design of the plan?

MR. HENNING. Yes.

CHAIRMAN FLEMMING. But once the plan had been presented and once the court had issued its order, you were no longer an officer of the court?

MR. HENNING. Yes. The design team did maintain its identity and did reconvene again in January, so it did maintain, I assume, that status. I believe the plan as written also called for the appointment of an implementation team, and I don't know if the effect of that was to make that implementation team or the members of that officers of the court. I do know that after the design of the plan was completed, which was July 30, approximately, that I no longer had access to the court.

COMMISSIONER SALTZMAN. You were restrained—were you restrained from providing this?

MR. HENNING. No, Judge Gordon made it clear, particularly in early December, in a statement he issued from the bench that he would work through the superintendent, and the superintendent chose those persons whom he considered to be appropriate when he would talk to Judge Gordon in chambers or in any other—

COMMISSIONER SALTZMAN. Thank you.

CHAIRMAN FLEMMING. Commissioner Horn?

VICE CHAIRMAN HORN. Dr. Henning, let me get back to the suspension data for a moment. You recognize that the gross statistics sometimes hide what is really going on. Did you make any recommendations to the central school administration that you needed a further breakdown as to the individuals involved in this suspension data, the number of days for which they were suspended, etc.?

MR. HENNING. I made two recommendations, Mr. Commissioner. One of them was that there needed to be further analysis of the data. The second was that the principals needed to be convened so that they could discuss with the superintendent, or deputy superintendent or his designee, what this data meant and their interpretation of the data could be retrieved. I considered that essential.

I might mention that, from my viewpoint, that even if there were multiple suspensions, at a number of schools the suspension rate was so high that even with multiple suspensions, a problem was indicated

that needed further investigation. There was further investigation undertaken, by the way, that spoke to both those things to a degree.

You know that Judge Gordon on March 4, if I am correct, asked Deputy Superintendent Maupin to undertake a study of the suspensions. There was some further data collected regarding your question, how many were multiple, one person.

VICE CHAIRMAN HORN. What was the response to your recommendations?

MR. HENNING. My recommendations were only made through January. To my knowledge, there was no convening of the principals, there was no further analysis of the data called for, and I wasn't asked to develop this data any further than I already had.

VICE CHAIRMAN HORN. This was a decision made at the highest level of the school administration?

MR. HENNING. It was a decision that was made, as far as I know, either by the office of the deputy, office of the superintendent—you have to understand, this data had distribution only to a very few people. There weren't more than 15 or 20 people who knew this data existed.

VICE CHAIRMAN HORN. Let me ask you, on hardship transfers, are you familiar with the clearance process that is required in order to pass judgment as to whether a hardship transfer should or should not be granted?

MR. HENNING. Yes, I am familiar with it.

VICE CHAIRMAN HORN. Did you have any input in the design of this process, in terms of the type of management information system data that would be needed to make some of these judgments?

MR. HENNING. Yes, I did.

VICE CHAIRMAN HORN. Were your recommendations accepted?

MR. HENNING. You have to follow the sequence on it. In regards to hardship transfers, I became aware in late December that the recordkeeping was not up to par with regard to hardship transfers. For instance, the appeals data, and those are hardship transfers that have been granted on an appeal from the original request, had not even been accumulated. That was because, from my point of view, there was a structural problem in the recordkeeping. I talked to Mr. Goodman about it. I met with the superintendent on January 15 with Mr. Goodman. We recommended that all recordkeeping regarding hardship transfers be centralized under Mr. Goodman.

Given that we couldn't get an accurate picture of hardship transfers in regard to number, race, or school, given the way the recordkeeping had gone to that point, the superintendent agreed that we needed to change the recordkeeping. Mr. Goodman subsequently wrote a memo roughly summarizing what we had agreed to. It's my understanding, in conversations I had with him about 6 or 8 weeks ago, that following the writing of that memo, the superintendent wrote a memo to him and reversed the agreement we had come to regarding recordkeeping.

I am sure that the December 31 figures are correct because I did those by hand myself with my secretary. But given the problems with the recordkeeping system, I am not sure that any figures since then are correct.

VICE CHAIRMAN HORN. Do you feel there was conscious falsification involved in any of these records or was it just inadequate collection?

MR. HENNING. I wouldn't speculate one way or another. I do think there was common agreement that there was inadequate collection, whatever the reasons were.

VICE CHAIRMAN HORN. I note on your charts on hardship transfers, I don't get an idea of how many apply versus how many were granted. It seems that is just a fundamental statistic one gathers.

MR. HENNING. Yes, roughly twice as many applied as were granted in either case. What I was interested in looking at was the impact of hardship transfer on racial ratios. Applications had no impact, approvals did.

VICE CHAIRMAN HORN. But that data is available in the school system?

MR. HENNING. It certainly is.

VICE CHAIRMAN HORN. Who should I address questions to on the hardship transfers? We have, I believe, a panel of administrators coming next. We also have the superintendent. Who is the most responsible official in terms of the process of hardship transfers?

MR. HENNING. There are two officials. Mr. Goodman is responsible for hardship transfers at the initial entry level. That is where your first request would occur. Mr. O'Dell is responsible for the appeals process which can be a two- or three-step process, but he monitors that through its entirety. So both those officials would be the ones you would want to speak to.

VICE CHAIRMAN HORN. Counsel, are those officials scheduled to appear before us? The counsel says no. So then we will have to ask the superintendent that question.

Now, one last question, in the design team's work for the court and the data you had available, to what degree were socioeconomic class demographics taken into account in assigning students to the various schools in the Jefferson County system?

MR. HENNING. Not taken into account at all.

VICE CHAIRMAN HORN. Was it ever considered that they be taken into account?

MR. HENNING. No, it was not.

VICE CHAIRMAN HORN. There was no discussion by the court or within the school administration that there were problems of socioeconomic class as well as race?

MR. HENNING. There certainly is discussion within the administration that there are problems with socioeconomic class regarding norms, achievements, and attitudes, but in regard to design of the plan that was in no way a factor.

VICE CHAIRMAN HORN. In your judgment as a person who has had his career in public school administration, expert on statistics, do you feel class factors should be taken into account?

MR. HENNING. It's my understanding that taking economic or class factors into account is unconstitutional. Now apart from that, I think that the evidence indicates that socioeconomic factors are important factors regarding achievement and attitude. But if the law of the land is that those factors are not allowable in regards to the construction of a desegregation plan, then that is the law of the land. That only leaves one avenue open to deal with those factors, an integration of different economic groups, and that is voluntary action on the part of the board of education.

VICE CHAIRMAN HORN. Yes, but in reality when the proportion of poor are higher among minority groups than they are in the majority group, the fact is, whether they want to admit it or not, socioeconomic class must be a basic consideration in some of these areas.

MR. HENNING. Again, Mr. Commissioner, all I can tell you is that it was not a consideration in drawing the plan. It happens to be a byproduct of it simply because you do find high correlations among those groups which have economic problems, in minority groups.

VICE CHAIRMAN HORN. Obviously the reason I pursue this line of questioning is that some have argued that in some desegregation cases the judges have not been aware of the problems of merger or transportation of lower class blacks, lower class whites, middle class blacks, and middle class whites, with the result that if they had shifted the balance in certain ways with the recognition of these factors that perhaps involved achievement, home life stability, so forth, they might have had a more successful period of desegregation than they have had in some cities. That is why I pursue that line of questioning.

MR. HENNING. Just a minute.

MR. TRIPLETT. May he confer with me for 30 seconds?

[Pause.]

MR. HENNING. I was not here at the time, Mr. Commissioner, but Mr. Triplett tells me that during the first trial, which would have been in 1973 before Judge Gordon when suit was originally brought, socioeconomic factors were discussed in the course of that trial before him. That was some years ago. But beyond that I know of no other consideration.

VICE CHAIRMAN HORN. I would like to yield to Mr. Buggs who wants to raise one question on suspensions.

MR. BUGGS. Dr. Henning, from your list of suspensions through the 31st of January of '76, I have counted, there are 13 schools with less than 10 to 100 blacks suspended and 6 with above 90 per 100 suspended. In between those two extremes, as you know, they range anywhere from 10.1 up to 115. Has anyone looked into the reason for the great differences of the extremes there? There must be some reason.

MR. HENNING. As far as I know as regards the administration of the Jefferson County Board of Education, there was no further investigation of these statistics undertaken. When Judge Gordon became aware of the problem around suspensions at his hearing on March 4 of this year, he did request Deputy Superintendent Maupin to look at suspensions, but I don't believe he asked him to specifically look at why the differential between rates.

MR. BUGGS. Thank you.

CHAIRMAN FLEMMING. Thank you very much for being here and sharing this testimony with us.

Counsel will call the next witnesses.

MS. LEWIS. Will Robert Wynkoop, Milburn Maupin, and J.C. Cantrell please take the stand?

[Robert Wynkoop, Milburn Maupin, and J.C. Cantrell were sworn.]

TESTIMONY OF ROBERT WYNKOOP, DESEGREGATION ADVISORY SPECIALIST; MILBURN MAUPIN, DEPUTY SUPERINTENDENT FOR GENERAL ADMINISTRATION; AND J.C. CANTRELL, DEPUTY SUPERINTENDENT FOR INSTRUCTION

MS. LEWIS. Would each of you state your name and address and job title for the record, please?

MR. WYNKOOP. My name is Robert Wynkoop. I am a segregation advisory specialist, Jefferson County schools. My address is 3311 Spring Crest Drive, Louisville, Kentucky.

MR. MAUPIN. Melburn T. Maupin, deputy superintendent for general administration, Federal programs and human relations. My address is 424 Knights Bridge Road, Louisville, Kentucky.

MR. CANTRELL. My name is J.C. Cantrell, deputy superintendent designee for instruction. My address is 9811 Silver Wood Lane, Louisville, Kentucky.

MS. LEWIS. Dr. Wynkoop, as desegregation advisory specialist for the school system, what has been your role in the Jefferson County school administration this year?

MR. WYNKOOP. My responsibilities this year have been to work with the desegregation human relations programs. We have a comprehensive plan of desegregation activities, federally funded programs. There are some 12 projects. I advise, also advise the superintendent and management related to these projects, programs, other desegregation-related activities.

MS. LEWIS. You are a member of both the desegregation task force and implementation team?

MR. WYNKOOP. Yes, I was.

MS. LEWIS. In the course of your work, I gather from what you just said that—in the course of your work, I gather from what you just said, that you met with the superintendent on a fairly regular basis?

MR. WYNKOOP. Yes, I did.

Ms. LEWIS. We have just heard testimony from Mr. Henning concerning the flow of data and production of it by himself and the sharing of that data with the superintendent, and he indicated in that testimony that you also discussed that data with the superintendent, is that correct?

MR. WYNKOOP. Yes, it is.

Ms. LEWIS. What was the superintendent's response at that point?

MR. WYNKOOP. I think when I first showed it to him sometime in December, whatever the date was, he was surprised at the data. He questioned it. He was concerned about it. He asked what steps were being taken or should be taken at this point. I indicated to him that Mr. Farmer was working in that area and that it's something we should all be alerted to and concerned about and follow up on.

Ms. LEWIS. But nothing specific was done at that point except to discuss it?

MR. WYNKOOP. That's correct.

Ms. LEWIS. As these things were referred to the task force and discussed there, were there decisions made about these items in that context?

MR. WYNKOOP. I am not sure that they were ever discussed in the task force. The task force, I am not sure when it ended but—I am sorry, I was thinking of the implementation team. The implementation team ended about midyear, January. The task force itself, I don't recall them discussing the suspension report in the task force.

Ms. LEWIS. Well, in the team, either one?

MR. WYNKOOP. I don't recall.

Ms. LEWIS. So that those materials were not shared with either the task force or the team to your knowledge?

MR. WYNKOOP. I am not sure. I don't recall.

Ms. LEWIS. Mr. Maupin, what position did you hold with the former Louisville school administration?

MR. MAUPIN. At the time of merger I was the last superintendent of the Louisville Independent School Board.

Ms. LEWIS. You have been in the Louisville public school system for a period of time?

MR. MAUPIN. Yes, I began teaching in 1949. In 1965 I went to the central office as a director and subsequently became an assistant superintendent and then what we called "chairman of school operations," which is like the number two man. Then my title was changed to deputy superintendent and eventually superintendent.

Ms. LEWIS. Thank you. As a result of the suspension hearing held before Judge Gordon in March of this year, you were asked to prepare a report on suspensions in the Jefferson County public schools. Would you briefly describe the results of that report as you prepared it?

MR. MAUPIN. Yes. We were ordered by the court to look into the six schools that had the highest rates of black suspensions. Incidentally, I do have some questions—some answers to Commissioner Horn's

questions. If you don't mind, I will just give them. In those six schools there were 966 black youngsters and 1,052 white youngsters who had been suspended through March 31. Of the 966 black youngsters, 440 had been suspended more than once.

For an example, 179 of them twice, 120 of them three times, 58 of them four times, 43 of them five times, 29, six times, 7, seven times. So, in recapitulation, there were 526 youngsters who had been suspended only one time and 440 more than one time.

Of the 1,052 white youngsters, 173 of them had been suspended 2 times, 50, 3 times, 27, 4 times, 12, 5 times—none more than 5 times, a total of 262. So again, to recap, there were 262 multiple offenders, 790 single offenders, a total of 1,052.

Mr. Horn also asked about the duration of the suspensions. I would have to say at this point, part of our research design, since we had only 30 days to make the report to the court, was to have a random sampling of 30 youngsters in each of these 6 schools, which would have produced 180 people to be interviewed. Because of student absences we were only able to talk to 161 youngsters. Of those, 75 were suspended for 1 day or less, 36 for 2 days, 21 for 3 days, 13 for 4 days, 10 for 5 days, 4 for 6 days, 1 for 7 days, 1 for 9 days. So I just thought that might help to answer the question.

VICE CHAIRMAN HORN. Appreciate it. Very helpful.

MR. MAUPIN. Now if I may knife through the verbiage and get to the bottom line of what you asked, when we talked to these 161 youngsters who had been suspended, insofar as to the first question that the court put, were they suspended for suspendable offenses, the answer is clearly yes. As a matter of fact, of the three major categories, cutting, tardiness, fighting and smoking, they virtually did not contest their being suspended properly for anything other than tardiness. In two schools they claimed that they had been unfairly suspended by reason of buses being late, yet they were suspended for being tardy. But they did not contest the suspensions for cutting, fighting, smoking, and then the other various reasons that ranged on down to one like for creating a disturbance and one for vandalism, etc.

When we talked to the parents we got one-fourth of the parents who agreed that their children had been suspended fairly. A third said they just didn't know. Of the remaining, approximately half, namely, the black parents, said the white children had been treated preferentially, and conversely the white parents said that the black parents were treated preferentially.

I was here yesterday when there were two people, namely Reverend Kirby and Ms. Benetha Ellis, whom I know feel very strongly that the report is not credible. However, I do point out that we said that the black parents, apart from the one-fourth that did agree and the one-third that said they just didn't know, believed that their children had been unfairly treated, but they broke down by racial lines.

We talked, in addition to the 161 children and 139 of their parents, we talked with 55 teachers, black and white. And by and large they all agreed as to the fairness of suspension, if you are talking about overt racism. The black teachers did not materially or substantively disagree from the white teachers in their responses.

However, there is another part of this report that is widely overlooked but is more important, in my view, than the answers to the court's question. That is, we cite throughout, especially where the student interviews are concerned, the fact that there was an absence of communication, that many of them felt that they were not helpfully treated when they reentered from having been suspended. Over and over again we cite expressions such as "nobody will listen."

Obviously, what the parents said, white and black, indicates that we have great problems of communication. As a matter of fact, at one time I threatened to write a minority report which would have been different from the report of the other two members. The reason that I did not and chose to concentrate on things like insensitivity as opposed to racism was that I saw some developments that at the time seemed to be productive, promising. And I felt that a racially divided report, the other two members of the committee being white, would have been counterproductive to what I was more interested in—much more interested in than what Judge Gordon's answers were—that is, what happens about these kids in the subsequent years.

If we had had a report that broke down on racial lines, that would have just added another element of controversy to a community already polarized in many ways. But when we went back to these six principals and talked with them, I found them to be open, to be non-defensive. One person, for example, who had uncritically just suspended students for smoking the first time, without allowing any warning or anything of that sort, just said on his own, you know, I am convinced that whatever the reason I might have had for my posture on suspensions just is not effective, and I am changing that. Then other people were seeing the need to get about this matter of establishing rapport between the races, because whether you are dealing with a problem of disproportionate black suspensions, and they clearly are disproportionate, any idiot can see that on the face of it, whether that is because you are dealing with racism or whether you are dealing with it because of the culturally different clientele of a school or because expectations of a school are different from the school attended last year, to me that is irrelevant, insofar as you go ahead and deal with the reality of a problem.

Too many people are being pushed out of school for whatever periods of time. And I was also comforted by the fact that a person who reports to me who works with Federal program writing told me that the superintendent had given approval for the consortium, which is an organization, a tripartite organization, composed of the University of Louisville, University of Kentucky, and Jefferson County School

District, to apply for funds, significant funds, under the student concerns program, which would deal specifically with this matter of suspensions.

I felt it much more important for the school district to be about this further more important kind of study, that could take place in depth, which had a bigger research component as well as some direct help from principals, than just ending a 30-day report in just a blast, where you paint people with the brush of racism. So these are the reasons why the report is written as it is, and it's the further reason for my great chagrin when I found out later that apparently the school district reversed its field and decided, after having been told that you can have a quarter of a million dollars in which to study suspensions, that we don't want it.

Ms. LEWIS. When was the application made for that grant?

Mr. MAUPIN. It was made in—

Ms. LEWIS. Mr. Maupin, when was the application sent in for that grant?

Mr. MAUPIN. I believe it was in February but I am not sure. All I really know is at the time when I got ready to write this report, the approval to apply for those funds had already taken place.

Ms. LEWIS. The approval to apply for the funds coming from whom?

Mr. MAUPIN. The approval from the superintendent that the University of Kentucky, which was the fiscal agent for the consortium, go ahead and apply for the funds. You see, technically, under the act, the school district itself could not apply for the funds but this consortium could. So when I was told by Dr. Atkins, the man that works with the consortium and works with me, that we were in fact going to ask for those funds, I was elated because I said, well, what difference does it make why the black kids are getting pushed out of school if we are coming to grips with how staff people and principals and teachers and other people can establish relationships with these youngsters—if it's because that they are new to the communities, for whatever reason—this is great. So I saw no reason to get into a divisive kind of thing.

Ms. LEWIS. The status of that grant is now what, exactly?

Mr. MAUPIN. Well, I was at a meeting a few weeks ago when I heard from a gentleman, I believe his name is Robinson, who is on the staff at the University of Kentucky; that they had been told by the appropriate fiscal agent in Washington that the money was available. Then I was told at that time that we had said we didn't want it.

Ms. LEWIS. "We" being the superintendent?

Mr. MAUPIN. Jefferson County School District. I have on three different occasions expressed my great ire, my great being appalled, my great anger in as strong terms, in fact terms so strong I cannot use the words here, and asked that this be reconsidered, because I think that this, to me it is incredible stupidity, can be reversed. Now, whether or not this is being considered, I don't know.

Ms. LEWIS. Let me ask Mr. Cantrell where he fits into that picture. Suspensions come as a matter of course under the department of instruction, do they not?

Mr. CANTRELL. Correct.

Ms. LEWIS. In the original application for this grant, for student concerns, was your signoff necessary as well as the superintendent's, or did you support the grant in any way?

Mr. CANTRELL. Pardon me, would you state the question again?

Ms. LEWIS. When the University of Kentucky applied for that grant for dealing with student concerns, the superintendent signed the letter of approval of application. Did you have to sign such a letter as well as the head of that department?

Mr. CANTRELL. I did not. I was not required to sign the letter.

Ms. LEWIS. But you were aware that the grant was being applied for?

Mr. CANTRELL. Yes.

Ms. LEWIS. Did you approve of the grant and support it?

Mr. CANTRELL. May I back up just a little and start from the beginning?

Ms. LEWIS. Sure.

Mr. CANTRELL. When we were made aware of the student concern grant which we could get, we immediately called a group of our principals; we called other people from the division of instruction and asked them to respond to the guidelines set forth under which we could get this money.

We were highly concerned about the 15 schools with the high rate of suspension. And the people that were giving us the information, and by "us" I am referring to those people representing the division of instruction. It was pretty well understood that we possibly, and more than likely, could get help, paid for via this grant, for individuals to work in those schools. That would be actually 15 additional personnel, one in each school. They would be under the direction of the principal.

The principal, through the writing of this grant, would have some say as to how these people would be used. They could be used in a counseling capacity. They could be used, perhaps, to help with in-house suspensions. They could be used to perhaps make home visits and do some of the things that we did not have personnel to do. We thought it would be great.

When that proposal was forwarded, we did not hear anything for some time. Then we received word that it had been disapproved, and when this disapproval came, it was accompanied by very strict guidelines as to how it could be funded. And we found by reading those guidelines that instead of having 15 people that could actually be working in the schools under the supervision of the principal, according to the way the proposal was written, that the project had been changed to where it was almost out and out a research project.

At that point I read it very carefully. The superintendent did ask me to respond. Not only did I respond but I asked the principals to respond. And they were quite chagrined or surprised that suddenly where we thought we had 15 people that could work in the schools and do some of the things that we had talked about, we ended with 4 people that would be primarily engaged in research. They would not do some of the things that we had discussed initially.

So after reading it and rereading it, after talking with Dr. Wynkoop, I did make the recommendation, and I was about to leave out the principals, not as many were involved in that review, but some of the original principals were involved. And because of the change and it becoming almost a research project, they were disappointed, we were disappointed, and therefore the recommendation was that we not accept it under those terms.

Now, after finding out from Dr. Robinson, I believe it is, that the money was still available, we have now started talking with our principals, and we will possibly try to negotiate so that the money can be made available to us.

But may I repeat, that our major concern was here we had 15 people that could work in these 15 schools with the highest rates of suspensions and try to do something to really help. We suddenly showed up with four people that were primarily researchers. Out of a total of \$192,595, which was indicated that we could receive under the adjusted grant, only \$93,000 of that money would be spent in any way for personnel to be in the schools in any way, shape, or form to be of help. The other was going to be spent for interns, for other people.

When all of that was put together we certainly had no ulterior motives in declining. We just felt that it would not be of great help and it was really and truly a disappointment.

So the project so far as we are concerned at this point can be reviewed and we are—our plans are underway to try to negotiate so that something can be accomplished from it. But I think my big plea is this, that we need more people that we can actually place in the schools under the supervision of principals to do some of these things that we know need to be done, but we do not have the finances to accomplish at this point.

COMMISSIONER RUIZ. Mr. Chairman, may I suggest at this time that a copy of the application for funding on that grant; that the response from the government, the answer to the government's response, the final recommendation by the county board and the reconsideration matters now pending, negotiations be inserted as part of the record by the next exhibit in order at this point?

CHAIRMAN FLEMMING. May I ask counsel if that, any of that material, is available now?

Ms. LEWIS. A good part of it is available. I don't know about copies of letters, back and forth, but we can get that.

CHAIRMAN FLEMMING. We will ask you to assemble it, get anything additional, and it will be inserted in the record at this point as an exhibit if there is no objection.

Ms. LEWIS. Thank you, no further questions.

VICE CHAIRMAN HORN. I would like to ask Mr. Cantrell, do you know where that decision to move from 15 people in the schools to 4 researchers was made? Was it at the university consortium level, was it at the Office of Education level, where was it?

MR. CANTRELL. Sir, I do not know. As I said, the proposal was submitted. It was signed as indicated by the superintendent, and the next thing that I heard, and I cannot recall who the person was that told me, was that money could be made available, provided we accepted these guidelines. And where that decision was made, sir, I have no idea.

VICE CHAIRMAN HORN. As part of the exhibit that Commissioner Ruiz has had inserted in the record, I want counsel to follow up with where this decision was made, either at the consortium level or the Office of Education level. As an administrator, this is a matter that has increasingly concerned me, that very worthwhile projects to solve problems often get converted into research projects, where we learn more about problems we already know about and don't have the assistance to solve problems we need to solve.

MR. CANTRELL. Sir, in the initial proposal there was some research, and, certainly, no one knows more than we do how badly that is needed, but we also need individuals in the schools. So we certainly welcome the research. But then when it came back primarily research, why, we did have some reservations.

MR. MAUPIN. Counsel, is it appropriate for me to address Commissioner Horn?

CHAIRMAN FLEMMING. Certainly. Absolutely.

MR. MAUPIN. Commissioner, let us suppose that the project were entirely research. We don't know very much about why we have these problems represented by these suspensions. And I would think that if it were absolutely 100 percent research, that we ought to be jumping at it, because we, all we know is that we have some problems establishing rapport between the people among us who are running the schools and our patients, our clients.

It seems to me that before we know what help that we have to have to deal with our patients, if I may continue to draw an analogy from the medical profession, we need the research to know why the patient is sick.

VICE CHAIRMAN HORN. I guess my reaction to that would be, and I think Dr. Henning reflected some of my views, that certainly you need some research. But, frankly, the halls of Washington, most universities, and most systems are filled with studies that are never implemented. What I think is needed is for an administrator that holds the responsibility to sit down with the principals that are there on the

firing line and start working to attack the problem. I would wager that you don't need more than a couple days of solid work to find out what the problem really is and to design some remedies administratively, whether it be in terms of dealing with the people that are causing the problems, be they principals, teachers, or students, or parents, that could solve the problem.

But to have research when we all know what some of these problems are for another year or two before we face up to the problem, I think is just being blind to reality, and I say that as an administrator that has a research staff and that's wonderful. I am all for them, but you have got to act.

MR. MAUPIN: What are the problems, Commissioner Horn?

VICE CHAIRMAN HORN. In terms of suspensions?

MR. MAUPIN. Yes, sir.

VICE CHAIRMAN HORN. I think you rather well described some of them in terms of communication, sensitivity, and all of these things. I think you know what the problems are or have the collective intelligence in your school system to figure it out. Then the question is, what are you going to do about it?

MR. MAUPIN. Well, if a person is insensitive and who is part of the problem and who may deny that the problem exists, if he is given 20 or more people in the school to work with, how does that contribute to the solution of the problem?

VICE CHAIRMAN HORN. I would think then it's up to the leadership of the school administration to get their principals into the types of programs—in-service training during the week, not waiting for the summer—that helps get these things out on the surface and deal with them.

CHAIRMAN FLEMMING. Counsel, you may continue.

MS. LEWIS. No further questions. Go ahead.

CHAIRMAN FLEMMING. Are you finished?

VICE CHAIRMAN HORN. Yes.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. Yes. Dr. Maupin, I can certainly sympathize with your problem, especially being in the minority, possessing the sensitivity to know there is a problem and also having to try to deal with a situation where you may have to work with administrators who don't have the sensitivity.

The question that I have is, to what extent has consideration been given to the need for human relations training at the board and superintendent and principal level?

MR. MAUPIN. I want to give you an honest, accurate answer. That's the reason I am pausing, to get my words correctly. There is awareness on those of us who have some responsibilities for human relations, period, in the school district. But that important effect ought to start there if it's going to be effective anywhere else.

However, the very term "human relations" conjures up an imagery which gets into such negative things as sensitivity training or that it's a program just to help the blacks, things of that sort, so that as a matter of fact it doesn't happen and, in my view, it's not likely to happen.

COMMISSIONER FREEMAN. If you were in a position to make a decision and to make a recommendation as to a program that would be effective in bringing about improvement, what would you do?

MR. MAUPIN. I would bring in outside people who are highly trained in matters of human relations, and I am talking about, in the broadest sense, interpersonal relations, people understanding themselves and other people and how they interact with each other. I would start first with those 12 elected members of the board of education and get them off somewhere, lock them up somewhere, where they could only, could emerge only after having undergone a prolonged period of time when they could come to grips with their own feelings and themselves, etc.

Then I would take the next echelon, which would be the people whose titles end in the word superintendent, people like us, and do the same thing with us; just lock us up somewhere and make us just stay there until we come to grips with each other, because there are some things that we are not seeing here that are behind this very thing we are talking about that relates to our perceptions. That's the reason I was wanting to pursue what Commissioner Horn said. And then I would take the next tier, that is the principals and whatnot, and then the teachers. I would get the parents and our clientele involved in situations where we talk with each other.

This is the kind of thing I heard these people talking about in the panel yesterday. Incidentally, I was the person that was approached by the community relations service. Some 30 or 40 black parents had gone to them and had complained of not being able to talk with the superintendent. I conveyed that to Mr. Grayson and, to his credit, he was the one that was willing to sit down and talk with the black parents.

If there is any error on which ones are selected, that error belongs with me, because I started with people who were status heads of organizations that by their very function ought to have been concerned, like Lyman Johnson of the NAACP Ministerial Relations, Reverend Kirby himself, Benetha Ellis herself, although I don't know her, I had seen her speaking up for black children and I just thought she ought to be a part of it. That was left hanging yesterday and I wanted to clear that up for your records.

But as I understand it, this quarter of a million dollars does provide, in fact, and I checked with Dr. Atkins on that, for workshops and things where parents and the school people could come together and have some dialogue with each other instead of shooting at one another from afar.

These are the kinds of things that I think are important. I think this would deal with the substance, matters of what I heard these consultants, these doctors talk of this morning about the divisiveness between the city and county and also between black and white, and in me, you see, you have got both problems, all wrapped up in one sizeable bundle. These are the kinds of things that I really think are important. And they are more important than anything else in my opinion.

COMMISSIONER FREEMAN. May I just suggest and urge you, don't give up. It's going to be tough because part of the problem is getting the message across to your peers, but don't give up.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. Mr. Wynkoop, to what extent has the executive staff had the data of Dr. Henning meaningfully and understandably conveyed to them, so that they can begin to deal with it?

MR. WYNKOOP. I believe that in the instructional counsel meeting, which Mr. Henning when he presented that material, I think it was discussed at some length at that time. And I am sure that everyone in that session was familiar with that data, and if they had any questions they had an opportunity to ask them at that time. I spent a considerable amount of time myself with the superintendent discussing that.

COMMISSIONER SALTZMAN. Then why was no action taken, if there was meaningful understanding of the data? Have you any idea why the failure of any remedial effort?

MR. WYNKOOP. I think when the data was initially presented, there was some surprise at that time that the data really said what it appeared to say. And there was a desire on their part to see if this was a trend, to see if this is something that is going to continue or if this is something that just occurred in the first month or two of school. That was the initial reaction.

COMMISSIONER SALTZMAN. At this point, is there any conclusion as to whether, indeed, the tendencies toward resegregation are occurring?

MR. WYNKOOP. Tendencies towards resegregation as it relates to suspension?

COMMISSIONER SALTZMAN. Not only suspension but all of the factors which Dr. Henning indicated are producing a resegregated school system?

MR. WYNKOOP. No, I don't think that our system is being resegregated. In fact, I think it's going the opposite way. I don't think there is any question that our system is more desegregated today than it was in the fall or in midyear, and I think that we are making some giant steps. They may be small but I think they are giant in other ways.

COMMISSIONER SALTZMAN. So your position is that Dr. Henning's conclusions are not verifiable?

MR. WYNKOOP. Not at all. I agree with his conclusions.

COMMISSIONER SALTZMAN. But his conclusions lead to the implication that the system is being resegregated.

MR. WYNKOOP. Well, I did not conclude that from the suspension. I would not say that it is being resegregated. I would say that there might be discrimination which exists in our suspension procedures, but—

COMMISSIONER SALTZMAN. Not only the suspensions, sir, but the hardship transfers, all of the other factors that he mentioned as indicators of a trend taking place in the school system.

MR. WYNKOOP. Okay. I was concerned about that and I would agree with you from that standpoint. Some of our schools have been very much affected by the granting of hardship transfers, and to that extent, yes, that would occur. But that's in a small number of schools. That's something—again, many of these problems are very easy to identify but much more difficult to develop a solution to. I think that Mr. Goodman or someone else who could speak directly to this hardship transfer, could do it better than I, but I would like to try, if I may here.

I think that the medical transfers there have been, and I don't have the data in front of me, but there have been large numbers of medical transfers over which the school system itself had little to say. Physicians had recommended that youngsters needed to be transferred to their, returned to their home school, and the system itself had little to say about this. In fact, the system did deny some of those. But it puts the school system in a position of being vulnerable when a physician says a youngster's health is such that he should not be further from home. There have been attempts to deal with that. I believe that Mr. Goodman and Mr. Brucchieri and maybe some others visited with representatives of the medical profession to try and get them to deal with this situation.

I think if you look at the data as regards to curriculum transfers, maybe Mr. Cantrell could shed more light on this, there were, in comparison to the other types of transfers, there were fewer curriculum transfers. But again, the curriculum transfers should be worked out as the systems are merged and the programs are equalized; they should be almost nonexistent next year.

COMMISSIONER SALTZMAN. Thank you.

Mr. Cantrell, when the grant guidelines became unacceptable, in your view, because of the misplaced direction, were there then any efforts to find substitutes or alternative remedial actions to deal with the problems of excessive suspension rates?

MR. CANTRELL. Sir, going back to this report dated, I believe, December 17, personnel in the division of instruction became quite concerned. We talked to Mr. Orem, the assistant superintendent who deals with suspensions once they leave the schools. Mr. Orem does have a staff. We talked with him, and Mr. Farmer and I suggested to him that he take the chart and remove the names of the schools so that we could call the principals into a meeting and disseminate this information and discuss with them, because we knew that there were discrepancies perhaps in the way suspensions were reported, etc., and that has already been referenced.

Mr. Oremán went to work on it. He didn't have it ready for the principals' meeting in January. Our principals have been called from the schools so often that we did not feel it advisable to call them for a special meeting. In February something came up that we made reference to it, but we did not spend time with it. But this information would have been disseminated so that the principals could have seen how many suspensions were prevalent in some schools, how few in others. Then in March the committee to which Mr. Maupin has reported, or on which he has reported, came in. So since that time we have not met with the principals and discussed it as an individual group.

However, I would hasten to say that we and the principals acknowledge we have a problem. Now, we are going to do something about it. We are working on it. The principals are not insensitive to anything. They do not feel that suspensions are the answers in every case, but it is in many cases about the only tool that is left.

So, yes, we want help. We want help first on the staffs of these schools, and there again our budget is limited. But then we want to do some of this research. But as already pointed out, we think we know where many of the problems are, if we just had the help to deal with these problems at the present time.

COMMISSIONER SALTZMAN. Thank you.

CHAIRMAN FLEMMING. Commissioner Horn?

VICE CHAIRMAN HORN. No questions.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. Mr. Maupin, you were kind enough to give us a breakdown of the suspension ratio, statistics. Your observations of the figures were objective, and all of this has resulted in the current dialogue that we are in. It has been invaluable.

Other than disciplinary suspensions and following the tack taken by Commissioner Saltzman with Mr. Wynkoop, have you a breakdown with relation to racial statistics on the pushout program, the alternate school program, or the hardship transfer program?

MR. MAUPIN. With respect to the hardship transfers, I will have to, as an officer of the court on another committee that was appointed which will report tomorrow morning to Judge Gordon at 9:30, respectfully decline to get into that. I just think it's inappropriate to discuss something that I know we have a specific recommendation on. So I would respectfully ask you, not—with respect to the alternative schools, and I forgot what else you asked me about, I am just not privy to that information. It goes through a communications system of which I am just not a part and I don't, I am not copping out, I just really don't know the answer.

COMMISSIONER RUIZ. Thank you very much.

CHAIRMAN FLEMMING. On the matter that Commissioner Ruiz asked a question about, which is to be presented to Judge Gordon tomorrow, I am asking staff after that material becomes public to make sure that

it's inserted in the record of this hearing. We appreciate very much the members of the panel being with us and responding to questions in this way. Thank you very much.

Counsel will call the next witness.

Ms. LEWIS. Will Ernest Grayson please take the stand?

[Ernest C. Grayson was sworn.]

TESTIMONY OF ERNEST C. GRAYSON, SUPERINTENDENT, JEFFERSON COUNTY BOARD OF EDUCATION; ACCOMPANIED BY WILL H. FULTON, COUNSEL TO THE BOARD OF EDUCATION

Ms. LEWIS. Counsel, would you identify yourself for the record, please?

Mr. FULTON. I am Will H. Fulton, counsel for the Board of Education of Jefferson County.

Ms. LEWIS. Mr. Grayson, would you please give us your name, address, and job title?

Mr. GRAYSON. My name is Ernest C. Grayson. I am superintendent of Jefferson County Schools. I reside at 9204 Timberlane, Louisville, Kentucky.

CHAIRMAN FLEMMING. I am sorry. I am going to have to ask to have the level raised as far as the public address system is concerned.

Ms. LEWIS. How long have you been the superintendent, Mr. Grayson?

Mr. GRAYSON. About 16 months.

Ms. LEWIS. You became superintendent when?

Mr. GRAYSON. January 1, 1975.

Mr. LEWIS. Before that you worked with the Jefferson County public school system in what capacity?

Mr. GRAYSON. I worked in my last position prior to accepting the superintendent's position, deputy superintendent for business.

Ms. LEWIS. That had been your area?

Mr. GRAYSON. Yes.

Ms. LEWIS. Let me go immediately to this year of desegregation in the Jefferson County public schools and ask you to describe the steps taken at your direction to implement that plan last fall.

Mr. GRAYSON. Well, starting with the date of the court order, sometime in the middle of July, when we were called down to Judge Gordon's chambers. We developed a committee, a broad-based committee of staff people to work on the plan, as required by Judge Gordon, which included student assignment, personnel, assignment of the various plans, such other things that the court order called for.

There were a number of things we had to get into, in terms of trying to plan for this. I also had a committee working with the local law officials and the city, county government, to try to plan for contingencies, as far as the opening of school, communication setup, in terms of trying to get information out to the people in the community as to what was happening.

In all of this, there also was going on some type activity in terms of human relations, in terms of trying to set up visitations for parents, once we determined what those assignments of schools would be and the clusters. We tried to set up cluster visitation ~~of~~ of arrangements, so that parents could have an opportunity to visit the schools.

One night we had parents in the city who might visit the county schools where their children might be going, the former county schools. The following night we had a setup where we reversed that order, and the parents from the county schools would be bused to the city schools to have an opportunity to visit that school, meet the principal, and see what it looked like. Of course, in this interim period, many times parents would just, on their own, visit the schools to see what the school might look like, and so forth, like that.

In terms of staffing, generally, our staff worked 7 days a week right on up to the opening of school, and even after that particular period there, trying to develop all the plans we had. For example, 23,000 students who were to be reassigned—many of the students found out as late as 1 week before school opened, where they were going to be in the fall. In addition to that, we had to transfer under the single plan over 800 certified staff within the 160 schools, in order to bring about singling in the new system.

In this particular interim period, we had, of course, a comprehensive desegregation plan which actually had quite a bit of human relations training in there. But the training, as it was encompassed in the court order plan, was a plan that was designed for schools to be desegregated the following year, because all along, at least on up until the middle of June, most of the community felt like the desegregation in terms of pupil assignment and pupil transportation would not take place for another year.

Of course, this didn't take place. But the plan that was submitted to the Federal ESAA people was approved on the basis of having a year to get ready, of having certain types of meetings, having staffs get together. So here we were, faced with trying to get school open and having a plan that called for a certain amount of training among staff, when the principals and staff people already had quite a bit of detail to get out of the way just to get school open, because we, of course, as I said, had new student records that had to be transferred between the school systems.

Once you do this, then you get into such things as assignment of teachers, the type of courses you are going to teach, the rescheduling of all of the students, because all the high school schedules had been prepared in the spring on the basis of situations normal in the fall, except possibly for personnel desegregation, but not in terms of student desegregation. So that, of course, had to all be done. So, as a result of this, our computer system which provided the basic material for the development of the desegregation plan got considerably behind.

We were some 3 or 4 months behind because of the workload those people had to do to get the plan developed. I guess those are some of the problems we had, in terms of information in trying to get that ready, to use the computer to help us in other problem areas that we had because—we were behind in terms of trying to get the desegregation work out of the way first.

In terms of trying to open school, the night before school opened, I did appear on television. I asked the people to work with us for an orderly opening the next day. In terms of the opening of school itself, there was something like—as I recall, about 50,000 that showed up the first day. Then the second day, I think it came up to probably 75,000, and so forth. So we were running considerably behind our attendance.

In terms of the school opening, we had, of course, many problems with bus transportation because, prior to desegregation, we had pretty well transported some 75,000 pupils. And we felt like that with 22,000 we probably could handle it, because we had people with expertise in transportation. But in terms of the additional—we did extend the transportation time. We started at 6:30 in the morning, made our runs to 7:30. Then we started getting in line for 8:00 o'clock, picking the students up, getting them to the schools by 9:30.

Our transportation department, I think, did a really fine job, but there were a lot of—just a lot of problems in trying to work out this schedule in 6 weeks. We were not able to do the type of transportation job that we really needed to do. I think, as we went along in transportation, we began to see that there were some things that we needed to be doing that we could improve on. So the staff did work on this.

Generally, by December we were in pretty good shape on transportation. The reason I am bringing this up is there were a lot of things going on in that first quarter which I think probably worked against the educational program. But be that as it may, I felt like the staff had done all it could do in a short period of time. So those were the types of things we tried to set up.

We worked through the PTA, the volunteer groups, to set up a hot line in the summer to answer people's questions about desegregation, where their child might be going, and so forth, like that. I think in terms of preparation, I tried to meet with—got on television, trying to work with our staff, indicating we did have a problem, we all had to work together. I tried to make myself available to meet with as many groups as I could. But, of course, we pretty well had to stay locked in, as far as getting out into the community at that particular time.

But I do feel, and I maintained all along also, in that first week when school opened, we had pretty adequate communications because we had the new media; we set up a communication information center there at the administration building in order to give the community a picture of what was happening out in the schools. And I think we did an excellent job there, and I think people really knew what was happening. We were able to kill some rumors which naturally were occurring throughout the community on what was happening.

I tried also to maintain that the school system's responsibility is to educate the children, that the security and the protection of children was the local law enforcement people's responsibility. We had Federal marshals. The city and county police cooperated in this, and of course, that first weekend we had to call in the National Guard, the State National Guard, to ride the buses to help us maintain order. Many of our people did—our bus drivers received threats about driving the buses. We had many of them who were afraid to show up and rightly so.

At least on one occasion Judge Gordon and myself met with the bus drivers and assured them that they would have protection, and at that particular time, the following Monday, the National Guard and city and county police did ride the buses for a week or two in order to assure the drivers that they would have protection.

We did have monitors riding the buses on those desegregation runs, and we had some problems with that, but at least we were trying to convince the general public that there was safety and that their children would be safe riding the buses.

In terms of transportation, another thing we underestimated was the amount of boycotting that we would get in terms of gasoline supply. In the years past, the county school board has purchased a lot of its gasoline from dealers in the community. Many of those people refused to sell gasoline to us. So we were forced to set up compounds and gas our buses at night.

In terms of transportation, I think also that we had calculated something like doubling the amount of mileage that we were operating. Prior to desegregation, we were operating about 25,000 miles a day; now we're doing about 50,000 miles a day, which will accelerate the wear and tear on our buses, of course.

Ms. LEWIS. I want to talk about what had gone on at the beginning of the year. And I would like to address some of the questions which have been raised this morning by Dr. Henning and Mr. Maupin in relation to particular problem areas, just to find out what the response from the superintendent's office was.

In the area of suspensions in the data that was prepared for you in December, it covered several topics, suspension, hardship transfers, and alternative schools. Did you request a further update of that information at any time following December?

Mr. GRAYSON. As I recall, I asked for information to be given to me as these figures came in. I also asked Mr. Farmer, who was the deputy superintendent at the time, to work with Mr. Cantrell to work on these particular problems.

Ms. LEWIS. Did you share that data that was prepared by Dr. Henning with the court at any point?

Mr. GRAYSON. To my knowledge, I did not. The court had a monitoring system, which was called for in the court order, which asked for specific statistics on suspensions, on hardship transfers. And we did provide these reports to the court on the basis of information they requested.

MS. LEWIS. They asked you to report on the topics but didn't give you a specific format; is that correct?

MR. GRAYSON. That's correct. To my way of thinking, the statistics that we provided the court were fairly gross statistics. By that, I mean they were broad statistics that the court needed in terms of its particular function of monitoring the plan. In terms of the types of reports that Mr. Henning had prepared, I felt these were administrative in nature and were designed to assist the staff in trying to address itself to the particular problems in question.

I also felt that in many of those cases, those particular statistics, while being helpful, were not really the answer to the particular problem. We were dealing with kids, and we were dealing with people, live people out in the schools, the principals and people like that who are pretty well the people on the firing line. And what we need to try to do is work with them, to realize their problems on an individual basis, rather than coming out with a lot of statistics and try to beat some fellow down or some gal down.

MS. LEWIS. In reference to suspensions, what steps did you take in the course of this year to deal with the suspension problem?

MR. GRAYSON. Several things. I think, first of all, as I mentioned, I asked Mr. Cantrell and Mr. Farmer to work with the principals on this. On at least two or three occasions, I had staff members visit other locations to determine what they were doing about suspensions, some alternatives to suspension. There were at least two or three visits I know of. In fact, one group just got back a couple weeks ago, looking at another program in another State. Some of our principals, on their own, talked to us about this particular problem and developed some type of alternative to suspensions.

Many of our parents felt that possibly suspensions were running high. I recall one particular person, one group came to us about this. So one of our—I know one of our high schools instituted a program, as an alternative to suspensions, of having children go to a classroom and having the teachers work with them and pull them out of that classroom where they had that particular problem. While the student was in that particular "tank room," if you want to call it that, that student had the opportunity to work on the teacher's assignment, but not being in a problem with the teacher at that time. We tried to work with the teacher. Maybe he stayed there for a period of time and went back to that teacher later on, rather than giving him a suspension, which was a 3-day pass to get out of school, which is what many of them wanted.

As soon as we got this thing going, shortly, there came someone to the board of education meeting and said that the board was maintaining a "tank room" at a school, and so after the investigation was completed, it was shown that this was a room which was an alternative to suspensions, and it was an attempt to keep those type of suspensions down. Some other schools were using the detentional hall after school

as an option to suspension. Certain other kinds of details are being worked out by the various high schools.

Ms. LEWIS. You are talking about individual programs?

MR. GRAYSON. Yes.

Ms. LEWIS. Is there any attempt to universalize those within the system?

MR. GRAYSON. I hesitate to just initially come out and tell each school that this is the standard operating procedure at this particular point. I think we need to evaluate many types of programs, then try to see what might be best. I think this goes back to the leadership of the principal at that school, the man at the firing line, who knows his community, his faculty. And I feel he should be responsible for that.

Ms. LEWIS. Is the information available to him, about those programs existing in other schools?

MR. GRAYSON. Yes. These have been discussed at principal's meetings. Reports have been brought back by instruction staff people, including principals who went to the school systems and visited them, brought it back to the principal's group, and they themselves are trying it out.

Ms. LEWIS. In the area of hardship transfers, Dr. Henning referred this morning to a meeting that you had with him and with Mr. Goodman in January, at which point you talked quite specifically about designing a new data-gathering mechanism, which you intended to put into effect. Did that ever happen and if not, why not?

MR. GRAYSON. I think Dr. Henning brought me some information that he felt like that would be, perhaps, in his opinion, a better approach to that. I discussed it with him. I also talked with Mr. Caudell, who was keeping the administrative records. And it was our conclusion after reviewing this that we would maintain the present record, which would really divorce the administrative review committee from the initial committee, which would be Mr. Goodman's committee. Both of them maintained their records separately, which I didn't see any problem because, in a sense, everyone had to go through the initial—Mr. Goodman's committee. Then there came the administrative review committee and then they went to the board committee.

I might say this too, in terms of the hardship transfers, I, for one, certainly wouldn't want to say to this committee or anyone, that we didn't make some mistakes in the first month, or two on these hardship transfers. First of all, the court gave very broad guidelines on how to set up those hardship transfers. So, in a sense, we were trying to feel our way along on how to approach the hardship transfers. For example, I know at least in one situation, I can't recall the name, but there was a student who could not get transportation to school because of our problems with transportation. That child was scheduled to be bused. She was in a special program. Now, the child had been out of school for a week and would still not be able to work out a transportation situation for that particular child. I don't recall whether she was

white or black, but I am just trying to point out one of the problems, so we granted that child a hardship transfer, to stay at that school this year.

Now, I would like to point out at this time that all of the hardship transfers are for only 1 year. They are not a continuing thing that you would have for the rest of your school career. I would say, maybe 6 weeks later, we had a similar situation, of a child not too far from that particular area, where a child had asked for a hardship transfer because of the program, but we were able to work the transportation out for that child. So we didn't grant that. The parent then said, "You are unfair there." Well, we probably were, but we had already established and set the thing in motion this year. We didn't go back and say, "Okay your transfer is rejected now because it is a different ballgame."

There were other transfers that we made. I would say, initially, that good people were making decisions on the basis of trying to think what was best for the child. And I would have to say this to you that, probably, in terms of the desegregation plan, that wasn't the thought of it. What we were thinking about, at that time, was the child.

Following, I would say, probably within 4 to 6 weeks or something like that, our counsel came to us and said that you have the standard transfer mechanism now. That is, the only procedure you have now, from this, really, is to go to the special master. And people were calling the special master's office, because once they got turned down by this particular committee, then their next echelon up for appeal was to go to the special master, who would begin to get inundated with people who didn't feel that they were told, after the hardship committee met, that their only other appeal was to the special master. So, we did develop the administrative review committee and then the board committee and then to the special master. I think this helped, in terms of the review mechanism, at least, to give some due process. Mr. Counsel, you can correct me if this is not the way we do this. This came out a couple months after that.

Then as we begin—I think and I would like to say this also, it had been pointed out before that the medical transfers were extremely difficult for our staff to deal with, because, here again, do we, as a committee, doubt the word of a physician who is trained in that particular area? What is the liability for our committee if we reject a physician's recommendation on a student? So we did have a few problems with it. I think you noticed that in this statistical information you have, that a great proportion of those transfers were medical.

We had another case, as I recall, about an athlete. I don't recall the name, here again, who had gotten a medical transfer. The committee had approved it, then subsequently to that, that student was transferred back to the home school and was able to play in athletics. Some of our coaches thought—they brought this to my attention, because this had already been approved and gone through. The board ratified

it because it had already been approved. But there were some mistakes that were made in this thing. It was our first year and, as I said, I think there were people who were trying to do what they thought was best for the child. They asked for some guidelines. Possibly there are some transfers that next year will not be approved. I would think academic transfers could be kept to a minimum next year.

If you recall, I mentioned that we had probably, at least for the black students, they were notified about a week before school opened where they were going to be and we were trying to develop a schedule for them.

We had a situation where, let's say, Central High School or Shawnee High School, which would be inner-city, formerly black high schools, the curriculum and the course offerings we had, at that particular school, just were not commensurate with the type of needs some of these children had. So academic hardships, after the special review committee looked at these things, they were granted. But I don't see the need for as many of these type next year, because we will have time to plan. The schedules now have already been made for next year. So I don't see the same type of problems for academic hardships for next year as we did this year.

MSR LEWIS. Let me just ask you an additional question in the area of transfers, dealing with teacher transfers. You said that 800 teachers were transferred under the Singleton plan in accordance with the desegregation plan. Of those 800 who transferred, how many were granted re-transfers back to their home schools during this year?

MR. GRAYSON. I really don't know that figure, I'll be quite frank. I do know this, that when we made the Singleton cost for the transfers to be made on the seniority basis—and in effect most of the newer teachers would be the people who were being transferred. As we begin to get some vacancies in the people resigning or not showing up or additional staff being added—For example, let's say, if a new teacher with 2 years experience might be transferred to Shawnee elementary, which happens to be a black school, if she were there for possibly a quarter and there was a vacancy in the elementary field in that particular elementary teacher's grade structure, a new person being hired probably would be put there and that teacher would be moved back to the former assignment, if it could be worked out, if they preferred to be back. In terms of integrity of the plan itself, we maintained that, to the best of my knowledge.

MS. LEWIS. My recollection is that Mr. Brucchieri told me that approximately one-third of those teachers were re-transferred.

MR. GRAYSON. Well that would be, I suppose, because there was a hearing mechanism that was provided for, and the second factor being that if new teachers came in, there would be someone to replace that particular person. But to my knowledge, and here again this is my own knowledge, we did not in any way reduce the number of, for example, white teachers in that particular school of Shawnee elementary I gave from what it originally had been set.

Ms. LEWIS. May I ask if it is possible to get figures on that from the—

Mr. GRAYSON. Yes, I think it would be.

Ms. LEWIS. Thank you. With the alternative school, it was already clear in December that the majority of the students there were black, and it is still clear now and even more so. Is there presently in the school administration a clear-cut definition of which students shall be sent to the development classes and which students shall be referred to the alternative school?

Mr. GRAYSON. I believe I have some information on that. Just a minute. I don't believe I have the specific clear-cut information. The information I have from Mr. Wilson and Mr. Sanders, who operate that department, is that the admission is based on documented information evidencing a due process procedure and includes causes for referral, prior action to resolve problems. The sole basis for referral is a student's problem behavior. That is a fairly broad statement. Then students are returned to the regular school, based on approved behavior, satisfactory attendance, academic progress, and recommendation of the alternative school staff.

Ms. LEWIS. Is there some thought that the youth development program is an intermediate step between the child in regular program and the child being referred to alternative schools?

Mr. GRAYSON. I think that definitely. I think, generally, we try to think in terms of the offenses committed as to whether they would be in the YD program or the alternative school.

Ms. LEWIS. But if you are the child, or the parent of that child you do not in fact know what kinds of offenses will put you in the youth development program and what kinds would refer you to the alternative school.

Mr. GRAYSON. I think we have generally left that to the discretion of the principal and the staff to work that out. I do think this, if I am not mistaken, that the assignment of children to these programs, the parents are brought in, and generally with their consent, are put into the alternative schools. We try to think in terms of the child and what the particular problem might be.

In reference to the fact that the alternative school would be classified as predominantly black, and we might need to look at trying to improve the ratio at that particular location, the staff felt like if we did try to do that, there would be a possibility that we might even preclude children going there who really needed to go there, if we tried to establish it on a racial basis and not on the basis of the student's need and the offenses that precipitated being assigned there.

Ms. LEWIS. In the area of the first grade exemption. The formula in the original plan included grades one through six plus the MH and LD resource room students for purposes of figuring racial ratios. Dr. Henning pointed out in a November 18 memo to the task force, I believe, that to exempt first graders from busing under the plan, figuring

ratios by the original plan, would put many elementary schools farther out of balance than they already were at that time, some of them. There was a hearing on a temporary exemption for the first grade in December. At that point, was the court fully informed about the impact on racial ratios of the first grade exemption?

MR. GRAYSON. To my knowledge, we presented the information to the court, with the plaintiffs there, on the first grade exemption that we felt that it would be better that—since the plan called for whole classes to be bused to a particular school, that in itself would not be much different than for the student which would be, maybe once or twice or three times during the next two quarters, that that would not be much different than maintaining the child at that particular school.

MS. LEWIS. So that, in fact, there wasn't any data produced at that point to show the court what the numbers would look like within the schools, with the first grade?

MR. GRAYSON. No, because I think we were looking at, as I said, here again, were up to our ears in alligators up to that time. What we were really trying to do was point out to the court that we felt, from the transportation standpoint, that time of the year it would be almost impossible for us, with all of our other transportation needs, to be able to set up this type of transportation program for the rest of the year. Therefore, we asked that we be permitted to substitute for that a multicultural program which would accomplish many of the things that the actual moving of a class to another school would require.

My counsel pointed out that actually it was not a hearing held in December. I think we just presented this to the court in his chambers, if I am not mistaken, and he did grant that.

MS. LEWIS. Okay. Thank you. In the March 23 hearing, which was for a permanent exemption of the first grade, was the data produced at that time to show the court again the impact on the racial ratios at elementary school level?

MR. GRAYSON. I don't recall there was. I think the information was available. I discussed this with our desegregation design task force. I would like to point this out. Sometimes I get confused and some other people might also. There really were, first of all, there was a design task force that the judge, that the judge created, which he asked me to chair, to try to get information together to meet his guidelines, which we did and developed and got ready for school in September.

In that court order it was required that there be appointed someone, an implementation person, to pick up from there and carry the court order out. At this particular point then, I appointed Mr. Bruschi to be the head of that particular task force, and that task force's purpose was to carry the plan out and to try to look at all of the problems, because, as you can appreciate, any type of plan that was developed in this short a period of time, there were a lot of things left undone. This just had to be, there wasn't any way we could cover all the angles. And so the implementation team, and I chaired the committee for

a while and then Mr. Brucchieri took over, but the implementation team tried to address itself to problems coming up. For example, the court says students in the 7th grade or the 8th grade would be assigned to another school. Well, here again, these are merger problems as well as desegregation problems. Maybe I better back off to 11th grade—I think that would be a better example. In 11th grade according to our definition in the former county, that required you to have a certain number of quarters or points to be defined as an 11th grader. In the former city, to be classed as an 11th grader, there would be one other set of circumstances, so here we had parents coming to us, saying "my student is 11th grade." So we had to work out a problem or a compromise to that and these minutes were sent to the court on the decision that had to be made. There were all kinds of decisions that had to come up—where the implementation team—they were meeting at least once a week trying to address themselves to problems. Athletics came up, how to handle athletics—the whole gamut of problems that you would expect in terms of implementing a desegregation plan on such a short notice.

This committee—this team met, I guess, probably up to about December and then it finally at the end of that year—I then asked—and I might say this, many of the members on the implementation team were members of that design task force. I would say this to you, in the design task force that met in the summer, we were more oriented to mechanics. Construction, I am sorry to say, didn't really have the type of input into that plan that it ought to have had. We had one from instruction, it—whether it was design or how it happened—we had, principally, people who were research technicians, analysts, so forth. There were some others who were not necessarily in that particular field. After we got the plan started, then there began to become instructional problems, and so, at the time, we added them to the implementation team.

But I point this out to you because this really was where our problems were with implementation was instruction. We had not really had time to address ourselves. All we did basically was take the numbers, sort them out, and try to come up with black-white percentages and sort people around through the computer.

The design task force then, I convened it in January because I felt we needed to begin thinking about what changes we might want to recommend to the court. One of the problems that came up then, in that group was—what will we do with first graders next year? Were we going to be able to continue—because Judge Gordon granted that exemption for first graders only for the remainder of the current school year. I felt that we needed to look at that again and bring it back to the court.

So we began to get a committee reviewing the first grade, whether or not we would recommend to the court that first graders be exempt the following year or whether we would go back to the original plan.

At that time I asked our instructional people to look into this program and the plan and see what they thought we could recommend from an educational standpoint. That particular group then felt, from an educational standpoint, that it would be better to exempt the first graders. They cited a number of reasons, which you probably have, but basically in looking at it in terms of a first grade experience for a student who would be in a school for the first time—We do not have system-wide kindergartens in this school district. I would say approximately half of them have it either through Title I or through some minimum State units that we have through the foundation program. So, over half of the students didn't have the benefit of any kind of kindergarten experience or school experience. We also looked at the apprehension of parents, in terms of the fact that their students would be bused considerable distances away from their neighborhood.

We felt also that in the first grade, this is the first time that you have a chance to try to review the child, to look at the child and try to realize the problems that the child has at the first grade. If he has emotional problems, if he has any type of speech problem, or anything like this, a child would need some attention. This is when you catch it, in the first grade. So from an educational standpoint, we recommended to the judge that it be continued the following year.

We felt also that the multicultural plan, which is a fairly detailed plan which provided for such things as cultural awareness, diversity of cultures, and these types of things, would do the same type of job for these students that possibly transporting them to a school away from their home would do.

I think also, one other thing that I—the reason I brought this to the judge in early March is because we were, as it has been the past practice for many years, we were having our first grade registration in March—I think it was the 26th; somewhere along in there—and I felt that from the standpoint of people in the community making the decisions of whether or not they needed to take that first grader into school or whether they put them in private schools, if we told them that the first graders would be exempt the following year, this might get them to register their child, because we had heard from people who were saying, "Before I make my decision on going into first grade next year, what is the plan? Because the present plan only calls for the exemption for the balance of the year."

So with these factors in mind, I did ask Judge Gordon to have a hearing on this in order that he could make some decision. There were a number of people who testified for this program from the instructional staff, and I think basically this was instructional in nature that we presented to the judge.

Ms. Lewis. Mr. Grayson, let me ask you one last question and that is whether the school administration presently keeps records of, by race and by school, of those students who are referred to and tested for and placed in EMH and LD programs?

MR. GRAYSON. To the best of my knowledge, we do keep that particular record. I would like to point this out, I feel like that the staff at the Special Education Department—and we have regional diagnostic teams which are people who—it's a team composed of a psychologist, a psychiatrist, an educational specialist, and one other person I can't recall right now, but four different people, multiculture, multidiscipline type of people, who try to look at the whole child.

Through that screening process and with fairly strict guidelines that the State department of education requires of all students, in terms of having parental input, having the permission of the parent to test the child for special education—did not, I guess—and here, again, in trying to look at the whole system and all of the things that were going on, I felt like the Special Education Department was looking at the child and not necessarily the color of the child. What was the child's problem; could we help that child?

So when Mr. Henning brought this to my attention, that we didn't have records, specifically as referrals were coming in, I said, "Well, I think that is probably a good idea. I will ask Dr. Lee and we will see that this is done." But prior to that time, our purpose was to try to help the child, not to determine what color the child was.

MS. LEWIS. When was that, that you talked about?

MR. GRAYSON. About the first of the year. I don't have the date.

MS. LOUIS. Because I requested that data in late May, and it does not exist presently.

MR. GRAYSON. Okay. Well, you know more than I do. Although it may still be there, I don't know.

MS. LEWIS. I didn't know whether there had been any direction.

MR. GRAYSON. I asked that that be done.

MS. LEWIS. Thank you very much. I have no further questions.

CHAIRMAN FLEMMING. We appreciate very much the response that you have given to the questions addressed to you by counsel. I would like to explore with you, briefly, really, plans for the future, as far as the operation of the school system is concerned. We have had some testimony relative to the role of an advisory committee to you, that is, a committee that you appointed which, as I understand the testimony, is made up of representatives of minority groups as well as representatives of the majority group. What plans do you have for involving that committee in the evolution or development of policy during the summer months and then on into the new school year?

MR. GRAYSON. I would like to go back to the formation of the committee, if I might. Mr. Maupin touched briefly on the fact that he came to me and he indicated that a number of black people in the community leadership was interested in having access to the superintendent, that I was perceived as being up there on the ivory tower and didn't really get the true picture. So I suggested to him that he submit some names to me of people he felt would be leaders in the black community as well as people necessarily who were not leaders. I also talked to

him about the possibility—I don't want necessarily a sweetheart committee. In other words, a committee that would come in and sit down and have to think things were going fine, and they would serve as sort of a rubber-stamp type of committee. I recognized that there were people on that committee who necessarily felt like maybe the school system wasn't doing the kind of job it would have and there were other people who would support it. But I tried to get the group to be representative of what was—what the community's feelings might be in terms of the black community.

Initially—I might just be quite frank about it—at first we tried to meet about every 2 weeks, to 3 weeks getting together. Initially, I would say that there were many, many complaints brought to me and many of them were justified. I took it upon myself either to assign a staff member or myself personally to check out everything on things that were happening. So adjustments were made.

I know one allegation was made that all of the old buses were assigned to the city and all the new buses were out in the county. I checked into that and tried to determine if this was a problem. I even assured the committee that we had 15 buses on order, and when these came in, every one of them would be assigned to the city. I followed that up and made sure it was done.

There were many allegations made about treatment of children in the schools. I had people check out the schools so when the committee got back together the following 2 or 3 weeks, I tried to be prepared to address those particular concerns. As I began to meet with that committee—and I would like to follow up—and I also felt like that if I had a committee of black parents and organizations, I ought to also try to involve a group of white parents and organizations. So I created another 10-member committee, of white people. I had people who were active in the anti-busing movement as well as other types of people—PTA and a diverse group of white parents and people.

I met with this group and many of their concerns were just the opposite, that—opposite of the black community but sometimes having a common thread. I tried to prepare notes as to where there were common threads and tried to address those problems in working with staff.

In December we had our hearing here, that we had a conference here, symposium, on desegregation by Judge Hollenbach. I attended that particular session here, and some of the students from our schools were talking about this. And at least one of them said something that struck me, that I carried away, and that was, "here we are the so-called victims of the desegregation, but we are really not having the input." So following that, in January, I got together a group of high school students, one from each high school, in a little committee that met with me, I asked them to tell me about what some of the concerns were. So, I tried to look at all three groups. Shortly after the first of the year, or maybe February, my dates might be a little different, I

combined my black and my white committees together, tried to get them to work together. So we are now meeting—in fact, we have a meeting next week with this particular group.

I would like to say something, also, about the format of the committee. Initially, I let the committee, the committee members, bring their concerns, whatever they were hearing in the community, to the group. If they had problems, I said, "If you know of a problem, bring it to this group and let's talk about it." I said, "But now be sure of this—don't give me allegations about something. I need to have names and so forth, data, so that I can check the thing out. If you come to me and say that all students, all students on the bus are not being picked up in the morning, I can't deal with that." I said, "Give me the bus number, the driver, and I will get the transportation department and we will check it out and find out what the problem is and get it straightened out." So those are the kind of problems we initially worked on for the first couple months. As we began to go along and the transportation began to accrue, we had less and less of that type of thing. So I then said to the committee, "Are there other areas that you might want to explore that we might share together here?" So this got them into setting up a little agenda as part of the program.

I can remember, my group of black parents and people who met with me wanted to know more about vocational education. Mr. Walters indicated to me that he felt that vocational education was very important to black students. So I called in our director of vocational education for one of our next meetings, and he presented a half-hour program on the vocational educational program that we have in this county and how it can help all students. We probably spent maybe half an hour or an hour on that. Then I left additional time if any of the group had other concerns that they might want to bring to the committee so I could check that out and follow up in the same format we originally had. And so I feel this group has had some opportunity to talk with me now.

As far as suggestions, they have brought in suggestions. We were talking about the possible changes in the desegregation plan. I brought some ideas to the group. I said, for example, "What would you think about if we were permitted some type of an optional transfer, say, for students—for example, if a student was going to be bused, a white student might be bused in the 11th grade. If that student wanted to go into the 10th grade and get started and have his 10th, 11th, and 12th at one school, rather than his 11th and 12th, what do you think about that?" And I talked to students about this, too, and they thought it was a good idea.

We also presented to them the idea of possibly, if they went to a middle school conversion, what would they think of having black students, rather than being assigned to 3rd, 4th, and 5th at an elementary school and having the 2nd grade at one school, possibly of having them attend all 5 years at one school rather than having it—even if

it's an away school—at least having the option of having a continuity at one school, rather than going 1 year at one school, then coming back to the home school for 2 years and then leaving again—try and get some continuity. Those kind of problems I tried to present to that group, in terms of getting their reaction and feedback to it.

CHAIRMAN FLEMMING. As I understand it, then, as you look to the future, the coming months, you do plan to present policy issues to this committee in order to get their advice while you are in the process of making up your mind as to the kind of recommendation, for example, you may make to the board of education?

MR. GRAYSON. I don't believe I see the role of that committee, sir, that of getting into policy. What I have tried to do is to work with that group and to try to get from them feedback of what the community is talking about and what they are hearing out in the community, which really helps me in terms of trying to do the policy. But as to specific policy matters, you know, I haven't seen that role yet for that committee.

CHAIRMAN FLEMMING. As I listen to you relate some of the matters that have been discussed by the committee, it seemed to me that they were policy issues.

MR. GRAYSON. Somewhat.

CHAIRMAN FLEMMING. But you were asking them to comment on them. I was just wondering if you plan, as time goes on, to give them the opportunity of expressing their views on policies that are being considered, that haven't been decided but that are under consideration and that will ultimately be presented with some kind of a recommendation from you to the board of education.

MR. GRAYSON. I think we have probably a little communication problem. I think I am hearing you and I think we are probably talking about the same thing.

CHAIRMAN FLEMMING. We have some discussion on—some evidence related to the Community Consensus Committee. And there has been some testimony commenting on the possibility, or the desirability of reviving that and making it an active committee in connection with all of the issues related to desegregation and also, I guess, as well as other issues. What is your opinion as to the possible role of such a committee? Some people refer to it as a blue ribbon committee, but obviously a committee of leaders of the community representing all of the various segments of the life of the community.

MR. GRAYSON. Well, in terms of the blue ribbon committee, what role do you see for this committee? I might have missed that.

CHAIRMAN FLEMMING. We have taken testimony in other cities relative to the activities of citizen committees that have played a very real role in attempting to bring about a better understanding of the issues on the part of the community and, in turn, of keeping in touch with the way in which the program was evolving.

One such committee, apparently, has done a very effective job. That one is in Denver, chaired by a former member of this Commission, the chancellor of the University of Denver. That was a court-appointed committee. That has been true of some others. But we also recognize that such a committee can come into existence, as the Community Consensus Committee did, without being appointed by a judge. The mayor, the county judge, and so on, together could make provision for such a committee.

MR. GRAYSON. Well, I think that we have worked with the Consensus Committee before our funding ran out. So, I think we would still cooperate with them. As I recall, that particular group did make a request to Judge Gordon to be some sort of an advisory committee to him. He rejected that. He said that—or I should say I think there was a general feeling that there was access to him and to a special master, if any people had any particular problems.

CHAIRMAN FLEMMING. Well, it is clear that if such a committee is to have maximum effectiveness, it would require the support of you and the board of education, in terms of the role that they would play.

In connection with plans for the future, have you made any move in the direction of making it possible for students in the school system, or faculty, or administrators to develop an understanding of the significance of the constitutional issues that are involved in the desegregation of our public school system?

MR. GRAYSON. No. I would say no to that question. I think whatever our people, in terms of our outreach activities and our human relations department, I think that would be the principal thing.

CHAIRMAN FLEMMING. Do you feel that it would be helpful if the students who are going through this experience at the present time were able to relate it to the Constitution of the United States and develop some understanding and appreciation of the significance of what is going on here and in other cities in relation to the Constitution of the United States?

MR. GRAYSON. I think this is something that our instruction department could certainly work on. I am sure that some of it is going on, but to the degree of how much we are doing that, I am really not able to comment.

CHAIRMAN FLEMMING. Then, of course, my feeling is that as far as faculty, administrators, and so on are concerned, they, too, might be stimulated and challenged by some opportunities that might be provided along that line. I would assume they would be in cooperation with some of the local institutions of higher education.

MR. GRAYSON. I think this would be true, and I think possibly there may be some workshops that someone should be addressing themselves to. Last year we didn't have that opportunity, but there are—I think will be some future plans along that line.

CHAIRMAN FLEMMING. A good deal of time this morning has been given to discussing problems that you confronted during the past year

and the way in which you dealt with those problems. We have listened to testimony from students in the school system here which has pointed to the fact that the experience they have gone through during the past year has been a favorable experience, in terms of the impact on their lives.

Now, I assume, in your position people do tend to flood you with the negative aspects of a development of this kind. But I also assume that through your contacts with the faculty, students, and so on, you likewise have identified some favorable developments as far as students are concerned. I am wondering if you would be willing to just share what has come to you briefly with us.

MR. GRAYSON. Well, I think, of course, I have talked to some students that do not necessarily have a good feeling for this. I was at a class not too long ago where I talked to them and there was some negative feelings from students about this. And as I said, this group of students I talked to, on the other hand, have indicated that while there have been problems, that the kids can get it together if some of the outside influences would leave them alone. Some of them also felt like that they had been able to make new friends, that is of both races. This—these students happened to be in a biracial group in the different schools.

I do think that in terms of understanding of each other, that some of that has developed. On the other hand, I think, in some cases, there has been less understanding. Some of the students feel the opposite. They are polarized. Our human relations department has worked fairly extensively with the schools in terms of rap sessions, peer group counseling, student activities. We tried to promote the cluster activities and we are trying to bring the kids together.

I think one of the problems is that many of the schoolchildren, or at least in the high schools, still haven't developed that allegiance yet to their school where they are bused away from. For example, a black student who had been at Central, say in the eighth grade or ninth grade and being bused away. This year it was pretty traumatic for him and for the white student as well. They haven't really developed the identity of that school. Although, I think as the year began to get on, there was a little more of that. And I think next year, from what many students have indicated, there will be a better identity with that school, next year.

In terms of educational progress, I think someone has reported—and I think it is a fairly correct appraisal—I think the first quarter that we had this year was pretty rough. I don't think there was a lot going on. It was just sort of hold this school system together. I think the next quarter got a little better, and I feel that by the end of this year we began to get things pretty well together. I feel optimistic about where we might be next year.

CHAIRMAN FLEMMING. Do you feel that the development of a better understanding of other cultures, the making of friendships with persons

who come out of the other cultures, is an important part of the educational process?

MR. GRAYSON. I think, certainly, a better understanding of our fellow man is, yes, sir.

CHAIRMAN FLEMMING. Again, looking ahead to the next few months and the next school year, do you have plans working through your principals for bringing together parents and leaders in neighborhoods for the purpose of giving them an indepth understanding of what your plans are for the coming fall?

MR. GRAYSON. Yes, we will be doing that. In addition to that, we are setting up some hotlines again, as we did last year, where people can have access to a telephone number they can call if they have a particular question about the plan and how it may affect them next year. That is being set up right now with the idea that when the committee reports to the judge tomorrow, that there will be obviously some questions about what the judge is planning to do. So we will be instituting that. I think it is already geared up, as of today.

CHAIRMAN FLEMMING. I would like to go back to the human relations department for a moment. Most of the staff that is working in that area is supported by Federal funds?

MR. GRAYSON. A great part of that, although there is a core—I think the school system's figure on this is something like \$350,000, at the present time committed for staff people and other expenses. We have an associate superintendent in charge of that department. There are several other staff people. Probably, as I recall, about 10 people in that staff who were funded by general funds. Many of the other activities, of course, are federally funded.

I think the loss of these Federal funds will certainly hurt our human relations department, because, for example, the visitation and all of these types of things, the activities for students, one program we are especially impressed with, and this, incidentally, came from discretionary funds, which we got in January.

We were told we might get some money. So really this is only a 6-month grant, but this is for instructional coordinators who would be assigned to each of our middle and high schools with the idea of working with the teachers and trying to develop the curriculum to meet the needs of the kids in the classroom.

I don't think there is any question that many of our teachers were not equipped for the types of students that they were going to get, and I say this in all of our schools, not necessarily city or county. I think this throughout the system. So modification of curriculum needs, these I Cs, or Instructional Coordinators, can do that type of work plus working in this particular class and can be worked in the school level. So that person would have full time working with the teachers. Another aspect of that, of course, is that by being a coordinator, they are not a threat to the teacher, while if you have an assistant principal out there, he would be perceived as being administration and might be

a threat to that teacher; in terms of telling her what her problems are and how she could work with her class.

CHAIRMAN FLEMMING. Are you saying anything to the University of Kentucky or the University of Louisville about the kind of training along these lines that you would like to see your prospective teachers have?

MR. GRAYSON. We have two mediums—we have the Jefferson County Educational Consortium which has been with the former city system for a number of years, which we have been doing some work with. This is a group of the school system, the University of Kentucky, the University of Louisville. In addition to that, we have an educational development center which has the University of Louisville, the Western Kentucky University, University of Kentucky developing workshops, programs, and packages for training this summer of teachers and staff. The universities have committed about \$150,000 in terms of staff to that program. So, I think it is going to do the type of job that we have to do.

CHAIRMAN FLEMMING. Do you have any other specific plans for the summer and the fall, related to the desegregation of the system, that you would like to share with us?

MR. GRAYSON. Not at this time. School just finished last week. I am glad to get that over.

CHAIRMAN FLEMMING. Okay.
Commissioner Saltzman?

COMMISSIONER SALTZMAN. Mr. Grayson, I want to preface my questions with the explanation that I am not insensitive to what must be and has been and will continue to be the enormity of the challenges and problems presented to you as the superintendent of the schools under the merger and the desegregation efforts, combined in a single year. And I think the progress that this county will make will be reflected in the quality of leadership that you exert. And, in relationship to that, you answered affirmatively to Dr. Flemming's question as to whether or not good education in a democracy requires interrelationships between religious, ethnic, and racially different student bodies. That affirmative answer on your part leads me to assume that you would also affirmatively answer a question about the necessity for the desegregation of the schools. Am I correct in that?

MR. GRAYSON. As far as the desegregation of schools, I think both boards probably were committed to desegregation of the schools, though the court ruled otherwise.

COMMISSIONER SALTZMAN. I am asking whether you personally are committed to that.

MR. GRAYSON. Yes, sir, that is correct.

COMMISSIONER SALTZMAN. Would you also respond to this—we have received varied testimony on the delivery of education in the schools over the last year. Some saying that it has been consistently, at their school, excellent, unhampered by events of this year, and some

proposing that merger, as much as anything else, brought confusion and deterioration, at least initially in the delivery of education. Could you evaluate for us from your perspective, the delivery of education during this preceding year?

MR. GRAYSON. Yes sir, I can, I think. In terms of the school system itself, I think you have to look at the particular school and the community. You also have to look at the basis of whether that school was an exempt school, or whether it was one that was created new to be exempt, or whether or not it was a bused-in type of school.

I guess I am trying to point this out because I think it has an effect on the makeup of the student body, the attitude of the students going to that school and, of course, the makeup of the faculty itself, and I think it also goes to the leadership of the principal, and it gets to the appraisal of the parent and the student, as to what they consider to be good education.

So, I think that is a pretty varied thing to work with. We have to do that in education. We have over 150 different schools that are operating in the school system, and there are—I think people have different approaches to instruction, in terms of the school and what the parents want out of that particular school. For example, as you know, we have some parents who want fairly strict discipline, others who want middle-of-the line, others who would want it to be even more relaxed, if you will. How that parent perceives how that school is operated and what he wants out of that school is probably his opinion of what the type of education should be.

COMMISSIONER SALTZMAN. Were you here, sir, when the consultants to the Commission reported on their study earlier this morning?

MR. GRAYSON. No, sir.

COMMISSIONER SALTZMAN. Well, one of the, a few of the results of their study led to the conclusion that there were some problems, and they identified the personnel practices as operating within a closed system in which there is an insensitivity to the needs of the children from the city and faculty from the city, that there was a downgrading of the city teachers, that there were special inducements for transfers available to county teachers coming into the city, but not available for the city teachers going into the county.

Could you comment on this and the fact that they felt that these personnel practices were determined in a closed system in which the teachers had little input into the administration and what was happening?

MR. GRAYSON. I don't feel that the personnel practices were insensitive to the needs of teachers. As I recall, there were, first of all, sent out a request to the teachers that they felt they wanted to get a transfer to volunteer, so to speak, that they would have the option to do that.

You know, obviously there were people who might feel that in a merger that there would be orientation either to the city or county.

Of course, I have been accused of that myself. I do feel like that we tried to be as objective as we can to the transfer of teachers, and I have no basis to say that we were insensitive to the needs, as far as the city teachers coming into the county.

If you would appreciate, you do have to, there are certain limitations on how you transfer. For example, if a high school teacher wanted to transfer to another school, it may or may not be possible, because, number one, the Singleton decision which would set up the ratio in that particular school; the second factor would be, of course, what the type of course offering would be at that school.

We are limited by the certification rules of the State of Kentucky, which pretty well narrowly define what areas a teacher can teach. For example, if you are—you may have a certification to teach in the field of math, and if you had also psychology courses, you would not have certification. You can't teach that course.

COMMISSIONER SALTZMAN. Were there special inducements for county teachers to go into the city schools?

MR. GRAYSON. To my knowledge, there wouldn't be, sir. There may be, but to my knowledge, I don't recall that.

COMMISSIONER SALTZMAN. They identified—the two gentlemen identified that there were some crucial differences in educational needs between county and city students, relative to curriculum content. Have you attempted in the city schools to become more sensitive and responsive to the varying needs of city versus county students?

MR. GRAYSON. I would like to say this, first of all, as you can appreciate—the question of merger, being in this community for many, many years; the same thing, being in the city and county government, and so forth. We have—in terms of students—there has also been some type of transfers within and without the two systems.

For example, many times—I can specifically think of Cane Run School, which is on the borderline of the former city and county school districts. Many students in that particular area moved across the imaginary line, if you will, to move into the county school district for the express purpose of going to Cane Run School. The principal there was aware of some of the problems, and we did adjust the curriculum to take care of those problems. Another example would be Thomas Jefferson High School, where many black people who moved from the city to the county would move into that district. So we have had over the years black and white students moving out of the county into the city and vice versa.

We have tried to adjust that curriculum. I think the curriculum has been adjusted this year. As I said awhile ago, the coordinators are working in this area now and staff. And both of the two former staffs, under the supervision of the curriculum department, are working on these problems now, trying to take care of the needs of kids. So I don't feel that they are necessarily insensitive.

I would like to say this, also, that now we really don't have either a county or city school any longer. Even the former city school which might be predominantly black is now, you know, less than that figure. And so those same students now are at another school that might be predominantly white.

So, in a sense, we don't have that type of situation where we can, for example, say that an inner city school designed that curriculum for inner city students who are there, because they are not there any longer.

So we really have to review our whole curriculum process which we are doing and have been working on it to adjust it to meet the needs of kids. We have kids coming out to the county who are two or three grade levels behind. We are having to adjust programs because the reading levels are so poor. We had students going into the city who were possibly one grade level beyond, working with the same type of students there. So the instruction department really had its work cut out for it this year. But they have tried to work for all of the kids.

COMMISSIONER SALTZMAN. Thank you.

CHAIRMAN FLEMMING. Commissioner Horn?

VICE CHAIRMAN HORN. I would like to pursue a couple of aspects of your testimony, the first on hardships transfers. You mentioned the problem the board and you feel the system would face if you denied a student a hardship transfer, when that student has a reason or a statement supporting that transfer signed by a doctor of medicine.

My first question is, does the board employ its own MD who could review these transfers?

MR. GRAYSON. No. I might point out, maybe someone mentioned this, I am not sure, but at one time we were concerned about this. We did arrange to meet with Mr. Brucchferi and Joe Goodman with a committee from the medical society and tried to determine if there might be some way to approach this particular problem. We didn't come to any conclusion about how we might address that problem, other than that they would try to bring that back to their group.

In terms of hiring a physician, I don't know if we could get one physician, necessarily. I don't know about their Hippocratic oath, or so forth. I don't know whether we could get one physician to take exception to what another physician says, because it is a judgmental factor, unless that particular physician required that child, say, to be examined and have all of the background that the family physician had.

My counsel did advise me of this, also. We did bring this matter up to the Federal court here, and he had indicated that he would try to look into this and possibly come up with some recommendations. So we have discussed that problem with him.

VICE CHAIRMAN HORN. The reason I pursue this is, my instincts tell me that, both in desegregated districts and nondesegregated districts, that this is a very real problem and that some doctors are signing statements because of friendship with family, or whatever, to get students out from under particular school consolidation or desegregation plans.

MR. GRAYSON. Yes.

VICE CHAIRMAN HORN. And I wondered why the medical association of Jefferson County or the State medical association cannot see that a three-doctor board, let's say, is appointed that must review all files on any case that is referred for a medical transfer.

I am not only concerned about the physical medicine transfer, but what really irritates me, and I know this from personal experience where I have heard of case after case, the so-called psychiatric transfers where a doctor is claiming that this student's psyche will be disturbed if the student is bused to a school that is integrated. I suspect often the student doesn't even know that the parents are going to this extreme to get the transfer, and I wonder what that student will think 20 years from now if that student is running for office or in a profession or whatever where that record just happens to come out. And I don't think that the parents do any student or the school system does any student a favor when they willy-nilly grant some of these transfers. I am wondering how you can pursue this to get at this problem?

MR. GRAYSON. I believe the court is going to address that problem. In terms of all of these records, they are confidential and I think as far as, and counsel could correct me on this, that would be confidential and personal information that we wouldn't probably be required to release.

VICE CHAIRMAN HORN. Let me pursue one comment you made about the gasoline dealers who refused to sell gasoline to the school district during the opening weeks of desegregation.

MR. GRAYSON. They are still refusing.

VICE CHAIRMAN HORN. What I wanted to know was, did you have a contract with any of these gasoline dealers?

MR. GRAYSON. No. This had been an arrangement between us over the years that we had developed, and there wasn't a need for a formal contract. I think one other thing, if you can appreciate the problem of some of the dealers, they were threatened and many, some of them at least, had their windows knocked out and certain other threats of bodily harm upon them, and I know of one instance. We had indicated that we were having problems in an area and we found another person who was willing to sell the gas to us. His picture happened to get in the paper, and I think by the next day we were told that we couldn't get gas there any longer.

I might add this, in addition to the gasoline problem, was the security on the buses. The judge required us to take all of our buses and put them in compounds and put them under guard in order that they would be protected from being destroyed, and we are still maintaining those compounds up to the close of the year. We have about 16 compounds. We have 1 to 2 security people on them 24 hours a day, and we are going to have to maintain that again next year.

VICE CHAIRMAN HORN. Is gasoline purchased in this system on a low-bid basis?

MR. GRAYSON. Yes, sir.

VICE CHAIRMAN HORN. My last question goes to Judge Hollenbach's plan. I understand he submitted a plan either to the court or to the school district, perhaps, as to how various facilities might be constructed which would help solve some of the desegregation requirements. Are you familiar with that plan?

MR. GRAYSON. Not in its entirety. There are some aspects of it, of course, that we have been working on ourselves, in terms of looking at some options for people. For example, the fundamental traditional school, the performing arts school, some other types of magnet schools—some of our staff have visited other systems trying to get a handle on that. These are some things he suggested and our school system is also interested in that. Unfortunately these things cost money, and we are right back to where we are in terms of financial problems. But they are things we are looking at—the magnet schools certainly is an idea.

I recall there was a suggestion for some type of a parent council, so to speak, also for the board. We do use our PTAs. Also we have councils which we work directly with, which are in the community and representing the parents there.

VICE CHAIRMAN HORN. Are there plans within the district to construct a number of schools in the next few years?

MR. GRAYSON. No. At the present time this school district is in pretty—has a precarious financial position for next year. In addition to that, our special earmarked building fund tax is pretty well reduced. We have only about seven or eight million dollars left.

We have just approved plans to construct a special education center for trainable children and for those types of students who need a special school. Other than that, that is about it. So, we really don't have a lot of bonding for building, you know, to do any type of construction.

VICE CHAIRMAN HORN. So the district, because of limited resources, despite shifting population, has no option to construct schools on, perhaps, the border of what was the county and the city in order to reduce distance one is transported to go to school?

MR. GRAYSON. Yes, and I might also point out that the board has also tried to look at the possibility of closing some schools this year, and we were turned down on that. At that time we had calculated that we could save maybe a quarter of a million dollars, and there might be the possibility that perhaps those old schools might be either reused or disposed of in some way to save some funds. But in terms of capital construction, we really are limited by doing any type of construction.

Counsel pointed this out and I should bring this up—in the summer of 1974, '75, I am sorry, when we were trying to construct the desegregation plan for the court, we did make an attempt at that time to redraw the boundary lines between the old city and county to try to construct new boundaries which would bring down some of the former barriers.

For example, Aspen High School was a city school located in a county school district. We tried to reconstruct that line so that there was not that same line we had before. So there were actually city and county students going to that school. Dirk was another example where we pulled some students from the city and put them in the county school. Manual was redistricted to include some city. So we did try to work in that all around the perimeter.

VICE CHAIRMAN HORN. Thank you.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. Mr. Grayson, you mentioned plans which are developing by way of implementations to the educational programs. Do any of these plans require any significant modification of the design of desegregation?

MR. GRAYSON. In terms of how, sir?

COMMISSIONER RUIZ. Well, I mentioned the words, design of desegregation, because Mr. Henning testified that he had met with you on January 6, 7, and 15 on the specific subject matter of the design of desegregation. You did this as a member of the design team appointed by Judge Gordon after the merger.

Now the question is, do you know of any, with respect to the future, does the board have any or does the board contemplate the making of any motions before the Federal court to significantly change or modify the existing desegregation design and to prepare for the opening of the school in the fall?

MR. GRAYSON. I would like to go back, if I might—I mentioned before that Judge Gordon asked us to develop a task force. He asked me to get a group together which I did. At that time the judge said that we were officers of the court in order to develop the plan, which would protect us in terms of any types of information that ought to be gotten out, because that made us officers of the court. We reported directly to him. When our group made the recommendation, presented that plan to him on the basis of his guidelines and instructions to the committee, as far as I was concerned, that task force, in a sense, had completed its operation.

At that time, I then appointed—the court order calls that we have someone designated to implement the plan, and this is where I appointed Mr. Brucchiari to head up that group. As I pointed out before, some of the members of that committee were on the design task force and some were not. In January when I began to discuss this with the council, and I think at a meeting, possibly in the judge's chambers—and, incidentally, I made fairly regular reports to the judge on an informal basis. If he had a problem I got a telephone call to be down there the next morning at 9 o'clock, to be prepared to bring staff to discuss particular problems that he was concerned with.

In one of our conferences with the judge, I indicated to him that I felt we ought to begin trying to look at any modifications of the plan and bring them to the court. He said that would be fine if we could report to the court in July what our changes might be.

I then asked counsel if we could talk to him about the possibility of getting it earlier, in order that we could possibly have the changes before this community before school was out, because that was obviously one of the problems last year, that the community didn't get that information until school opened, and if we could push that timeframe back, it would be helpful to the community to know what to expect when they left school.

COMMISSIONER RUIZ. You mentioned that you contemplate having a meeting in July with the judge?

MR. GRAYSON. No, sir, I didn't contemplate it. He told me we were going to have the meeting in July.

COMMISSIONER RUIZ. He is expecting that you will meet him in July for the purpose of discussing possible modifications of the—

MR. GRAYSON. Yes, sir, with the plaintiffs.

COMMISSIONER RUIZ. —desegregation plan?

MR. GRAYSON. Then he modified the order, as I recall it was in May. Then he said we will try to get back together in May rather than waiting until July. He felt the same thing, that possibility—if there could be developed out of that any minor changes to the plan, then the community would have that by the end of June.

But getting back to my, the design task force. In January I then called members of that committee, the design task force, back together and also took some members present the implementation team because I thought we needed not only technicians, but we needed people who were knowledgeable about the instructional program, and we would try then to review the plan and see what changes we might recommend to the court.

COMMISSIONER RUIZ. Did you discuss with your counsel the possible making of a calendar of this as soon as possible? Counsel isn't under oath here. He might answer the question.

MR. GRAYSON. The hearing was held in May before the judge, and at that time he indicated that he wanted some further changes in the plan and appointed a special committee. I think Mr. Maupin referred to that. He was chairman of the committee. They are making their report to the judge tomorrow.

COMMISSIONER RUIZ. Very well. Thank you. That answers it. Tomorrow?

MR. GRAYSON. Yes, sir.

COMMISSIONER FLEMMING. Mr. Grayson, we are indeed grateful to you for spending this time with us and sharing with us the insights that grow out of a very intense and intensive experience in the area of school administration. Thank you very much.

MR. FULTON. Commissioner Flemming, yesterday we brought, subject to subpoena, certain information, and in talking to your counsel we asked that we be given an opportunity to explain what we feel are some deficiencies in that information. If we could just have an opportunity briefly, with the superintendent, to tell you about those now. It

won't take more than a minute or two. We don't want you all to perceive that information and rely on it without knowing the deficiencies.

MR. GRAYSON. Have you explained that to our general counsel?

MR. FULTON. Yes, sir, we have.

COMMISSIONER FLEMMING. That is adequate then. Thank you very much.

Counsel will call the next witnesses.

MR. GLICK. Mr. Chairman, the next witnesses are the chairman and members of the Jefferson County Board of Education. They are Mr. Orville Miller, Jr., the chairman, John P. Bell, Carol A. Haddad, Carl R. Hines, Carolyn G. Hutto, Donald Randolph, Thomas Shultz, William E. Summers, III, Roberta B. Tulley, and C. B. Young. I am not certain Dr. Bell is here, Mr. Chairman. He had a conflict and was out of town, but he is attempting to get here.

Ladies and gentlemen, may I ask you to stand so the Chairman may swear you in as witnesses?

[Orville Miller, John P. Bell, Carol A. Haddad, Carl R. Hines, Carolyn G. Hutto, Donald Randolph, Thomas Shultz, William E. Summers, III, Roberta B. Tulley, and C. B. Young were sworn.]

TESTIMONY OF ORVILLE MILLER, JR., CHAIRMAN, JOHN P. BELL, CAROL A. HADDAD, CARL R. HINES, CAROLYN G. HUTTO, DONALD RANDOLPH, THOMAS SHULTZ, WILLIAM E. SUMMERS, III, ROBERTA B. TULLEY, AND C. B. YOUNG

MR. GLICK. Could I ask that each of you identify yourself by name and your occupation for the record?

REV. RANDOLPH. I am Rev. Don Randolph, minister, Green Acres Baptist Church.

MR. MILLER. My name is Orville Miller, Jr. I am an insurance agent in Louisville.

MS. TULLEY. Roberta Tulley, unemployed.

MR. HINES. Carl R. Hines, executive director of the Housing Opportunity Center.

MS. HUTTO. Carolyn G. Hutto, currently not employed.

MR. SUMMERS. William E. Summers, III; minister and president of Summers Broadcasting.

MRS. HADDAD. Carol Haddad, housewife, chauffeur, cook, maid.

MR. YOUNG. I am C. B. Young. I operate an auto paint store.

MR. SHULTZ. I am Thomas Shultz. I am employed by the L and N railroad.

MR. GLICK. Thank you all. I want to make certain that I have these positions correct, and I want our record to reflect it. I am going to recite what I believe to be the names of the members of the former city board of education and the former county board of education and the persons who have been newly elected to the merged board. Am I correct that Mrs. Hutto, Mr. Summers, Dr. Bell, who isn't here yet, Mr. Deitrick, and Mr. Hines were members of the former city board

of education? And am I correct that Mrs. Tulley, Mr. Miller, Mrs. Rufra, Reverend Randolph were members of the former county board? Mr. Rufra, I am sorry, former county board. Is that correct?

REV. RANDOLPH. That is correct.

MR. GLICK. Am I correct that Mrs. Haddad, Mr. Young, and Mr. Shultz are newly elected members of the board of education?

MS. TULLEY. Yes.

MR. GLICK. Thank you, and I did get it correct and the record will show that. I want to start by addressing a question to the chairman, Mr. Miller, and to ask each one of you to offer an expression of view, and, of course, I will have to ask you to be brief, because there are so many people and we want to hear from each one of you.

Mr. Miller, do you believe that the board collectively and each member individually has a responsibility to publicly support the court's desegregation order, and if so, what steps have been taken to do that?

MR. MILLER. I think each board member has pretty well supported the mandate of the court, if that is your question.

MR. GLICK. Yes, that is. Miss Tulley?

MS. TULLEY. Yes, I think that we have a responsibility to obey the law. Now, if you mean to support busing, then I don't know that I could agree with that because some of us are opposed to it. So, say now, I am in favor of busing because it's the law of the land, I could not do that. I do say that while I'm opposed to busing, I will obey the law. I will attempt in every way possible to make it work and to see that there is no erosion of the school program.

MR. GLICK. Thank you.

Mr. Hines?

MR. HINES. As I interpret your question, counselor, I think we definitely have a responsibility to carry out and support the orders of the court and to obey the law. I personally think that regardless of the area in which the court's order applies will not change that responsibility.

MR. GLICK. Thank you.

Mrs. Hutto?

MS. HUTTO. I certainly believe that, as an elected official, that I must support the court's order and be positive in my activities to see that it's implemented.

MR. GLICK. Mr. Summers?

MR. SUMMERS. As an elected official, I feel it my responsibility to uphold the laws as are mandated, and my personal feelings should never be entered into it at any given time.

MR. GLICK. Mrs. Haddad?

MS. HADDAD. It is the law. We do have to obey the law whether we agree or disagree, and this is, I think, our prerogative as long as it doesn't interfere with our job in seeing that the children receive a good quality education.

MR. YOUNG. I feel that we must support the law and do what the law says and also at the same time do the best job we can within the restrictions of this law. I realize that it's hard, especially under the circumstances we find ourselves now, to provide the best possible education with the law the way it is.

MR. GLICK. Thank you, Mr. Young.

MR. SHULTZ. Yes, I agree that we should obey the law. The quality education that we desire is being affected by this, I believe, because of the tremendous drain on the financial resources.

MR. GLICK. Reverend Randolph?

REV. RANDOLPH. Yes, I am Reverend Randolph and certainly it is our responsibility to fulfill the mandate of the court. I think we have said this in court personally and I think we have said it publicly. I feel the record of this board collectively is a witness in this community with Judge Gordon that we have tried our best to implement the law mandate. I think the record over this past year will bear witness to that.

MR. GLICK. Thank you.

My next question relates to some testimony that we heard this morning from two doctors of education who were consultants to the Commission. They indicated that there were different philosophies in the two different boards of education, that in the city board of education prior to merger, the philosophy was child-oriented. The interests and the needs of the child were what the board of education believed must be met. But on the other hand, in the county, the educational system was achievement-oriented and that there were goals to be met on the part of each student.

Mr. Miller and other members, how do you think that these two different philosophies can be merged and melded together for the best interests of the children in the schools?

MR. MILLER. Two philosophies, the two systems melded together in the best interest of the schools?

MR. GLICK. Not in the best interest of the schools, but of the children.

MR. MILLER. The children, I'm sorry, I'm not real sure that I understand your question the way you are putting it to me. I feel like that in the former county school system we were child-oriented. I am not that familiar with this type of difference that was brought forth. I wasn't here. In response to being child-oriented or achievement-oriented, it would be a little difficult for me to answer. I would say that from my viewpoint the difference between the two school systems was one of structure, one of discipline.

MR. GLICK. Miss Tulley?

MS. TULLEY. I was here during that testimony and I have already accosted Dr. Hillman out in the vestibule because I disagreed with him. I think the levels program which he was discussing is child-oriented. I think children may proceed through the school system at their own

level and their own rate. It was designed specifically for the child. This is also true with the elective quarter plan which allows children to choose the courses that suit their needs. If this isn't child-oriented, I don't know what is, so I think this is not a difference in philosophy.

MR. GLICK. Could I ask the board members to just individually move along as each one testifies, so I won't waste time calling names? Mr. Hines?

MR. HINES. Unfortunately, I wasn't here to hear the testimony with regard to the philosophical differences of the two boards prior to merger. But I personally feel any board of education has to be child-oriented. I think in that orientation they have to necessarily take into consideration achievement. But I think they also have to take into consideration the best way for individual children to achieve. In a system this large and with the diversity of clientele we have, which are the children, I think we have to provide whatever method is best suited to that individual child to achieve what I am sure all of us would like to see them achieve.

MS. HUTTO. I concur with what Mr. Hines has said. I would agree that achievement is an important component of education. How that occurs or in what setting pupils do achieve, I think makes a great deal of difference to the youngsters. I would like to see this school system move toward one that provides alternative educational choices for all its youngsters so that if it's my perception that my child learns better in a situation that is less rigid, I may have that choice for my child. The parent who likes the traditional form of education could have that option, too.

MR. SUMMERS. The two philosophies, just like the merging of the two systems, must be worked out between the people involved; that the children of both the former city and former county can be merged into the two different philosophies to see that the ultimate end, the bottom line, will be that that child gets an education.

MS. HADDAD. I disagreed with him this morning when he said that the county was not child-oriented because it very definitely is. I think both systems are. I think it's just that the philosophies are in different ways of doing it. It is hard to merge them together, especially with desegregation right on top of merger when you really don't have time to really sort things out. If we had had a year to merge, I think desegregation could have gone much better than it did this year.

MR. YOUNG. I feel there are many, many things that would take a long time to go into that are needed in this community and in our schools. I think that one thing that would start us off on the right road to educating the children and returning to a quality education would be a return to community schools.

MR. SHULTZ. I wish to express the opinion that I disagree with the first statement you made in regards to the differences of the two boards, or two systems. I feel that the educational achievement of a child should depend on whether he can read, write, and add, and that

a basic education should be essential. We have children in our high schools now that can't even read or write and this in my opinion is not an education.

REV. RANDOLPH. Yes, sir, I am sorry I did not get to hear the discussion this morning, but the impression that I am gaining is after 21 years in this community and having a daughter go through the school system, the Jefferson County school system has been child-oriented as much as anything else. I don't think sir, you will find anyone on this board of education who in their own way aren't interested in the children first of all. That is one of the major reasons we are all on the board of education. I think also this. If you will check the record, I think you will find the record of both school systems in their past speak well.

I can speak and may be a little biased at this particular point, I will well admit, because I am not that familiar with the city's past, but Jefferson County has a reputation throughout the country. It's been 2 years ago I was invited to the national school board to address because one of our programs was succeeding so well. Other members have had the same thing. Desegregation has certainly been a traumatic experience, but we have been forced with maybe two or three traumatic experiences within a 6-week period. We are trying to build Rome in a day. My honest opinion is we did miracles almost last year in getting where we are right now.

MR. GLICK. Thank you. I think those are very valuable answers for our record.

One more question I would like to ask. Much of our testimony through the course of this hearing has related to the discrepancies in discipline between black and white children in principally the high schools. Figures which have been supplied to us by the school administration—

MR. MILLER. I am sorry, I can't hear you.

CHAIRMAN FLEMMING. There is something wrong with your microphone. Did you get it?

MR. GLICK. Let's try it now. Can you hear me now, Mr. Miller? Much of the testimony we have received in the last few days has related to discrepancies in the disciplinary process in the high school between black and white students.

The figures that have been supplied to us by the school administration have confirmed this impression. I am sure everyone will agree that this is a very serious matter. I wonder, whether the board of education will issue any instructions to the superintendent and school administration to take some measures to correct this discrepancy? Mr. Miller?

MR. MILLER. I think, first of all, we have to know why the suspensions were made in the first place. I referred to in my previous answer to you that one of the things we have been concerned about has been discipline in the school system this year. I think some of the figures that you have got, at least what has been brought to my attention, are

figures that reflect not that many different students. There are several students, many students, possibly, that have received several suspensions.

I am concerned about suspensions in the schools. I think any time the child is out of a classroom, he is not getting the benefit of an education, that's what we are here for. If there are ways that we can work with the staff to cut down on suspensions, at the same time bring an education to these children, many of them are far behind and desperately need it, then I think we should do so.

Ms. TULLEY. The first consideration for any school system is to educate children, of course. When children are not in the classroom, if they are out in the halls as has been the case in many instances this past year with both black and white children, something must be done to bring them back into the classroom.

They are not learning nor are any other children learning when there is a disturbance in the hallways. I think that as Mr. Grayson testified, there are steps being taken to offer alternatives to suspending children by sending them home.

In some cases, this is what the child wants, to get out of school and go home for 3 days. The in-school suspensions, I would think, would be one of the most effective means. In fact, it has been. Some of the terms the children use, the "tank," as Mr. Grayson mentioned—some of them call it "Siberia." They don't like it. If they don't like it, I think they will do something about it. In some cases, they are given a work detail, the option of a suspension or work detail. So I think steps are being taken to do away with some of these suspensions. But I think they have been necessary this year.

MR. HINES. Unfortunately, I think the suspension ratio that we have experienced follows a pattern, as far as the desegregation cases that I am familiar with. During the first year there is a disproportion in the number of black children suspended. I think we could have anticipated this in regard to the hue and cry that was raised by so many segments of the community on misconceptions and rumors in regard to some things that they perceived may happen in the school. Unfortunately, I don't think the administration took the steps that I feel could have been taken in regard to making adequate preparations.

Until Judge Gordon indicated his concern in regard to the suspension, I don't think there was any comprehensive study as far as the causes or the reasons or the legitimacy in regard to the number of suspensions that were so disproportionate.

I am also concerned about the fact that some of the more pertinent figures in regard to suspension were not provided to the board by the administration, but were received via the news media in regard to suspensions per 100 pupils. The first time that we had that information it did come through the newspaper.

So I feel that some form of training in regards to providing some sensitivity to the diverse elements that are in the school system of this

size is absolutely necessary in order to deal with that possibility, as has been pointed out by others.

I think in most instances suspensions are counterproductive to what we are trying to achieve. And in some of the instances that I have personally been familiar with, I know that it was counterproductive and I don't think suspensions were the answer to the particular problem.

I don't think putting a child out of school for 3 days, in regard to being tardy to a class for three times during a quarter, is the answer to getting that child to class on time. Another problem in regard to suspensions is in regard to the follow through as far as providing parents with adequate and necessary information regarding why, the reasons, and, in fact, following what was set up by a committee in regard to the disciplinary procedures.

So I think this has been a problem in regard to suspensions that has also helped to increase the situation as far as the disciplinary problem is concerned.

Ms. HUTTO. I was a teacher at one time in the Jefferson County public schools in high school in '54 to '58 and '63 to '67. I taught off and on during the years 1971-'72, I believe, in the city school system, and I did an 8-week stint at the end of that year in an inner city school that was about 40 percent black and 60 percent white and about 45 percent at poverty guidelines.

My cumulative teaching experience indicates to me that teachers need training, specifically in regards to teaching disadvantaged children.

It's fairly, I would say, easy to a person, a teacher from a middle class background with a very good educational background, to teach and meet the needs of the middle class clientele, not perhaps as beautifully as we would like but that is fairly easy to do. It requires a lot of work as teaching does.

To teach children from a different kind of background requires in my view more than human relations training. In some of the reading that I have been doing on desegregating school systems, especially an article in the Duke two-volume publication, indicates that perhaps human relations training ought to be aside as regards instructional training.

How is it, exactly, that you do help the child who is in the ninth grade and cannot read and write to learn? How do you rekindle, if it is possible, a desire to learn? I think we all accept the fact that children are eager to learn and that school systems systematically remove that desire from the children, and a result of that is a high suspension rate, often.

Excuse me for being so wordy.

MR. GLICK. That's all right.

Commissioner, may I advise you that Dr. John Bell, a member of the board of education, has joined us now. Mr. Summers?

MR. SUMMERS. The disciplinary problems of the school system has been one of my chief concerns, and I have addressed myself to it nu-

merous times. I feel there is a dire need for discipline anywhere, but the one thing that I have not approved of nor have been able to understand why the black students have been suspended at a larger rate than their counterparts for committing the same crimes or same offenses. The thing that bothers me is that what has happened is that the black pupil has been suspended and the white pupil doing the same thing has not been suspended. We have made some changes in this area as a result of Judge Gordon's order after looking at the suspension-expulsion situation, but I still don't think that we have addressed ourselves to it totally to the point where we are going to bring it into line where it should be.

That is very important if we are going to keep these pupils in school that they might learn, because when pupils see that they are being suspended or expelled for minor infractions of the rules and their counterparts are kept in school for the same infraction of the rules, it turns the others off and they begin to care less and do not have the desire and motivation to stay in that school. And that is hurting our total system.

Ms. HADDAD. I think this is one area that the difference in the two philosophies that I talk about sometime really exists. I think in the county system you had a more disciplined system and in the city it was more of an open classroom, not as disciplined as the county system. And there was quite an adjustment for these children to go from one system into another. I don't think anyone—it seems like when they talk about it, they really haven't realized the complexity of the problem.

The merger itself, and you have teachers and principals, staff, children who had not experienced the other system. And you put these children into a system and expect them just to fit right in. Then, when you feel they are doing that, you bus them out someplace else where they are in a minority and you expect everything to just really fall in place. And this just is not going to happen. There is going to be a period of time I think before it will. But I think they are starting to have the in-school suspensions, which I think are very good, and I think that will be more help to the children than sending them home.

Mr. YOUNG. I feel that I am really not qualified to answer the question as I understand it. I feel that it will be up to staff to work this out and make recommendations to us. I feel that suspensions have to be dealt with individually—why did Johnnie get suspended? What is his problem? And try to straighten out Johnnie's problem. And also to try to find out, for the staff and the school, to notice the problem as it comes along and to deal with it before it gets to suspension.

I feel this is important. And I feel that the one biggest help that we could have, as far as suspensions and finding out what children's needs and the answers to their problems and helping them deal with their problems is, again, community schools.

Mr. SHULTZ. Yes, I would like to have you review your question, because I didn't quite understand what your question was and what it—

MR. GLICK. Mr. Shultz, my question was, based on the testimony that we have heard in the last few days and the statistics we received from the school administration, there is a wide discrepancy between the disciplinary—in the disciplinary process between black and white students in the high school. I am asking whether the board of education will instruct the school administration to take some measures to alleviate this discrepancy?

MR. SHULTZ. This is something—I do not believe that there is such a discrepancy. I think that they are being treated equal. There is a possibility that the principals are overreacting on either issue. I mean, if it is black, there is a possibility that they are letting some of this slip by. I do not believe that if you go into the schools you will find that they are going to prove your theory and the theory that you are advancing.

MR. GLICK. Mr. Shultz, it is not a theory of mine. What I have said is just based on the statistics that have been created by the school administration from their own research and have been made public. So, it is not a theory of mine.

MR. SHULTZ. It all depends on what you use as discipline, what you are requiring as discipline, and it goes back to the idea of the two systems having such different philosophies on discipline. This is about all.

MR. GLICK. Thank you. Dr. Bell?

MR. BELL. I apologize to the Commission for being late. It never occurred to me you would be so prompt, or maybe I am just always late. I am sorry I didn't hear the rest of the discussion.

My own feeling about this is that it grows, as some of the board members have commented, out of the differences in the philosophies of the two systems. Basically, the majority system, the county suburban system had a traditional program and had a fairly homogeneous group of middle class children, and it had very little experience, most of the personnel, with dealing with concentrations of lower socioeconomic children.

The city system, having come upon considerable troubles in the last 6 or 8 years, along with most other urban systems, had attempted to develop new ways of dealing with concentrations of low-income children, and had a more open system that was more acceptant of some of the characteristics of the subculture of poverty people.

And there was no time for preparation of the majority system staff. There was a great difference in philosophy on this board, which, in my opinion, was communicated to staff and which did not lend itself to the superintendent or staff, either, for a very thorough 100 percent cooperation with the execution of the plan.

And I feel that these are all factors. It has to do with staff that has dealt largely with middle class children and knows very little about lower socioeconomic children or the subcultures of poverty and, as yet, has not been pushed by the board to have much interest in those things.

I think this reflects a difference in philosophy and interest and background and experience of the board members which was communicated to staff. And since it was a newly merged system, the merger having been brought about as a result of the minority city system against the wishes of the majority white suburban system, and the further fact that there was a change of administration in the county system, with a very strong traditional leader going out and the new superintendent not really having time to establish leadership, it left sort of a power vacuum with everybody scrambling around.

And don't think the board has set any very good example for the employees of the system, and I think that that is part of the problem. I am not convinced, either, that there are real basic differences that people are aware of in the way they deal with suspensions. I suspect it has to do with unconscious attitudes, perhaps with a lack of interest in understanding, and that is one possible explanation in my opinion.

What has worked in the suburban county system simply wasn't working in the former city system, and that is the reason for the differences in the philosophies of education.

MR. GLICK. Reverend Randolph?

REV. RANDOLPH. Yes, sir. First of all, I would like to say that suspensions with preferential treatment to either group is sort of an offense to me personally. I have given time to dealing with problem situations and difficult situations such like this. I would be very offended if I found out that our staff or principals were giving preferential treatment, in any way.

Part of the question was, would we as board members do anything? Yes, sir, you bet your life, if I thought that somebody was being mistreated in this realm. Senior Judge Gordon asked Dr. Milburn Maupin and Bobby Green and Dawson Ormans when this was referred to him to investigate this—I hope you have a copy of it. One of the questions they asked was simply this—were black students treated the same as white students? On page 36 here is their answer: "We have no evidence that would cause us to believe that suspensions were used to discriminate against black pupils." This is their record after their full, big, thick investigation.

I think the offense is the thing, not the color of skin, or minority, or socioeconomic. I think the offense was the thing. I personally cannot see disciplining a child just because of their socioeconomics or their skin or anything like this.

While I am here, I would also like to touch upon another thing, if I may in the last hour, because I was one of five rotating people who were on the hardship transfers. Somehow, opinions have been gathered here—I think your statistics, at least what has been presented to you, leave the impression that blacks were mistreated in suspensions or just because they were blacks.

I say honestly, sir, to you, that is not so, cannot be so. I also say, just because a child had a medical certificate written by a doctor, or

letter, didn't automatically give them a hardship transfer. That is erroneous also. Many of those who had the doctor's certificate were not automatically given a hardship transfer. We rotated that committee and with all consciousness and conscientiousness, we individually tried to evaluate each case after two other committees. Then, when it got beyond us, it could go directly to Federal Judge Gordon in this situation.

I think the offense calls for suspension. I think the merger of two things, bringing this together, caused probably more suspensions this year, I am hopeful, than it will next year. But if the offense is there, then the suspensions will be there next year. I agree with Mrs. Tulley. I think rather than put them out on the streets, there may be other methods and approaches which we can get to, rather than just leaving them outside.

MR. GLICK. Thank you, Reverend Randolph. I want to thank all the members of the board for your fine responses to my questions.

Mr. Chairman, I have no further questions.

CHAIRMAN FLEMMING. Commissioner Horn?

VICE CHAIRMAN HORN. Let me pursue a moment the hardship transfer issue.

Counsel, do we have the evidence and statistics from the district as to how many applications were made for hardship transfer, how many of those had a medical reason given, with a statement from a doctor, and how many of those were turned down, because that is the recent statement? That information is available?

MS. LEWIS. Yes, sir.

VICE CHAIRMAN HORN. I would like it reinserted in the record at this point. The reason I have pursued the question, not only here but as in Boston, Denver, and Tampa, is that I know from case after case that often doctors who are social, country-club friends of some parents will write these transfers to get a particular child, usually white, out of whatever desegregation order there is.

My query goes not to whether this is done or isn't done, because I know it is done. I do not know the extent to which it is done in a particular area, but how does a board in fulfilling its public responsibility protect itself by setting up an administrative process by which such excuses can be reviewed?

Now, we have had testimony from your superintendent and others that—and I can understand this as an administrator—it is very difficult for a school district, one without an M.D. on its staff, to be turning down excuses prepared by M.D.s, fearful in this age of litigiousness that you will be sued if you do not grant the transfer.

What I need to know and would like to know, Mr. Miller, is what sort of process do you see establishing within the school board or the superintendent's office, to try to see that justice is done and that the board's interest and the public interest is protected?

MR. MILLER. Of course, I was here and heard part of Mr. Grayson's comments to you on talking to the Jefferson County Medical Society. I think this is probably one of the answers we might have.

I have served on the committee to review some of these things. As far as I am concerned, in reviewing a doctor's statement, it does have a bearing on the way you look at the transfer. But I think, at least the way it's appeared to me, when you see a doctor's certificate come through, I believe you can tell the sincerity of it.

VICE CHAIRMAN HORN. Well do you feel—it is one thing to talk to the Jefferson County Medical Society, and I suspect it is another thing to put it to them that the board would like, say, three members on an appeals committee to aid it in rendering a judgment in reviewing these various excuses that are given.

Do you feel you are in a position to formally request that? Have you formally requested it in writing?

MR. MILLER. Let me let Dr. Bell speak to that.

MR. BELL. You are talking about my group.

VICE CHAIRMAN HORN. Just the man I want.

MR. BELL. I did serve also on this rotating committee, and the meetings I attended, I think we truly tried to delineate between the statements that were made by physicians under duress and the statements that really carried a note of—well, that they really felt that these children should be exempt for sound medical reasons.

In regard to the approach to the County Medical Society, I talked to a couple of people and I think counsel, also, or maybe Mr. Grayson approached them, and there was a great deal of reluctance on the part of my colleagues of the organized medical profession to assume this appeals role. Now, whether they could be backed into assuming it or not, I don't know.

VICE CHAIRMAN HORN. Dr. Bell, am I correct that many hospitals establish three-doctor panels to review patient records on release and everything else, that this is a common practice even though some individual doctors don't like it?

MR. BELL. Yes, sir, that is quite correct. But in this situation, Dr. Horn, we are dealing with a very inflamed community, and some of the most inflamed were the physicians that were involved in the County Medical Society. And this is a little different than the policing of our own profession, which has not gone at just breakneck speed either, may I say.

VICE CHAIRMAN HORN. Maybe the solution is to hire an M.D. from Indiana to come over once a month and consult.

Let me ask Mr. Miller, do you operate under an open meeting law in Kentucky, whereby all of your board meetings must be in public?

MR. MILLER. I am afraid so. May I expand on that for you?

VICE CHAIRMAN HORN. Please do.

MR. MILLER. I think that this has created probably more problems than it has answered. Now, I think in the past, probably, some of the

activities of the board were not done in, maybe, the best interests of the community. As a result we have what we call the sunshine law. There are problems that we face in this community that make it absolutely necessary for the board to sit down behind closed doors, look each other eyeball to eyeball, and have a good frank discussion without seeing somebody favored in the newspaper the next morning. I believe some of our problems could have been avoided had it not been for the sunshine law.

VICE CHAIRMAN HORN. Well, I share that concern because the suggestion was made this morning that it would be commendable, perhaps, if the board, central administration, and principals and faculty got off, and maybe the parents, and had a retreat where, as one person said, they got their heads together.

MR. MILLER. How big a place do you have to go?

VICE CHAIRMAN HORN. Well, this is the question, just if the board first got off and got its head together and really could spend a couple of days together in depth and pursuing some of these problems, rather than under the glare of everything you say appearing on the front page or the evening TV show. So, I share your frustration.

Now, Mr. Miller, I would ask you one more question. How familiar is the board with Judge Hollenbach's plan that had to do with open enrollment, magnet schools, so forth?

MR. MILLER. Well, I could speak for myself. You can ask other members of the board. I am just vaguely familiar with it. I have it on my desk to read and study and when I get time I will read and study it.

VICE CHAIRMAN HORN. The board has never considered this as a formal matter on one of its agendas?

MR. MILLER. Not yet. It is set for the future.

VICE CHAIRMAN HORN. Because my question is—and maybe any member of the board would respond if they have read it—the degree to which the board collectively, and that is apparently impossible, but now individually feels that plan would maintain desegregated schools in Louisville. Does any member of the board have any feeling on that?

MR. HINES. Mr. Commissioner, before I get to that question I would like to make a comment in regard to the transfers. I also served on the Revolving Transfer Committee of the board. First of all, I would like to point out that the cases that were reviewed by this committee were cases that had been denied at two other steps along the way and they were cases that were appealing the denial. So many of the cases were approved at one of the other administrative steps before they got to the board, and, of course, we were the last resort.

Another thing I would bring out in regard to hardship transfers is that I personally do not perceive the situations as far as the medical transfers, at least the ones we reviewed, as crucial as some of the other transfers that were granted for some very, what I consider, trivial reasons—in regard to county students transferring back to another

school because they wanted to be on the tennis team or what have you. I think this is an area in regard to hardship transfers that also needs to have some attention paid to it, because I think some of the principals may be able to comment on this at the next session. But these were some of the concerns, far more than the medical concerns, as far as I am personally—my personal involvement.

In regard to your question concerning Judge Hollenback's plan, we received copies of that plan and the alternatives he proposes. I personally have not seen many alternatives in that plan and—that have not been proposed since 1954 at some place or another in regard to alternatives to transportation for desegregation. I think, in the final analysis, transportation became the final alternative because none of these other suggestions have worked, and believe me, as you are well aware, they have been tried all over the country.

So, while some of these suggestions, specifically in regard to some type of parent counsel, I would certainly be interested in investigating farther, looking into, as far as the magnet school concept and redistricting and some of these other things that have been tried all across the country. I think that they were dealt with in Judge Gordon's court, as to validity as far as these concepts are concerned. So, personally, I don't see them as anything new that has not been approached before or involved in some other plan.

VICE CHAIRMAN HORN. I believe Ms. Hutto had a comment.

Ms. HUTTO. Proposal 4 was supposed to reach us yesterday, and if it did, I have not seen that. So I don't know what is contained in that.

MR. HINES. I got mine yesterday.

Ms. HUTTO. I concur with the idea that, or the fact that, magnet schools alone will not desegregate the school system, and that it is the constitutional imperative that we are dealing with. I do believe strongly that as a board (we ought to search, as I said earlier, for alternative forms of education that are desegregated learning situations.

One of the things that parents in this community resent so much is that they feel they have no choice in their child's education. I don't know how true this is. But I have heard people on the panel the past 2 days, and all through the years, say it is not desegregation; many times it is not even the bus ride. It is the no choice.

Many of us know that school districts have always had the right of assignment, and this just happens to be a different set of youngsters and a different set of circumstances, but it does appear to me that as a board and as a school district, we could commit to providing desegregated learning choices, which would go a long way to allay a lot of the hostility, I believe. Perhaps I am naive about that.

Judge Hollenbach's plan, in my view, is an effort. It is not sophisticated enough, nor is it developed in depth to address the mandates of the court or quality education, in my view.

VICE CHAIRMAN HORN. I am trying to figure out if you have an idea of how you would provide that desegregated choice. Let me just throw

out an idea that comes to me as I was listening to you, and I don't know if this makes any sense at all, but is this where a citizen in the community could draw a particular number or opportunity to go to a particular school? There would have to be an assurance statistically that that school was desegregated, in a racial sense between percentages, and then the citizen could conceivably over the years live near that school, or whatever. Is that what you are searching for?

MS. HURTO. Well, Dr. Horn, I have gotten my idea somewhat from listening to Dr. Gary Orfield talk on desegregating school systems and the great possibility for improved education when a system desegregates. In trying to get some answers from him, he has often mentioned the Minneapolis school system and said that there was a commitment on the part of the board of education that, since they were going to transport children anyway, that they would transport children to desegregated schools of the parent or youngster's choice.

Now, I have been asking this board if we could go to Minneapolis, and, I think, now some staff members and Mrs. Tulley, perhaps, are going next week—

MS. TULLEY. Some staff members are. I don't believe I am going to be able to go.

MS. HURTO. I am not suggesting, in any way, what Dr. Coleman suggests, and I know that this is going to require administrative sophistication, dedication on the part of the board. I am uncertain about the cost, but I think that many parents like the traditional school. They are saying they will send their children there, and they don't care about the racial ratios in the school. They just want that form of education. Other parents like an open forum. I believe with some effort and over a period of years, we could reach this kind of desegregated school system.

In my view, while the plan's criteria are excellent politically, it is lacking educationally. My child was bused this year in the second grade. She had an excellent year. I would not generalize from an individual experience. I would like for her to be with the same set of youngsters over a 5-year period. As it is now, she will return to her so-called home school. So I am looking toward that.

VICE CHAIRMAN HORN. You are looking for some stability within a desegregated forum?

MS. HURTO. Yes, educational continuity is what I am looking for. And I recognize that it will take dedication on the part of the board and help from consultants, and I hope we move that way.

VICE CHAIRMAN HORN. Thank you.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. Nothing.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. Yes. Discussion of philosophical questions usually are fruitful. We sometimes learn things against our will even.

How many members of the panel have had law enforcement experience?

MR. MILLER. I was city marshal for a sixth class city—population, 220 people.

COMMISSIONER RUIZ. Did you have a car?

MR. MILLER. No, sir. They had me on foot. I walked my beat.

[Laughter]

COMMISSIONER RUIZ. Then you are going to be the object of my questioning.

MR. MILLER. Oh, boy.

COMMISSIONER RUIZ. Mr. Bell, have you ever heard—Mr. Miller—I'm sorry, Mr. Miller, you are chairman of the board?

MR. MILLER. Yes.

COMMISSIONER RUIZ. Have you ever heard of selective law enforcement?

MR. MILLER. No, sir. I wasn't that sophisticated.

COMMISSIONER RUIZ. Well, now, allow me to give you an example. A motorcycle officer will sit at the corner of First and Main Street, in any community in the United States. We will put him in Louisville. The speed limit is 40 miles an hour. The motorcycle officer has an unconscious dislike for long-haired youths. All of the automobiles are going by at the rate of 45 miles an hour. Do you suspect what I am getting at?

MR. MILLER. Yes.

COMMISSIONER RUIZ. Now, documented cases of bias in selective law enforcement is a well-known phenomenon. This is well-known in behavioral sciences. Have you, or any member of the panel, ever received a speeding citation or a traffic ticket for violation of some traffic ordinance and been incensed because he or she was picked on because another guy or gal right in plain sight of the officer was not picked on?

Now, I am going to expect an honest answer. I have a board of 12 panel members, a pretty good cross-section of our community. I would like to expect a truthful answer, because I have had friends to whom this has happened and it has happened to me.

Now, just as teachers are law enforcement disciplinarians, just extending that a bit further, because there are one or two of you that were a little bit awed at the thought that there might be bias. The question is, has this ever happened to any member of the jury, excuse me, the panel?

MS. TULLEY. I have never received a speeding ticket.

COMMISSIONER RUIZ. You have never received one?

MR. MILLER. I have, sir, not too long ago, but I didn't feel I was picked on. I was going 63 miles an hour when I should have been going 55.

COMMISSIONER RUIZ. Well, you understand my explanation of the law enforcement officer. There is law enforcement selectivity. This is what we are talking about. And this is why we want to check into the statistics, because these unconscious things that occur. This is why we are appealing to you, as members of this panel, to check into this.

I have no further questions.

MR. RANDOLPH. May I respond, sir, to this, because I am greatly concerned? Statistics are a very good thing, but they don't always reveal the facts. In any area, when someone is picked on, you have to have the facts. You can't go on circumstantial evidence.

COMMISSIONER RUIZ. That is true.

MR. RANDOLPH. Every year as a board member since I have been on the board, there has been more than one school call me, "well, we know somebody who is pushing dope," and we try our best to get somebody to identify it and put their name to it, rather than just how many statistics, or how many problems we do have.

COMMISSIONER RUIZ. Your suggestion, sir, is an excellent one.

MR. RANDOLPH. In any given situation in discipline, or anything else, I think this is the responsibility of the board of education. I think they have tried over the last year to cooperate, even sometimes when we didn't agree, personally, with the judge. We tried our best to cooperate to make everything work in harmony. And every time we had the facts, we responded to them. You just can't take a bunch of statistics and let them completely be the deciding factor. They were not individualized and given back to substantiate the statistics.

COMMISSIONER RUIZ. Instead of just responding and reacting to statistics, my respectful suggestion is that you probe into the matter, such as suggested by you.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. I have but one question, and I wonder whether Mr. Miller and Dr. Bell could both respond. What efforts might the board undertake to enhance the community's cooperation and support of the efforts of the board to comply with the court's desegregation order?

MR. MILLER. What efforts could the board undertake—

MS. HADDAD. Could I say something after they finish?

COMMISSIONER SALTZMAN. All right.

MR. MILLER. I don't know. This past year we have done several things individually. I am speaking for some of them on the former county board and as probably done on the former city board.

When the order first came down from the Sixth Circuit Court, Judge Gordon called us in and talked to us about what was facing us, what we were going to have to do. Several of us were called together. The presidents of the PTAs in the county and in our respective districts, we met with them several times. We took all of the materials we could possibly get our hands on, and just had rap sessions with these ladies; and some men were also present in the PTAs. We reviewed the information that was given to us, and we gave them everything we had. We talked this over. I know I had some two or three sessions in a short period of time, I would say within 30 to 45 days.

We spent some time working with the interested church groups, civic organizations, and so on. There was an effort made to—at the

present time, we have a channel 15 television station. There were several TV programs that were put on there.

As far as explaining what we will do in the future, I am sure there are some things that we could sit here and think about; and maybe we need to go back to this sort of thing.

One thing that troubles me a bit, as far as I am concerned—and I feel I could say this for other members of the board, too—there are many things I would like to do, but time is limited. I still have to work for a living. But there are many things I would like to do. I would like to spend more time among the people right in my area, with the parents and working with them, and also on some television work.

COMMISSIONER SALTZMAN. I sympathize, Mr. Miller, because we, each of us on the Commission, earn our livings a different way, also. It is rather difficult.

MR. MILLER. I am glad to hear that, because that does make it a little easier for you to understand.

But I think we are facing some problems, not only the desegregation, per se, and I am sure there are some things that we need to consider on that. We are facing a serious deficit in our school system next year. And all of these things, I think, are tied together. And I think we need to use everything we possibly can to get back to the public, put all of the information there that we can possibly. And I suppose that is one way you furnish leadership, give them the information and then get a feedback from them as to what you might do. I am sorry I can't give you a specific proposal that I have, other than what we have done.

COMMISSIONER SALTZMAN. I think some of the suggestions you have made, in terms of what you have done in the past—

MR. MILLER. Most of this has been done in the past, and I feel like it will be continued in the future. As we get into fall, if there are changes made in the desegregation pattern among the elementary schools, certainly we will just take the time out of the office and go out and talk to the people and spend some time away from home in the evenings and talk to people.

Now, we have done this without a lot of publicity. We are not interested in publicity; but we do want to get this information out. I do think in the future we might develop a stronger relationship between the board and the press. And I think this is an area we might explore there.

MR. BELL. May I respond?

COMMISSIONER SALTZMAN. Surely.

MR. BELL. I have pondered this considerably, and I think the board has considered it individually and collectively. I have wondered how this would have all taken place if we had not been facing merger. Louisville has the tradition of dealing with these things. I like to think, in a more sensible manner than we have this. There was a citizen's group organized which a number of us had confidence was going to

accomplish something and it didn't; it folded. It has been successful in other communities.

My own explanation of this—and I have been a part of it and have not been able to do anything about it—is that the merger was accompanied by a great deal of bitterness. We also started operating under the sunshine law and were under suit by the local media because of alleged violations of that. This bitterness was not resolved, and we did not present to the community a board that could agree on the philosophy, even, that we were trying to carry out.

And I think that not only was this, maybe, destructive of possible help from the community, but, certainly, as I have already said, I think this was destructive of staff functioning. And I think it is our inability to come together on, really, what is the minimum things that we could agree on that we were going to ask staff to do.

There was a time when I felt this so strongly that I wanted the board to go on record, in public, in favor of carrying out the judge's order—you know, just say in public, before staff and everybody, that we were going to carry out the judge's order. And there was no way that this could have passed this board, so I was told.

I felt that the judge, perhaps, could have spoken with us about that. But it was not deemed expedient to do that at that point. So it, perhaps, lies among the 12 of us, that we have not been able to resolve our difficulties or agree on a plan, regardless of our personal feelings, that was going to be—you know, that was a philosophy that we communicated to staff.

COMMISSIONER SALTZMAN. Thank you, sir.

MR. RANDOLPH. Sir, may I respond just a moment in response to Dr. Bell?

CHAIRMAN FLEMMING. I will be very—I will listen to just a few comments, but we are behind schedule now. In fairness to the other witnesses, I am going to have to end this.

MR. RANDOLPH. I want you to understand that as we will this fall be selecting a President by majority vote, this board works under the same situation. We air our opinions very strongly. Sometimes we agree, then we come up with a decision. And this is the only way this board can function. Once we have shared our opinions, we take a vote, and right or wrong, then we pursue in the direction of which the majority of the board of education decides to do. That's what we have worked in the past, and I hope we will always work that way in the future.

MS. TULLEY. I will make this as brief as possible. This is one thing I did last summer, and I shall repeat it this summer. I visited with the city school clustered with the schools in my district, so that I could go back to the people whose children would be bused into those schools to tell them what I had found, how the schools were equipped, the condition of the facility, and it proved to be extremely helpful. Since we will have an entirely new group of children bused this year, I will do it again. And I do think that this is helping.

MS. HADDAD. I just want to say this—I think that if the community and the board and everyone goes at the job in a positive way, instead of negative—and this applies to the people in the community, because when they come before the board, they are so angry and frustrated, and they make demands, and they really get carried away. I think if everybody would come and start working together more positively, that we could accomplish a lot more.

CHAIRMAN FLEMMING. May I express to Mr. Miller and members of the board our very deep appreciation for your coming here as a board and sharing with us your individual views, as well as explaining your collective actions that have been taken by the board. There isn't any question at all but that you are involved in a very, very important assignment—important not only for the community but, I feel, for the State and the Nation.

As we try to get a feel of what is happening in the area of desegregation throughout the country, the kind of testimony that you have provided us is of invaluable assistance. We are grateful to you and appreciate it very, very much.

MR. MILLER. Thank you, sir.

COMMISSIONER FLEMMING. I will ask counsel to call the next witnesses.

MR. GLICK. Mr. Chairman, the next witnesses are a group of principals of high schools in Louisville and Jefferson County and the principal of an elementary school. These are Mr. John Whiting, the principal of Shawnee High School; Mr. Patrick Crawford, principal of Ballard High School; Mr. Herbert Hatfield, principal of Butler High School; Barbara D. Smith, principal of Dunn Elementary School; and Mr. Charles Summers, principal of Fairdale High School.

Will the witnesses please step forward?

[John Whiting, Patrick Crawford, Herbert Hatfield, Barbara D. Smith, and Charles Summers were sworn.]

TESTIMONY OF JOHN WHITING, PRINCIPAL, SHAWNEE HIGH SCHOOL; PATRICK CRAWFORD, PRINCIPAL, BALLARD HIGH SCHOOL; HERBERT HATFIELD, PRINCIPAL, BUTLER HIGH SCHOOL; BARBARA D. SMITH, PRINCIPAL, DUNN ELEMENTARY SCHOOL; and CHARLES SUMMERS, PRINCIPAL, FAIRDALE HIGH SCHOOL.

MR. GLICK. Will the witnesses please identify themselves for the record by stating their name and the schools of which they are principal?

MR. WHITING. John Whiting, principal of Shawnee High School.

MR. HATFIELD. Herbert Hatfield, principal of Butler High School.

MR. CRAWFORD. Patrick Crawford, principal of Ballard High School.

MS. SMITH. Barbara Smith, principal of Dunn Elementary School.

MR. SUMMERS. Charles Summers, principal of Fairdale High School.

MR. GLICK. Thank you. I would like to address a question to all of the gentlemen who are high school principals. And since we have devoted so much time and we have had so much testimony about discipline, my first question will deal with that.

I would like to ask each of you what criteria are used by the school of which you are principal, by the counselors or by yourself, if you are personally responsible, what criteria are used for recommending a student to either the alternative school program or to the youth development program? Can we begin with you, Mr. Whiting?

MR. WHITING. The criteria we use for recommending students, first, to the alternative schools is that we try every method possible to work with the student—

MR. GLICK. I am sorry, I can't hear you. Is there another microphone available there?

MR. WHITING. As far as the alternative school is concerned, first we try to work with the student within the school, and then when we fail with that, then we recommend that the student go to the alternative school. And we feel that when we recommend a student to the alternative school that we failed. We don't look at the problem, as if the student has failed. We feel that we don't have the skills and the resources to work with the student, and we try to recommend that the student go to another school.

Now, with the youth development program, we don't have the youth development program at Shawnee. We started to negotiate with personnel for this program, and when we thought about it, we thought it would be best that we not bring the program in. Basically, it was a philosophical difference between the idea of separating students into a special class and keeping the students with other students. So we didn't have the youth development program.

MR. GLICK. Mr. Hatfield?

MR. HATFIELD. Butler High School does have the youth development program. We have had it for a good number of years. It is a means of keeping students in the schools until they can receive a diploma, which we think is extremely important.

Of course, the last thing we want to do is suspend a student or to refer the student to the alternative school. I think we referred possibly one and maybe two to the alternative school this year. I don't have that record, but I am not certain. I don't think any more than two. Did I answer your question?

MR. GLICK. Yes.

Mr. Crawford?

MR. CRAWFORD. At Ballard High School, we do have youth development, boys class and a girls class. We are like Mr. Hatfield. It is a small classroom setting of 1 teacher to approximately 10 students. We feel like we can deal better with problem situations, problem children in a smaller setting much better than we can in a larger class. These classes are run on the basis of approximately 4 hours a day, where they receive four points or four credits.

In recommending to the alternative school, the main reason we ever recommend anybody back there is we felt mainly for safety of other children or felt like this was the last resort before the possibility of the student dropping out of school. I might add that I would say 90 percent of the students that went back to the alternative school this year were in the alternative school last year.

You asked Mr. Henning this morning or Mr. Henning told you, you are debating back and forth about the percentages of black and white in the alternative school, last year, it was 100 percent black. This year it is not quite all black.

MR. GLICK. I notice, Mr. Crawford, in the statistics that we have received from the board of education, it indicates that in Ballard High School this past year, there were 317 suspensions of black students and some of those may have been repeaters, not necessarily 317 different students. There were 68, rather, there were 66 white students suspended. There is a big difference there—white suspension—there is a big difference. Can you give us an explanation for that?

MR. CRAWFORD. The best explanation I can give you is that your figures are wrong. As of the last time that any survey was made, there were 182 black students who had been suspended. Many, many had been suspended a number of times. Many were suspended for one time and that was it. As far as the total at the end of the school, I would say it was almost even, as far as the blacks and whites. More blacks were suspended more than one time, though. Does that answer your question?

MR. GLICK. Well, so what you are suggesting is that—my figures may be wrong, they may be off, but they did indicate a discrepancy in suspension rates for blacks and whites. But you are saying that discrepancy does not exist. Are you saying that there is no measurable distinction between the suspensions for blacks—

MR. CRAWFORD. I think if you go on the basis of per 100 there would be a difference. But when you are talking about individuals, we are talking about approximately the same number suspended, black and white, approximately 200 each.

MR. GLICK. Well, since there are so many more, so many more white students than there are black students in the school, as I understand it from the figures I have, the difference is that there are about 17 to 20 percent black students in the school. But if the number of suspensions were the same, that would certainly indicate that there is a higher rate for blacks.

MR. CRAWFORD. That is right. I said when you are talking about per 100.

MR. GLICK. Well, could you explain that?

MR. CRAWFORD. Well, I guess when you look at the patterns of housing, where we received our students, I think that would have an effect. A large percentage, I would say, let's shoot for 100 percent, they came out of housing developments downtown. I think if you

check back with your police or anyone else this has always been a problem area in dealing with youngsters. I would say that would be a big one.

The difference in schools that they came out of last year—and I said this to a number of your attorneys, and it never seems to sink in or get to you, when I say you, I mean you or the Chairman. There is a big difference when we are talking about schools. Three of us sitting here have schools as large as, let's say, John here, John Whiting at Ballard, talking about average daily attendance, we have a figure equal to Male, Shawnee, and Central. So we are talking about a large school in comparison with these other three schools. I think this lends itself to having more suspensions, the fact that we have almost triple the size of these schools.

The fact that we have grades 7 through 12 makes a big difference. If you look at your suspensions, the bulk of these suspensions are usually younger children. John doesn't have any grades 7, 8, 9. This makes a big difference. You and I, all of us, know that the child grows up considerably between 7th, 8th, and 9th. When you are talking about a 10th, 11th, and 12th grade child, I think that makes a big difference.

I think it has been hinted at a dozen and one times here that some of the schools that some of these children came out of, and we are mainly talking about some of the elementaries and junior highs, were much differently run than the way we run the larger high schools. When you are comparing statistics, it might be nice for you to look at that. If you were a black at Ballard last year, you stood less chance of being suspended than the white children or the students who were bused in. The former black students who were at Ballard, percentage-wise, were suspended less than either group.

MR. GLICK. So you would attribute the high suspension rate among the black students who came into Ballard for the first time last year in part to the socioeconomics?

MR. CRAWFORD. I would certainly think that has a large part in it.

MR. GLICK. Thank you. Mr. Summers?

MR. SUMMERS. Back to youth development. We have a boys' and a girls' youth development class, and we have had them for 5 or 6 years. And we refer them to this program as a last resort. Usually it is with the agreement of the parent, and we try to do the best thing for the kid to help him graduate.

MR. GLICK. So that you have very few referrals to the alternative school?

MR. SUMMERS. I don't think we had over two or three.

MR. GLICK. Mr. Whiting, what is the socioeconomic level of most of the children who are in Shawnee?

MR. WHITING. I don't know the exact socioeconomics by level of the students, but considering the socioeconomic level of the schools that we were clustered with, as well as the neighborhood that surrounds

Shawnee, I would suspect that it is the lowest in Jefferson County, if you combine the total cluster.

MR. GLICK. Well, you just heard a moment ago, Mr. Crawford indicate that he attributed some of the discipline problems at Ballard to the fact that the children came from low socioeconomic households. Yet you say that you have a student population that comes from low socioeconomic households and yet you have a much lower discipline rate. Could you comment on that?

MR. WHITING. Okay, Mr. Crawford also mentioned that our school is smaller, and I would be the first to admit that that did make a difference. And I think the philosophy of the staff makes a difference also. And that because of those experiences that most of our teachers in working with children from low socioeconomic levels, they are better able to deal with it. And I think that the teachers in some of the former county schools have not been accustomed to dealing with the students, and they are more anxious about dealing with them. I think that that is the reason our suspension rate is lower.

When we looked at our suspension rate, most of the students we suspended, the suspension was initiated by the administration. We had few referrals from the teaching staff, and I think that would support the notion that the teachers were better equipped or more accustomed to working with students that were not the traditional student.

MR. GLICK. Thank you, Mr. Whiting.

Ms. Smith, your school experienced a large increase in the black student population this year?

MS. SMITH. Right.

MR. GLICK. Did you take any special steps to plan for and to integrate these children into the life of the school as smoothly as possible?

MS. SMITH. Yes, several. The cluster I was clustered with, the Byck school—the inner city school—Hawthorne, Stivers, and Greathouse, we worked very closely together. We had meetings with the principals and PTA presidents before school started. We had visitations to the schools, both to the inner city and out to our school. We had one large staff meeting of all five schools involved. Is that the type of thing you are talking about?

MR. GLICK. Well, did you take any measures of an outreach nature to reach the parents of the children and to reassure them that they were welcome?

MS. SMITH. Yes, by them being able to visit the school and talk with the administrators, yes, at both ends. We went to them, visited the Byck school with the parents and then the Byck parents came to Dunn.

MR. GLICK. Do you think that the quality of education that the children are receiving in Dunn School has suffered at all because of the integration?

Ms. SMITH. That is hard to say. I think at the beginning of the year, the teachers had a very difficult time trying to adjust or find out where students were. They had a lot of new students in their classrooms. A lot of records were not sent with them. It took some time to get them. But when you visualize and try to find out where children are, it takes time and they were most concerned with finding out where they were so they could start instruction. That took some time.

Once they did this, we had an instructional coordinator and a language arts specialist added to our staff. Both of these people helped a great deal in working with little tiny groups, which gave the classroom teacher more time to spend in her group situation. Sometimes the large group was taken care of by the instructional coordinator and/or the language arts specialists. Sometimes they were small groups.

Mr. GLICK. Ms. Smith, do you think that integrated education is beneficial to young children?

Ms. SMITH. I think there are many advantages to it. I think a lot of them turned up this year, in that the children who came to us from the Byck area, I noticed, the teachers were reporting on report cards, in February, especially. When they wrote comments about the children, I think, academically, they felt they had really seen some achievement with the children.

Let's see, I think that there is a disadvantage, in that they came late. If you are talking about the children coming into the school, all the rest of them were there and in their classrooms. They came late, they left early. This was because of the desegregation runs. So there were some ways or, I guess I want to say things that just really didn't allow them to stay, for instance, and have after school recreation. That is one of the places where, socially, children get together. Very few stayed, afterwards.

Mr. GLICK. So there were some logistical problems that interfered with the children receiving full benefit from the school day?

Ms. SMITH. That is true.

Mr. GLICK. But on the whole, you would say that integration is a beneficial thing, in that the children get to know other people with other backgrounds, other racial backgrounds?

Ms. SMITH. Right.

Mr. GLICK. Do you think that benefit would be useful or that experience would be useful for children as young as the first grade?

Ms. SMITH. I am getting poked over here on the side. I don't really know. We have had in the Dunn area as many as 35 to 40 black children, have always had. We have always had black children in every single class. This is no new deal, except there were a lot many more this year, many more. Every first grade this year did have a black child or two or three in it. We have 10 percent, as a matter of fact. We had 100 students and 10 or 11 of them were black children.

Mr. GLICK. First-graders?

Ms. SMITH. Right. They did visit to the Byck school, the Byck children visited us. They got along beautifully. They met in the lunchroom, had name tags on, found their friends, sat and ate lunch, and back to the classroom.

I do question the—I do question the immaturity of some first-year children to be able to handle the busing situation, being sent away.

MR. GLICK. Thank you.

Mr. Summers, before this past year, and as I understand it, Fairdale High School had almost no black students? A few but very—

MR. SUMMERS. Two or three.

MR. GLICK. But now, our statistics indicate that the school is 20 percent black. Is that a fair estimate?

MR. SUMMERS. 17 to 20.

MR. GLICK. Did this create any special problems, in terms of the quality of education, the kind of education that was offered this past year?

MR. SUMMERS. I think that education suffered from late buses, boycotting our community, I feel like it was more or less a catchup year, especially the fall quarter. I think the winter quarter things started to level off and I could see some improvement.

MR. GLICK. There was a boycott by the white students?

MR. SUMMERS. First of the school year, yes, in September.

MR. GLICK. Did you take any measures to try to encourage the students to return to school?

MR. SUMMERS. Oh, yes. Our counselors were on the telephone about every minute they could spare to see why the children were not in school, and if they had moved or—yes, we took measures. We checked as much as we could, as much as we had time for.

MR. GLICK. Were any special measures taken to indicate to the black students that came into your high school that they were welcome and that they were going to be fairly treated, just like any other student?

MR. SUMMERS. Yes. We had an open house for parents before school started. We had our football team. Some of the blacks had already come out and started practice with them in August. We had them greeting the buses the first day of school. I guess that is about it.

MR. GLICK. Thank you.

Mr. Crawford, could you give us a parallel to what Mr. Summers just said, about the measures that would indicate that the students who came into Ballard, that they were welcome and that they would be treated fairly?

MR. CRAWFORD. We did everything we could to try to assure them that they would be welcome. We had open houses before school started. We had open houses during the day for the students, open houses at night for the parents and students. Our coaches went down and picked up people who wanted to be involved in the prefootball

or preschool football practice. We did everything we could to try to assure them that they would be welcome and safe. We have always had a good number of blacks at Ballard. This was no new venture, you know, as far as having black students involved in our programs.

MR. GLICK. Thank you.

Mr. Hatfield, did you take any measures to—although as I understand it, your school was not really involved in busing but it has been redistricted.

MR. HATFIELD. Not busing per se. And again I would remind the audience, and probably you have this information, but our school has been integrated for a long number of years. In fact, let's say last year, we probably had in the neighborhood of 20 percent black students in Butler High School. A great number of that percentage we lost to another school in the transfer, and, consequently we picked up probably 400 new black students—I think a total of over 500 black students in Butler at this time.

Yes, the opening of school is very important and incidentally, I had some, I think, over 900 new students to Butler High School this year. We picked up the lower part of our district from Western High School and the upper part from the Duvall area and so forth. We had our—on our opening day of school, we spent long hours with our staff, parts of 2 days prior to the opening of school on faculty orientation. Some things you do, some things that are important that you do in every class the first day—recognize the new students, if necessary assign a student buddy, the football team, the basketball team. The cheerleaders were there to greet the buses as they arrived and show the students to their respective class areas, and also to help pass out, incidentally, their schedule cards and show them to their appropriate classes. And this type of thing worked very, very well. Of course our first PTA meeting was an open house. Yes, sir.

MR. GLICK. There are many more questions I would like to ask you but unfortunately our time is limited. There is just one question I would like to ask: That is, do you think, in your own personal view as an educator of many years, that high school students benefit as human beings from going to school in an integrated setting?

MR. HATFIELD. A student is a student regardless of color, and I think that everybody wants to go the same route, as far as education is concerned. I think you have got to expect three things. Number one is that you come to school, and that has been a problem countywide, as you well know, this year. Even in the nonbused schools, and Butler now is a nonbused school. We talked very much about this, opening days of school. We are a nonbused school. This is your school now and forever, one of which we hope you will all be proud. But I have 85 percent attendance for the year. What does that tell you?

MR. GLICK. That's probably better than the national average.

[Laughter.]

MR. HATFIELD. I can't brag about 85 percent attendance, because we had been running well over 92 percent prior to that. Last year, incidentally, was a bad year, too. We had 92 percent plus attendance last year, but all year long we were talking about busing and this type of thing, see; and stirring up people, as it were. I think we have talked too much about busing and forced this, forced that, and forced the other thing. People are a little disturbed. I don't have to admit that they are. But by and large we had a real good year, outside of absenteeism.

Again I say that we want three things, attendance—by the way, we try to have a program, I think in every school in this county school system, in which a child can succeed whether he is mentally handicapped or otherwise. We have a program in which every student can succeed if he does three things—if he comes to school, he does a little trying within his ability, and number three, that he conducts himself as a lady or gentleman.

I think that every parent in America wants that. What do we pay taxes for? We want our kids to go to school, we want them to learn, we want them to be something in this life. What else could you expect? We have had a fine bunch, I will tell you. I have got to brag a little.

MR. GLICK. Thank you, Mr. Hatfield.

MR. WHITING. I understand that you have a program at Shawnee which you called "education for cultural pluralism." Could you describe that for us?

MR. WHITING. We started off the year and thought about this, what the year was going to be like, and I guess the first process was—I did some soul-searching about where I would be as it relates to desegregation, because I had some serious reservations about desegregation myself. I decided that I was going to try to make it work. Okay. And in the program of cultural pluralism, that program was really to try to make everyone on the staff have a positive attitude toward desegregation. We brought our seniors in because we thought that the seniors would set the tone. We asked the seniors to come in before school opened, and they did. That surprised many of us on the staff.

And then we looked at some of the myths or ideas that people have about black schools. We looked at the issue of security. Many people felt that black schools were not going to be safe. So we tried to develop a program that would emphasize security and would emphasize that everyone in the building was safe.

And then we looked at the perceptions of black schools being inferior as it relates to teaching, and we tried to influence the teachers to commit themselves to providing a quality instructional program. People talk a great deal about quality education. As I understand education, it takes in so many other dimensions that the schools can't affect, that the parents do have something to do with the intelligence of the child, heredity, the influence of the environment, the economics. And

the staff committed itself to providing a quality instructional program, because we didn't know that we could affect those other things.

And then the third component of the so-called "education for cultural pluralism" was a human relations component. We felt that, realistically, if we are in a desegregated school system that the courts had given us the purpose of helping the black and white children get along better, so there needed to be some intentional things going on in the schools that would facilitate this process. And that's in a nutshell what cultural pluralism was all about.

MR. GLICK. Would you call it a success?

MR. WHITING. I think for the students that attended. We had anticipated an enrollment of 1,350. We lost 400 through truancy and resistance to the court order. I think that the students that attended had a positive experience. But I would not quickly say that we had a successful year, because too many times we looked at the children that succeeded and don't take credit for ones that failed. We have to look at the fact that we failed in reaching 400 students who refused to come. So for the students that attended, I think that they had a positive experience.

MR. GLICK. Thank you, Mr. Whiting. Mr. Chairman, I have no further questions.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. Mr. Crawford, I would like to ask you if you will describe the atmosphere in your school with respect to any interaction, if there is any, between the black and white students.

MR. CRAWFORD. In answering that question, I would have to say that we did as all schools did. We set up a rather rigorous program in human relations, setting up programs where black and white could sit down and talk about any problem they like. Sometimes we gave them the problems we thought they needed to talk about more so than some of theirs. We had a lot of help from the board of education. We had a couple, three, or four very interested teachers in working with us.

We set up a class through the University of Louisville for the staff that was developed through--actually through Meyzeek Junior High School, as part of the rural/urban community approach, or something. I am not sure of all of the parts to it. But we did everything we could think of to create an atmosphere where people could sit down and discuss their problems. Ballard at the very beginning of the year had quite a bit of turmoil. It goes back to the fact that when they closed the alternative school, we received much more than our share of students from the alternative school.

Once this problem was settled and straightened out, I would say, other than the first 6 weeks, Ballard had--I won't say a normal year, but a much more normal year than some of the schools had. I would say the second and third quarter were pretty much a normal situation.

COMMISSIONER FREEMAN. Have you taken any particular program steps to include both the black and white students in the extracurricular programs of your school?

MR. CRAWFORD. Yes, ma'am. We have buses provided by the county that meet, that take children back to the inner cities twice a day after school is out, so that they can be involved in extracurricular activities. If the buses don't run at the time that we need them, they have always paid the coach or the sponsor or the chairman or the director, whoever it happens to be, to take the children back downtown, and we have had excellent results from our teachers, you know, being willing to go downtown, and take them down there. We are talking about a 30-mile round trip.

COMMISSIONER FREEMAN. Have you or any of the other principals been, yourself, participated in any human relations seminars?

MR. CRAWFORD. Yes, ma'am. All principals had to go. I guess all elementary and all high school principals had to go as well as the counselors and assistant principals.

COMMISSIONER FREEMAN. Is any such program on a continuing or regular basis?

MS. SMITH. Yes.

COMMISSIONER FREEMAN. Does that include the teachers also?

MS. SMITH. Yes, a few.

MR. CRAWFORD. Not all of them.

COMMISSIONER FREEMAN. Is it a requirement that the teachers participate in these programs?

MR. CRAWFORD. It's on a voluntary basis.

COMMISSIONER FREEMAN. Well, in those situations where a pupil has had a confrontation or has been exposed to a situation where that pupil believes or perceives that the teacher is insensitive to that person, how would you handle it?

MR. CRAWFORD. We just—and I am sure all of the 25 high school principals here in the county and city have an open door policy, that any time you feel that there is a grievance against any teacher, that you either go to an assistant principal or to the principal himself, and this has worked out quite well. Some will feel free in going, more free in going to talk to a counselor, others to assistant principals or to the head principal.

COMMISSIONER FREEMAN. Do you ever have any so-called rap sessions whereby outside professionals are included, so that perhaps that outside professional might point out to you, the principal, and the teacher areas in which they may not have been sensitive?

MR. CRAWFORD. Yes.

COMMISSIONER FREEMAN. How often does that occur?

MR. CRAWFORD. I would say at least monthly. But oftentimes there are people in there every week in the human relations department.

COMMISSIONER FREEMAN. The people come where?

MR. CRAWFORD. To the school. We have a program set up.

COMMISSIONER FREEMAN. What I am trying to get at, is there any formal basis on which these human relations specialists relate directly to the principals and through the principals or with the principals, the teachers?

MR. CRAWFORD. I will say there is a direct route or process. It's done on a weekly basis when they have their meetings with the children. If they feel insecure in coming down and saying something to one of us, then the sponsor or the human relations person from the board will come down. I am very fortunate, the one at our school, I have known her. I had her in Sunday school class, so she feels free in telling me anything.

COMMISSIONER FREEMAN. Well, if you had her in your Sunday school class, do you mean you taught her or she taught you?

MR. CRAWFORD. She's slightly younger than I am.

[Laughter]

COMMISSIONER FREEMAN. Suppose she came to you and said to you, "Mr. Crawford, a little boy is disturbed because he heard you talk about him in a negative way about his race." What would your reaction be?

MR. CRAWFORD. That I was negative?

COMMISSIONER FREEMAN. Yes, that you referred to him, to his color in a negative way.

MR. CRAWFORD. I don't believe anyone has ever accused me of that. But if he did, I would confront him on an individual basis and have a discussion with him.

COMMISSIONER FREEMAN. You would confront the little boy?

MR. CRAWFORD. Yes. I would ask him what happened and why he felt that I had said that.

COMMISSIONER FREEMAN. How would you confront him? You wouldn't suspend him, would you?

MR. CRAWFORD. I hope not.

COMMISSIONER FREEMAN. How would you confront him?

MR. CRAWFORD. I would just ask him just like you are asking me.

COMMISSIONER FREEMAN. Would you try to find out if perhaps you may have said something that he misunderstood?

MR. CRAWFORD. Yes, because we do say things that people misunderstand.

COMMISSIONER FREEMAN. I am concerned as to the extent to which the school situation that you have described, that there may have been such incidents and they may not have been dealt with.

MR. CRAWFORD. That could be.

COMMISSIONER FREEMAN. Would any of you, would any of the other panelists have any reaction or comment to make about such a situation?

MR. HATFIELD. I really don't have a reaction other than what happened to Mr. Fred Dorsey. He visited and several others of your staff visited Butler High School for probably 7 or 9 days. And I think that what they saw was good, as Pat said.

My office door opens into the hall, one of my office doors opens up into the hall and it's always open. And this I announce time and time again through the year. No student needs anybody's permission

to see the principal. I am supposed to be his helper, and that's what I am there for. I don't, I haven't heard this thing that you asked Pat.

COMMISSIONER FREEMAN. You have heard it?

MR. HATFIELD. I have not, no, and I hope that I don't. Because again I say—

COMMISSIONER FREEMAN. You mean you hope it won't happen.

MR. HATFIELD. I hope it won't happen. It can, you know, anything can happen. But I have a positive feeling toward this thing, that if we do the right thing, you know, and in preparation and all this type of thing, making a student feel like this is his home school, but again Pat's got a different situation. He's got a bused school and he has a brand new group next year. He gonna start all over again. But old Hatfield gonna sit back here on the side and I am going to take it pretty easy. Not really, but we are going to do the same thing over. We are going to do the same thing over, except we are going to do it better. We are going to meet and we are going to analyze situations. What did we not do last year that we should have done, you see.

When you mentioned are the black students allowed to participate in all of these activities, absolutely. There is not one thing at Butler High School in which a 7th grader can't participate in—athletics, band, you name it, and we've got dozens of things. Our problem is transportation for after-school activities, such as band practice and this type of thing, in the nonbused schools. Now this year we were provided one bus to take, let's say, basketball players or football players, or whatever, home after the activity and transportation is a problem.

I hope we can continue this transportation home, so children can participate in these after-school activities. And let me say this, our last survey at Butler High School—we have about 2,300 in Butler, which is more than many counties in Kentucky have in the whole school system. At our last count we had nearly 1,300 kids involved in some extracurricular program such as athletics, the band, you name it.

And I might say that the vice president of our junior class, just elected, is a fine black student. He was elected by white students primarily, because we are only 29 percent in that class black.

COMMISSIONER FREEMAN. Any other comments?

MR. WHITING. I was accused by some of the black students at times of being partial towards the white students, and I understand this. In many cases I was more sensitive to the students coming into the school. I guess I am different in that I was accused by the black students as being partial towards some of the bused-in students. For example, on the cheering squad, we tried to demonstrate behaviorally that we were fully committed to having a desegregated school, and the plan said that the girls that were selected to the cheering squad in the former schools would automatically get on the cheering squads in the new school. So we found that if we followed that plan that it really wouldn't give a true representation of our school. So we made some additional white girls members of the cheering squad, and this caused

some concern from some of the black girls. We didn't deny black girls from participating, we simply increased the cheering squad.

And the same as it relates to the faculty. We wanted to make sure that the new teachers had some ownership in the school. So many of the new teachers were chairmen of the departments and sponsors of the extracurricular activities, and this caused some concern on the part of some of the more experienced teachers, older teachers. So I did feel that at times.

COMMISSIONER FREEMAN. Mrs. Smith and Mr. Summers, do you have anything to add?

MR. SUMMERS. No.

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN FLEMMING. Commissioner Saltzman?

COMMISSIONER SALTZMAN. I have nothing.

CHAIRMAN FLEMMING. It's always very, very helpful in these hearings to listen to principals, because we appreciate the fact that you are dealing with these opportunities on a day-to-day basis, and we personally like your constructive approach. I am grateful to you for being here. We wish we could pursue some of these matters further, but in a hearing of this kind we are trying to listen to a great many segments of the community, and we do have to develop a rather tight schedule. Mr. Hatfield, did you—

MR. HATFIELD. Just one more statement, Mr. Flemming. I feel obligated as a principal of Jefferson County. I am real proud of our board of education, and I want to commend every member of our board of education, because they work hard, long hours and they are doing a lot of things, so many things that no other school system that I know of in America has had to survive within a short time, such as merger, busing, staff reassignment in just a few short weeks or maybe less than a few weeks—new curriculum programs, a new time of the school day for the high schools and for the elementary schools, all these types of things. These people have worked real hard and I will say we have had their backing all the way down the line.

They are trying hard. I hated to hear, I think it was Mr. Glick who made a statement in regard to something the board didn't do, if they didn't do it, I am sure it's because they didn't think of it.

CHAIRMAN FLEMMING. Thank you very much. Counsel will call the next witnesses.

MR. GLICK. Mr. Chairman, the next witnesses are a group of religious leaders in Louisville and the State of Kentucky. Call first: Archbishop Thomas McDonough of the Catholic Archdiocese of Kentucky; Bishop David Reed of the Episcopal Diocese of Kentucky; Reverend Sinclair J. Royal, who is a representative of the Louisville Baptist Ministers and Deacons; Rabbi Herbert S. Waller of the Adath Israel Temple in Louisville; Reverend J. Howard Teel, of the Long Run Baptist Association; and Bishop Frank L. Robertson, United Methodist Church of the Louisville area.

[Archbishop Thomas McDonough, Catholic Archdiocese of Kentucky; Bishop David Reed, Episcopal Church, Diocese of Kentucky; Rev. Sinclair J. Royal, Louisville Baptist Ministers and Deacons; Rabbi Herbert S. Waller, Adath Israel Temple; Rev. J. Howard Teel, Long Run Baptist Association; and Bishop Frank L. Robertson, United Methodist Church, Louisville area were sworn.]

MR. FULLERTON. Thank you for being with us. Bishop Robertson, will you begin by stating your name, address, and your position, please?

TESTIMONY OF ARCHBISHOP THOMAS MCDONOUGH, CATHOLIC ARCHDIOCESE OF KENTUCKY; BISHOP DAVID REED, EPISCOPAL CHURCH, DIOCESE OF KENTUCKY; REV. SINCLAIR J. ROYAL, SPOKESPERSON, LOUISVILLE BAPTIST MINISTERS AND DEACONS; RABBI HERBERT S. WALLER, ADATH ISRAEL TEMPLE; REV. J. HOWARD TEEL, LONG RUN BAPTIST ASSOCIATION; AND BISHOP ROBERTSON, UNITED METHODIST CHURCH, LOUISVILLE AREA

BISHOP ROBERTSON. Frank L. Robertson, resident bishop of the United Methodist Church, headquarters, 1115 South Fourth Street, Louisville, Kentucky.

RABBI WALLER. I am Herbert Waller, Rabbi, Temple Adath Israel, 834 South Third Street.

BISHOP REED. I am David Reed, Bishop of Kentucky of the Episcopal Church, 421 South Second Street.

ARCHBISHOP MCDONOUGH. I am Archbishop Thomas McDonough of the Catholic Archdiocese of Louisville. My address is 212 East College Street, Louisville.

REV. ROYAL. I am Sinclair J. Royal, Sr., of the Baptists Ministers and Deacons Meeting, Louisville and vicinity. My address is 950 Southwestern Parkway, zip is 40211.

MR. FULLERTON. May I ask each one of you, starting with Reverend Royal, am I correct that each of you has publicly supported school desegregation, although you may not favor all aspects of the current plan?

REV. ROYAL. Infinitely so.

BISHOP REED. Yes.

RABBI WALLER. Yes.

BISHOP ROBERTSON. Yes.

MR. FULLERTON. What positions have you taken? Would you explain that support? Bishop Robertson?

BISHOP ROBERTSON. Do you mean with regard to the question of busing now?

MR. FULLERTON. Yes.

BISHOP ROBERTSON. Almost exactly one year ago, on my own initiative, I invited the executives of the various adjudicatories or religious groups, with whom I could make contact in a brief period of time, to come together and discuss what seemed to be an imminent decision

with regard to the courts, concerning the prospect of busing in Jefferson County. This was a vacation period and some were away, some were out of the country. But some of us did come together and had a very fruitful discussion of the various issues involved.

It occurred to us that one of the helpful things we could do would be to distribute among the various churches and religious bodies, synagogues and other bodies in the county, a statement which would call for a climate of good will, of helpfulness on the part of all our people, regardless of the decision that would be made by the courts. In other words, we were simply trying to develop a mood or an atmosphere of cooperation with the law and support for the law and to create a climate of good will in the community.

It was difficult to arrive at a statement that would be acceptable to everyone. I was finally agreed that no definite stand would be taken with regard to busing, either for or against. But that we would simply do—call upon the people of the various religious bodies of the county—to do what they would to create a climate of good will and respect for law and order. And so each executive that was represented there agreed to distribute among the various bodies under his direction a statement, a statement which I have just alluded to. I was responsible only for the United Methodist and this was distributed throughout the county among the churches.

MR. FULLERTON. Thank you very much.

MR. CHAIRMAN, at this time I would like for you to swear in Rev. J. Howard Teel, of the Long Run Baptist Association.

[Rev. J. Howard Teel was sworn.]

MR. FULLERTON. Reverend Teel, for the record, would you please state your name and address and your position?

REV. TEEL. I am J. Howard Teel. My address is 7309 Maria Avenue. I am director of Christian Social Ministries for the Long Run Baptist Association, which is, which comprises 125-odd churches in the Louisville area.

MR. FULLERTON. Thank you very much. Can you go forward? Rabbi Waller, would you describe your activities or your position?

RABBI WALLER. Well, I think that we tried to do precisely what Bishop Robertson has described, within the Jewish community, and that is create a climate of acceptance of whatever would be required in order for the public school systems to operate successfully and peacefully in this community. And to that end the rabbis, each of whom would have their own individual point of view, obviously, agreed on a statement which was issued, containing essentially those elements which Bishop Robertson has emphasized.

MR. FULLERTON. Thank you very much. At this time I would like to submit for inclusion in the record that statement that was just alluded to by Rabbi Waller.

CHAIRMAN FLEMMING. Without objection it will be entered in the record at this point.

MR. FULLERTON. Bishop Reed?

BISHOP REED. I have signed several statements in the process of the last 2 years. The one that I issued under my own name came in April of 1974. Just prior to that I had written to several other adjudicatory heads and religious leaders in the community, trying to see if there wasn't some way that we could make a joint statement well in anticipation of the order that was expected at that time. This happened to coincide pretty closely with the tornado which hit Louisville, and the possibility of bringing out a joint statement didn't work out. But my statement is essentially still where I stand with that regard. Do you want just the main four-points of it, or do you want to introduce it?

MR. FULLERTON. Yes, that would be fine.

BISHOP REED. The first point is saying that I believe that true education is better done in an integrated community, which involves all of the races with whom we have to live and with whom we work.

Secondly, that I was not in favor of the court, of the forced busing concept. I did not feel that that was going to bring all of the benefits, and maybe the costs were higher than the benefits.

Thirdly, that if the court did order it, that I was obliged to stand behind it and would support the measures to enforce it.

Fourthly, I tried to point out the fact that children, parents and teachers, administrators at the schools would need a lot of community support during this and that we all needed to get behind them and support them in every way we could. This letter of mine was distributed throughout our diocese and made available to the press.

MR. FULLERTON. Thank you. At this time I would like to submit for the record the documents referred to by Bishop Reed for inclusion in the record.

CHAIRMAN FLEMMING. Without objection that will be entered in the record at this point.

MR. FULLERTON. Archbishop McDonough?

ARCHBISHOP MCDONOUGH. For many years, actually ever since I have been a bishop, I have spoken out on behalf of the integration of our schools, the recognition of human dignity, and rights of all individuals. Since I have been in Louisville, I have stressed this, particularly concerning our Catholic schools. We have stated that they will not become havens for those seeking to avoid integrated public schools. And when the court order came out I wrote a letter to all our—first of all, I issued four or five statements on this. When the court order came out, I sent a letter to all of our pastors who rule over the churches and missionary churches, asking them to declare a day of prayer, requesting our people to accept with peaceful compliance the court order.

I also recognized that there could be differences of opinion. But still I recognized that it is a law and we are obliged to accept that law. However, there are means whereby we may have redress for those who in their conscience feel that this law is not workable as far as they are concerned.

One of the other aspects I stressed was that in asking for peaceful compliance, I had very much in mind the safety of our children who would use those buses going back and forth. I just don't speak from a very narrow viewpoint because 50 percent of our children, our Catholic children of school age, are in the public schools. I have been very much concerned with that. I thought that probably there was more in the court order than could really be read. Were we just talking about desegregation of the schools? Were we talking about quality education?

I thought perhaps there was something much more than that, even outside the scope of education. There is a concern for, certainly for racial justice. There is a concern for housing. There is a concern for equal employment. I see this as very, very important to our whole structure, and I suppose when the court order came down and buses were utilized, our community was thrown into consternation. We didn't expect it to happen so quickly. It came on rather quickly. Everyone was of the opinion that it would be put off for longer. Well, I look upon it as a blessing from God. It is really something that is absolutely needed. If we are to live as one community; one people of God, this is a very serious obligation. All of us have been put upon by our opinions, but, again, I respect the law. I respect the fact that the law gives us redress in the event that we look upon it as being intolerable. But we can't have cheap communities.

I think Louisville is a good city. I think many of us can work together. We should all work together. People are pointing fingers at this person and that person. I think we should point our fingers to the whole community. All of us are involved with this. If there has been discomfort and upset and unrest, well, all should respond to it.

MR. FULLERTON. Thank you for your comment. Mr. Chairman, at this time I would like to submit for the record statements by the Archbishop with regard to school desegregation and the policy the Catholic Church has taken on prohibiting the parochial schools from becoming havens for the white flight, quote unquote, that could occur and has occurred elsewhere.

CHAIRMAN FLEMMING. Without objection that will be entered in the record at this point.

MR. FULLERTON. Reverend Royal, I would like you to comment on that question, both in your capacity as spokesperson for Louisville Baptist Ministers and Deacons but also for the NAACP Ministerial Coalition.

REVEREND ROYAL. The black pastors of Louisville and vicinity were well aware of the particular problems underneath all of the turmoil. I would like to try briefly to separate those problems and point out what we addressed ourselves to and why.

First, we never confused busing with desegregation or with quality education. We knew the difference. We were aware, secondly, that the organized threats to intimidate the black community, particularly the

children and parents as well, fear, etc., were supposed to have been done effectively.

There were certain steps black pastors took that turned out quite effectively. To be sure that all black children, at least all of them down to the letter—I think there may have been several who didn't—would show up in the school rooms. This happened, plus the fact that they would be quiet, since black people know how to be quiet. We have been so long, so its kind of a easy thing for us to be quiet when we have a choice. We had to be quiet when we had no choice.

This, of course, was achieved. Quite contrary to what some thought, the black community was not provoked into violence. There was deliberate effort. This was the intention. On this matter of busing, historically and legally America is a busing country. They bused me 35 miles past a white school and likewise. So inasmuch as busing was used legally to segregate the schools, why couldn't it be used legally to help desegregate school attendance? While quality education has nothing to do with the person's color, we did not believe that because a black student goes to a white teacher that the person is automatically in an atmosphere of quality education. We know better. It is doubtful in some areas whether many whites know anything about the culture and psychology of black people. Most, perhaps black as well, have been miseducated. So, therefore, our problem was indeed one that was unique.

A number of things we did, what they were, that is our business. They were well within the laws and confines and environment of decency. They achieved the purpose. The black community remained quiet and took all of the indignities, insinuations, innuendos, etc., etc., coming from those in the white community while they talked about they didn't want busing this, busing that. We knew better what was behind the whole thing. It wasn't busing. It was a matter of just outright racism. They just didn't want black kids mixed with white children. That is all it was. We also knew that they were depending on the stupidity they thought of black persons to set this thing off. By the grace of God, we held that down. If the white community had wanted to, religious leaders included, they could have stopped every degree of intended violence or threat that happened in this community or in America, so far as that is concerned.

There were certain things, likewise, we sought to do. We deliberately kept the press out of all of our secret meetings of black pastors. We have that right. When we got ready to issue a statement, then we, of course, issued a statement. We were aware that city, county, State, particularly those three agencies, were somewhat acquiescent about the impartial enforcement of law. Some things happened in the black community a few years ago and, boy, we had police from every place. Yet persons were allowed to burn buses, intimidate, etc., etc., and even the county police started running. This type of thing.

Consequently, we felt that much of this could have been stopped if an impartial, objective attitude had been taken on the part of law enforcement officials. We contend that they did not impartially do it. This allowed and encouraged many other persons to attempt to get recognition from the press, and, of course, the press has never really been too friendly to blacks. We are aware of that. It is just not geared that way. It is geared to satisfy the norm, the establishment.

And finally, let me say this, the black ministers were 10,000 percent in favor of the plans of desegregation issued by Judge Gordon. We met with him. We have sent him communication, and we have given him constant assurance that as long as this thing was impartially practiced, we ourselves would stay in there and do everything to keep the black community—while other things may have happened and did happen to them, we would try and keep them quiet and obedient, even if the law was unjust, and we were aware of certain attitudes that were being expressed by some white instructors in the schools to some of the black students, etc., etc., which we have all of this type of thing.

We talked among ourselves as pastors. There are certain things religious leaders can do, thank God for that, that nobody else can do in a community. We know of cases where black students were singled out, etc., etc.

These are not, however, the majority of actions. There were some particular things that were done. However, since, as I said, we are accustomed to being oppressed—There was a time we were not allowed to even read a book. So, we are glad to have a book to read. We wanted to be sure that in this process of desegregation we would not be brought to that point wherein we were forced to react. It is not good to react to anything. Up to this point, we think that the black community in Louisville, especially, in Jefferson County needs to be commended by all forces in the United States of America because of what they have endured this past school session.

And I might add this, we are certainly in accord with the judge that the superintendent of the school board, perhaps out of other things, may not have been as fair as he might have been. We feel that way. There are some things, some reason why we feel that way. Consequently, we remained as black pastors committed to law and justice, to all citizens of the United States. There cannot successfully be two Americas, one black, one white. It is too costly.

MR. FULLERTON: Thank you very much.

Reverend Teel, would you briefly describe your position for the Long Run Baptist Association, and you might also add a little bit about who speaks for the Baptists, so we know who is speaking when you describe what positions have been taken by the Long Run Baptist Association?

REVEREND TEEL. As I indicated earlier, I am director of the Department of Christian Social Ministries for the Long Run Baptist Association. I am here today primarily because Dr. West is out of town and

I am the spokesman for Long Run Baptist Association. Yet at the same time, because of the congregational type of government that is unique in Baptist churches and some other churches, I cannot speak for any individual congregation. I can reflect personally upon what we have done as an association and what I saw personally that has transpired this last year among our churches.

MR. FULLERTON. Will you briefly describe the position that Long Run Baptist Association took?

REVEREND TEEL. The association officially, through its executive board, prior to February 4, 1974, had designated a committee to study the problem related to the possible school merger and all that later did transpire through the court-ordered busing procedures. And a report was given to the executive board February 4, 1974, that was—that was a year and a half prior to the actual beginning of the busing program. And this was not completely comprehensive, but it illustrated the basic Baptist principles of equality and justice, of quality education for all children, and that it be studied.

Not a lot came out of this, other than informing the leadership in our churches that it was a problem to which we had a responsibility and to become aware of it. Later, other documents and statements were received by the board and passed on to the churches, which I feel was meaningful and resulted in the congregational leadership of our denomination working to peacefully accept busing for school integration. I have a brief statement by Dr. West which I can refer to, if it is in order at this time.

MR. FULLERTON. Mr. Chairman, may he have permission to read a minute or two of that statement into the record?

CHAIRMAN FLEMMING. I couldn't hear you.

MR. FULLERTON. There is a statement by Dr. West of about a minute or two duration, and he would like to read that into the record.

CHAIRMAN FLEMMING. Okay.

MR. FULLERTON. Please proceed.

REVEREND TEEL. Okay. This is a three-page brief document. I will read three paragraphs of the last page.

CHAIRMAN FLEMMING. Could you just summarize it, and we will be glad to enter the entire document in the record at this point? If you could just summarize it by reading one or two paragraphs.

REVEREND TEEL. Yes. Dr. West, in making this statement, or he wanted to make the contribution, he refers to the problem, to the basic sources of the problem which he feels we should attack—the housing patterns, the economic structure of our community, and that it is a complicated problem. It would require working together by the leaders of the community. It can be solved by good people when they make up their minds to become part of the solution rather than part of the problem. Above all, it must be recognized that this is an extremely complicated problem that will require much time, patience, trial and error to solve. There is no simplistic answer, but there are

solutions. I am strongly in favor of doing everything possible to improve the housing, the educational facilities and processes, and the cultural opportunities of all children throughout the Louisville and Jefferson County area.

MR. FULLERTON. Thank you very much. I would like to ask that that document be submitted for inclusion in the record at this time.

CHAIRMAN FLEMMING. It will be entered in the record at this point.

MR. FULLERTON. I would request, also, that the documents referred to by Reverend Royal be entered into the record at this time.

CHAIRMAN FLEMMING. Without objection, that will be done.

MR. FULLERTON. Thank you.

MR. FULLERTON. Beginning with Reverend Teel, I have one final question for each of you. What issues and problems do you think have been raised by school desegregation this year, and what role in the future do you plan to take or urge your pastors to take?

REVEREND TEEL. Major issue?

MR. FULLERTON. What issues and problems have you seen raised by school desegregation this year, and what role do you plan to take or what role do you urge your pastors to take in this issue?

REVEREND TEEL. The role that we plan to take in encouraging our pastors is to peacefully accept the court order, realizing that there are ways of legally addressing the law if they disagree with the law, but to peacefully accept the law and peacefully respect the rights of every individual in the community in all of their inalienable rights and the right to gain a quality education.

CHAIRMAN FLEMMING. I am wondering if I could interrupt and really ask a question that parallels your question. And this may save some time. I have noted in the testimony that has been given up to the present time that efforts were made last spring and last summer to develop a joint statement on the part of the religious community and leaders in the religious community. I am wondering if in the light of the experiences that the city and county have had during the past year and in the light of the kinds of issues that will confront the community in the months that lie immediately ahead, whether in your judgment it would now be possible to develop a joint statement coming from the leaders of the religious communities?

REVEREND ROYAL. May I address myself to that question?

CHAIRMAN FLEMMING. Yes. Personally, I would just like to say this: I feel that there has been no more important constitutional and moral issue confronting our Nation in my lifetime, and I do think that we are at a critical point, not just in Louisville but, obviously, in other communities. And as one who has tried to relate to the religious community down through the years, I cherish the kind of leadership that is reflected in the development of joint statements on the part of leaders of the religious community. This really looks to the future just as counsel's question looked to the future. So I would be very happy to have you respond to his question and possibly link it up with the question that I have just addressed to the panel.

REVEREND ROYAL. I would like to address myself to your question, combined with the first one. First of all, the problems raised are obvious. Number one, the true and vicious face of racism as it is, which has been covered up for a long time; it is out now. It is—it can be seen for what the thing really is.

Secondly, it also puts the shoe on the other foot. A couple of years ago, even the last Presidential election, all you would hear is law and order. Suddenly the so-called law and order persons, they call themselves lawless, and authorities, both State, city, and otherwise, are acquiescing to the situation by saying there is no simple answer.

Now, as to what we are going to do as black people, as black pastors, I don't think you will find any opposition in any black church in Louisville or Jefferson County or, for that matter, in America, that would turn down any person of color who wants to come, or any black convention, regardless. Consequently, we are hoping that we can persuade our white brethren to put into practice the Constitution, which allegedly alluded to blacks as well as to whites.

Now, we must also recognize this in dealing with the churches. It was American churches that helped to create the problem; the most segregated institutions in the United States of America are your churches and your synagogues, etc.

[Applause.]

REVEREND ROYAL. On a Sunday morning there is a black Christ, there is a white Christ, there is a black Old Testament and a white Old Testament. Consequently, it would be difficult to get a person who doesn't believe in the equality of a person because of skin to unite together and say that we are going to put this thing over.

However, we are learning another thing. We either stand together or die apart as a Nation. That's where we stand. We are going to have to forget our thinking of slavery. I don't mean any disregard for our Founding Fathers, but these men were religious racists, as such. These people owned slaves. What were they talking about in the Constitution? Who are the citizens? Did God found this country or did some people use the name of God to get over certain things to personal advantage and to construct a religious system which is now in effect backing up on us?

Yes, the churches can solve it if they wish, but not with the old theology.

MR. FULLERTON. Thank you very much. Archbishop McDonough?

ARCHBISHOP McDONOUGH. I would like to make a statement. Certainly, I would be all for a statement by the religious leaders of this city and this county. However, I would insist, as far as my signature is concerned, that it would embrace equality; it would also embrace desegregated schools; it would have housing, employment; in other words, the same benefits that we evidently enjoy as whites.

Some of the benefits are hard to understand at times, but all of those benefits. I am very, very much for that. Because three of these

particular gentlemen here with me, four, have signed statements in the past. One was regarding the cessation of hostilities in South Vietnam, and one more recently on facing up to the obligations of the world's hunger—Louisville United Against Hunger. We have signed those statements. There were black ministers among those signatories. And as far as I am concerned I am more than willing to walk the extra mile.

I will not, however, water down my opinions concerning integration, concerning desegregation, concerning liberty and justice for all. I could not be neutral. I have to express myself as a recognition that God has given to us dignity and the rights of every individual human whom he creates into this world.

MR. FULLERTON. Thank you. Bishop Reed?

BISHOP REED. I will try to answer each one of the three questions, your two and Mr. Flemming's one, just briefly. I think, in terms of the issues and problems raised, that the seriousness of inequality in education that does exist within our community have really been revealed this past year, and a lot of things have come to the attention of the whole community that we were not really aware of before. I think we have become more aware of cultural diversity. I think that when children from a predominantly, from an all-black neighborhood have been put into an all-white school, that the differences of culture and expectations and behavior and all this has become much more apparent, and we were kind of protected from understanding how much, how wide the plurality and diversity really is.

And also, at least as far as I am concerned, the complexity of the problem—I think Dr. West's paper said there is no simplistic answer. I think we are all aware of the fact that it is not going to be solved just by busing or just by any one of the solutions that people talk about. But it is not going to go away either if you don't try and solve it.

What kind of role would I urge my pastors to take? The Episcopal Church maybe is an untypical one in many ways. I don't think that the resistance to what is going on in the schools and the court-ordered process has come mainly from my pastors or from their people, and I don't need to worry about compliance and going along with what, what the courts do order. But I think the next step, which I would try and encourage from my part, would be to see that the clergy and their people get more involved in the schools where there are problem situations and trying to work with them and lend their support at the level of the local school.

And finally, to Chairman Flemming's question, I personally feel that we have had too many statements. Everybody has written a statement. We have got lots of statements, and we all say very much the same kinds of things. My feeling is that if there is going to be another statement made, that there has to be a kind of commitment along with the signing of it, with the press coverage, and the announcement, and all

this, to really doing some things that we will commit ourselves to working together on. I am not opposed to signing another statement, but to sign just another statement, I am. And I think that we need to have some kind of an action plan.

I don't—probably in all of the other testimony there has been something said already about the program last May of '75 at the King Center, where religious leadership was gathered together, a wide variety of people, and some planning was done, the implementation of which I am not aware. I don't know what did come out of it. I think that if the religious community is going to be involved in it, it needs to be involved on that kind of a scale, with wide diversity of representation and a statement that we are prepared to back up and—maybe some staff help to make sure that we get it done.

MR. FULLERTON. Thank you very much. Rabbi Waller?

RABBI WALLER. Well, in response to your first question, what issues have been raised, I think I would emphasize above everything else the effectiveness of our public school system, and I would speak from the point of view of one who has regard for parochial schools, denominational schools, Jewish day schools, for those who choose these, for private schools, every other type of educational institution. But I really feel that, historically, the public schools have probably contributed more to the creation of the American spirit, or what we are celebrating this Bicentennial Year, than any other one institution in the United States.

And the effort now to have the public schools move a step further, in the direction of achieving the kind of integration where peoples of every kind of background, every segment of the community, every national origin, every color, every religion will have an opportunity to be together, to know each other, to have respect for each other, I think this is really where we are.

And I think the issue which has been raised is, how can we most effectively go on in the direction of achieving this objective? And I think that is really where we must focus our attention. You asked what plan I have for my pastors. I wish I had some pastors with whom to have a plan. I am sure you are aware that the structure of Judaism is similar to the structure of the Baptist Church. I hope you won't object to my saying this. But I also explain it by saying it is comparable, similar to the Baptists.

However, I think that there is a shared view, a shared view within the Jewish community, that it is incumbent upon each of us, not only the rabbis, but members of the community to contribute as best we can to the kind of public school system situation which will permit the achievement of the objectives that we share and going on from where we are.

I would very much welcome an opportunity to participate in a joint statement, in answer to Chairman Flemming's question. And Archbishop McDonough has referred to the fact that on previous oc-

casions we have issued statements. I don't know how much it would contribute to the climate of the community, but if it would contribute anything, I would be very happy to be one to participate in it.

MR. FULLERTON. Thank you very much. Bishop Robertson?

BISHOP ROBERTSON. I have a strong conviction that the experiences of the last year in Jefferson County have assisted our students and perhaps the whole community, to a degree, in appreciating more clearly the democratic spirit in education. I have a strong conviction that—or, rather, a strong commitment to the whole principle of public education. And I have the feeling that—that our experience in integration has helped us not only across racial lines but also across class lines, which I think is very important in the whole principle of the democratic spirit in education. And I feel that this has been aided in spite of the difficulties that we faced in the last year. So this seems to me to be a central issue in it all.

With regard to the leaders of our churches, our clerical leaders, our clergy, I would think that we would simply attempt to do what, or continue to do, what we have attempted to do in the last year insofar as the United Methodist Church is concerned, and that is both in our spoken word and in our actions to be loyal to the principles, the social principles of the United Methodist Church, which, of course, includes equal opportunity in education for all people regardless of race or class or national origin or any of the other types of stratification which separates human beings; that we be loyal to that.

I would share with Bishop Reed the view that we need to become more actively involved. And I hope that our clergy will be more actively involved. With regard to a statement, I have a conviction that a statement may have a great deal of merit and may have more value at this time than it had a year ago. When we were confronting the question a year ago, we were confronting an unknown future, that is insofar as the adjudicatory heads were concerned. We now look back upon almost a year of history. So there is the perspective of the past year that we have before us and the lessons that it seems to me we have learned. And I would hope that in the next year, or that—rather, in the summer period—that we could come together in a statement, not as a substitute for action at all, but in an effort to try to clarify our thinking and to help our people try to think through the problems involved and thus arrive at more intelligent courses of action which all of us might follow in the new year.

MR. FULLERTON. Thank you very much. At this time I have no further questions, Mr. Chairman.

CHAIRMAN FLEMMING. Reverend Teel, I don't know whether you would like to comment on these questions that your colleagues have been commenting on, or not.

REVEREND TEEL. Yes. I feel I was a little off guard and didn't adequately express myself. I feel like some of the issues that have been raised this year, first of all, we did not expect some of the violence

that came. We were all thinking we would not have another Boston. We did and that happened and it was very unfortunate.

One of the things we saw among the children in the school systems, the wide diversity of cultural differences that does exist, and I think that's good that the community was able to see these cultural differences, that they do exist, and toward the latter part of the year I think we saw that these cultural differences would be workable—among the children best of all, least of all, among some of we parents, some of the adults.

And I would say this is probably the most important thing that has arisen. We need the differences in the community, culturally and economically, and the need to bring them closer together, to live together in a true community. And in regard to what can be done about it and what we plan to do about it in our congregation, we plan to do all we can.

It may not be enough. It hasn't always been in the past. But if the church, and our church, in particular, that has a proven history of 100 percent promoting the best in public education, we again, if we again fail to do it for all people, I feel like the church, our church, will fail in its most essential mission on earth. And to that end we will be working.

I think it's an educational process as to what are the basic problems and the basic fundamental differences, the racial, cultural, socioeconomic, and I think the socioeconomic is tremendously important, and to this end—through primarily an educational process with some degree of social action particularly through my department, our Christian Life Commission programs, and others.

CHAIRMAN FLEMMING. Thank you very much. Obviously we are having the benefit of the points of view of an ecumenical panel, but—I think I can call attention to the fact that one of our colleagues had to leave—but the four members of the Commission are also rather ecumenical in their background and approach.

I would like to first of all ask Commissioner and Rabbi Saltzman if he has any questions that he would like to address at this time.

COMMISSIONER SALTZMAN. Thank you, Mr. Chairman.

Gentlemen, we have now been in four cities, Boston, Denver, Tampa, and presently Louisville, of course, and as a colleague in the field of service, religious service, I have been on occasion embarrassed by the failure of the religious community to speak to, as Chairman Flemming indicated, perhaps the most fundamentally moral issue with which in our lifetimes the Nation has been confronted. And on other occasions I have been encouraged and proud of the religious leadership and the influence exerted in the various communities.

I think the statements you each have made reflect well on our profession and our leadership. I think apparently not enough was done, however, in any segment of the community of Louisville—witness the turmoil, the violence, the intimidation, the threats that characterized this city over the past year.

I don't think it's sufficient to merely beat our breast in guilt, and I think, Bishop Robertson, your particular approach with respect to a statement and to help clarify the issues in the minds of our people is of profound importance.

I think there is a general failure, it would seem to me, in the community of Louisville to understand the constitutional issues that are involved and a general failure to understand the moral issues that are involved. We heard some statements of members of this community who espouse desegregation as an ideal but, in practical terms, will not accept any possible remedy to segregation to achieve the desegregation of the schools. And so those statements of commitment to desegregation seem empty and fraudulent, I believe, to this Commission.

I think, therefore, that an ecumenical undertaking, where the issues are clearly brought to the forefront—because I do have a profound faith in the goodwill, in the religious commitment of the American community—that adequately informed and religiously and constitutionally motivated, Louisville, Boston, every other city in our country will faithfully seek to achieve the constitutional guarantees of justice, freedom, of human dignity, of opportunity for all of its citizens.

And so I think while each of your efforts have been most commendable, I think you and I and every religious leader in America has not acted in adequate good faith to the principles we espouse. We have a great task ahead of us and I think a great opportunity. And the opportunity—and I don't mean to sermonize, but this is the last hearing in this series, and my own sense of frustration about the role of myself as well as other religious leaders needs a moment of airing, I think.

I think the past year and the events provide all of us with an opportunity to confront the reality that underlying the surface there is a great deal of misunderstanding, misapprehension, a failure to, on all of our parts, to make effort to comprehend the religious and cultural diversities and to share that diversity and to take upon ourselves the responsibility of being supportive of the uniqueness and of the quality of life and of the spirituality represented in the respective traditions.

Too much of our lives has been an attempt to validate and to assert the value of our own individuality, and while that has a significant place, competition is not the character, really, of the religious commitment. Rather, fellowship, love, justice is the truest core of what each of us espouse, and I think a far greater effort has yet to be made, must be made, by all of us.

And so I think the coming together in this community of the religious leaders, one, in a foremost effort to inform the community adequately would be most beneficial—not really to make a statement but to make a statement that clarifies and crystallizes the issue, both from the constitutional point of view and from a point of view of the religious commitments which we all share.

Secondly, I think an effort to bring about greater understanding within the respective religious communities would enhance and contribute significantly to the goodwill and well-being of this community. I pray that you shall find the way in the coming year to undertake such constructive efforts.

Thank you for giving me a moment to release some of my own sense of inadequacies and frustrations.

CHAIRMAN FLEMMING. Thank you, Commissioner Saltzman. Commissioner Freeman?

COMMISSIONER FREEMAN. Reverends and clergy, I want to endorse the statements made by my colleague and also say that I believe that equal educational opportunity in the desegregation of our public schools is a basic constitutional and moral imperative. And I am also appreciative of your taking the time to come here and lend your statements to the record. But I also would have to say that I would rather see a sermon than hear one, any day. And I hope that when you leave us, that you will go back to your respective communities and get the message across to those who come to you for spiritual and moral leadership. Thank you.

CHAIRMAN FLEMMING. Commissioner Ruiz?

COMMISSIONER RUIZ. We have been in other communities where there are significant segments of the population from bilingual backgrounds. Perhaps this phenomenon doesn't exist or apply to Louisville and Jefferson County. At least no reference has been made to this area during these hearings. This is a new experience to the Commissioners in this area, because we have been in other hearings, as you have heard throughout this session.

Archbishop McDonough, you have a large constituency. Are there any members of your diocese that come from bilingual backgrounds, such as Spanish American, Italian American, Franco American, or other non-English language Americans?

ARCHBISHOP McDONOUGH. Very few. We have some of all those denominations you have mentioned. The heavy concentration here in Louisville, as far as our churches are concerned, would be German and Irish extraction.

COMMISSIONER RUIZ. With relation to the German background, have they been in this area for some period of time?

ARCHBISHOP McDONOUGH. Yes, they have been in here.

COMMISSIONER RUIZ. In such event, you would not have new arrivals here, where the children would be coming from monolingual backgrounds?

ARCHBISHOP McDONOUGH. Very little, although in the Archdiocese of Louisville up until the time of the first World War, we had bilingual schools for the Germans, for the German and English, and this contributes much of its foundation to French influence. Our early bishops were French, so we have that particular thing. But it kind of melted down to the area where we have more Germans, and the next would

be Irish, and then the others would be melted into the general group. We have, of course, recently we have Vietnamese here.

COMMISSIONER RUIZ. Generally the passage of time has now integrated the cultural differences that existed before, is that correct?

ARCHBISHOP McDONOUGH. That's correct, yes.

COMMISSIONER RUIZ. This is what we look forward to in the future, with respect to cultural differences?

ARCHBISHOP McDONOUGH. We have people who are firmly rooted in their faith and committed.

COMMISSIONER RUIZ. Time has a way of taking care of these things. Thank you.

BISHOP REED. Could I speak just one moment to that question?

CHAIRMAN FLEMMING. Sure:

BISHOP REED. I was personally involved in a situation involving a Vietnamese refugee family that was resettled here last year, and it was more a question of the merger than it was busing. I accompanied this family to one of the hardship hearings, and I found them very well received and treated, and they were given permission for 1 year for their children to continue in the school that they were in when they moved out of our home in order to finish it, and I feel that the school board's way of treating that language situation and the cultural transfer that was necessary was very good and I just wanted to respond to that.

REVEREND ROYAL. I needed to say something to the Commissioner's statement relative to the church. It's a matter of record all over the country that the black church has forced on America the matter of deciding on the business of human rights. The black church has always been in this business. In fact, we held it together when no other organization for blacks was allowed to exist. For many years NAACP had to meet in our churches. It's of recent date that other black organizations have been allowed to exist. Primarily the churches have done this. There is no way to separate the black church from the total life of its citizens. We do not compartmentalize life, the secular and the religious. All of life is a compartment under God.

COMMISSIONER SALTZMAN. I just would like to add, if I may for a moment, Reverend Royal, that I feel deeply appreciative as an individual, and I'm sure the Commissioners would join me in this, of the restraint and of the good sense and of the enormous spiritual and moral strength evinced by the black church and black community of Louisville.

CHAIRMAN FLEMMING. This Commission has had the rare privilege now of listening to approximately 450 witnesses in the four communities where we have held public hearings. As you undoubtedly know, our coming to a community is preceded by the staff coming into the community, getting acquainted with the leaders in the community and other persons in the community.

I think it's estimated that 1,000 people were interviewed in Jefferson County prior to our coming and now listening to over 100 witnesses.

I don't think that there is any other public or private body that has had quite the opportunity that we have had.

I thought, I think it's significant that the first panel that we listened to on Monday morning was a panel made up of students, and those students shared with us what this year has meant to them, in terms of opening up opportunities that otherwise would not have been opened up. And I think it is very appropriate that the final panel is a panel of the religious leaders of the community and I know will be very insistent on today's children and today's young people being provided with the opportunities to which they are entitled under the Constitution, to which they are entitled from a moral point of view.

We appreciate your sharing this time with us, and we look forward to keeping in touch with developments here and keeping in touch with the leadership which we know you will bring to the community. Thank you very, very much.

ARCHBISHOP McDONOUGH. Thank you, Mr. Chairman.

REVEREND ROYAL. Thank you, each of you.

CHAIRMAN FLEMMING. Just prior to going into the session where we will listen to persons who have indicated their desire to make a presentation, there is one witness, one last witness to call. I will ask counsel to call him.

MR. HARTOG. James Luckett, recording secretary, IUE Local 761. Mr. Luckett, will you please remain standing to be sworn?

[James Luckett, Foster Jones, and William Hoag were sworn.]

TESTIMONY OF JAMES LUCKETT, RECORDING SECRETARY OF LOCAL 761 OF THE INTERNATIONAL UNION OF ELECTRICAL, RADIO, AND MACHINE WORKERS (IUE); ACCOMPANIED BY: FOSTER JONES, ATTORNEY FOR LOCAL 761, AND WILLIAM HOAG, ATTORNEY FOR MR. LUCKETT

MR. HARTOG. Counsel for Mr. Luckett, I believe, would like to make a brief statement at this point. For the purposes of the record, however, would Mr. Luckett identify himself and would counsel do the same?

MR. LUCKETT. James Luckett, recording secretary, IUE Local 761.

MR. JONES. Foster Jones, attorney for Local 761.

MR. HOAG. William Hoag, attorney for Mr. Luckett. Mr. Chairman, members of the Commission, we have concluded at this time—

CHAIRMAN FLEMMING. I am sorry, we are not hearing you.

MR. HOAG. We have concluded at this time litigation in the Federal district court, which I am sure you have been advised of by your counsel. Mr. Luckett is going to testify, but I want this Commission to understand our position before the questions begin so that the matter can proceed promptly after I make this short statement.

Mr. Luckett is complying with Commission's subpoena only under the penalty of contempt under Federal Judge Allen. We were not allowed the opportunity to stay this order that he appear here today, and,

therefore, we at this time specifically reserve our right to appeal that decision.

We furthermore would like to point out to the Commission, as it is your task to make recommendations, that we believe it is an anomaly that a commission would be named the Civil Rights Commission and by its rule and regulations ignore fundamental constitutional guarantees under the fifth and sixth amendments.

I was given an opportunity by this Commission to state further basis for our motion to quash on Monday morning and chose not to do so knowing that we would be litigating the matter. However, at this time I would point out that there are basically only two authorities which support this Commission's right to subpoena and that if you would take it upon yourselves to review your rules, review your rules and reconsider just how heavyhanded—and it is solely in your discretion without being subject to the Constitution—these rules might be revised in such a way that you can ultimately go about the tasks that you are appointed to do.

As Justice Douglas said in the case which we rely on, and which, by the way, your counsel also relies on, the legislative trial is a device for condemning men without the formalities of due process.

I am sure there have been enough times that you will recall in the history of American legislative investigations that you would agree with us that you should reconsider some of the rules that this Commission operates under.

I appreciate this opportunity to speak to you, but I think that though Justice Douglas points out how worthy the ends are that the Civil Rights Commission advances, it is not an excuse to proceed unconstitutionally.

MR. HARTOG. Thank you, Mr. Chairman, I would like to point out that Mr. Hoag was given an opportunity to make that statement by the same Civil Rights Commission he just spoke of.

Mr. Chairman, at this point I would like to have introduced in the record as an exhibit, when the papers are prepared, all matters which were before the court in the case of *U.S. v. James Lockett, Recording Secretary, IUE, Local 761*, including the court's final order requiring Mr. Lockett's appearance here today.

CHAIRMAN FLEMMING. Without objection that will be done, and I assume that counsel made the same arguments before the U.S. district court judge that he has just made here.

MR. HARTOG. The arguments before the court were: that this Commission has subpoena power; that the integrity of that subpoena power must be protected when challenged; that the Supreme Court in 1960, in a landmark case, upheld that power; that counsel knew full well that that was, in fact, the case; that the Commission had bent over backwards in an effort to try to avoid a confrontation with Mr. Lockett, has offered him virtually everything we possibly could, short of compromising the integrity of that subpoena.

We were unable to do so for reasons I do not know, I cannot speculate on, but for some reason, counsel for Mr. Luckett and Mr. Luckett decided to go all the way to the very last minute, as you can see where we are now, until it was very clear that they had no alternative but to appear here or be placed in contempt.

[The document referred to was marked Exhibit No. 35 and received in evidence.]

MR. HARTOG. Mr. Luckett, who was the president of IUE 761?

MR. HOAG. Kenneth Cassidy.

MR. HARTOG. Is Mr. Cassidy currently in contract negotiations?

MR. HOAG. Yes, he is in New York.

MR. HARTOG. When is the next union election?

MR. HOAG. March '77.

MR. HARTOG. Are you going to be a candidate in that election?

MR. HOAG. I don't intend to, no.

MR. HOAG. Thank you. Mr. Luckett, at one time did you hold office in an antibusing organization?

MR. LUCKETT. Yes.

MR. HARTOG. What was that position?

MR. LUCKETT. Financial secretary for ULAB. [Union Labor Against Busing]

MR. HARTOG. Did you play a role in the formation of ULAB?

MR. LUCKETT. Yes.

MR. HARTOG. Could you please tell us what that role was and what the reasons were for the formation of ULAB?

MR. LUCKETT. Well, the tempers in the shops were getting very warmed up around the last of August. It seems like the people were getting restless, and they were condemning George Meany's position on busing. Our people that work in the shops were joining other organizations by the hundreds, not just, you know, two or three, they were joining in my opinion, radical organizations. And something had to be done to try to help the people and send them down the right direction.

So, I was at the union hall and got complaint after complaint, and one morning I was sitting there and Ronnie Rossinger [phonetic] walked in the office and I said, "Well, we will get something going to maybe try to fight the thing, to at least let them know we don't agree with the national AFL-CIO policy."

So, I proceeded back to Mr. Cassidy's office. I told him what I had in mind, getting all the labor unions involved. He told me in no uncertain terms, "No way." So, I got to thinking about it that day. The next morning I went back and told him, I said, "Well, we are going to do it." I got a letter written up, got him to read it, and we sent it to all the locals. That was the formation of ULAB.

MR. HARTOG. To all the leadership of all the locals?

MR. LUCKETT. Yes, we had a State AFL-CIO book, and we went down the list and mailed it to each local listed in it.

MR. HARTOG. Do we have a copy of that letter?

MR. LUCKETT. I think you do.

MR. HARTOG. I believe so. Would you furnish us a copy of that letter?

MR. LUCKETT. I certainly will if you will come after it.

MR. HARTOG. We will. Can you do that by mail?

MR. LUCKETT. I will voluntarily give it to you. Yes, I will.

MR. HARTOG. Thank you very much. You mentioned Ronny Rossing.

MR. LUCKETT. Ronny Rossinger.

MR. HARTOG. Who is he, please?

MR. LUCKETT. He is the sergeant-at-arms for Local 761.

MR. HARTOG. You mentioned, during the course of your description of the formation of ULAB, radical organizations. What radical organizations—

MR. LUCKETT. I hate—you have the leaflet there which Mr. Cassidy stated them all clearly there. I hate to mention them and leave one out, so if you will give me the leaflet I will read them to you.

MR. HARTOG. Okay. The leaflet will speak for itself then?

MR. LUCKETT. Yes.

MR. HARTOG. So your intention was then to have ULAB function as a union-led, union-run organization for labor in order to channel membership away from these radical organizations and channel their activities constructively into antibusing activities, is that an adequate statement?

MR. LUCKETT. No, I felt that the main reason that I wanted to help form, or get something like that going, was to get our people—and I really felt and I still feel today that if the AFL-CIO can get it changed—and I had a feeling if we started somewhere on the grass-roots level, maybe the higher ups would listen to us.

MR. HARTOG. Why was it a matter of concern to you that ULAB, well, that your membership was affiliating with radical organizations that were involved in the antibusing movement?

MR. LUCKETT. Well, it made the situations in the plant almost impossible. It made—it came to a point where it was a black-white issue in the plants, no question in my mind. I couldn't prove that, but I think that. I feel that it becoming a black and white issue in the plant, I felt we had white shop stewards that were actually discriminating against black employees plus black shop stewards discriminating against white employees. It sort of got to be a race issue in the plants. No question here.

MR. HARTOG. Did ULAB have associations with these groups?

MR. LUCKETT. To my knowledge, not while I was in there. We have quite a few problems with it now because we—

MR. HARTOG. Would you elaborate, please?

MR. LUCKETT. Well, we had some of our members or we had a member going to leadership meetings which we—I didn't personally attack that too hard, but Ronny Rossinger, who worked under me, and

Ken Cassidy instructed me to have Ronny to try to put a stop to any other outside organizations even attending our meetings. Ronny did pursue that real hard. He brought it up at every board meeting that ULAB had. He brought it up at every membership of our regular meeting that we had, and he did attack it real hard.

MR. HARTOG. Were there any other problems that ULAB had of that sort, that you can recall?

MR. LUCKETT. Well, one of the main problems I had was one night I went to a meeting, I am not even sure where the location of the meeting was. But there was a group there handing out leaflets about boycotting the Kentucky Colonels, and just a week prior I had called the people I knew and got Dan Issel, Artis Gilmore, and Louie Dampier to volunteer to come to our Christmas party to sign autographs for our children, our employees' children. Then, I turn around and I am in a union function, and they are handing out leaflets telling me to boycott the Colonels. There is just no way I would stand for that, so that is another big problem I had.

MR. HARTOG. You have seen the correspondence between Ken Cassidy and Jack Shore indicating disenchantment by IUE leadership with ULAB as a result of its affiliation with these organizations and other organizations. Does that correspondence adequately state the reasons for the disaffiliation with ULAB by IUE local 761?

MR. LUCKETT. Yes, because Mr. Cassidy was the only one that had the authority to take them out or put them in.

MR. HARTOG. Returning back to the start of the school year, there were work boycotts at GE on September 4 and 5 were there not?

MR. LUCKETT. Yes.

MR. HARTOG. What was—when did the union become aware that there would be a work boycott?

MR. LUCKETT. Well, to answer that accurately, I don't think I could, but I believe it was the week prior to the Monday or Tuesday when school started.

MR. HARTOG. Were there subsequent boycott, excuse me, there were boycott efforts on the 4th and 5th. Did the union take any verbal position trying to counsel people to stay at work, to your knowledge?

MR. LUCKETT. Any verbal position?

MR. HARTOG. Verbal position, did it verbally tell its constituency to stay at work?

MR. LUCKETT. I did not.

MR. HARTOG. Did you tell them to stay home?

MR. LUCKETT. No, I said I personally was going to stay home.

MR. HARTOG. And you made that known?

MR. LUCKETT. I sure did.

MR. HARTOG. On September 12 and October 1, the union, in writing, in a document I will submit later, made clear that it preferred people to come to work. Why was there a change in position?

MR. LUCKETT. Yes, the second boycott was no problem to stop, in my opinion. The first boycott, we couldn't of took a line of tanks or, you know, the only one that I know that could have sent them to work that day was the Federal [district court judge] down here. I feel he probably could, threaten to put them in jail. Anyway, I feel there isn't any possible chance for us stopping them, to make them go to work. Anything we said, it wouldn't of done it. Besides, it was better off for the people to be home anyway, as to where the tempers were, if they had gotten in the plant, God knows what would happen.

MR. HARTOG. At this point I would like to submit for the record a series of documents that were obtained from Kenneth Cassidy pursuant to a request from staff, and Mr. Lockett has seen these and has assured us that they are in fact from the union office. Is that correct, Mr. Lockett?

MR. LUCKETT. Yes.

MR. HARTOG. Thank you. They are as follows: A resolution dated February 10, 1974, in which "IUE goes on record against busing school children for the purpose of equalizing education."

A document dated August 23, 1975, in which the membership endorses various actions to express "their stand on the busing issues and authorizes all expenditures which have and will occur be approved."

A document dated September 2, 1975, from Ken Cassidy, president of IUE 761, explaining the union's position against busing to its international office.

A document dated September 2, 1975, which is a leaflet from Kenneth Cassidy to the membership, restating the antibusing position, stating nothing about the scheduled work boycott for September 4 in terms of encouraging the members to be at work, but which at the end states, "One last request, our executive board requests two things if you stay home from work to protest busing." And it says, "If you stay home from work do not go on GE property, and if you stay home we highly recommend you stay home and don't get involved around schools" and continues in that vein.

A leaflet from September 3, stating again the antibusing position of the local to its membership.

A press release dated September 3, 1975, from the international office, reaffirming the international's position which is that "The AFL-CIO do not advocate that busing always be used to eliminate school desegregation. However, the AFL-CIO and IUE conventions unanimously resolve not to oppose the determination of United States Supreme Court and other Federal courts," and it goes on to say, "We urge the Local to serve as an example to obedience of the laws of the U. S. Constitution."

A news release of September 5, which is the first statement by the local that the Commission is aware of, in which Mr. Cassidy urges members not to further boycott.

A document dated September 8, another leaflet.

A document dated September 12, 1975, another press release urging no work boycotts.

A document dated September 25, dealing with the proposed boycott for October 1 and coming strongly down against a work boycott.

A letter to Jack Shore, dated January 16, from Ken Cassidy with respect to ULAB.

A letter submitted at a ULAB meeting, dated January 1, 1976. This has been identified as such by Mr. Luckett, is that correct?

MR. LUCKETT. Yes.

MR. HARTOG. Thank you.

A letter dated January 26, 1976, to Jack Shore from Ken Cassidy, withdrawing HUE Local 761 from ULAB and a resolution dated January 30, 1976, of Local 761.

CHAIRMAN FLEMMING. Without objection they will be entered into the record at this point.

[The documents referred to were marked Exhibit No. 37 and received in evidence.]

MR. HARTOG. I have no further questions.

CHAIRMAN FLEMMING. The Commission has no further questions. Thank you.

I would like to make a statement relative to the open session. The list of witnesses for the open session is now closed. Approximately 16 or 18 people have indicated to the staff their desire to appear at the open session. They will be permitted 5 minutes to make an oral statement. If any of the witnesses desire to supplement that oral statement with a written statement, we will be very glad to receive it and make it a part of the record.

In view of the large number of persons involved and in view of the fact that the hearing is scheduled to end at approximately 6:00 o'clock, I am going to have to adhere very closely to the 5-minute rule. Attorneys will keep time and they will indicate when—they will probably give a minute or half-minute notice and then indicate when time has expired.

I am also going to suggest to the counsel that they call three persons at a time so that they can be sworn together, and then they can make each one, his or her statement.

MR. DORSEY. Thank you, Mr. Chairman. James Robertson, attorney; Nancy Gall-Clayton, teacher; Sister Mary Ann Ballard, social worker.

CHAIRMAN FLEMMING. The three whose names have been called can come forward at this time. We would appreciate it. James Robertson? Is James Robertson in the hall? All right, if not, let's call the next one.

MR. DORSEY, Sister Ann Kateri Kenyon, please come forward.

[Nancy Gall-Clayton, Sister Mary Ann Ballard, and Sister Ann Kateri Kenyon were sworn.]

TESTIMONY OF NANCY GALL-CLAYTON, TEACHER; SISTER MARY ANN BALLARD, SOCIAL WORKER

MR. DORSEY. Nancy Gall-Clayton, teacher. If I might, while you are placing your microphone, I would state for the record once again and reiterate, in case you did not hear the opening statement of the rules: the Commission may not, under its statutes, permit any defaming or degrading testimony unless previously heard in executive session; that the open session testimony must be relative to the issue which is before the Commission, mainly, school desegregation; and that there is, in fact, a time limit of 5 minutes indicated by the Chairman. Please begin.

MS. GALL-CLAYTON. My name is Nancy Gall-Clayton. Most residents of Louisville and Jefferson County are unfortunate in that they live in segregated neighborhoods. Not only does this segregation make busing necessary to achieve integrated education, but it also deprives adults in those communities of the opportunity for interracial living.

Racism continues to keep most of our neighborhoods segregated, and racism is the catalyst for those who want to keep the blacks and whites from going to school together.

I worked in a desegregation-related tutorial program in South Carolina 9 years ago. I believe the possibility for quality education exists only when schools are desegregated. This spring I worked as a substitute teacher in nine city and two county schools here. I believe, despite numerous unnecessary obstacles, quality education is beginning to see the light of day in Jefferson County.

Students, particularly, have been able to take advantage of the benefits of integrated education. This has occurred in spite of the fact that government and school officials did little to orient or prepare the public for merger and desegregation. Too little time, they claimed. Yet those same officials efficiently and effectively motivated and coordinated this community to work together within hours of the April '73 tornado. I think they had and have the ability, but, unfortunately, they don't seem to have the commitment.

As a taxpayer, a teacher, a 7-year resident of one of the few integrated neighborhoods in Louisville, I have been very upset to observe school and government officials diverting whatever skills and talents they have into fighting desegregation, fighting busing, fighting a just and fair court order, fighting to deprive our children of the kind of education which is possible only when diverse and various people come together. The lack of positive leadership has created an atmosphere where those individual citizens who support desegregation have been singled out for intimidation.

On March 30, the *Courier-Journal* printed a letter of mine which corrected a mistaken impression given by a headline in a story in the *Courier-Journal* about the Coleman family. The headline implied that only blacks were disturbed by manifestations of racism. My letter stated many whites, too, were concerned. Early the next evening, an

8-foot cross was burned on my lawn. Racism, as well as the lack of official stand against it, made this cross-burning possible. Despite the fact that juveniles delivered my cross and only juveniles have been convicted in cross-burning cases this year, adults are behind such efforts.

It has been stated repeatedly at these hearings that adults, leaders, parents, and people outside the schools share responsibility for many of the problems we face this year. I have come here today to let the Commission know that there are other adults, black and white, who receive less publicity and who certainly have less power. But there are other adults who want to see the full community integrated and who want to see all children given the opportunity for integrated education. And whatever help you can give us in that direction, there are people who are ready to receive it.

Thank you.

CHAIRMAN FLEMMING. Thank you very much for appearing and presenting that statement. We appreciate it.

SISTER MARY ANN BALLARD. I would like to speak on some of what I have experienced this past year regarding busing in Louisville.

I went to two of the alternative-to-busing forums which Judge Hollenbach had set up. At neither of the forums were pro-busing people allowed to speak by the crowd, and they were discouraged from doing so by those conducting the forums. At the forum, Allen, Dixie Highway, I saw a 14-year-old girl shouted down and not allowed to speak as soon as she said, "I go to Brown School, an integrated school."

The forum out in Fairdale was even worse. The crowd had turned into a mob before the meeting ever got underway. A man wearing a Nazi symbol on his arm was cheered as he screamed, "white power" and asked for two separate school systems, one black and one white. The crowd became more and more angered as they became aware of a group of us who were not joining their antibusing chants—we weren't doing anything; we were just not joining in with what they were doing. The mob began calling us communists and demanded that we be thrown out. Then when a young man from our group walked to the podium to speak, the crowd began such an uproar of protest that he was unable to speak the first word. People began pounding their chairs against the floor and then began to surge forward. We were pushed and shoved toward the door until the police escorted us out.

Judge Hollenbach was present during all of this. He was present but he made no attempt to intervene until the crowd was out of control. At this point, few would listen. He was either unable or unwilling to protect the rights of those attempting to uphold the busing order handed down by the courts. More than that, the county judge placed the blame for the disturbances on the probusing people present at the hearing, not because of anything we did but simply because we were there.

In effect, he is saying that those who are trying to speak on behalf of the law, those who are trying to make busing work were the ones at fault. He placed the blame on the victims, but I say that the blame would lie at his doorstep. Just for the fact of holding such hearings, alternatives to busing, he raised false hopes and created an atmosphere which encourages people to resist the busing law, some even to the point of violence.

If the county judge and the mayor had taken and maintained a firm stand in support of the law from the beginning, if they had said to the community, "We are going to make this thing work, whether we like it or not," things would have gone much more smoothly this past year.

Then, regarding the school board, I went to two school board meetings. At one, I heard five different people get up and speak against the superintendent's decision to close four of the city schools. These people spoke logically and rationally; what they said was based on facts and research. At one of these schools the enrollment is increasing. Portable classrooms are needed to accommodate the students. Young families are moving into the neighborhood. Another of the schools, nationally known for its innovative programs, is located in an integrated neighborhood, has achieved naturally the racial balance required by the busing order.

These are the schools that they were attempting to close. The next day the paper said there were schools in the county which had fewer students than any of the schools which the superintendent was attempting to close. So this makes me really question whether the superintendent and some members of the school board were actually beginning an attempt, perhaps, to phase out the city schools.

At another school board meeting, I heard a resolution from the people's workshop read, in which Superintendent Grayson and the school board were admonished to accept the responsibility and work toward implementation of the busing order. And several school board members questioned this workshop, and they appeared very suspicious about what went on there. At the same day this workshop was held, another was held in the county which was described as conservative, but no questions were raised about that one.

Well, it's been my experience this past year that wherever people have gathered to work toward implementation of the court order, that whenever people have come together who want busing to work in this community, they have been looked upon with suspicion by local officials. At the same time, great sympathy has been shown to those who resist the busing order and have tried in every way possible to keep us quiet.

CHAIRMAN FLEMMING. Thank you very much.

MR. DORSEY. Sister Ann Kateri Kenyon.

SISTER ANN KATERI KENYON. Sister Ann Kateri Kenyon, Sister of Charity of Nazareth. I am deeply concerned about the students. I hear students complaining about the injustice within the school system, the

fears they are experiencing. Many of these students feel that their complaints and fears are not being heard.

They do not know where to turn or who has the power to alleviate their problems. They have expressed their concerns to those in administration, but the situation doesn't seem to change. As a result, in at least two schools the black students protested by not attending classes. In one of the schools the protests led to suspension of the students.

I hope that in the coming school year our school administration will advise students as to what their rights really are; if not, where this information can be found. Specific guidelines should be formed so that the information can be and is made available to the entire student population.

Earlier this month, I was present at a meeting of concerned students and black parents with Judge Gordon's deputy. The fact that the meeting took place is a positive step, particularly since the same group had met with the school board members and individual school administrators with little or no satisfaction granted. These students and parents discussed their concern with Judge Gordon's deputy for approximately 45 minutes. At that point the meeting was terminated with a request from the deputy that the concerns be submitted in writing and with full documentation.

Remember, these are students. They have little or no knowledge of how best to proceed in a situation where material can be considered legal evidence in the school system. Give them the means and the spokesmen to assist them to present an adequate truthful report to those who are planning for the continued implementation of the desegregation policy.

Both black and white students from the city have expressed their feeling that teachers treat them differently. They feel that city students are considered a different class and are not as good as county students.

What about suspensions? I am appalled at the number. Having been a teacher myself for 10 years in the inner city, Catholic school system, I question why so many 8-, 9-, and 10-year-old children, boys and girls, are being suspended. It seems to me that children of that age group can be reasoned with and challenged to do better. So my question is, is the present discipline code fair? Further, do students and parents even know what it provides? Have the suspensions been just? Have they been discriminatory?

The Jefferson County school system received grants of money to implement the desegregation plan during the 1975-76 school year. I understand now that there is no plan for human relations training programs this summer. After 1 year of this plan, it seems to me that these programs and workshops should be more in demand. The problems and adjustments of the past school year should be discussed intensely with parents, students, and teachers in order to come to some peace and justice in our school.

Thank you.

CHAIRMAN FLEMMING. Thank you very much.
Counsel will call the next three witnesses.

MR. DORSEY. Ann Braden, Ilene Carver, and Jane Ramsey, please come forward. I would also note at this time that potential witnesses may submit statements for the record, and upon review, those statements could be included in the record if, in fact, they would rather do that orally.

[Ann Braden, Ilene Carver, and Jane Ramsey were sworn.]

TESTIMONY OF ANN BRADEN, ILENE CARVER, AND JANE RAMSEY

MR. DORSEY. Ann Braden.

MS. BRADEN. My name is Ann Braden. I am a part of several groups that have worked in support of school desegregation, but I want to speak today to you all as an individual. As a citizen of this community for the past 30 years, as a parent who has had three children in the Louisville public schools, one of them still there, and as a person who has watched the sabotage of the desegregation process here for three decades.

And it is disturbing when you see the same mistakes being made over and over, and the community and school leadership that does not seem to have learned anything in 20 years. Twenty years ago, in 1956, Louisville got a lot of national publicity for implementing so-called peaceful desegregation. The trouble was there was a lot of peace and very little desegregation. At that time the great need was for school leadership that would have challenged the community with the opportunity desegregation offered, would have made it clear that the process was not some horrible burden to be borne, but a chance to prepare our children for the 20th century world.

Instead the very best statements that came from school officials were that they didn't like the process at all, but it was the law of the land and we all had to put up with it. From that position at that time 20 years ago, there was a logical and inevitable progression to what actually happened.

School and public officials actually sabotaged the desegregation process in subtle and sometimes not so subtle ways. Desegregation was never more than token and over the years, as you all know, schools became more segregated instead of less. Well maybe, although I don't think so, that was all excusable 20 years ago.

But the fact is that, in essence, the same thing is happening now in the 1970s. When the current suit was filed in 1972, most public and school officials opposed it or, at best, stayed quiet. When the higher court acted, the very best position they came out with was that they didn't like it at all, but people should obey the law. The rhetoric has changed in 20 years, because now they sometimes make a point of saying they are for desegregation but against busing. But that is hypocrisy because busing is the only way to desegregate right now, and if you

are really for desegregation you see it as such a positive value that a minor inconvenience like busing, if it is that, is a small price to pay for it.

I should add that there have been some changes for the better in 20 years, and the main one is that today there are many, many more white people in this community who are willing to and who are speaking out against racism and trying to make desegregation work. But for the most part these are people with very little practical power.

I think in the testimony that you Commissioners have heard here this week from some of the students and teachers, you can see that many people, although they may not have sought desegregation, were ready to accept it as a creative thing. They needed a leadership that would have captured people's imaginations with the vision of what busing could really mean in converting our educational system into a tool for democracy.

Instead, just as happened 20 years ago, logical progression from lack of any real support was to actual sabotage of desegregation and the busing process on the part of some public and school officials. In the opinion of many of us, this is what has been happening this year, sabotage. There is simply no other way to explain some of the things that happened. For example, the continuing snarl-ups on getting buses into the black community regularly and on time, even months after the schools opened. The shortage of textbooks with, at one point, school administrators saying that the missing books were somewhere in the county but they couldn't find them. The refusal to deal with racist teachers and racist incidents in the schools.

The conclusion is inevitable. At least some of the people in the school administration and some of them high placed are actually trying, and it doesn't matter whether it is conscious or unconscious, to make this so difficult for the black students that at some point they will just throw up their hands and say to heck with it, they will go back to separate schools.

You on this Commission have the power to determine this pattern and lay the responsibility for it, and I really think that is what you must do.

CHAIRMAN FLEMMING. Thank you very much.

MR. DORSEY. Ilene Carver.

MS. CARVER. If you on this Commission want to get an idea of what has actually been happening in this community since the beginning of desegregation, just imagine for a moment that I pick up a gun and shoot one of you. I am upset because you seem to be in favor of desegregation, and you are uncovering some ugly things in this community about people promoting segregation.

Then suppose the law enforcement agency even says, political leaders of the community come along and say that of course it was bad one of you got shot but that I am really not to blame, and it was really all your fault in the first place, that you were just trying to stir

up trouble by coming here. So they condemn you and don't do a thing to me for shooting you. Quite likely I will figure I am on safe territory and I will proceed to shoot the rest of you.

Now that may be slightly over-dramatized since no one's been shot here yet. But that is precisely what has happened to you this year. Everything has been upside down. The people trying diligently to make desegregation work, speaking out in the community for justice, have been labeled as the cause of the problem. Those who are opposing desegregation have known they could get by with murder. For example, last fall when Judge Hollenbach held forums on so-called alternatives to busing, members of Progress in Education went to all of them to express our belief that the only alternative is segregation.

At the last of the forums, in Fairdale, a virtual mob scene developed. Our member who tried to speak was physically attacked and we were forced to leave to avoid being killed. The next day in the newspaper, Judge Hollenbach said it was all our fault for coming to the hearing in the first place. We had upset the people there by attempting to speak for desegregation. At the same meeting a Nazi had got up and called for white power and a white minister had called for violence in the streets and guerrilla warfare. There was not even one word of condemnation of these people.

Another example, a black family by the name of Coleman living in Okolona has this year been subjected to constant harassment. Members of PIE have called publicly for their protection and sent people to stay with them at night. When dynamite was thrown at their house in March, I went out immediately along with other PIE members. When the police arrived the next morning to investigate, their first implication once they found out I was with PIE, a pro-desegregation group, was that perhaps I was involved in the dynamiting.

They spent as much time questioning me as to who I was and what I was doing there as they did trying to find out who was responsible. And this theme was picked up by groups in the community. To date law enforcement agencies have made no arrests of the people who threw that dynamite.

Another example from school authorities themselves, this spring PIE and the black protective parents held an all-day workshop to bring black and white parents, teachers, and students together to discuss common problems in the schools. We applied for and received funds from the human relations department of the school system to help with the workshop. The next week school board members publicly condemned this use of funds. Not one word of criticism was heard about a workshop held the same weekend by a group in the so-called conservative part of town, which must mean antibusing. The picture that was presented was that there was something reprehensible about the school system giving financial help to groups that advocate desegregation.

During these hearings you Commissioners have alluded several times to the need in Louisville and Jefferson County for a citizen group that

supports the desegregation process. We agree that more and stronger such groups are needed, but what you must realize is that groups like this do exist here, and the problem has been that our officials and school authorities have created an atmosphere in which such groups are labeled as illegitimate, reprehensible, and the cause of the problem.

Therefore many people who might otherwise listen to these groups, don't, and others who might speak out for justice themselves stay quiet. That is what has to change before such citizen groups, new or old, can effectively do the job that is needed in making desegregation work.

CHAIRMAN FLEMMING. Thank you very, very much.

Ms. RAMSEY. My name is Jane Ramsey from Progress in Education. I am an inner city adult who works with children through the Presbyterian Church.

I am concerned about quality education for our children. In the history of this Nation, the citizens of Kentucky have ranked at the bottom of the list in providing this right to their children. No one ever worried about quality education until integration became a factor. We have never voted sufficient funds for this endeavor. Some particular educational districts with high tax/bases have had excellent schools while the rest have been neglected. As Mr. Cunningham pointed out in his interview, the suburban pupils brought their trees and their tracks with them. This is why merger was necessary for equal educational opportunity.

If it had not been for the action of Judge Gordon, the school board recently would have closed five city schools. Under the guidelines they were using to determine which schools to close eventually, practically all the city schools would go down. Then in a few years; no suburban children would have had to be bused, and the entire burden could again be borne by the inner city youths.

We created this problem. It was determined by the Federal Government that segregation in the Louisville schools was attributed to governmental practices, and that is why we were ordered to desegregate.

We shouldn't worry about the men we have in the past put in office. They have done exactly what the white middle class majority wanted them to do, to maintain the status quo by perpetuating segregation. So in our ignorance we have created a stalemate with our democratic government. We say we believe in equal opportunity and justice, but we don't. We have created situations that severely limit the opportunities of certain groups of people.

Busing is the least expensive way to extricate ourselves from this dilemma. Since Kentuckians have always been cheap when it comes to this problem, we better accept this as the solution.

Thank you.

MR. DORSEY. Paul Stevenson, Wanda McGuire, Robert Deprez, please come forward.

[The witnesses were sworn.]

TESTIMONY OF PAUL STEVENSON, WANDA MCGUIRE, AND ROBERT DEPREEZ

MR. DORSEY. Paul Stevenson?

MR. STEVENSON. Yes, Sir.

MR. DORSEY. You may begin.

MR. STEVENSON. I have got a written statement here, and I would like to give it to the reporter for the record.

MR. DORSEY. Okay.

MR. STEVENSON. I will present it first.

MR. DORSEY. If you would just submit it for the record.

MR. STEVENSON. I would like to also state it.

MR. DORSEY. Okay.

MR. STEVENSON. To date, I have heard constant rhetoric to the problems that the community and Nation see in the areas of integration, segregation, forced busing, violence in the streets, law enforcement, and so forth. I would like to address myself to a few of these.

First, it may help you to know the social economic peer group with whom I am cast. It is that of the silent, middle class, white collar worker. It is the general consensus of this group, that "forced busing" for desegregation purposes is a reduction of our basic freedoms. We feel that we no longer have the freedom to purchase a house in this community with the knowledge that our children will be able to attend the school located within it. One can hardly expect us to relinquish our freedoms readily.

It has been our observation that once a school system has been found guilty of operating segregated schools, regardless of the local housing patterns, the Federal judicial system places that community and school system in a pseudomartial law environment. We have seen our elected board members replaced, not physically, but replaced functionally.

We question the right of the judicial branch of government to perform executive functions and to go so far as to intimidate the legislative branch. We ask: Where will it all end? What are the limits of power of the Federal judicial system? We do not know.

Are we to assume that under the guise of a desegregation order, the Federal judicial system would replace any or all forms of local and State government in order to perform its misguided mission? You may think this extreme and it is. However, it is an extreme whenever a large mass of normally law-abiding citizens becomes a mob and has an open confrontation with local law enforcement officials. It was extreme when a large section of Los Angeles—Watts—was looted, then burned. We have seen extremes in Detroit, Selma, Montgomery, and Boston, to name a few.

We as Americans are guilty of non-involvement, and it is that posture that has led us here today. You have asked for alternatives.

We question, does the Federal judicial system want to listen? First, let's assume it will listen. We suggest:

1. Equal facilities should be established throughout the system. Do not confuse this with the old rhetoric of equal but separate.
2. Equal staff throughout the system, allowing any current staff member a minimum of 2 years to meet staff requirements.
3. Rotate the teaching staff throughout the system in a planned fashion.
4. Allow any child to attend any school within the system, but obligate the system only to transport him to the school nearest his home.
5. Last, but most important, listen to some of the civil and civic leaders. Example, Rev. Jesse Jackson—what he is preaching makes good sense.

The other alternative is that the Federal judicial system will not listen and would rather continue its planned program of harassment of the American people. I would suggest, however, that it expedite its plans and abandon the philosophy of integrating a few cities each year and attempt integration of the 600 or so systems that it has already been determined to have segregated schools.

I feel if the total population were confronted with this issue within the same time frame, an alternative would be found.

Thank you.

MR. DORSEY. Thank you. Robert DePrez?

MR. DEPREZ. I am Robert DePrez, chairman of the National Organization to Restore and Preserve our Freedom. We represent thousands of freedom-loving Americans in Jefferson County and across this Nation. Our paper, NAPF, has a readership of over 80,000. We are a non-stock, non-profit corporation dedicated to the preservation of freedom.

In a short period of time, we will present our case and submit complete facts and arguments under separate cover to this Commission for later study.

We have been involved in no less than 100 incidents in the schools. Many of these were turned over to your staff workers months ago. Some of these are also under separate cover. We have covered rape, robbery, narcotics through extortion. We have made the following general observations from interviewing school officials, parents, students, religious and political and community leaders:

Forced, court-ordered busing has led to more racial hatred than has been known in this community since the Civil War. Forced busing has forced our children out of the school system in fear, and many were involved in incidents which have resulted in physical and emotional damage, the scars of which they will carry for life.

Educational standards have been affected in our schools to the point where many of the students have had no more than a review of last years' studies. Many of the advanced courses have been curtailed

along with extracurricular activities such as sports. Just yesterday I had a mother bring me a report card. Her girl had attended school 11 days. She passed, gentlemen.

We have watched as school bus accidents have climbed to 98 in the last week of October as compared to 55 for the same period last year. Discipline in our schools has been adversely affected.

Court-ordered forced busing has led to the stopping of the growth of an entire county and started a white flight into traditionally, the white flight which traditionally follows forced busing and leads to resegregation of the affected areas.

The counties are now experiencing an accelerated growth rate. Our schools are faced with a \$10.5 to \$20 million deficit, faced with increased property taxes, decreasing property value and demand. We're truly turning into another Atlanta, Georgia.

I have to, at this time, condemn this Commission and try—for trying to paint a rosy picture of forced busing. You have chosen your witnesses and locations well and put on a few witnesses, I feel, you really didn't want to hear, but you put them on the offensive with, "What have you done to help implement the desegregation order?"

I would like to answer for many of the individuals you caught off-guard with this biased type of questioning. Many of the antibusing leaders' children went to school with black children, and we had peaceful and natural desegregation. We had freedom of choice. Where were we? We were out fighting a form of judicial tyranny that has taken away the rights of the parents and made their children property of the State. We were out fighting for freedom while you were fighting to force children, black and white, on a bus and hiding behind a smokescreen of desegregation and quality education.

What this Commission has not picked is such places as Atlanta for your hearings. Where the New Orleans Court of Appeals stated desegregation has failed, where busing initiated in 1958 when there were 115,000 pupils, 70 percent white, now has 85,000 pupils, 15 percent white. From 1970 to 1973, they had 6 students murdered, 53 raped, 281 assaults, 1,446 burglaries—all in the schools. One third of the businesses have moved or failed; 92 of the 148 schools are now 90 percent black.

Or how about Englewood, California, who had 38 percent minority groups when this socialistic experiment was inflicted on them. They now have 80 percent minority groups in their school, and some of the families who filed suit have put their children in private schools. Or liberal Berkeley, California, who after 8 years has had to admit in their application for Federal funds that the racial harmony and equal education they had expected has not matured.

Wait a minute. Why have we heard all this talk of violence against pro-busers when civil rights attorneys knew that several of our people had death threats and faced guns in the street? A fine black minister like Bishop Butler, who has opposed forced busing, has had a bomb

threat to his church, only this week. I have had several death threats myself, and we keep armed guards at the paper at night. Guess we were just on the wrong side of the fence to expect civil rights would count for us.

Also a separate brief with this information. I've lost it. I will get it in a second here. The only thing we want to end up telling the Committee is, please do us a favor—next time just write your report in Washington and save us some tax dollars for our children. Our message for the true black and white American to you is—freedom forever, forced busing never.

I thank you. [Applause]

MR. DORSEY. Wanda McGuire.

MS. MCGUIRE. My 13-year-old daughter Pam had been coming home from school telling of one child, forced bused in, constantly pushing and slurring some of the children. I told her as long as she didn't bother her, it was up to the other children's parents to go to school to correct the problem. On October 2, 1975, this same child, forced bused in, called Pam ugly; in return Pam called her ugly. At this, the girl hit Pam in the face with her fist. This ended up in a fight.

Both of the girls were given 3 days of an hour each after school. When Pam stayed after for 2 days and the other child didn't, I went to the school to inquire about it. I was assured by the girl's counselor that she would check and make sure she did her time also. The counselor told Pam the next time for her to come and tell her instead of hitting the girl back. While there, I told the counselor I was concerned about Pam's safety since there were so many gang fights going on at this time in the schools. She assured me this was one of the most safe schools in the system.

Exactly 9 school days later, I received a call at work from the principal. He told me Pam had been in a fight and wanted to send her home for the rest of the day to keep tension down. I asked him if it was a one-to-one fight or if several children were involved. He said it was a one-to-one. I asked him if either of the girls were hurt and he said no. I told him we lived about one-half mile from school; if Pam wasn't hurt and he would make sure no one followed her, it would be okay for her to walk home.

At 2:00 p.m. when I arrived home from work, Pam was lying on the couch. One side of her face had already turned dark, one side was swollen twice the size of the other, she could not open her eye. When I held her eyelid up, I would not see the pupil of her eye, it was one massive blur. She said while she was in the office she had asked the counselor several times to talk to me and she refused to let her.

She has been having trouble all year with her combination lock. She was out in the hall trying to get her locker open. I had warned her not to be caught by herself. While she was standing there, five girls from the same school as the first girl jumped her. Two or three held her while the rest beat her head against the concrete wall. She said,

"Mother, they beat my head until I thought it was going to bust open at any minute. I didn't think anyone would ever come to help me."

I immediately called the school and asked the principal why he lied to me. I asked him why he made Pam walk home in the condition she was in. I got no response. He said one of her parents would have to come to school before she would be admitted back. I called the Jefferson County police and made a report. I also called our family doctor, which he requested I bring her in to check her eye and head damages.

The next day I went to the school, still wanting to know why the principal lied to me. He tried to tell me it was a one-to-one fight until I threatened to sue him, the school, and the board of education. On this he showed me a statement from the teacher who broke up the fight. Her words were, "When I went into the hall there were several girls restraining Pam. When I broke up the fight one of the girls threatened to kill Pam three times if she came back to school." She was also knocked down trying to break up the fight.

He showed me another statement by one of the black girls in which she blamed one of her friends. She said the girls went up to Pam as she stood at her locker, kicking and pulling Pam's hair. I asked him if he could guarantee Pam's safety if she came back to school, and he said he couldn't guarantee the President of the United States safety, let alone Pam.

On October 21, 1975, one of the black boys bused in came up to her and said, "How would you like for me to stick my hands up your dress and 'F' you," except he didn't say 'F'." She reported this to the counselor. She told Pam she needed to grow up a little and overlook these remarks. The next day I called the counselor and told her if the children didn't use filthy four-letter words, my daughter wouldn't have to overlook them.

On October 24, 1975, exactly 3 days later, another black boy, forced bused from the same school, told her they were going to get her again. This time, instead of going to the counselor, she walked for 1 hour over the school looking for a pay phone to call me to see if it was okay for her to go home. When I got off work, I went to the school to inquire about this, and they hadn't even missed her although she had been gone for several hours and they knew she had been repeatedly threatened. Several days later she was threatened again by a black boy, bused. This time one of the teachers overheard this and took the boy to the office.

I called several administrators at the board of education. Getting no result from them, I instructed my son, who was a senior at the time, to go from the senior high side of the school over to the junior high side. Pam was not to leave any of her classes until he got there. He was to take her to her locker, then to her next class, then back to the senior high side to his locker, and then to his next class.

I informed the senior high principal about this. He said this would probably create a problem. I told him it probably would, but that was

the way it was going to be. I also instructed him not to ever have the girl's counselor call my daughter to the office again for anything, and not to even talk to her, because Pam did not trust her and that she upset her. So now she has the boys' counselor. I wrote a note to all of his teachers, explaining why my son might be late to his classes. I also instructed him to hurry as much as possible. One of his teachers repeatedly gave him a note to stay after school for 1 hour.

Meanwhile, one of the black girls had brought a butcher knife in to use on one of the students and was caught. This black student's mother was worried about her safety after that, so they provided her with a school monitor to pick her up from the bus and walk her to each class. She was also dismissed 5 minutes early in the afternoon and escorted back to the bus.

The principal called my son in and asked him if he thought it was necessary to walk his sister to class. He replied, "You have guards walking [name deleted] to class. Does she require more protection, having brought a butcher knife into the school to use on another girl, than my sister does?" At this the principal like to have fell out of his chair. He told my son to go ahead and walk Pam if he thought she needed it.

On April 22, 1976, I received another call at work. This time a black boy and girl, bused in from the same school, had Pam down in the hall beating her again. The principal said he suspended the black girl for starting this fight. Outside of this, no one has ever been suspended for the attacks on my daughter.

I again had to take off from work to go to school.

[The material that follows is part of a written statement read by the witness.]

[This time they had a man from the board of education there. He would first tell me the reason Pam was in so many incidents was because she was timid, then he told me she talked all the time in class and her teacher complained. He refused to listen to me. I tried to point out to him that the trouble lay at the beginning of school when she was repeatedly jumped and nothing was done about it, and the children knew they could get by with it, that the children were all bused from the same school and they made it up between them to harass her.

[I asked the principal to tell the man from the board if most of the fights in the junior high were from the children forced bused in, and when the principal tried to answer, the man from the board butted in and wouldn't let the principal answer. He got mad, upset, and frustrated, telling the principal to go ahead if he had butted in. I repeated the question, "Is it the children forced bused in that caused or started most of the fights?" And I quote him, he said, "Well, yes, it is most of the ones that are bused in that we are having the problems with."

[The following week I had a conference with Pam's teachers, the ones she was to have done all the talking in their classes. One was a

black teacher and one was a white teacher. In the presence of the principal I asked them if Pam talked in their classes, and they said no, in fact if she would ask more questions she would do better in class. I asked her black teacher if Pam was disrespectful to her and she said no, in fact, Pam would come up to her all the time and ask her questions. Pam's teachers had always said if she would ask more questions she would do better. When I got home I asked her about her black teacher and why she would ask her questions and not the other teacher and she replied, "She is different; she understands."]

MR. DORSEY. I notice that you are reading from a prepared statement. I'm sorry, but your time is up. If you would like, that statement could be submitted for the record in its entirety.

MS. MCGUIRE. May I read the last paragraph?

CHAIRMAN FLEMMING. I'm sorry, but we have to adhere to the time limit. But we'll be happy to carry the full text of it in the hearing.

MR. DORSEY. Please leave the statement with the reporter.

CHAIRMAN FLEMMING. Counsel will call the next witnesses.

MR. DORSEY. Johanna Hounschell, Henry Gentry, Andrew Robinson, would you please come forward?

[The witnesses were sworn.]

MR. DORSEY. Could you identify yourself, please? One person is missing.

MR. GENTRY. My name is Henry Gentry.

MR. DORSEY. Andrew Robinson?

CHAIRMAN FLEMMING. Andrew Robinson?

[No response] Okay. Call the next witness.

MR. DORSEY. Henry Logsdon, please come forward.

CHAIRMAN FLEMMING. If you will please stand and raise your right hand, we would appreciate it.

[The witness was sworn.]

MR. DORSEY. Johanna Hounschell?

MS. HOUNSHELL. I am Johanna Hounschell.

TESTIMONY OF JOHANNA HOUNSHELL, HENRY GENTRY, AND HENRY LOGSDON

MS. HOUNSHELL. I am Johanna Hounschell. I am an elementary teacher at Englehard School, an inner-city school located at 1st and Kentucky. This school is racially balanced, which means it was eliminated from the desegregation order.

Prior to school opening, school administration closed several city schools and new school district lines were drawn. Consequently, Englehard received students from Booker T. Washington, Carmichael, Cochran, and Tingley. This meant that our school enrollment went from around 490 to 650. At the opening of school I had over 40 students in my classroom. There were not enough desks when all of the students were present, and when all the students were present, the children had to sit on the floor.

This was a period of time when the schools were being boycotted, and the media kept informing us of classrooms that had only one or two students. Now really, it doesn't take much smarts to figure out that if one school is overcrowded and another one has no students, you should send the teachers to where the students are. Well, this did not happen. The faculty petitioned the school administration for more teachers, but it was mid-October before some classrooms received assistance.

At this time Englehard had five former county teachers. They were all white, four of whom asked for and received transfers. This only added to the turmoil that was going on at our school at this time. I feel had the school administration presented some kind of orientation program at the beginning of the school year, these transfers might have been avoided for our faculty.

Even though Englehard was exempt from busing, we had the problem of being overcrowded and not enough teachers. This problem was created by poor planning on the part of the school administration. When they closed the city schools, it only created more problems for our community that met the guidelines that should have exempted them from busing.

The reason that I asked to speak to you today is I fear that more and more city schools will be closed. Two other speakers have spoken to this prior to my coming up here. But as they said, four of the five schools Superintendent Grayson asked to close this coming year were city, and the only county school on the list was going to be converted into a traditional school. As we all know, this was avoided only because Judge Gordon overruled the decision.

If more city schools are closed, it will put more of the burden of busing on blacks, who already bear the brunt. If this situation continues, eventually we will have fewer and fewer schools in the city, and busing will become a one-way situation—one of busing children out to the county.

It's going to take a real commitment on the school administration's part to see that this does not happen. To solve the problem of the over-enrollment that we had at Englehard, even though we were racially balanced they transported seven classes to another school—one Headstart, two kindergarten, and two special education classes.

Our school administration has contended that it's too traumatic for first grade students to be bused. Thus, Jefferson County Schools now have racially identifiable classrooms. Earlier this afternoon I heard a Mrs. Smith, a principal, I think, at Dunn, speak, and she said that she thought that first graders should not be bused because they were too immature. Yet we have found that it's not been traumatic to transport 4- and 5-year-olds from our school, one that was racially—a racially balanced community.

I question whether these inconsistencies existed at Englehard simply because the students come from a low socioeconomic background.

And as a teacher I feel that there has been a real discrimination against the Englehard community, a community which was integrated long before the desegregation order.

COMMISSIONER FLEMMING. Thank you very much.

MR. DORSEY. Henry Gentry.

MR. GENTRY. My name is Henry Gentry. I am a substitute teacher with the Jefferson County schools. This year while pursuing graduate studies, I served as a substitute teacher. I had the opportunity to go into the schools and in all areas of the country—west, downtown, the east, and the south.

In these schools I talked with the children and with many of the teachers. I observed the interaction of the black and white teachers. I observed the interaction of the black and white students. I observed the interaction of teachers and noted the racial attitudes of many of them. There are those teachers who ought to be commended for the manner in which they approached the desegregation of the schools; that is, they approached it with openmindedness and with little or no apparent racial prejudice.

But others—and I speak of white teachers—they had difficulty relating positively with children of different cultural backgrounds and race. Some were openly prejudiced, using derogatory racial remarks, in private as well as openly, and other terms of disapprobation. Others, however, were more subtle in their ways of revealing racial prejudices. It became apparent to me that the climate of the classroom as well as the school was set by teachers and administrators.

It was not enough that some of these black children were bused in from the west end to attend predominantly white, middle class schools. Coming into sometimes hostile territory, it was not enough that the children came to school, the white children came to school with the heavy programming of prejudiced parents. They faced the same prejudicial attitudes in the classroom and thus, experienced a furthering of the parental programming, this time from the teachers who, in my opinion, served as parent surrogates.

The emphasis has been on students getting along. But I am not aware of any major emphasis on providing interpersonal relationship programs for teachers and school administrators, where, ideally, they will be able to openly deal with parental programming, garbage, or baggage that they bring to the school and to the classroom themselves.

I believe also that such an approach to dealing with teacher attitudes should include emphasis on education being more than reading, writing, and arithmetic. People need to learn to get along, to learn communication skills and whatever else is important to survival in an integrated society.

I believe our children will learn to get along, to make friendships with members of other races. This will take time. The change will take the form of a gradual process for some. The teacher can be a facilitator of this change process, provided the teacher has his or her own act together and moving in a positive direction.

Many of the children have led the way in the bettering of racial contact. Some of the teachers appear blinded by the great social disease of racial prejudice and fail to recognize that we're in a time in which there is so much opportunity and potential for the improvement of racial attitudes. Thank you.

COMMISSIONER FLEMMING. Thank you.

MR. DORSEY. Henry Logsdon?

MR. LOGSDON. I will be 61 this August, and I have been beleaguered during my life with perhaps an oversense of patriotism. My spine chills when I see the American flag and hear the Star-Spangled Banner. In 1944 going through Fort Benning, Georgia, I bunked next to a fellow named Lloyd who became one of my best friends. We had a long discussion. I nominated him as head of our platoon as honorman. Mr. Lloyd was a Negro.

I say that I have no bias against Negroes nor have I ever had as such. My feeling is that this whole thing is Communist inspired, a division of the people. And I will read you this account. Ms. Post, I think her name was, talked about a meeting on October 11 at the Central Presbyterian Church as being the first one. I live close to there and out of curiosity on Saturday, October 11, 1975, I was at the Central Presbyterian Church at 4th and Kentucky Streets where a probusing meeting was being held. Outside the church, I was amazed to see four young women walking up and down in front of the church with radical newspapers they were selling. I bought one of each from these people.

Number one was "Worker's Power." This paper states its aim plainly in its caption, "What we stand for." In a nutshell, they stand for the overthrow of democracy, as we know it. Address and post office box, Louisville, 70449. Number two, "The Call." In plain letters in its heading—Marxist—Leninist. This magazine's headings were as follows: Unite to fight capitalism, Political Paper of the October League. Number three, "The Guardian"—masthead, independent radical newspaper weekly. Now another special Louisville edition for that day, special for that day, "Workers' Power" was printed for that special day and includes a vicious attack on IUE local 761 for its antibusing activities, with a special attack on Mr. Ken Cassidy, the president. I sent that to Mr. Cassidy.

The sponsors of this meeting were a woman, a well-known ultra-leftist, with the cooperation of the Rev. David J. Kull, pastor of that Central Presbyterian Church. I won't go into the details of what I saw outside that church. However, in the foyer of the church, I was introduced to Dave Walker of TV station WLKY and asked him, "Are you aware that they are selling Communist newspapers out front?" He curtly nodded assent and angrily moved away from me.

That evening I called the Rev. David Kull on the phone, gave my name, and here is our recorded conversation, word-for-word:

Question. "Mr. Kull,"—this was after his son answered and said, "Daddy, phone." I assume it was his son. "Mr. Kull, did you know in

advance that this was a radical inspired meeting you allowed in your church?"

Answer. "In what way was it radically inspired?"

Question. "Did you know in advance that the organizer was a coordinator of the meeting?"

Answer. "Yes. That is old hat about her being a Communist. That was years ago."

He remembered. He used the word "Communist," I didn't.

Question. "Were you aware of the Communist newspapers being sold outside the door of your church?"

Answer. "Yes, but that was on the street. That doesn't connect the organizer or me to them. What are you trying to do, incriminate me by association?"

"Yes, sir. Good night and thank you."

Now, obviously, Mr. Kull knew that these papers were being sold out there. He is the one who called this lady a Communist. And I leave you to draw your own conclusions about the entire meeting.

Here is the thing that itked me—nothing was mentioned in the newspapers about this nor by any TV station, and they had the same access to finding out as I did. In fact, they knew the facts a few days later because I either called or wrote them.

Now, gentlemen, I am an American first, last, and always. And the Communists say they will divide us and conquer us. I say this is just evidence of the whole damn thing, right here. [Applause]

Now, I hesitate to ask any of you gentlemen, because I know that this isn't fair, but are any of you Communist? Would you answer me? Are you, sir, Mr. Glick?

COMMISSIONER RUIZ. No, sir, I am not a Communist. By the way is it your opinion that Judge Gordon is a Communist?

MR. LOGSDON. No, no. I wish I could say yes. I think that he's just overzealous, fulfilling his job as he sees it. Well, until we get back to Americanism—and let me say one more thing—This thing that gave me the biggest thrill that I have seen in recent years was that Jefffielder out in Los Angeles running out to pick up the American flag and prevent some rat from burning it. Thank you. [Applause]

CHAIRMAN FLEMMING. Counsel will call the next witnesses.

MR. DORSEY. Lisa Laufer, Rodney Swain.

[Lisa Laufer and Rodney Swain were sworn.]

TESTIMONY OF LISA LAUFER AND RODNEY SWAIN

MS. LAUFER. My name is Lisa Laufer. I was a senior in a Jefferson County high school this past year. After having attended the Jefferson County high school as a senior this year and having observed as an elected student representative much of what is going on, I am of the opinion that the human relations committees at the schools are operating on a level which promotes short-term activities, activities with the

least commitment, involvement with the student, and activities which are not as important or critical to the type of atmosphere conducive to a learning situation as they could have been.

I can illustrate this, if I may, by relating the type of areas the Human Relations Committee at my school have and have not been involved in. The most common activity promoted is what I suppose you would call "rap sessions." Each English class in the school viewed a film and was led in a discussion the following day by an HR Committee member. Largely, this was the extent to which the committee involved itself with the school, and, from what I hear, this is not uncommon at other schools also.

These activities involved students for 2 days during the year and was more something that was done to the student rather than involving him in it, much like the curriculum in many classrooms, taking us back to this third point—that these are not necessarily the activities most critical to the students.

During last summer, I and a number of other students were involved in the writing of a student handbook, primarily to serve as an orientation to new students coming in as a result of the desegregation order and to make some of our old students aware of some things which are necessary to know. For instance, a section on student rights, one on school policies, a list of organizations and teams at our school, and another section on the school government.

Such projects were not attempted by the HRC. Unlike the support which the HRC and their projects received, we faced nothing but problems, particularly in financing this one. We contacted the human relations department by letter and personally. We applied for funds and grants. We contacted people in the Community Development Program at the board of education and, as of today, we are nowhere closer in getting this thing printed and distributed to the students of the school than we were last September.

Yet, it seems strange to me that the Human Relations Committee, which is a department of the school board, which is having so many bad financial problems, is able to finance a banquet for hot line volunteers—I was one last summer—and sponsor parties for human relations committees in the schools and dinners for these people.

Also, I would like to voice my concerns about the student voice in the schools this year. I am of the opinion that the student voice has been continually silenced by specific actions of the board of education and by the educational process itself.

Let me first talk about student governments. The student governments in the schools are ineffective. Most schools do not have any student government at all. Others are mostly activities-oriented. They are not encouraged to involve themselves with the concerns of the students, such as the ones which we did have at our school before this year, which looked into the grading process and to many other concerns.

Also, one problem we had was the Youth Forum, which is a city-wide student government organization. The director of this was made known by his advisors at the board of education that he was not to continue in this. He has been in his office publishing a book, which he is writing himself with the help of his secretary, and working in the human relations department—that nothing has been done with the Youth Forum.

Also, we have asked for student membership on all committees that the board of education has. Nothing has happened with this. Also, much of the student representation has been largely token. One pamphlet about student responsibilities—what happened was, they said the students had input in this. They actually were not. They were present at the meeting; they had no input.

Students are taught not to question and taught to be passive, which adds to this whole environment, which adds to negative things happening this year. People were still amazed to find out that students don't want to have a part in this, don't attend classes, students drop out or cause disciplinary problems. By ignoring the problems I have mentioned, and specifically acting against the students, the schools are guilty of not only cooperating in seeing that this year was unsuccessful, but also in not providing the students with the type quality education we are entitled to.

CHAIRMAN FLEMMING. Thank you very much.

MR. DORSEY. Rodney Swain.

MR. SWAIN. My name is Rodney Swain and I was bused to Frying Creek, out of the district. I would like to see anti-bus protesters banned within a 2-mile radius of the school, because they cause racial tension within the schools and also disturb the educational process. I would like to talk about student government, also.

Lisa and I were working in the Youth Forum. Last year, it was dropped all of a sudden for no reason at all. We were in the midst of getting adopted a student bill of rights, which had grievances, suspensions, dress codes, and also a discipline code, which is—that is why we have got to have regular suspensions now.

Also, the human relations department—I differ from Lisa, because at Frying Creek we had a very good one. I think, without Federal funds, we are going to lose our human relations, and I think that, somehow, we should get—you should try to get us more Federal funds, so we can help support it.

Thank you.

CHAIRMAN FLEMMING. Thank you very much.

MR. DORSEY. Mr. Chairman, that concludes the witnesses who have signed up for the open session.

CHAIRMAN FLEMMING. I want to comment that the first panel of the week were students, and the last panel this afternoon were students. We appreciate them being with us very much.

This concludes the hearing. [Whereupon, at 5:20 p.m. the hearing was adjourned.]

Exhibit No. 1

UNITED STATES GOVERNMENT

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
REGION IV.—ATLANTA

Memorandum

TO : Dr. Cecil L. Yarbrough
Regional Commissioner

DATE: June 9, 1976

FROM : William J. Phillips
Assistant Regional Commissioner
Division of School Systems

REFER TO:

SUBJECT: Response to the U. S. Commission on Civil Rights School Desegregation -
Louisville, Kentucky (Communication dated June 4, 1976)

The following represents the response to the requests as made by the U.S. Commission on Civil Rights Hearing on School Desegregation in Louisville, Kentucky scheduled for June 14, 1976.

I. A. Funding level, by program, of all Federal funds granted through the Office of Education for:

- (1) the Louisville Independent School District for school year (SY) 1974-75

RESPONSE: Emergency School Aid Act (ESAA)
\$480,493 (Basic Grant)
\$281,769 (Pilot Grant)

P.L. 874 (Impact Aid)
\$203,375

Title I - ESEA
\$3,344,024 (Part A)
83,246 (Part C)

- (2) the Jefferson County School District for SY 1974-75

RESPONSE: Title IV - Civil Rights Act of 1964
\$59,400

P.L. 874 (Impact Aid).
\$692,746

Title I - ESEA
\$923,851 (Part A)
30,096 (Part C)

- (3) the Jefferson County School District (merged with Louisville District in April 1975) for SY 1975-76

RESPONSE: Emergency School Aid Act
\$893,846 (Basic)
\$365,790 (Pilot)



5010-108-01-100

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Title IV - CRA - 1964
\$50,400

P.L. 874 (Impact Aid)
\$500,000 (Estimated)

Title I - ESEA
\$3,385,131 (Part A)

- (4) (Project levels of funding) for the Jefferson County School District for SY. 76-77

RESPONSE: Emergency School Aid Act
\$512,000 (Basic)
\$230,379 (Pilot)

Title IV - CRA - 1964
\$55,440

P.L. 874 (Impact Aid)
\$500,000 (Estimated)

Title I - ESEA
\$3,385,131 (Part A)

- B. In same manner as above, an analysis of: the past and present efforts in applying for ESAA funds; the number of grants applied for versus the number approved, and the degree of successful use of ESAA funds once approved VIS A VIS the objectives stated in the ESAA applications.

RESPONSE: (The past and present efforts in applying for ESAA funds)

An examination of the records reveals that the Louisville Independent School District has consistently submitted applications for assistance under the Emergency School Aid Act. The school system was successful in obtaining grant awards under the program due to the quality of the programs and the need for assistance as indicated in the system's enrollment patterns. In addition to the Emergency School Aid Act, the school district applied for and was awarded funds under the Emergency School Aid Program which preceeded the Emergency School Aid Act. During the funding cycles of two fiscal years (FY 74 and FY 75), the Louisville School System was awarded \$1,375,398 under these two programs.

The Jefferson County School System, as an independent system, did not have a sufficient minority enrollment whereby the system could be competitive for funds under the Emergency School Aid Act. The Jefferson County School did apply and was awarded funds under Title IV - Civil Rights Act of 1964. These funds, extremely limited, provided for the employment of a school desegregation advisory specialist. (FY 71 - \$26,711; FY 72 - \$26,717; FY 75 - \$59,400).

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The Jefferson County School System (consolidated) has actively sought funds under the Emergency School Aid Act for FY 76 and FY 77. The program and supporting documentation presented evidence of need and grant awards were made accordingly.

FY 76 - Basic Grant \$893,846
Pilot Grant \$365,790
Bilingual Grant (Insufficient funds)
FY 77 - Basic Grant \$512,000
Pilot Grant (Fiscal Hold)
Bilingual Grant (Insufficient funds)

RESPONSE: (the number of grants applied for and the number approved)

The two principal factors which serve to determine the funding of ESAA projects are (1) a fixed Regional (and state) allocation of funds and (2) that the program is highly competitive with awards based on need and program quality.

The following reflects the number of ESAA proposals received and the number and percent funded in Region IV.

	No. Projects Received	No. Projects Funded	Percent Funded
FY 74	577	276	47.48
FY 75	519	280	53.49
FY 76	398	186	46.28
FY 77	303		

(* FY 77 Funding Information Not Completed)

RESPONSE: (The degree of successful use ESAA funds once approved VIS A VIS the objective stated in the ESAA applications)

The regulations governing the Emergency School Aid Act stipulate that each funded grantee will have no less than two on-site monitoring visits by a Regional Education Specialist to determine the effectiveness of the program and if the fiscal and programmatic objectives are being achieved. In addition to the two on-site monitoring visits, each grantee is required to submit quarterly technical progress reports and financial reports to the Regional Office. An examination of the on-site monitoring reports and the technical progress and financial reports, reveals that the objectives as outlined in the approved project are satisfactorily completed within the established time frame.

	SITE VISITS	TECH. ASSIST. VISITS
SY-74-75	2	4
SY 75-76	2	4

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II. Other subject areas of interest to the Commission

A. Kinds of services and funding available from the Office of Education to desegregation school districts as Jefferson County:

RESPONSE: The U.S. Office of Education, Region IV, is extremely interested in offering every possible assistance to school districts as Jefferson County in their efforts to develop an educational sound and administratively feasible system of unitary education.

In offering this assistance, the Regional Office is staffed with educational specialists experienced in resolving problems incident to and occasioned by school desegregation. The services and expertise of the specialists are available upon request by the school officials.

In addition to the direct services of the educational specialists, the Regional Office provides funds for the establishment and operation of General Assistance Centers at various universities and colleges and also technical assistance units located in the respective State Departments of Education. The Jefferson County School District has free access to the services of the General Assistance Center, University of Tennessee, Knoxville, Tennessee and the Technical Assistance Unit, Kentucky State Department of Education, Frankfort, Kentucky. Available services may range from specialized training for school staff members, curriculum studies and revisions and other pertinent areas of education including school and community relationships.

At the present time, the Regional Office has assigned a full-time educational specialist to assist the local and state educational officials of the State of Kentucky. This specialist has made several on-site visits to the Jefferson County Schools and is cognizant of the school desegregation process experienced by the Jefferson County School Officials.

B. Comparison of Jefferson County to other school districts undergoing desegregation VIS A VIS the kinds of programs and level of funding:

RESPONSE: An examination of the records reveals that school systems throughout Region IV which compare in size to the Jefferson County School District apply for similar types of assistance in seeking workable solutions to problems occasioned by school desegregation. This assistance is addressed to the various types of available grants under the Emergency School Aid Act (Basic, Pilot and Bilingual) and Title IV - Civil Rights Act of 1964. The Jefferson County Schools

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have applied for assistance under all of the above cited programs. Consideration was made to each request with the exception of the Bilingual application. Inadequate funds prevented the funding of the Bilingual application submitted by the school district.

In addition to the direct assistance as outlined above, the Jefferson County School District has access to assistance made available through the Technical Assistance Unit, Kentucky State Department of Education, the General Assistance Center, University of Tennessee, Knoxville, Tennessee and the staff expertise located in the U.S. Office of Education, Region IV, Atlanta.

The level of funding for the ESAA program and Title IV programs varies with the type and quality of proposals submitted by the local educational agencies and the need of assistance as reflected by the district's enrollment patterns.

- C. General theory behind ESAA funding and impression of the Regional Commissioner as to how that theory should be expanded and improved.

RESPONSE: The general theory of the Emergency School Aid Act is to provide assistance to local educational agencies which are in the process of eliminating or preventing minority group isolation and improving the quality of education for all children. This process often involves the expenditure of funds which local educational agencies do not have.

One of the major concerns of the U. S. Office of Education, Region IV, is the substantial number of school districts throughout Region IV which are in need of assistance relative to resolving school desegregation problems and fail to take advantage of the assistance available under the Emergency School Aid Act. The Regional Office has made special efforts to advise the local school districts officials of such assistance through direct communication and by funding technical assistance units in the respective State Departments of Education.

Conjunctive with the above is the concern of the limited amount of funds made available under the program. During the recent funding cycle (FY-77), the Region IV office serving the eight southeastern states received 303 proposals with a requested need of \$81,442,294. The allocation for the eight states was limited to \$42,250,986. (Included in the 303 proposals were 73 submitted by non-profit organizations.)

This problem is compounded by the fact that while approximately 1000 school districts in Region IV are in need of such assistance, less than 250 applied for assistance under the program.

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D. Relationship of the Office of Education and Office for Civil Rights regarding:

- (1) decision on eligibility for ESAA funding; and
- (2) monitoring the use of ESAA funds.

RESPONSE: (1) The Office for Civil Rights has the responsibility to determine the status of eligibility of local educational agencies submitting applications for assistance under the Emergency School Aid Act. The criteria for eligibility is based on the compliance requirements established by the Civil Rights Act of 1964.

The U. S. Office of Education, upon receiving the applications for assistance, submits a complete copy of each application to the Office for Civil Rights. This action initiates a review of the applications and the individual local educational agencies status relative to school desegregation achievements by the Office for Civil Rights to determine eligibility status.

Whenever a school district is identified as an ineligible applicant, cooperative efforts between the U.S. Office of Education and the Office for Civil Rights are made to provide advisory assistance to the school district officials whereby the corrective measures may be taken to achieve satisfactory compliance status.

(2) The regulations governing the Emergency School Aid Act stipulate that each funded program must have no less than two (2) on-site monitoring visits conducted by the Regional Office staff to ascertain that funds are being expended in accordance to the terms and conditions of the grant award. During each site visit, an examination is made of the fiscal accounting procedures employed by the grantee and also of the program activities being carried out through the grant award. Documentation of each on-site review is completed by the reviewing Regional staff personnel and such documentation becomes a part of the grantee's official file.

In addition to the required on-site visits, each grantee is required to complete and submit to the Regional Office quarterly reports reflecting the financial status and the program progress achieved by the grantee. The quarterly financial and program progress reports are supported with final reports at the termination of the grant award.

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Exhibit No. 2

This exhibit is on file at the U.S.
Commission on Civil Rights.

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Exhibit No. 3

TESTIMONY BY
WILLIAM H. THOMAS
TO THE
UNITED STATES COMMISSION ON CIVIL RIGHTS

LOUISVILLE, KENTUCKY
JUNE 14, 1976

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I APPRECIATE THIS OPPORTUNITY TO APPEAR BEFORE YOU TODAY AND TO PROVIDE THIS TESTIMONY. I UNDERSTAND THAT ONE OF THE PRIMARY FOCUSES OF THIS HEARING IS THE ROLE PLAYED BY THE VARIOUS FEDERAL AGENCIES IN RELATION TO THE DESEGREGATION OF THE JEFFERSON COUNTY PUBLIC SCHOOLS. MORE SPECIFICALLY, IT IS MY UNDERSTANDING, THAT THE COMMISSION IS INTERESTED IN RECEIVING TESTIMONY WITH REGARD TO THE ACTIVITIES OF THE OFFICE FOR CIVIL RIGHTS AS IT RELATES TO COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS BY THE JEFFERSON COUNTY SCHOOL SYSTEM.

1 THE OFFICE FOR CIVIL RIGHTS HAS THE RESPONSIBILITY, GENERALLY, TO INSURE THAT RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE ARE IN COMPLIANCE WITH FEDERAL LAWS AND REGULATIONS PROHIBITING DISCRIMINATION BASED ON RACE, COLOR, NATIONAL ORIGIN, SEX, OR RELI-

GION. WITH RESPECT TO ELEMENTARY AND SECONDARY EDUCATION, THE OFFICE FOR CIVIL RIGHTS IS RESPONSIBLE FOR INSURING THAT EDUCATIONAL AGENCIES AND INSTITUTIONS RECEIVING FEDERAL FINANCIAL AID ARE IN COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AND APPROPRIATE CIVIL RIGHTS RELATED REGULATIONS OF ANY FEDERALLY FUNDED PROGRAM FOR WHICH SUCH RESPONSIBILITY HAS BEEN DELEGATED; E.G., THE EMERGENCY SCHOOL AID ACT. TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 PROHIBITS DISCRIMINATION BY RECIPIENTS OF FEDERAL FINANCIAL AID ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN; TITLE IX PROHIBITS DISCRIMINATION BASED ON SEX IN EDUCATIONAL PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL AID. THE OFFICE FOR CIVIL RIGHTS IS ALSO RESPONSIBLE FOR SECTION 504 OF THE REHABILITATION ACT OF 1973, WHICH PROHIBITS DISCRIMINATION AGAINST OTHERWISE QUALIFIED PERSONS

BASED ON HANDICAPS. THE EMERGENCY SCHOOL AID ACT REGULATIONS DEFINE A BROAD RANGE OF RACIALLY DISCRIMINATORY PRACTICES PROHIBITED BY RECIPIENTS UNDER THE ACT. THESE WILL BE DISCUSSED IN MORE DETAIL LATER.

THE OFFICE FOR CIVIL RIGHTS IS RESPONSIBLE FOR DEVELOPING AND IMPLEMENTING A PROGRAM TO INVESTIGATE AND MONITOR SCHOOL DISTRICTS TO INSURE COMPLIANCE WITH THE ABOVE-REFERENCED LAWS AND REGULATIONS; TO NEGOTIATE COMPLIANCE VOLUNTARILY WITH SCHOOL DISTRICTS NOT IN COMPLIANCE; AND TO TAKE APPROPRIATE ENFORCEMENT ACTION TO TERMINATE FEDERAL FINANCIAL AID WHERE VOLUNTARY COMPLIANCE CANNOT BE SECURED. THE OFFICE FOR CIVIL RIGHTS ALSO PROVIDES TECHNICAL ASSISTANCE TO SCHOOL DISTRICTS TO ENABLE THEM TO ACHIEVE COMPLIANCE WITH APPROPRIATE CIVIL RIGHTS LAWS AND/OR REGULATIONS AND, AS SUCH, WORKS DIRECTLY

WITH SCHOOL DISTRICTS, STATE EDUCATION AGENCIES, THE U.S. OFFICE OF EDUCATION WITHIN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, AND GENERAL ASSISTANCE CENTERS AT VARIOUS UNIVERSITIES.

2. THE ROLE OF THE OFFICE FOR CIVIL RIGHTS VARIES WITH RESPECT TO PUBLIC SCHOOL SYSTEMS DESEGREGATING PURSUANT TO A FEDERAL COURT ORDER AS FAR AS TITLE VI IS CONCERNED. MOST SCHOOL DISTRICTS IN REGION IV OPERATED RACIALLY SEPARATE SCHOOLS PRIOR TO THE BROWN DECISION IN 1954. THESE DISTRICTS WERE DESEGREGATED, OR ARE DESEGREGATING, UNDER PLANS EITHER ORDERED BY APPROPRIATE FEDERAL COURTS OR NEGOTIATED VOLUNTARILY BY THE OFFICE FOR CIVIL RIGHTS. SOME DISTRICTS WERE DETERMINED BY THE OFFICE FOR CIVIL RIGHTS TO BE UNITARY, NONRACIAL SCHOOL DISTRICTS, WHO HAD COMPLETED THE DESEGREGATION PROCESS PRIOR TO THE CIVIL RIGHTS ACT OF 1964. IN EITHER CASE, THESE DISTRICTS ARE ELIGIBLE TO RECEIVE

FEDERAL FINANCIAL AID BY VIRTUE OF COURT ORDERS, VOLUNTARY PLANS,
OR THEIR UNITARY STATUS.

DURING THE LATE 1960'S, WHEN RACIALLY SEGREGATED AND DUAL
SCHOOL SYSTEMS IN THE REGION WERE BEING DESEGREGATED, A LARGE
NUMBER OF COURT ACTIONS WERE IN PROCESS, AS WELL AS ACTIVITY
TO DESEGREGATE SCHOOLS VOLUNTARILY BY THE OFFICE FOR CIVIL RIGHTS.
THE COURT CASES WERE GENERALLY LITIGATED ON CONSTITUTIONAL GROUNDS,
ALTHOUGH SOMETIMES ON THE BASIS OF TITLE VI, WHILE THE OFFICE
FOR CIVIL RIGHTS ACTIVITY WAS PURSUANT TO AUTHORITY UNDER TITLE VI.
A POLICY AGREEMENT WAS REACHED BETWEEN HEALTH, EDUCATION, AND
WELFARE AND THE DEPARTMENT OF JUSTICE THAT THE OFFICE FOR CIVIL
RIGHTS WOULD NOT INVOLVE ITSELF IN SCHOOL DISTRICTS DESEGREGATING
UNDER COURT ORDERS. SCHOOL DISTRICTS UNDER COURT ORDERS ESTABLISH
THEIR ELIGIBILITY TO RECEIVE FEDERAL FINANCIAL AID BY FILING

ASSURANCES WITH THE OFFICE FOR CIVIL RIGHTS THAT THEY WOULD COM-
PLY WITH THE DESEGREGATION ORDERS OF THE COURT. THEREFORE, UP
UNTIL THE ORDER OF THE DISTRICT COURT IN THE ADAMS V RICHARDSON
CASE THE OFFICE FOR CIVIL RIGHTS ROUTINELY REFERRED DISCRIMINA-
TION MATTERS RELATED TO COURT ORDER DISTRICTS TO THE U.S. DEPART-
MENT OF JUSTICE. ADAMS V RICHARDSON, ORDERED THE OFFICE FOR
CIVIL RIGHTS TO INVESTIGATE COMPLAINTS OF DISCRIMINATION IN
COURT ORDER DISTRICTS AND TO MONITOR THE COMPLIANCE OF COURT
ORDER DISTRICTS WITH THE COURT ORDERS. THE POLICY OF OFFICE FOR
CIVIL RIGHTS WHICH HAS EVOLVED SUBSEQUENT TO THE ADAMS V
RICHARDSON ORDER IS TO INVESTIGATE ANY COMPLAINTS OF DISCRIMINA-
WITHIN COURT ORDER DISTRICTS, UNLESS THE DEPARTMENT OF JUSTICE
IS ACTIVELY INVOLVED IN THE CASE, AND TO SECURE VOLUNTARY COM-
PLIANCE IF POSSIBLE. IF WE ARE UNABLE TO SECURE VOLUNTARY COM-

PLIANCE, OUR FINDINGS ARE SUBMITTED TO THE APPROPRIATE COURT AND PLAINTIFF. IF THE DEPARTMENT OF JUSTICE IS ACTIVELY INVOLVED IN THE CASE, THE COMPLAINT WOULD BE REFERRED TO THE DEPARTMENT OF JUSTICE.

MONITORING OF COURT ORDER DISTRICTS, BECAUSE OF LIMITED RESOURCES, HAS BEEN LIMITED TO THOSE APPLYING FOR EMERGENCY SCHOOL AID ACT FUNDS. IN CASES WHERE COMPLIANCE PROBLEMS HAVE BEEN DISCOVERED IN PROCESSING THOSE APPLICATIONS, AND NOT RESOLVED, REFERRALS HAVE BEEN EFFECTED TO THE COURTS AND PLAINTIFFS OR THE DEPARTMENT OF JUSTICE, AS APPROPRIATE.

IN DISCHARGING OUR ESAA RESPONSIBILITIES NO DIFFERENTIATION IS MADE BETWEEN COURT ORDER DISTRICTS AND VOLUNTARY PLAN DISTRICTS IN THE PROCESSING OF APPLICATIONS TO ENSURE COMPLIANCE WITH THE CIVIL RIGHTS RELATED ASPECTS OF THE ESAA REGULATION. THE SAME PROCEDURES,

REQUIREMENTS, AND SANCTIONS, ARE APPLICABLE TO ALL DISTRICTS APPLYING FOR FUNDS. IF VIOLATIONS OF THE ESAA REGULATIONS ARE DETERMINED TO EXIST, CORRECTIVE ACTION IS REQUIRED THROUGH A WAIVER PROCESS BEFORE THE DISTRICT IS FUNDED. THE WAIVER PROCESS IS DEFINED BY THE REGULATION AND PRESCRIBES THE CORRECTIVE ACTION NECESSARY TO RESULT IN A WAIVER OF INELIGIBILITY. THE SECRETARY OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE GRANTS OR DENIES WAIVER REQUESTS.

3. THE ROLE OF THE OFFICE FOR CIVIL RIGHTS IN JEFFERSON COUNTY HAS BEEN FAIRLY LIMITED AS FAR AS REGION IV IS CONCERNED. UP UNTIL 1970 KENTUCKY WAS A PART OF REGION III. AFTER BEING TRANSFERRED TO REGION IV, THE LOUISVILLE SCHOOL SYSTEM WAS REVIEWED UNDER THE DIRECTION OF THE WASHINGTON OFFICE. SOON AFTERWARDS THE LOUISVILLE SYSTEM BECAME INVOLVED IN LITIGATION IN THE FEDERAL.

COURT.

THE PRIMARY RELATION OFFICE FOR CIVIL RIGHTS HAS HAD WITH THE DISTRICT SINCE HAS BEEN BASED ON ITS APPLICATION AND RECEIPT OF FEDERAL FUNDS THROUGH ESAA, FIRST AS THE LOUISVILLE SCHOOL DISTRICT, AND SUBSEQUENTLY AS THE MERGED JEFFERSON COUNTY SCHOOL DISTRICT. THE DISTRICT HAS BEEN A RECIPIENT OF SUCH AID FOR THREE YEARS.

SINCE THE DISTRICT IS MERGED AND DESEGREGATING PURSUANT TO A FEDERAL COURT ORDER, THE PRIMARY RESPONSIBILITY FOR DESEGREGATION RESTS WITH THE FEDERAL COURT. OFFICE FOR CIVIL RIGHTS HAS EVALUATED THE DISTRICT'S COMPLIANCE WITH THE ESAA REGULATION AND HAS PROVIDED SOME TECHNICAL ASSISTANCE TO THE DISTRICT REGARDING TITLE IX OF THE EDUCATION AMENDMENTS OF 1972.

BECAUSE OF THE MERGER OF THE FORMER LOUISVILLE AND JEFFERSON

COUNTY DISTRICTS INTO ONE JEFFERSON COUNTY SCHOOL DISTRICT AND THE NUMEROUS CHANGES REQUIRED OF THE AREA SCHOOLS BY THE COURT, THE OFFICE FOR CIVIL RIGHTS HAS NOT CONDUCTED A FULL-SCALE REVIEW OF THE DISTRICT'S PRACTICES UNDER ESAA. OUR REVIEW HAS BEEN LIMITED TO DESK AUDITS WHICH HAVE BEEN COMPLETED GENERALLY WITHOUT AN ADEQUATE DATA BASE, SINCE THE OFFICE FOR CIVIL RIGHTS CIVIL RIGHTS SURVEY WAS NOT CONDUCTED DURING THE 1976-77 SCHOOL YEAR. A FULL-SCALE REVIEW OF THE DISTRICT IS SCHEDULED FOR NEXT SCHOOL YEAR, AND THE DISTRICT WAS SO ADVISED BY LETTER DATED APRIL 26, 1976 FROM W. LAMAR CLEMENTS, CHIEF OF THE ELEMENTARY AND SECONDARY EDUCATION BRANCH, REGION IV, OFFICE FOR CIVIL RIGHTS, TO MR. ERNEST C. GRAYSON, SUPERINTENDENT OF THE JEFFERSON COUNTY SCHOOLS.

4. AT THE REGIONAL LEVEL, THE OFFICE OF EDUCATION AND THE OFFICE

FOR CIVIL RIGHTS MAINTAIN A GENERAL LIAISON RELATIONSHIP. THE TWO OFFICES COORDINATE THEIR EFFORTS ON PROGRAMS WHERE THEY HAVE JOINT RESPONSIBILITIES. OFFICE FOR CIVIL RIGHTS PROVIDES TITLE VI CLEARANCES FOR OFFICE OF EDUCATION ON SOME PROGRAMS FUNDED BY OE AND THE TWO OFFICES COOPERATE IN PROVIDING TECHNICAL ASSISTANCE TO RECIPIENTS.

IN THE ESAA PROGRAM, O.E. DETERMINES WHICH PROGRAMS MERIT FUNDING, SINCE IT IS A COMPETITIVE PROGRAM, AND OFFICE FOR CIVIL RIGHTS DETERMINES THE APPLICANT'S ELIGIBILITY FOR FUNDING BASED ON THE APPLICANT'S COMPLIANCE WITH THE CIVIL RIGHTS RELATED REGULATIONS. OCR DETERMINATIONS ARE FORWARDED TO THE ASSOCIATE COMMISSIONER OF EDUCATION WHO INFORMS THE APPLICANTS OF THEIR INELIGIBILITY AND THE CORRECTIVE MEASURES NECESSARY TO SECURE A WAIVER OF INELIGIBILITY. THE TWO OFFICES CLOSELY COORDINATE AT THE

: 60

REGIONAL AND NATIONAL LEVEL.

AT THE REGIONAL LEVEL, OCR FREQUENTLY PARTICIPATES WITH O.E. IN THE PROVISIONS OF TECHNICAL ASSISTANCE TO SCHOOL DISTRICTS IN ORDER TO ASSIST THEM IN UNDERSTANDING AND COMPLYING WITH FEDERAL LAWS AND REGULATIONS. THIS TAKES PLACE IN A VARIETY OF WAYS THROUGH STATE OR AREA MEETINGS WITH DISTRICTS AND OFFICIALS AND WITH GENERAL ASSISTANCE CENTERS FUNDED BY THE OFFICE OF EDUCATION FOR THE PURPOSE OF RENDERING TECHNICAL AID TO SCHOOL DISTRICTS.

THERE IS ALSO FREQUENT COMMUNICATION EXCHANGE BETWEEN THE TWO OFFICES ON MATTERS OF MUTUAL CONCERN AND RESPONSIBILITY.

5. THE PROCESS FOR EVALUATING A SCHOOL DISTRICT'S ESAA APPLICATION FOR CIVIL RIGHTS CLEARANCE IS OUTLINED AS FOLLOWS:

- A. THE FIRST STEP IS TO DETERMINE THE DISTRICT'S "THRESHOLD" ELIGIBILITY TO RECEIVE FUNDS UNDER ESAA. IF A DISTRICT

IS IN COMPLIANCE WITH ITS COURT ORDER, OR VOLUNTARY PLAN, IT MEETS THE TEST OF THRESHOLD ELIGIBILITY. IN REGION IV THIS IS A SIMPLE PROCESS, SINCE ALL DISTRICTS ARE DESEGREGATING PURSUANT TO SOME FORM OF DESEGREGATION PLAN.

- B. THE NEXT STEP IS TO EVALUATE THE APPLICANT'S COMPLIANCE WITH THE VARIOUS PARTS OF SECTION 185.42 OF THE ESAA REGULATION. THIS REQUIRES EVALUATION OF DATA IN THE APPLICATION ITSELF, AS WELL AS THE FILES MAINTAINED BY THE OFFICE FOR CIVIL RIGHTS ON THE APPLICANT DISTRICT. IF THERE ARE INDICATIONS OF POSSIBLE NONCOMPLIANCE WITH THE REGULATION AND FURTHER DATA IS NECESSARY TO MORE ADEQUATELY EVALUATE THE DISTRICT'S STATUS, THAT DATA IS REQUESTED. FOLLOWING EVALUATION OF THE DATA, A SCHOOL

DISTRICT APPLICANT IS EITHER CLEARED AS ELIGIBLE OR FOUND TO BE INELIGIBLE FOR ASSISTANCE. IF CLEARED, THE U.S. OFFICE OF EDUCATION IS INFORMED THAT THE APPLICANT MAY BE FUNDED IF IT HAS OTHERWISE COMPETED SUCCESSFULLY FOR THE FUNDS. IF NOT CLEARED, THE OFFICE OF EDUCATION IS INFORMED, AND A LETTER OF INELIGIBILITY IS PREPARED AND FORWARDED TO THE ASSOCIATE COMMISSIONER OF EDUCATION.

- C. IN SOME CASES, ON-SITE INVESTIGATIONS ARE REQUIRED, AND NECESSARY IN THE PRE-GRANT PHASE. THESE ARE ACCOMPLISHED.
- D. IN OTHER CASES, WHERE CLEAR DECISIONS OF INELIGIBILITY CANNOT CLEARLY BE MADE BASED ON DESK REVIEWS OF DATA AVAILABLE, OCR MAY CLEAR A DISTRICT WITH A NOTIFICATION OF POTENTIAL COMPLIANCE PROBLEMS AND MONITORING PROVISIONS

BUILT INTO THE CLEARANCE. COMPLIANCE WITH THE REGULATION IS AN INITIAL AND CONTINUING CONDITION OF ELIGIBILITY FOR ESAA FUNDS.

GENERALLY SPEAKING, AN APPLICANT SCHOOL DISTRICT MUST BE ABLE TO SHOW THAT IT IS IN COMPLIANCE WITH ITS ASSURANCES, I.E., THAT IT HAS NOT, SINCE 1972 DISPOSED OF PROPERTY TO NON-PUBLIC SCHOOLS WHICH DISCRIMINATE ON ACCOUNT OF RACE; THAT IT DOES NOT HAVE ANY FORM OF STUDENT CLASSROOM ASSIGNMENT PROCEDURE WHICH RESULTS IN RACIALLY ISOLATED OR IDENTIFIABLE CLASSES FOR MORE THAN 25% OF THE SCHOOL CLASS ROOM DAY PERIODS, UNLESS THE PRACTICE CAN BE JUSTIFIED AS A BONA FIDE EDUCATIONALLY VALID ASSIGNMENT PROCEDURE; THAT IT HAS NOT, SINCE 1972, AND DOES NOT NOW PRACTICE-RACIAL DISCRIMINATION IN EMPLOYMENT PRACTICES; NOR OTHERWISE DISCRIMINATE AGAINST STUDENTS ON THE BASIS OF RACE IN A VARIETY OF PRACTICES

INCLUDING DISCIPLINARY SANCTIONS, EXTRACURRICULAR ACTIVITIES,
SPECIAL EDUCATION PROGRAMS, ETC.

IF STATISTICAL ANALYSES INDICATE POTENTIAL NON-COMPLIANCE,
IT IS THE RESPONSIBILITY OF THE APPLICANT DISTRICT TO JUSTIFY
ITS PRACTICES. IF INELIGIBILITY OF FUNDS IS DETERMINED, A DIS-
TRICT MAY STILL RECEIVE FUNDS, IF IT SECURES A WAIVER OF INELI-
GIBILITY FROM THE SECRETARY OF HEW. ANY PROBLEM OF INELIGIBILITY
CAN BE CURED THROUGH THE WAIVER PROCESS, WHICH ESSENTIALLY RE-
QUIRES THAT CORRECTIVE ACTION BE TAKEN AND PRACTICES PUT INTO
EFFECT TO AVOID FUTURE DISCRIMINATION. THE PROCEDURES FOR APPLY-
ING FOR A WAIVER AND ACTIONS REQUIRED ARE DEFINED IN SECTION
185.44 OF THE ESAA REGULATIONS.

6. OCR HAS CLEARED THE JEFFERSON COUNTY SCHOOL DISTRICT AS ELIGI-
BLE FOR ESAA FUNDS FOR THE 1976-77 SCHOOL YEAR; HOWEVER, IT HAS

NOTIFIED THE DISTRICT BY WAY OF THE APRIL 26 LETTER REFERRED TO EARLIER, THAT IT WILL BE MONITORED UNDER THE CONTINUING ELIGIBILITY REQUIREMENTS OF THE REGULATION.

THE APRIL 26, 1970 LETTER, IDENTIFIED TO THE SCHOOL DISTRICT POTENTIAL ELIGIBILITY PROBLEMS IN FOUR AREAS: (1) ASSIGNMENT OF PUPILS TO REGULAR CLASSES, WHICH HAS RESULTED IN SOME DEGREE OF RACIAL IDENTIFIABILITY IN ADVANCED CLASSES IN SOME SCHOOLS, (2) ASSIGNMENT OF PUPILS TO SPECIAL EDUCATION CLASSES, WHICH HAS RESULTED IN SOME RACIALLY IDENTIFIABLE CLASSES IN SOME SCHOOLS IN THE EMH PROGRAM, (3) INTER-DISTRICT STUDENT TRANSFERS, FROM JEFFERSON COUNTY SCHOOLS TO INDIANA SCHOOLS, WHICH MAY HAVE RACIAL IMPACT, AND (4) DISCIPLINARY SANCTIONS WHICH DISPROPORTIONATELY AFFECT BLACK STUDENTS.

BECAUSE IT IS DIFFICULT TO ADEQUATELY ASSESS STUDENT CLASS

ROOM ASSIGNMENT PRACTICES WITHOUT AN ON-SITE INVESTIGATION, AND THE AVAILABILITY OF NECESSARY STAFF TO REVIEW THE DISTRICT THIS SPRING, OCR DETERMINED TO ACCEPT THE NON-DISCRIMINATION ASSURANCES OF THE DISTRICT AND TO REVIEW ITS PRACTICES ON A POST GRANT BASIS DURING THE NEXT SCHOOL YEAR. OCR WAS UNABLE TO DETERMINE THAT THE DISTRICT WAS CLEARLY INELIGIBLE FOR ESAA FUNDS BASED ON THE DATA IT HAD ON HAND OR HAD SECURED FROM THE DISTRICT. ADDITIONALLY, OCR, IN THE FACE OF INADEQUATE DATA, COULD ONLY POINT TO THE STUDENT TRANSFER AND DISCIPLINARY PROBLEMS, AS POTENTIAL COMPLIANCE PROBLEMS FOR THE DISTRICT. WE DETERMINED TO REVIEW DISCIPLINE PRACTICES AT A LATER DATE BECAUSE OF THE COURT'S CURRENT INVOLVEMENT IN THAT AND BECAUSE THE ESAA PROPOSAL ADDRESSES THE ISSUE.

7. THERE ARE A NUMBER OF FACTORS WHICH ARE CONSIDERED AS OCR ESTABLISHES PRIORITIES FOR CONDUCTING ON-SITE COMPLIANCE REVIEWS.

THE ADAMS V. RICHARDSON COURT DECISION HAS BEEN A MAJOR FACTOR IN THE PAST FEW YEARS WITH ITS REQUIREMENTS FOR EVALUATION OF SCHOOL DISTRICTS WITH DISPROPORTIONATE SCHOOLS AND ITS REQUIREMENTS RELATIVE TO ACTION ON COMPLAINTS OF DISCRIMINATION. TAKING THESE INTO CONSIDERATION, THE OFFICE FOR CIVIL RIGHTS HAS DEVELOPED NATIONAL PRIORITIES AND ALLOCATED STAFF TO AN ANNUAL ENFORCEMENT PLAN BASED ON THOSE PRIORITIES.

AT THE REGIONAL LEVEL, AN ENFORCEMENT PLAN IS DEVELOPED BASED ON THE NATIONAL PRIORITIES. WITHIN THE FLEXIBILITY THAT MAY BE AVAILABLE, DECISIONS ABOUT ON-SITE COMPLIANCE REVIEWS ARE GENERALLY BASED ON EFFORTS TO MONITOR ON A BROAD, SAMPLING BASIS, TO ENSURE GEOGRAPHIC COVERAGE AND JURISDICTIONAL COVERAGE. WE UTILIZE STATISTICAL DATA AVAILABLE TO US THROUGH PERIODIC NATIONAL SURVEY EFFORTS (OS/CR 101-102) OR DATA OTHERWISE IN OUR FILES

AS A RESULT OF ESAA APPLICATIONS, PRIOR INVESTIGATIONS, ETC. IN MAKING THESE DETERMINATIONS. OF COURSE, OTHER FACTORS COME INTO PLAY SUCH AS COMPLAINTS, THE NEED TO MONITOR AFFIRMATIVE ACTION PLANS, COURT ORDERS AFFECTING WORKLOAD (SUCH AS THE LAU DECISION), NEW LEGISLATION OR REGULATIONS (SUCH AS TITLE IX), OR ANY PILOT OR NEW EMPHASIS OCR MAY BE EXPLORING (SUCH AS DISCIPLINE, ABILITY GROUPING). STILL OTHER CONSIDERATIONS MAY INFLUENCE ON-SITE REVIEW DECISIONS AS ILLUSTRATED BY THE EMERGENCY SCHOOL AID ACT WHICH INVOLVED OCR IN A NUMBER OF COURT ORDER SCHOOL DISTRICTS IN WHICH IT HAD NOT PREVIOUSLY BEEN INVOLVED AND WHERE GENERAL COMPLIANCE WITH CIVIL RIGHTS LAWS MAY NOT HAVE BEEN EVALUATED FOR YEARS BECAUSE LITIGATION WAS LACKING.

8. IN THE PRE-GRANT PHASE, AN INITIAL FINDING BY OCR THAT AN APPLICANT SCHOOL DISTRICT IS NOT COMPLYING WITH THE ESAA CIVIL

RIGHTS ASSURANCES WILL RESULT IN A LETTER OF INELIGIBILITY BEING PREPARED FOR THE SIGNATURE OF THE ASSOCIATE U.S. COMMISSIONER OF EDUCATION. THAT LETTER DETAILS THE FACTORS OF INELIGIBILITY, CITES THE REGULATIONS BEING VIOLATED, AND INFORMS THE DISTRICT THAT IT MAY APPLY FOR A WAIVER OF INELIGIBILITY. THE TERMS OF THE WAIVER ARE SPELLED OUT. ALSO, IN THE SAME LETTER, THE DISTRICT IS INFORMED THAT IT CAN REQUEST AN INFORMAL HEARING ON THE MATTER WITH THE ASSOCIATE U.S. COMMISSIONER OF EDUCATION WITHIN TEN DAYS. ADDITIONALLY, THE LETTER INFORMS THE DISTRICT THAT THE CONDITIONS OF INELIGIBILITY MAY ALSO BE VIOLATIONS OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND THAT OCR MAY FOLLOW UP UNDER THAT STATUTE.

IF A FINDING OF NON-COMPLIANCE IS MADE AFTER A DISTRICT HAS RECEIVED ESAA FUNDS, THE INITIAL EFFORT OF OCR IS TO NEGOTIATE

COMPLIANCE, UNLESS THE VIOLATION IS A WILLFUL OR GROSS VIOLATION OF A COMMITMENT WHICH RESULTED IN THE GRANTING OF A WAIVER OF INELIGIBILITY. IN THE LATTER CIRCUMSTANCES, OCR WOULD RECOMMEND IMMEDIATE SUSPENSION OF ESAA FUNDS BY THE ASSOCIATE COMMISSIONER OF EDUCATION AND A NOTIFICATION TO THE DISTRICT OF ITS RIGHTS TO AN ADMINISTRATIVE HEARING TO DETERMINE IF ITS FUNDS SHOULD BE TERMINATED. IF THE VIOLATION WERE ONE THAT HAD NOT BEEN DEALT WITH IN THE WAIVER PROCESS, OCR WOULD SEEK AN IMMEDIATE NEGOTIATED SETTLEMENT, WHICH, IF NOT OBTAINED, WOULD RESULT IN A RECOMMENDATION FOR SUSPENSION OF ESAA FUNDS AND POSSIBLE TERMINATION OF ESAA FUNDS UNDER THE PROCESS REFERRED TO ABOVE. OCR WOULD RECOMMEND APPROPRIATE ACTION TO TERMINATE ALL FEDERAL FUNDS IF THE VIOLATION WERE ALSO A VIOLATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964.

Exhibit No. 4

Division of Program Development
Date: October 10, 1975

EMERGENCY SCHOOL AID ACT

State Apportionment: Basic Grants to LEA's

Fiscal Year 1975

State	Number of Applications	Number of Awards	Amount Requested	Amount Awarded	Average Award
REGION IV					
Alabama	23	15	10,290,720	4,453,522	342,579
Florida	14	6	9,699,069	6,269,556	1,044,926
Georgia	30	15	8,614,308	5,676,136	378,409
Kentucky	11	3	2,747,292	1,088,773	362,924
Mississippi	16	16	94,458,358	9,427,418	267,026
North Carolina	36	13	12,811,661	5,638,808	433,754
South Carolina	26	13	6,860,266	4,052,066	311,697
Tennessee	10	6	4,051,020	2,964,595	494,099

October 6, 1975

EMERGENCY SCHOOL AID
FY 1975 FUNDING SUMMARY
STATE APPORTIONMENT FUNDS

PILOT PROJECTS

State/Region	Total Original Apportionment	Total Amount Funded	Change due to Reapportionment	Number of Applications Funded	Total Unmet Need
Region IV					
Alabama	992,237	2,183,592	+1,191,355	8	931,303
Florida	1,398,847	1,876,757	+479,910	6	0
Georgia	1,264,634	2,783,049	+1,518,415	13	459,777
Kentucky	242,577	365,790	+123,213	1	0
Mississippi	951,888	820,922	-130,966	5	0
North Carolina	1,256,317	486,985	-769,332	5	0
South Carolina	902,794	1,986,756	+1,083,962	13	1,110,107
Tennessee	660,507	749,814	+89,307	3	0
Subtotal	7,667,801	11,253,665		54	2,501,187

October 6, 1975

**EMERGENCY SCHOOL AID
FY 1975 FUNDING SUMMARY
STATE APPORTIONMENT FUNDS:**

NFO

State/Region	Total Original Apportionment	Total Amount Funded	Change due to Reapportionment	Number of Applications Funded	Total Unmet Need
Region IV					
Alabama	529,117	545,495	+16,378	6	426,114
Florida	744,878	767,934	+23,056	5	225,214
Georgia	674,374	695,348	+20,974	7	391,808
Kentucky	129,356	133,360	+ 4,004	3	148,338
Mississippi	507,601	523,313	+15,712	6	107,904
North Carolina	669,939	690,676	+20,737	7	154,909
South Carolina	481,421	496,323	+14,902	7	484,395
Tennessee	352,220	280,415	- 71,805	4	0
a. Subtotal	4,068,906	4,132,764		45	2,226,682

Exhibit No. 5

Chamber of Commerce
 100 West Liberty Street
 Louisville, Kentucky 40202
 502-582-2421
 July 25, 1975

Mr. Roy H. Ruesenstahl
 VP & Gen. Mgr.
 Louisville Division
 Great Atlantic and Pacific Tea Co.
 P. O. Box 300
 Louisville, Kentucky 40201

Ruesenstahl

CONFIDENTIAL

Dear Mr. Ruesenstahl:

May we ask your personal endorsement of an effort to establish a total community attitude which will help insure an orderly and peaceful record for our community, for our children, and for their education during these next few weeks and months as the Jefferson County schools move to implement the federal order for desegregation.

Representatives of business and labor -- working jointly through an ad hoc group composed of the Executive Committee of the Louisville Area Chamber and key labor leaders -- approved the enclosed "community pledge." It is intentionally brief and simply stated.

It is our plan to publish this statement, with the names of a broad base of key community leaders who have signed this pledge, as a full-page ad in the Courier-Journal and Louisville Times as soon as possible after Judge Gordon has announced his plan.

We are sending this statement to you, as well as to a number of other community leaders, to ask if you will sign it and authorize the public use of your name and your position or title, if permissible, either in the first release of this pledge or in later releases -- we anticipate publishing the ad again later in the month with additional signatures.

Time is important! If you will authorize the use of your name and title, please sign this statement and return it to the Chamber office as quickly as possible. If you can have it delivered, rather than mail it, this would be helpful. If for any reason you do not wish to use your title, we hope that you still will authorize use of your name.

Also enclosed is a duplicate of the statement. Please circulate it among your associates to ask their endorsement. We are anxious to secure endorsements from as many individual citizens as possible -- especially those whose names would be recognized in the total community, such as heads of organizations, neighborhood groups, civic and religious leaders, etc. -- so that these names might be published with later lists.

Thank you for your immediate attention and for your support.

Sincerely,

Robinson S. Brown, Jr.
 Robinson S. Brown, Jr.
 President

Enclosures
 pip/5/2

A COMMUNITY PLEDGE

THE PUBLIC SCHOOL SYSTEM OF OUR COMMUNITY IS FACING GREAT CHANGE. THEREFORE, OUR TOTAL COMMUNITY -- EVERY CITIZEN -- IS FACING GREAT CHALLENGE.

THE FEDERAL COURT HAS ORDERED THAT A PLAN FOR FULL DISEGREGATION OF OUR SCHOOLS BE PUT INTO EFFECT THIS FALL. WE MUST NOW FACE THIS INEVITABLE FACT. WE MUST:

- REMEMBER THAT THE SAFETY AND WELFARE OF OUR CHILDREN ARE AT STAKE.
- AGREE THAT THE HIGHEST POSSIBLE QUALITY OF EDUCATION FOR OUR COMMUNITY MUST REMAIN OUR GOAL.
- UNDERSTAND THAT ADJUSTMENTS AND SACRIFICES WILL BE REQUIRED BY MANY.
- DETERMINE THAT WE WILL WORK CALMLY THROUGH PROPER LEGAL AND FEDERAL PROCEDURES TO RESOLVE ANY DIFFERENCES OF OPINION THAT NOW EXIST OR MAY ARISE.
- EXPRESS OUR STRONGEST CONVICTION THAT DISRUPTIVE AND UNLAWFUL ACTIVITIES ARE NO SOLUTION TO THE PROBLEM.

NO MATTER HOW WE MAY FEEL ABOUT THE REQUIREMENT OF THE COURT, WE MUST RECOGNIZE THAT THIS IS THE LAW.

WE PLEDGE TO DO ALL THAT IS WITHIN OUR POWER TO UPHOLD THE LAW, AND WE CALL UPON EVERY CITIZEN, EVERY ORGANIZATION AND EVERY OFFICIAL TO JOIN PUBLICLY IN THIS PLEDGE.

(WE, THE UNDERSIGNED, AUTHORIZE THE PUBLIC USE OF OUR NAMES IN THE ENDORSEMENT OF THIS STATEMENT:)

<u>NAME (Please Print)</u>	<u>TITLE TO BE PUBLICIZED</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>SIGNATURE</u>

RETURN TO: A Community Pledge
2 Louisville Area Chamber of Commerce
300 West Liberty Street
Louisville, Kentucky 40202

400

473

Exhibit No. 6

September 30, 1975

Chamber of Commerce
300 W. Liberty St.
Louisville, Ky. 40202

Attention: Charles Heard

Dear Mr. Heard:

I have tried to analysis to the best of my ability the Chamber's reaction to the business boycott scheduled for October 1st. I have tried to get the Chamber to commit themselves to some type of positive response to this boycott for nearly three weeks.

Since the Chamber has decided that the best way to react to the boycott is no action at all, this company can no longer feel that the Chamber is of any benefit to us. History will show that distasteful action taken by various parties generally must be met with counteraction. The Chamber, in no way shape or form, can walk the straight and narrow when members of the Chamber are being hard pressed to close their businesses.

The small business people of this community have nothing whatever to do with forcing business and there is no reason why they should take the bluntness of the punishment. The only people who they should take issue with are either our congressmen or the justices who serve on our Supreme Court.

Please accept our resignation in the Chamber of Commerce, effective immediately.

Yours truly,

KLING COMPANY

Robert W. Kling

RWK:rar

Exhibit No. 7

Louisville Area
Chamber of Commerce, Inc.
100 West Liberty Street
Louisville, Kentucky 40202
502-582-2611

October 28, 1975

Mr. Robert W. Kling
Kling Company, Inc.
2828 W. Jefferson St.
Louisville, Kentucky 40212

Dear Bob:

I am taking the liberty to comment toward your letter with reference to the Chamber's position and the October 1 boycott.

The position which you describe as "no action at all" was a deliberate position taken only after careful analysis of the responses from personal interviews with a large number of our members from the various areas of Jefferson County such as Preston Highway, Valley Station, Fairdale, Outer Loop, etc. The majority of businesses were from the area most strongly affected during the trouble period prior to school opening in early September.

The overwhelming response from these firms was to do nothing, and for these reasons: (1) Defiance of protesters would likely cause them to be more militant and would agitate them to expanded activity; (2) Organized defiance would present them with a new target, a new challenge and the anti-boycott supporters would be construed as pro-busing advocates; (3) The businesses could more ably assess the climate and circumstances of the day, and any closing should be left to the individual judgment of management; (4) Organized opposition to the boycott would diffuse the focus being centered on representatives from government who are in the best position to bring alternatives to court-ordered busing.

In the return survey with the same business firms after October 1, it was learned that several had closed part of the day as a matter of judgment when lines of marchers began assembling in the vicinity of their stores. All stated they would have closed even if there had been a strong anti-boycott campaign. A surprising number of store operators said they were glad to cooperate in the boycott to exhibit their personal busing protest. I was one who participated in the survey and in the personal interviews on both occasions and I can assure that these reports are authentic.

We agree with you, Bob, that a boycott of stores has no relevancy to the question of busing. The most flagrant of the offenses, however, was the telephoned threat if a store owner didn't close. However, this is a

Mr. Robert W. Kling

Page 2

October 28, 1975

case for law enforcement procedures. Any anti-boycott activity would be meaningless without sufficient protection from our police units, and it is unlikely that there would be enough to provide adequate protection for all businesses that could be involved.

We have since learned that the groups that tried to organize the boycott were quite disappointed in the results and have admitted through the press that the move failed to achieve its hoped-for impact. Active opposition, it is felt, would have egged them on to renewed activity.

The community presently is experiencing a tapering off of such activities as boycotts, etc., the experience identical to other cities that have gone through this same ordeal brought about by court-ordered busing. Our objective is to achieve a return to normalcy where if there are to be protests they will be sensibly conducted and we can sanely proceed on the most effective course to deal with this problem that has created such a blight on the community. The greatest threat to this would be over-reaction.

I know of nothing that carries a higher priority than this problem as it is being dealt with in the Chamber's program of work. Nothing in recent years has demanded and is demanding more staff time and expenditures. We have provided support data to every political office fighting this problem; we, too, will have strong evidence for presentation to the Judiciary Committee's hearings beginning this week. I bring these to your attention to illustrate that we are hardly following a "no action" course. The massive number of hours being spent by our voluntary committees -- many of which have become almost full-time -- concentrating on every aspect of this problem and seeking alternate, workable solutions to the many problems this has generated in the business community would make you proud of these folk and proud to be a member of the Louisville Area Chamber of Commerce.

I hope you will accept this response and these comments, weigh them and join with us in the course your fellow-businessmen have charted to work most favorably in behalf of the business community and dealing with this unusual situation. I should hope you would reverse your decision and give us permission to continue carrying the Kling Company as a member of the Louisville Area Chamber of Commerce.

Let me hear from you, Bob.

Thanks,

Claude

Claude F. Sprowls
Business Manager

JD/2/1

Exhibit No. 8

THE COURIER-JOURNAL & TIMES, SUNDAY, AUGUST 17, 1957

Louisvillians from all walks of life are going on record to show their concern for our children's safety and education through

A COMMUNITY PLEDGE

Join the growing roster of support.



The public school system of our community is facing great change. Therefore, our total community — every citizen — is facing great challenge.

The Federal Court has ordered that a plan for full desegregation of our schools be put into effect this fall. We must now face this inescapable fact.

WE MUST:

- ◆ Remember that the safety and welfare of our children are at stake.
- ◆ Agree that the highest possible quality of education for our community must remain our goal.
- ◆ Understand that adjustments and sacrifices will be required by many.
- ◆ Determine that we will work calmly through proper legal and federal procedures to resolve any differences of opinion that now exist or may arise.
- ◆ Express our strongest conviction that disruptive and unlawful activities are no solution to the problem.
- ◆ No matter how we may feel about the requirement of the court, we must recognize that this is the law.
- ◆ We pledge to do all that is within our power to uphold the law, and we call upon every citizen, every organization and every official to join publicly in this pledge.

Exhibit No. 9

Louisville Area
 Chamber of Commerce, Inc.
 700 West Liberty Street
 Louisville, Kentucky 40202
 502-582-7621

December 16, 1975

STATEMENT
LOUISVILLE AREA CHAMBER OF COMMERCE

The results of the recent survey of the membership of the Louisville Area Chamber of Commerce show that over 90% of the members responding is opposed to court-ordered busing for the purpose of desegregation of the public schools of Jefferson County.

While the special Study Groups appointed by the Board of Directors of the Chamber have not yet completed their work, their preliminary reports indicate that court-ordered busing is not likely to achieve either educational enhancement or orderly desegregation of the public school system.

The Chamber, therefore, will work with local, state and national public officials, school officials, and qualified organizations in efforts to secure quality public education and orderly public school desegregation for our community without court-ordered busing.

This may include both interim and long-range efforts such as continuing pursuit of legally acceptable modifications or alterations of the court-ordered plan, legislative or judicial remedies, or educational concepts designed to bring a school system into compliance through voluntary actions.

At present, however, it must be recognized that court-ordered busing will be in effect until a legally acceptable alternative is found. Therefore, in the best interests of all the children of our community, every effort should be exerted by all citizens to obtain community cooperation in securing the highest possible quality of public education, and to oppose any action that threatens the safety of our children or that would disrupt their education.

The Chamber urges all citizens to cease threats of economic boycotts, retaliation against civic charities, intimidation of students or school personnel, or any other actions which adversely affect any citizens - including not only the loss of income or jobs but also the damaging of the community's national reputation and, therefore, the stifling of new growth and job opportunities. Such actions, it must be realized, can have no bearing in securing solutions to our problems, but are self-defeating in the effort to secure public support needed for finding solutions.

Approved by the Board of Directors Dec. 16, 1975

Charles F. Herd
 Executive Vice President

*Exhibit No. 10*STATEMENT BY STANDARD OIL COMPANY
RELATIVE TO CLOSING ON OCTOBER 1, 1975

Standard Oil Company is well aware that Jefferson County's current busing controversy is a highly-emotional issue ... even among our employees.

In Jefferson County we have approximately 100 service stations that serve our customers. Practically all of these stations are operated by independent dealers. We do not establish their operating hours nor determine their customers. They are independent businessmen with complete authority over their business to stay open or close their stations on October 1st.

Our Executive Offices, Accounting Center, Division Marketing Office, Terminal and Warehouse serve many, many customers outside of Jefferson County who depend on us for their livelihood. As a result of this widespread dependence, these facilities will be open and our employees are expected to be at work on Wednesday, October 1st.

It is our Company's conviction that there are constructive, temperate, legal means to express community resentment toward busing that can democratically translate the will of the majority into action. We can only hope that the people of Jefferson County will respect each business establishment's right in such a controversy.

W. J. PRICE
September 26, 1975

Exhibit No. 11

This exhibit is on file at the U.S.
Commission on Civil Rights.

STRUCTURAL ORGANIZATION of the AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

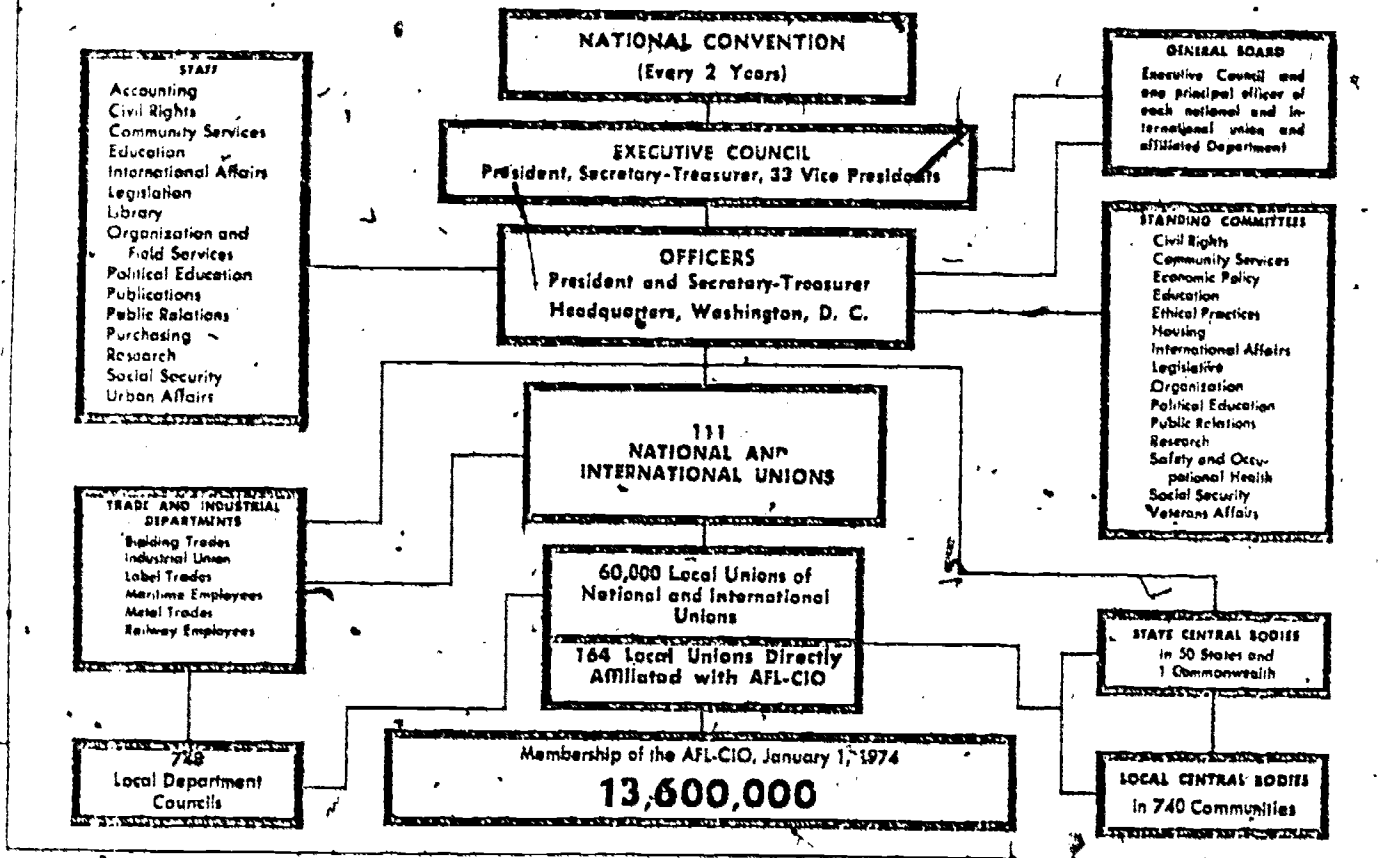


Exhibit No. 12

481

Exhibit No. 18

*Solidarity House*8000 EAST JEFFERSON AVE
DETROIT MICHIGAN 48214
PHONE 313-426-8000

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA-UAW

LEONARD WOODCOCK, PRESIDENT

EMIL MAZEY, SECRETARY TREASURER

PAT O'BRIEN - BEN BANNON - DOUGLAS A. FRASER - DENNIS ALDERMOTT - IRVING BLUESTONE - COSSA KEMER - MARK STEPP

May 28, 1976

Mr. Arthur S. Flemming, Chairman
United States Commission on Civil Rights
Washington, D. C. 20425

Dear Mr. Flemming:

I am scheduled to be out of the country during the period of your public hearing in Louisville, Kentucky.

I am, however, referring your letter to the attention of our Regional Director for that area. Mr. Dallas Sells' office is located at 1701 W. Eighteenth Street, Indianapolis, Indiana 46202, and his telephone number is 317-634-7554.

Sincerely,

Leonard Woodcock
President

LW:mw
opetu-42
cc D Sells



UAW

LEONARD ROEDERER, PRESIDENT
 DONALD HASKEL, SECRETARY-TREASURER

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA-UAW

DALLAS SELLS, DIRECTOR
 REGION 3, UAW

REGIONAL OFFICE
 1701 W. 16TH STREET
 INDIANAPOLIS, INDIANA 46202

BUS REGIONAL OFFICE
 1302 LINCOLN WAY EAST
 INDIANAPOLIS, INDIANA 46204

TELEPHONE
 REGIONAL OFFICE 317 524 7000
 BUS REGIONAL OFFICE 317 524 5247

June 10, 1976

Mr. James Arisman
 U.S. Commission on Civil Rights
 The Bank of Louisville
 505 West Broadway
 Louisville, Kentucky

Dear Mr. Arisman:

I regret it is impossible for the Commission to permit me to appear either Monday morning, June 14 or Wednesday, June 16, 1976 as I am a delegate to the Indiana Democrat Convention which meets on the afternoon of the 14th and all day, Tuesday, June 15. There are some crucial issues to be decided during that period of time. However, I do appreciate the opportunity of submitting to you a written resume of the International Union, UAW position.

Sincerely yours,

Dallas Sells
 Dallas Sells, Director
 Region 3, UAW

DS:smj
 opel#42
 encl.

After the International Union, UAW was informed that some UAW Local Unions in the Louisville area had spent several thousands of dollars sending buses to Washington, D. C. to support a Constitutional Amendment outlawing busing for the purpose of integration. The following telegram was sent to the Presidents of all UAW Local Unions in the Jefferson County area.

"In view of the unfortunate situation developing in the Louisville area, I draw your attention to the following pertinent paragraphs adopted overwhelmingly by UAW delegates in Convention assembled in a resolution entitled "Education for Democracy, Democracy in Action"

Quote - If we fail or delay in meeting our obligations to the children, future generations of Americans will continue to pay the price. America cannot wait to make the proper commitment to quality and equality of education. As we move toward quality education of necessity, we must also move toward desegregation. The slow process of integration of neighborhoods takes too long, but busing or any other technique of integrating schools might sensibly and rationally be used with the effort for quality education but not before it. In a democracy any ideal system of quality education must be non-discriminatory. Consequently, a total commitment of quality education, by definition, includes a commitment to desegregation. One necessarily includes the other. That is why we cannot support the effort to isolate one technique of achieving integration and outlaw it, even though those of little principle would go so far as to amend the United States Constitution.

Continue Quote - It is noteworthy that many of those who give leadership to the drive to amend the Constitution on this issue are also the very people who oppose unionism, who oppose liberal progressive legislation. They play on the fears of sincere people by creating an atmosphere of hysteria, designed for base political purpose. End Quote

Efforts to involve the union as an organization in the political dispute is in contravention of democratically adopted Convention policy and therefore improper. As union officers you should be guided accordingly since as union officers you have obligations apart from your rights as individual citizens.

Leonard Woodcock, President
International Union, UAW"

In addition, International Union President Leonard Woodcock and I, as Director of Region 3, UAW (Indiana and Kentucky) called a meeting with all of the Officers of all of the UAW Local Unions in that area at which time it was explained to them the position of the International Union and that further action could lead to lawsuits against them as individuals as well as their Local Unions. It was also emphatically stated that the International Union would not provide attorneys to represent them as they were in violation of our International Union policy. Insofar as we are able to determine, no Local Union has expended any money for such purposes since our meeting with the leadership.

On many occasions we have discussed with various leaders in the area, alternate proposals such as a change in tax structure, so as to put the same number of educational dollars behind every pupil in the State of Kentucky.

It is our opinion that Louisville will be a divided community for some time because of the program implemented there which requires busing of students by alphabet. In effect, this means that a new set of parents will be directly involved each school year. The second problem is that the busing now carried out in some instances goes across the entire county which seems to some of our members as being maximum busing in terms of mileage rather than minimum.

If it would be of any value to the Commission, I would be happy to appear on June 16 to answer any questions they might have.

Respectfully submitted,

Dallas Sells, Director
Region 3, UAW

DS:am

Exhibit No. 14

ALBANY
ALBANY

DEPARTMENT OF PUBLIC RELATIONS

(202) 637-5010



For Release:

P.M. PAPERS, SATURDAY, OCTOBER 25, 1975

AFL-CIO President George Meany today said that demonstrations against so-called "forced busing" held recently in Louisville and scheduled today in Washington were not sanctioned by the AFL-CIO and were in violation of AFL-CIO policy. He warned Kentucky AFL-CIO leaders against leading "any aid or support whatever to those who seek to ignore or to pervert" that policy.

In identical letters to Joseph Warren, president, and Leonard S. Smith, executive secretary-treasurer of the Kentucky AFL-CIO, and Marbert E. Hale, secretary-treasurer of the Greater Louisville Central Labor Council, Meany pointed out that the AFL-CIO has gone on record three times in support of school busing for the purpose of securing quality education for all children, when ordered by the courts. He declared:

"While individual union members certainly have every right to exercise their constitutional privileges of free speech, they have no right whatever to claim or imply that their actions represent the policy of the AFL-CIO, the Kentucky State AFL-CIO, the Louisville Central Labor Council or any other AFL-CIO organization.

"The AFL-CIO deplores the actions of those who pretend they are representing the labor movement or speaking in the name of the AFL-CIO in organizing this Washington caravan or in staging demonstrations in Kentucky or anywhere else.

Following is the full text of Meany's letters:

As you know, the AFL-CIO has long held a firm and well-defined policy on the subject of school busing for the purpose of securing quality education for all children, when ordered by the courts. This policy, established by the AFL-CIO Executive Council in February 1972 and restated by the AFL-CIO Convention of 1973, was specifically reiterated on October 3 last by an overwhelming majority of the delegates to the 1975 Convention. That reassertion of policy came about through the decisive rejection of the resolution submitted by the Kentucky State AFL-CIO calling for reconsideration of the previous actions. Only a handful of the nearly 1000 delegates supported the proposal of the Kentucky State AFL-CIO.

I want to make that point clear, because I understand from news reports that a caravan of demonstrators purportedly representing organized labor of Louisville and Jefferson County is coming to Washington Saturday for the purpose of protesting so-called "forced busing."

While individual union members certainly have every right to exercise their constitutional privileges of free speech, they have no right whatever to claim or imply that their actions represent the policy of the AFL-CIO, the Kentucky State AFL-CIO, the Louisville Central Labor Council or any other AFL-CIO organization.

NOTE...

The AFL-CIO deplors the actions of those who pretend they are representing the labor movement or speaking in the name of the AFL-CIO in organizing this Washington caravan or in staging demonstrations in Kentucky or anywhere else.

The position of the AFL-CIO is and remains as follows:

"The AFL-CIO has consistently supported both quality education and integrated education. We have just as staunchly supported mass investment of federal funds to improve substandard schools. We have fought for legislation to achieve open housing as the most effective way to achieve integrated education.

"The AFL-CIO Executive Council categorically reiterates this position and adds:

"1. We wholeheartedly support busing of children when it will improve the educational opportunities of the children.

"2. We deplore the actions of those individuals or groups who are creating a divisive political issue out of America's vital need for quality integrated education.

"3. We will oppose the constitutional amendment approach because it will do a disservice to the quality integrated education which we support."

We understand the emotionalism that has swept over your area as a result of the court's decision. We understand that major inconveniences have been created in some cases and even, perhaps, injustices in certain specific instances.

But we recognize as well that that emotional response has been fanned into hysteria by members of the Ku Klux Klan, the American Nazi Party, discredited dissidents from the Boston area and other extremists who prefer to exacerbate hatred rather than seek sensible readjustments and resolution of legitimate grievances.

It is the responsibility of the labor movement to seek workable schedules, to minimize friction and to make the busing system work as it was intended to work for the benefit of children who need and deserve the highest quality of education available, regardless of their race or color.

It is the responsibility of the labor movement to make sure union members understand that in America today fully 40 percent of all children in public schools are bused every day, and that only three percent are bused in order to implement the decision of the U.S. Supreme Court on May 7, 1954.

In short, it is the duty of the Kentucky State AFL-CIO and all local central bodies to implement the policy of the AFL-CIO stated above, to make sure the Kentucky union members are not misled by demagogues and that they understand and respect the law.

It is emphatically against AFL-CIO policy for the Kentucky State AFL-CIO or any local central body to lend any aid or support whatever to those who seek to ignore or to pervert the policy of the AFL-CIO established in 1972 and reaffirmed as recently as October 3.

This office, the AFL-CIO Civil Rights Department and all AFL-CIO headquarters departments stand ready, as always, to give you every assistance in promoting the labor movement's proper and legitimate goals. But you and the other officers of the Kentucky AFL-CIO have the clear responsibility to implement the policy of the AFL-CIO to the very best of your ability.

EDUCATION

Resolution No. 159

(Book 2, Page 52)

Mr. Chairman, the Committee reviewed the contents of this resolution and found itself in concurrence with paragraphs 1, 2, 3, 5, and 6 in the section on resolves. The paragraphs include

1. Education Financing
2. Early Education
3. Lifelong Learning
5. Alternative Education
6. Busing

In connection with paragraph six, busing, the Committee noted that the position stated therein re-affirms the AFL-CIO position taken by the Executive Council in 1972 and 1973. It supports, again, this position.

In connection with paragraph No. 4, Bilingual Education, the Committee noted new developments in this field and accordingly recommends that paragraph No. 4 be referred to the Executive Council for future action.

Mr. Chairman, I move the adoption of Resolution No. 159, as amended.

... The recommendation of the Committee was adopted.

FORCED BUSING

Resolution No. 224

(Book 2, Page 116)

The essence of this resolution calls upon the AFL-CIO to re-evaluate its position taken in 1972 and reaffirmed in 1973 on the subject of busing. The Committee finds no conflict between AFL-CIO policy and the matters complained of in Resolution No. 224.

The Committee, therefore, recommends non-concurrence with Resolution No. 224 and I so move.

PRESIDENT MEANY: You heard the motion on Resolution No. 224.

Is there any discussion?

Mike No. 1.

DELEGATE LEONARD SMITH, Kentucky State AFL-CIO:
I rise to speak on Resolution 224.

We are not contending that we are taking a position opposite to our convention the last two conventions. If you will note in the resolution—and I hope you will take time to take a look at the resolves at this particular time because this is going to happen in your state. This is not a racial issue.

You know that Louisville, Kentucky has made national news in the last few weeks. If you will bear with me for just one minute, let me take you on a tour of the problems that our working people are having in Kentucky today.

A working family having, we'll say, four children, The first child, in many cases, has to catch the school bus at 6:00 o'clock. That requires the mother to get up around 5:00 o'clock to start cooking breakfast to get him off to school. Then the others go on to school. Maybe the latest one goes as late as 9:30 in the morning, bussed 22 miles across the city. This is a problem because a working mother has to hire a babysitter to stay with the children after she leaves for work at 7:00 or 7:30 and to come in early in the afternoon.

We all want equal opportunity of education, and this does not provide for equal opportunity or add any extra benefits by this type of bussing. This is tearing your labor movement apart in Louisville, Kentucky, and they are hoping this convention, made up of working people, will have some sympathy for the working families who have worked their livelihood and buy a home in communities close to school to find that their children for no reason at all are bussed from one end of the city to the other.

I want to remind you this resolution passed our Executive Board by an unanimous vote, including the black boy and a most respected boy in Louisville, Kentucky, Jimmy Stewart. He is Chairman of the Philip Randolph Committee, he is President of the State Building Trades. So, I'll assure you it's not a racial issue.

This is something that we can't sweep under the rug, and I beg of you to vote against the Committee's recommendation and pass this resolution.

Thank you.

PRESIDENT MEANY: Mike No. 2.

DELEGATE TOM TURNER, Metropolitan Detroit AFL-CIO: I rise to say that I sympathize with our brother from Kentucky in the problems that they have, and I understand that this whole busing situation is really blown out of proportion, but I would urge the delegates to support the Committee's recommendation.

PRESIDENT MEANY: Thank you.

Any further discussion?

Vice President Fred O'Neal.

VICE PRESIDENT O'NEAL: Brother delegates, the speaker has said this is not a racial issue, and let us agree with him that it is not a racial issue, but I only want to say this: That in your proposal that you have given us I think that we could agree with one or two of those Resolves that you have, one of which is that we oppose acts of violence or violation of any law in the process of seeking a solution to the bussing issue. That I think we can all agree to.

I just want to say that any progress in this field is going to meet with some opposition. For many, many years in the state where I was born, and that is the State of Mississippi, we were bussed miles and miles to school. Not only were we bussed, but we were cut off by two months of education from the education of whites. That is, our education was two months shorter because we were put back in the fields. And we didn't get any protest on that.

Any progress that we make in this field is going to cause some opposition, but I think you will find that in the Executive Council's resolution, that we state in that resolution that in the interest of better education—I'm not reading it verbatim—in the interest of better education we support bussing where that is involved. And I think you will find that. I don't see any objection to that, and I urge you to pass this resolution as recommended by the Committee on Resolutions.

PRESIDENT MEANY: Is there any further discussion?

Mike 2.

DELEGATE EDWARD L. McMAHAN, Glass Bottle Blowers: In support of Brother Frederick O'Neal's statement from the State of Mississippi, from which he came and I am from, I support this resolution even though I know that it has been a hardship on some of the people in the State of Mississippi. But still I know that my colored brothers have been denied the right as far as education. So, therefore, I go on record as supporting this resolution.

Thank you.

(Applause.)

PRESIDENT MEANY: Thank you.

Is there any further discussion?

I would like to make it clear that what the report of the Committee actually does is support the position of the AFL-CIO that has been stated and restated several times in the past.

I'm going to read the last statement on school bussing—or at

least the statement on school bussing made originally in February of 1972. It goes as follows:

"The AFL-CIO Executive Council has consistently supported both quality education and integrated education. We have just as staunchly supported mass investment of federal funds to improve substandard schools. We have fought for legislation to achieve open housing as the most effective way to achieve integrated education.

"The AFL-CIO Executive Council categorically reiterates this position and adds:

"1. We wholeheartedly support bussing of children when it will improve the educational opportunities of the children.

"2. We deplore the actions of those individuals or groups who are creating a divisive political issue out of America's vital need for quality integrated education.

"3. We will oppose the constitutional amendment approach because it will do a disservice to the quality integrated education which we support."

The report of the Committee reaffirms that position.

Is there any further discussion?

Those who favor the motion to adopt the report of the Committee signify by saying "aye."

Contrary?

Carried and so ordered.

Now, at this time I would like to present for just a few short remarks the representative in Congress who represents this particular district, a very prominent member of Congress, I don't mind saying. He was supposed to be here yesterday morning as part of the local welcoming ceremonies, but he was detained in Washington due to a crucial vote, So I would like to present him to you at this time for a few short remarks.

Congressman Philip Burton.

(Applause.)

KENTUCKY STATE AFL-CIO

RESOLUTION FOR THE AFL-CIO CONVENTION RE' FORCED BUSING
TO BE PRESENTED TO THE 11th CONSTITUTIONAL CONVENTION OF THE AFL-CIO

WHEREAS THE AFL-CIO HAS CONSISTENTLY SUPPORTED BOTH QUALITY EDUCATION AND INTEGRATED EDUCATION, AND

WHEREAS THE AFL-CIO HAS STANGLY SUPPORTED MASS. INVESTMENT OF FEDERAL FUNDS TO SUPPORT SUB-STANDARD SCHOOLS, AND

WHEREAS THE AFL-CIO HAS FOUGHT FOR LEGISLATION TO ACHIEVE OPEN HOUSING AS THE MOST EFFECTIVE WAY TO ACHIEVE INTEGRATED EDUCATION, AND

WHEREAS THE AFL-CIO HAS WHOLEHEARTEDLY SUPPORTED THE BUSING OF CHILDREN WHEN IT WILL IMPROVE THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN AND QUALITY EDUCATION, AND

WHEREAS THE COURT ORDERED BUSING IN LOUISVILLE, KENTUCKY, AND OTHER CITIES, ACCOMPLISHES NEITHER IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES NOR QUALITY EDUCATION, AND

WHEREAS THIS TYPE OF BUSING REQUIRES LITTLE CHILDREN TO START WAITING FOR THE BUS IN THE COLD MONTHS OF WINTER AS EARLY AS 6 A.M., BEFORE DAYLIGHT, AND IN MANY CASES WHERE SEVERAL ARE ATTENDING SCHOOL FROM ONE FAMILY IT REQUIRES MANY HOURS FOR THE MOTHER TO PREPARE THEM AND GET THEM OFF TO SCHOOL, AND

WHEREAS THIS IS A FINANCIAL BURDEN ON THE WORKING MOTHER WHO HIRES A BABYSITTER TO COME IN TO SEE HER CHILDREN ON THE BUS AFTER SHE HAS TO LEAVE FOR WORK AND THE SAME APPLIES IN THE AFTERNOON FOR THE EARLY STUDENT WHO GETS HOME EARLY, AND

WHEREAS THE RECENT COURT ORDERED FORCED BUSING HAS BROUGHT ABOUT UNREST AND EMOTIONAL DISTURBANCE AMONG THE GOOD CITIZENS OF LOUISVILLE, JEFFERSON COUNTY, KENTUCKY, BOTH BLACK AND WHITE, AND

WHEREAS THERE IS NO PROOF BY THIS TYPE BUSING THE QUALITY EDUCATION IS BEING IMPROVED.

THEREFORE, BE IT RESOLVED THE KENTUCKY STATE AFL-CIO EXECUTIVE BOARD IS REQUESTING THE NATIONAL AFL-CIO TO RE-EVALUATE ITS POSITION ON BUSING WHERE IT DOES NOT IMPROVE EDUCATIONAL OPPORTUNITIES OR QUALITY EDUCATION AND TO OPPOSE THIS TYPE OF BUSING WHICH ACCOMPLISHES NOTHING EXCEPT UNREST, WORRY, TURMOIL, AND THE ADDITIONAL EXPENSE WHICH SHOULD BE USED IN HIRING BETTER TEACHERS AND IN IMPROVEMENT OF OUR SCHOOL SYSTEM, AND

BE IT FURTHER RESOLVED THAT THIS ORGANIZATION OPPOSE ACTS OF VIOLENCE OR THE VIOLATION OF ANY LAW IN THE PROCESS OF SEEKING A SOLUTION TO THIS BUSING ISSUE, AND

BE IT FURTHER RESOLVED THAT AS KENTUCKY RATES 49th IN EDUCATION WE RESPECTFULLY REQUEST OUR AFL-CIO TO HELP ALLEVIATE THIS GREAT PROBLEM AND DISSATISFACTION WHERE THERE IS NO CONSTRUCTIVE RESULTS ARISING THEREFROM.

Submitted by: KENTUCKY STATE AFL-CIO

President:

Joseph B. Warren
Joseph B. Warren

Executive Secretary:

Treasurer:

Leonard S. Smith
Leonard S. Smith

Air Transport Lodge 2423

I.A.M. & A.W.

P. O. BOX 21282 STANDIFORD FIELD
LOUISVILLE, KENTUCKY 40221

Subject: FORCED BUSING

TO: Kentucky State A.F.L.C.I.O.

FROM: Local lodge 2423 I.A. of M. & A.W.

Dear Sirs and Brothers:

This letter is to inform you that local lodge 2423 of the I.A. of M. & A.W. is taking its stand against forced busing!

We derived this by a unanimous vote of 38 opposed to and 0 for at our last regular union meeting on Monday, Dec. 1st, 1975.

All members of our local feel that this law handed down to us by the U.S. Supreme Court is not only against our CIVIL but also CONSTITUTIONAL rights.

Thanking you for your very kind attention.

Fraternally and Respectfully Yours,

Gary M. Mullins, Sr.

Gary M. Mullins, Sr.
RECORDING SECRETARY
Local Lodge 2423
I.A.M.A.W.

P.O. Box 21282
Standiford Field
Louisville, Ky. 40221

Rural Route 2, Box 123A

Elizabeth

Indiana 47117

November 17

Mr. Leonard Smith
A.F.L. C.I.O.
706 East Broadway
Louisville, Kentucky 40202

Dear Mr. Smith:

At a regular scheduled meeting of the Refinery Workers Local #84, the membership voted to disaffiliate with your organization. We feel that when the A.F.L. C.I.O. takes a stand on such a critical issue as busing, they should at least stand with the majority of its members. We appreciate your efforts to change the stand at the international convention.

We feel Mr. Meany has long served his usefulness as president and will consider reaffiliation upon his removal from office. Please remove our name from your files immediately.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

EXECUTIVE COUNCIL

GEORGE MEAGNY	LANE HAYWARD	
JOHN B. BROWN PAUL HALL E. J. HANCOCK PETER SCHWARTZ FREDERICK STANLEY JOHN WOOD JAMES T. HANCOCK WALTER J. HANCOCK JOHN P. HANCOCK E. J. HANCOCK	EDWARD J. HANCOCK JOHN HANCOCK WALTER J. HANCOCK PETER SCHWARTZ FLOYD J. SMITH E. J. HANCOCK LEONARD HANCOCK WILLIAM HANCOCK ALBERT HANCOCK FRANK H. HANCOCK	LEE W. HANCOCK WALTER J. HANCOCK JOHN H. HANCOCK E. J. HANCOCK WALTER J. HANCOCK LEONARD HANCOCK WILLIAM HANCOCK ALBERT HANCOCK FRANK H. HANCOCK



215 SIXTEENTH STREET N.W.
WASHINGTON, D.C. 20008
(202) 627-2000

October 23, 1975

Mr. Leonard S. Smith, Executive Secretary-Treasurer
Kentucky State AFL-CIO
706 E. Broadway
Louisville, Kentucky 40202

Dear Sir and Brother:

As you know, the AFL-CIO has long held a firm and well-defined policy on the subject of school busing for the purpose of securing quality education for all children, when ordered by the courts. This policy, established by the AFL-CIO Executive Council in February 1972 and restated by the AFL-CIO Convention of 1973, was specifically reiterated on October 3 last by an overwhelming majority of the delegates to the 1975 Convention. That reassertion of policy came about through the decisive rejection of the resolution submitted by the Kentucky State AFL-CIO calling for reconsideration of the previous actions. Only a handful of the nearly 1000 delegates supported the proposal of the Kentucky State AFL-CIO.

I want to make that point clear, because I understand from news reports that a caravan of demonstrators purportedly representing organized labor of Louisville and Jefferson County is coming to Washington Saturday for the purpose of protesting so-called "forced busing."

While individual union members certainly have every right to exercise their constitutional privileges of free speech, they have no right whatever to claim or imply that their actions represent the policy of the AFL-CIO; the Kentucky State AFL-CIO, the Louisville Central Labor Council or any other AFL-CIO organization.

Mr. Leonard S. Smith
 October 23, 1975
 Page 2

The AFL-CIO deplors the actions of those who pretend they are representing the labor movement or speaking in the name of the AFL-CIO in organizing this Washington caravan or in staging demonstrations in Kentucky or anywhere else.

The position of the AFL-CIO is and remains as follows:

"The AFL-CIO has consistently supported both quality education and integrated education. We have just as staunchly supported mass investment of federal funds to improve substandard schools. We have fought for legislation to achieve open housing as the most effective way to achieve integrated education.

"The AFL-CIO Executive Council categorically reiterates this position and adds:

"1. We wholeheartedly support busing of children when it will improve the educational opportunities of the children.

"2. We deplore the actions of those individuals or groups who are creating a divisive political issue out of America's vital need for quality integrated education.

"3. We will oppose the constitutional amendment approach because it will do a disservice to the quality integrated education which we support."

We understand the emotionalism that has swept over your area as a result of the court's decision. We understand that major inconveniences have been caused in some cases and even, perhaps, injustices in certain specific instances.

But we recognize as well that that emotional response has been fanned into hysteria by members of the Ku Klux Klan, the American Nazi Party, discredited dissidents from the Boston area and other extremists who prefer to exacerbate hatred rather than seek sensible readjustments and resolution of legitimate grievances.

It is the responsibility of the labor movement to seek workable schedules, to minimize friction and to make the busing system work as it was intended to work: for the benefit of children who need and deserve the highest quality of education available, regardless of their race or color.

Mr. Leonard J. Smith
October 23, 1975
Page 3

It is the responsibility of the labor movement to make sure union members understand that in America today fully 40 percent of all children in public schools are bused every day, and that only three percent are bused in order to implement the decision of the U.S. Supreme Court on May 7, 1954.

In short, it is the duty of the Kentucky State AFL-CIO and all local central bodies to implement the policy of the AFL-CIO stated above, to make sure that Kentucky union members are not misled by demagogues and that they understand and respect the law.

It is emphatically against AFL-CIO policy for the Kentucky State AFL-CIO or any local central body to lend any aid or support whatever to those who seek to ignore or to pervert the policy of the AFL-CIO established in 1972 and reaffirmed as recently as October 3.

This office, the AFL-CIO Civil Rights Department and all AFL-CIO headquarters departments stand ready, as always, to give you every assistance in promoting the labor movement's proper and legitimate goals. But you and the other officers of the Kentucky AFL-CIO have the clear responsibility to implement the policy of the AFL-CIO to the very best of your ability.

Sincerely and fraternally,

George Meany
President

505

"We Care"

JOSEPH B. WARREN, President
 ROBERT T. CURTIS, Executive Vice President
 LEONARD SCOTTIE SMITH, Executive Sec. - Treas.
 Henry P. Seibert, President Emeritus



KENTUCKY STATE AFL-CIO

884-8188 708 EAST BROADWAY LOUISVILLE, KY 40202

October 27, 1975

Mr. George Neany, President
 AFL-CIO
 815 Sixteenth Street, N. W.
 Washington, D. C. 20006

Dear President Neany:

This will acknowledge receipt of your letter dated October 23, postmarked October 24, and received here in this office on Monday, October 27th.

We at the Kentucky State AFL-CIO feel that we have gone through the proper channels by working through the system for change rather than by publicly taking issue with the AFL-CIO on this issue. I am well aware of the Convention action on the resolution submitted by the Kentucky State AFL-CIO, and I accepted the action of the Convention.

Neither I, nor any of our officers, to my knowledge, have participated in any of the demonstrations of the anti-busing group. However, the president and I attended a meeting of the Labor Group held Sunday, October 19, at the Kentucky Fairgrounds at the request of Governor Carroll, who is our endorsed candidate, and of Mrs. Thelma Stovall, our endorsed candidate for Lieutenant Governor -- they were to speak at this meeting.

After arriving and inquiring of the Chairman when the Governor would arrive, I was advised that their Committee felt that neither of the candidates for Governor should attend due to the high emotions that existed, and that the two candidates for governor had been advised not to attend. At the meeting I was called upon for some remarks, and I explained at that meeting the policy of the AFL-CIO. It seemed to be pretty well received. After that, Jim Lockett, F. S. of unaffiliated I.U.E. Local #761, made some bad remarks about our State AFL-CIO, telling that they were prohibited from affiliating because we refused to negotiate with them and they could not pay us \$15,000. Apparently, the negotiations he was talking about was their offer to affiliate in 1972, provided we would forget the huge debt they owed the State AFL-CIO and allow them to affiliate only 2,000 of their 16,000 membership. That, of course, was refused because they would only have been paying about 2-1/2¢ per capita tax when all the others were paying 20¢ at that time. We did agree, however, to forget the debt.

BOARD MEMBERS

WILLIAM BLAIR
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 HUB COPE
 VICE PRES.
 AND CAVANAUGH
 SECRETARY
 RANK N. CRAIN

JAMES CUMMINS
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 DOUGLAS WATT
 BOWLING GREEN

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October 27, 1975

Then, he took off on you, President Meany, and he said some bad things about you as an individual and as the president of the AFL-CIO. Following this, he attacked our endorsed candidates and wound up by saying they should vote all of the officeholders out and put new ones in. Of course, that meant many legislative friends in the Louisville area. Upon his conclusion, we noticed many flags waving in the audience which were displayed disgracefully, upside down. Another spokesman, a foreman purporting to be a member from a U.A.W. local union, gave a political speech against our endorsed candidates.

Mrs. Thelma Stovall, our endorsed candidate for Lieutenant Governor, was introduced and when she tried to clear up some wrong impressions re Governor Carroll, she was booed by the audience. This meeting, instead of each candidate for governor having an opportunity to express his political views, turned out to be solely an anti-busing rally with slanderous remarks as explained above. It was disgraceful, to say the least.

Last Wednesday and Thursday, I was in Florida attending a funeral when your telegram came. My secretary replied, assuring you I was not planning to participate in the bus caravan to Washington. Unfortunately the Western Union office omitted the word "not", changing the meaning of the telegram. Upon my return Friday morning, I talked with Alan Kistler. He assured me that the Western Union office had sent a corrected telegram, and that you were aware of the correction. I'm sorry for their mistake. I mailed Mr. Kistler a copy of your telegram to me, and it contained seventeen mistakes. @

Most of the anti-busing demonstrators were from local unions who are unaffiliated with the Kentucky State AFL-CIO, the largest and most vocal of which is I.U.E. #761 which is always out of step with the Kentucky labor movement and almost always endorses the opposite of our State COPE endorsed candidates. Their officers endorsed Bob Gable, Republican candidate for Governor, against our endorsed candidate Julian Carroll. They caused us to lose the congressional race which returned Gene Snyder to Washington; and I could go on and on and on.

Also participating were members from some other large unaffiliated local AFL-CIO unions, one of which was Meatcutters local #227 among others, including Teamsters and United Auto Workers.

However, there were some members from affiliated local unions and the members' concern, here in Louisville, over their children's deteriorating educational system has lost Jefferson County to the anti-union Republican candidate. We are fighting to salvage as many votes as we can with the help of some of your staff as well as some help from representatives of international unions.

Since I was elected in 1972 as the Executive Secretary of this organization, I have worked continuously on affiliations by going to meetings all over the state speaking to every meeting I could get into, and as a result I have picked up 86 new affiliates. Now, by doing nothing and saying nothing in favor of the anti-busing situation, many members of locals in the Louisville and Jefferson County area are threatening to disaffiliate.

Mr. George Meany, President

Page 3

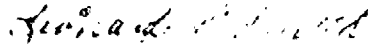
October 27, 1975

Rest assured, President Meany, after spending my adult life as an officer in some capacity in the labor movement, I respect and obey the policies of my parent organization and have defended your position many times, recently on our TV station, WAVE, re the Russian grain deal. (See enclosure)

My word is my bond. It's hard for me to believe that after you were notified I was not participating in the bus caravan last Friday, I received a call late that night from someone purporting to be carrying out orders from the national AFL-CIO, checking to see if I was home or en route to Washington and also checking on our President Warren and our State COPE Director Ray Criger. We do not need truant officers to check on us!

I hope you can realize that in the Louisville area there are deep splits within local unions and these disturbed members are voting against labor endorsed friends in the Louisville area. I don't understand this, but this is the situation we are faced with; and it will take time for the spirit of unity that once prevailed here to be restored.

Sincerely and fraternally,



Leonard S. Smith
Executive Secretary

LSS:dhs

Enclosure

RECORD OF THE NATIONAL LABOR COUNCIL, WASHINGTON, D. C. 20001, 8-19-75

THE WAVE EDITORIAL WAS A PERSONAL, UNFAIR ATTACK ON AFL-CIO PRESIDENT GEORGE MEANY, NOT A DISCUSSION OF THE ISSUES INVOLVED IN THE SALE OF U. S. GRAIN TO THE RUSSIANS. THE ISSUES -- NOT THE GUTTER-LEVEL NAME-CALLING -- IS WHAT MERITS PUBLIC DISCUSSION.

THE LONGSHOREMAN'S UNION VOTED NOT TO LOAD SHIPMENTS OF GRAIN TO THE RUSSIANS UNTIL THE U. S. GOVERNMENT PROVIDES ASSURANCES THAT SUCH SHIPMENTS WOULD NOT ADVERSELY AFFECT AMERICAN CONSUMERS, WORKERS OR SHIPPING COMPANIES. THE AFL-CIO SUPPORTS THAT DECISION.

WHOLESALE FOOD PRICES ROSE 6.6 PERCENT IN JULY, LARGELY DUE TO THE RUSSIAN GRAIN DEAL. WITHIN A MONTH, CONSUMERS WILL BE PAYING THAT INCREASED PRICE AT THE RETAIL LEVEL. IT IS RIDICULOUS FOR AN ADMINISTRATION, CLAIMING TO BE FIGHTING INFLATION, TO FORCE UP FOOD PRICES THAT AMERICAN HOUSEWIVES MUST PAY JUST SO THE RUSSIANS CAN HAVE CHEAPER FOOD.

UNLESS WAVE HAS FORGOTTEN, IT IS THE RUSSIANS THAT HAVE PLEDGED TO "BURY" US. THIS SALE OF GRAIN TO RUSSIA MAKES NEITHER POLITICAL NOR ECONOMIC SENSE. THE LAST BIG RUSSIAN GRAIN BIPOFF, IN 1972, SET OFF A MAJOR WAVE OF INFLATION IN THIS COUNTRY. WE DON'T WANT THAT TO HAPPEN AGAIN. AND WE CAN'T BELIEVE -- DESPITE YOUR EDITORIAL -- THAT WAVE WANTS AND HER BIPOFF OF AMERICAN HOUSEWIVES.

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ICE JPMRNGZ CSP
5025R4R1R2 MMJ TORR LOUISVILLE KY 100 10-23 015P EST
ZIP

 Mailgram
western union



Correction included

D H SEWARD SECRETARY TO MR LEONARD SMITH
KENTUCKY STATE AFL-CIO
707 EAST BROADWAY
LOUISVILLE KY 40202

THE FOLLOWING IS A COPY OF A MESSAGE SENT TO GEORGE MEANY PRESIDENT
AFL-CIO, DLP
915 16 ST NORTHWEST
WASHINGTON DC

YOUR WIFE RECEIVED MR LEONARD SMITH LEFT FOR FLORIDA WEDNESDAY MORNING
TO ATTEND A FAMILY FUNERAL. YOUR WIFE WILL BE HANDED TO HIM IMMEDIATELY
UPON HIS RETURN WHICH IS PLANNED FOR FRIDAY OCTOBER 24 HOWEVER HE
ASSURED HE HAD NOTHING TO DO WITH FORMULATING OR ORGANIZING THE BUS
CARAVAN DUE TO ARRIVE IN WASHINGTON ON SATURDAY OCTOBER 25 HE DOES NOT
PLANT TO ACCOMPANY THE CARAVAN THE STATE AFL-CIO HAS HAD NOTHING TO DO
WITH ANY OF THE MARCHES I AM SURE A LETTER WILL FOLLOW

D H SEWARD SECRETARY TO MR LEONARD SMITH

1354 PST

MMVLC LVI

510



Telegram

NO. WIRE - CL. OF SVC.	PO. OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	OVERNIGHT TELEGRAM UNLESS BOX ABOVE IS CHECKED THIS MESSAGE WILL BE SENT AS A TELEGRAM
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Send the following message subject to the terms on back hereof, which are hereby accepted.

TO: Hand Delivered at \$3.00 extra charge so that P.M. October 22, 1975
 Mr. George Meany has it in his office Thurs. A. M. early
 STREET & NO. President N.W. TELEPHONE
 CITY & STATE AFL-CIO. 815 Sixteenth St., Washington, D. C. 20006 ZIP CODE

Your wire received. Mr. Leonard Smith left for Florida ~~the~~ Wednesday morning to attend a family funeral. Your wire will be handed to him immediately upon his return which is planned for Friday, October 24.

However, be assured he had nothing to do with formulating or organizing the bus caravan due to arrive in Washington on Saturday, October 25. He ~~do~~ ^{does} not plan to accompany the caravan. The State AFL-CIO has had nothing to do with any of the marches.

D. H. Seward, Secretary to Mr. Leonard S. Smith.

SENDER'S TEL. NO. NAME & ADDRESS

Gentlemen please be advised this message with me when you receive the wire

Caroline - Admin.

Hand delivered to Mr. Leonard Smith



FROM:

TO:

Message received from Western Union - 5 after 5 P.M. Wed. Oct. 22, 1975

Addressed to Joseph Warren and Leonard Smith - Ky. State AFL-CIO
 Ma gave operator the office number of Warren - explained he did not keep
 an office here and told her if unable to locate him - please have the
 wire at his office early tomorrow a.m.

I accepted the following wire for Leonard S. Smith:

Telegram from George Meany,

We are aware that some AFL-CIO local unions in the city of Louisville and
 Jefferson County have organized a bus caravan to Washington, D. C. on October 25
 to protest court ordered busing of school children. You are well aware that this
 is contrary to the policy of the AFL-CIO. That policy is firmly established and was
 reaffirmed as recently as October 3 by ~~the~~ ^{this} AFL-CIO convention in San Francisco
 namely that the Constitution of the United States as interpreted t-is United
 States Supreme Court and federal courts is the law of the united land and must be
 obeyed. You are advised that any organized identification or participation by the
 State AFL-CIO or AFL-CIO Central Bodies ~~through~~ ^{through} picket lines, leaflets, statements,
 speeches or otherwise would be in direct contravention of established AFL-CIO policy.
 The AFL-CIO cannot condone and does ~~not~~ ^{should} deplore this protest and you and other
 principal officers ~~should~~ ^{should} take every effort to discourage it.

George Meany, Pres
 AFL-CIO

FOR FILE

LV4125 (1522) (1-0270070295002) PD 10/22/75 1520

TX AFL-CIO WSK A

2 WASH DC 10-22

AND JOSEPH A WARREN PRES

EDWARD SMITH EXECY SECY KENTUCKY STATE AFL CIO

700 E BROADWAY

LOUISVILLE KY 40202

WE ARE AWARE THAT SOME AFL-CIO LOCAL UNIONS IN THE CITY OF LOUISVILLE AND JEFFERSON COUNTY KENTUCKY HAVE ORGANIZED A BUS CARAVAN TO WASHINGTON D.C ON OCT 25 TO PROTEST COURT ORDERED BUSNF OF SCHOOL CHILDREN.

YOU ARE WELL AWARE THAT THIS IS CONTRARY TO THE POLICY OF THE AFL CIO. THAT POLICY IS FIRMLY ESTABLISHED AND WAS REAFFIRMED AS RECENTLY AS OCTOBER 3 BY THIS AFL CIO CONVENTION IN SAN FRANCISCO NAMELY THAT THE CONSTITUTION OF THE UNITED STATES

AS INTERPRETED BY THE U.S SUPREME COURT AND THE FEDERAL COURTS IS THE LAW OF THE UNITED LAND AND MUST BE OBEYED. YOU ARE HEREBY ADVISED THAT ANY ORGANIZED IDENTIFICATION OR PARTICIPATION BY THE STATE AFL CIO OR AFL CIO CENTRAL BODIES THROUGH PICKET LINES LEAFLETS STATEMENTS SPEECHES OR OTHERWISE WOULD BE IN DIRECT CONTRAVENTION OF ESTABLISHED AFL CIO POLICY.

THE AFL CIO CANNOT CONDONE AND DOES DEPLORE THIS PROTEST AND YOU AND OTHER PRINCIPAL OFFICERS SHOULD TAKE EVERY EFFORT TO DISCOURAGE IT.

GEORGE MEANY

PRESIDENT AFL CIO

NNNN

07/17 [Signature]

1513

*Exhibit No. 15*LABOR AGAINST BUSING ---

1. To give the responsible leadership to our people on the issue of forced busing.
2. To bring to an end court-ordered forced busing.
3. Accept our responsibility to provide our children with the best educational facilities available.
4. Have a standard for our educational system so that every child is offered the same opportunity.
5. To find better ways to achieve quality education and alternatives to forced busing.

Exhibit No. 16

TO: U. S. District Judge James F. Gordon

Aug. 20, 1975

GENERAL STATEMENT ABOUT COVERAGE OF SCHOOL DESEGREGATION

Coverage of the school desegregation story, because of its importance to the community, demands special care on the part of the news media.

We must be fair, balanced and accurate.

Events must be covered fully and, at the same time, kept in perspective.

The community, through the news media, must KNOW what is happening in its schools. We must guard against rumor and misinformation.

To adequately perform our job, it is essential that a free flow of information and a free flow of movement be available to the news media.

Therefore, we strongly endorse and consider vital the position taken by the Jefferson County school system. That policy states that representatives of the news media should have full access to all schools, the only requirement being that reporters and photographers register first with the principal's office.

Also, we applaud the county's decision to allow principals, and other officials designated by the principals, to speak freely with the media.

Milburn T. Maupin, a deputy superintendent, put it succinctly at a recent meeting with representatives of the media and the police:

"Our policy is one of openness. The more information that gets out to the public, the better off we will all be."

However, because this is a special situation, we realize that special measures are called for on our part:

-- We must perform our functions in a restrained and calm manner.

-- We must not call attention to ourselves or, wittingly or unwittingly, become part of an event.

-- Because of the potential for trouble, we should avoid talking to, or blocking the path of, any pupil walking from a school bus to a school door, or vice-versa. In fact, during this time we should keep a reasonable distance from all pupils.

-- All types of cameras should be as unobtrusive as possible.

It is our hope that the court will agree with the county school system that a policy of openness and complete reporting is in the best interest of the community.

Therefore, we hope the court will recognize the media's need for access to school buses, to schools, to pupils and to school officials.

The following news organizations have read and do subscribe to the foregoing statement:

NEWSPAPERS	TV STATIONS	RADIO STATIONS
The Louisville Times	WAVE	WHAS
The Courier-Journal	WHAS	WAVE
The Voice Newspapers	WLKY	WLOU
The Jefferson Reporter		WINN
The Southsider		WKLO
The Newsweek		

ADDENDUM I

For the information of the court only, the following guidelines have been adopted by the staffs of The Louisville Times and The Courier-Journal.

GUIDELINES ON COVERAGE OF BUSING

Issued Aug. 7, 1975

Our coverage should be accurate, fair and complete.

This story, because of its nature and its importance to the community, demands extra care. Extra care that we keep things in perspective, that we get our facts straight, and that what we print as fact is, indeed, fact.

Our coverage should not be timid. We must print the entire story (but not at unreasonable length). To do this we must pursue it aggressively, staying on top of all developments. Insofar as possible, we should check for ourselves the reports put out by police and other officials.

We should avoid the temptation to deal primarily with the "establishment" -- governmental, school, police. It is vital that we have contact with, and earn the respect of, people on all sides of the issue.

Pictures selected for use should be those that most fairly represent the situation. This may mean the rejection of more dramatic ones.

Some people read no further than the headlines. Thus, it is imperative that headlines be true to the sense of the story. Avoid basing the head on one dramatic or unusual event. If there is doubt, write on the side of caution.

Small incidents, when verified, should be reported. But if they are small incidents they should be treated so.

We must not print rumors until they can be substantiated by fact and thus cease to be rumors, or unless on occasion we want to dissect a rumor to demonstrate its falsity.

We should avoid the use of inflammatory words and phrases -- "forced busing" and "massive busing," for example. This does not mean we should tamper with a direct quote that's a legitimate part of a story.

Predictions of violence may be self-fulfilling. We should keep them in careful perspective.

As usual, we will not identify people by race except where race is pertinent. In busing stories, of course, it often will be. But don't make that assumption automatically. Each case must be examined on its own.

Our writing should be lean and clear, so that the picture is not overdrawn or subject to being misinterpreted. Beware of jargon -- educational, judicial, or journalistic. Our coverage should be digestible.

Beware of demonstrations staged for the benefit of TV, radio, or newspapers.

We should remember that the latest is not necessarily the most important or the truest, or even the newsiest. We should not base a lead on a development merely because it happened closest to deadline.

When the situation may change between the time of writing a story and the time it reaches our readers, we should specify that as of _____ o'clock, the facts were such and such. (This will help avoid confusion and accusations when radio or TV reports one thing and we report another, both accurately.)

Take care with crowd estimates. Get them from the best available sources, and cite the sources.

We must make sure that any stories containing interpretation or analysis are clearly labeled as such.

As always, we should keep our cool, both in print and in our dealings with sources and others in the community.

This is a good time to remind ourselves that we must not become participants. We must keep our views and our biases, if any, to ourselves. We must not argue with sources. We should stand back from any outbreaks.

Many people in the community will be under considerable stress during this time. We should deal with them with courtesy and understanding, in person and on the telephone.

Everyone covering any facet of the story should have police department and C-J & T identification cards with him or her at all times. Any staff member may reject an assignment if he or she fears physical harm.

(The foregoing guidelines adopted by The Louisville Times and The Courier-Journal are subscribed to by The Voice Newspapers, The Louisville Defender, The Jefferson Reporter, The Southsider and The Newsweek with the following understandings:

(1. Limitations of space and staff necessarily will prevent the full, thorough coverage of "all developments" by the non-daily papers. We will concentrate on balanced attention to events of primary interest to our individual readerships.

(2. What may appear to be "small incidents" to a large metropolitan newspaper may be significant to non-daily publications serving specific readerships, and thus justify more extensive coverage in the non-daily papers.)

ADDENDUM II

For the information of the court only, here are statements concerning the electronic media:

Television

Outside the School Building: We want to assure the court that none of the three television stations plans to use any trucks in or near the schools in any of its coverage, nor will there be any cables strawn anywhere. The television photographers will have all the equipment they need on their person. No equipment they use will in any manner obstruct another person's passage.

Inside the School: Where lights are necessary inside relatively windowless newer schools, we will use them at a minimum. Our photographers will be specifically instructed to turn off all lights if any situation becomes tense.

The above is subscribed to by WHAS, WAVE, and WLKY.

Radio

Radio works in its own way. It needs to inform the public, not only accurately . . . but immediately. Because of this fact, our methods and equipment are different.

A great part of our newsgathering is done from inside the newsroom by telephone.

Thus it is important to ~~the~~ the cooperation of those newsmakers on the scene who can give us accurate information. Such was the object of our workshops with principals conducted with the county school board this month.

When a reporter is sent to the scene, he carries a small portable tape recorder and in some instances a small walkie-talkie. In most events, only a single reporter is sent to the scene.

Reporters who are on the scene need to report back as quickly as possible, therefore they need access to telephones. Reporters will in all instances gain the permission of school officials before using the office telephone.

The above is subscribed to by WHAS, WAVE, WLOU, WINN and WKLO.

*Exhibit No. 17*NEWS TO ALL PAGES ON BOSTON SCHOOL OPENING

We should remember that the main purpose of news columns is to keep our readers informed about what is going on. As much as each of us might support one side or the other in the situation, our duty is to serve all the people of Boston--those who vigorously oppose as well as those who fervently support busing.

- (1) We talk to all sources dispassionately, keeping our views to ourselves and never joining any party to dispute.
- (2) We stay as inconspicuous as possible, so that no party uniforms for us. But we freely tell of our association with The Globe if asked.
- (3) We stand back from any outbreaks. We would not want to give the appearance of participation, nor do we want any of our staff injured. Any staff member can refuse an assignment if he fears physical violence.
- (4) We check out rumors and tips, not print them unless substantiated and making sure that all sides are checked. But we feel free to write about what we actually see.
- (5) We take notes about forecasts of violence, but print none of them. This does not mean we cannot quote people regarding their fears and concerns.
- (6) This is a primarily racial story--that's what it's all about. Therefore we need to identify participants as Black and White when appropriate. But we must be careful that such characterizations is really germane. For example, fist fights are common in school. We don't want to assume that the underlying motive is racial just because the participants are Black and White. But if, God forbid, Whites and Blacks battle each other in a clear case of race against race, we will not duck the issue in our news columns.
- (7) To avoid characterizing individuals or situations with inflammatory descriptions-- "racial", "savage", "brutal", etc.
- (8) We print an accurate record of what our reporting finds. If there is violence, we say so. If there is a boycott, we say so. If there is compliance, we say so. If there is a riot, we say so. We do not suppress news because it doesn't fit into our views of what we hope happens.

(9) We try to keep perspective at all times. All first deaths do not constitute a riot. A ten percent increase rate in a massive layoff.

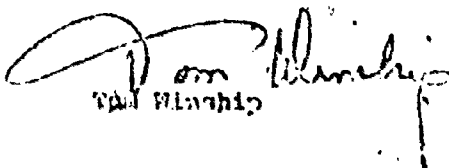
(10) We must be especially careful to maintain this perspective when events break late in the news cycle. An outbreak at night must be weighed against earlier happenings in the day. We must not automatically load with an event because it is late in the day.

(11) We must remember that many of our readers will not go beyond our headlines for their news. Therefore, in such a delicate situation, it is imperative that headlines be scrupulously accurate. That headline words be chosen with delicacy and that "loaded" or "acare" words be strictly avoided. The same holds true for photo captions.

(12) The editing of stories regarding the integration situation, also should be done with utmost care. Copy editors must be sure to double check with story editors on any proposed changes in copy so that the original intent of the writing is not inadvertently distorted.

(13) Staffers should make sure they are carrying their Globe ID cards as well as other proper identification at all times.

Above all, we must remember that The Boston Globe's credibility is at stake. Our news columns must be believed--not just by those who agree with our editorial policy, but by those who disagree. Our aim is to convince all that The Globe is committed to the goal of seeking out the truth.


Tom Winship

518

Exhibit No. 18

This exhibit is on file at the U.S.
Commission on Civil Rights.

5-5

Tyrannical tactics

Busing opponents can't cry 'freedom' and use threats

E *Dissemination*

Many opponents of busing for desegregation talk of their "loss of freedom," but paradoxically some of these same opponents are ruthlessly threatening the freedoms of others. They are trying to enlist support with threats that involve fear of life and livelihood.

Such threats certainly do not fall under the heading of peaceful protest.

times editorial

Violence and threats of violence actually pervert the right to disagree.

All citizens of this community who are opposed to busing have a constitutional right to protest. Opponents of busing believe they have a grievance against the government, and they are entitled to its protection so long as they peaceably seek a redress of grievances.

But it is one thing for citizens to seek to enlist support for their cause, and quite another for them to try to coerce it. In far too many instances,

this is what is happening in Jefferson County.

To cite a few examples:

✓ A service station owner is "ordered" by busing opponents to shut down his station. When the owner, who opposes busing himself, refuses the "order," his life is threatened.

✓ A franchise store owner is threatened because he will not put up a crude "No Busing" sign in his store. The merchant is powerless to allow such a thing because approval must first come from franchise headquarters. Nevertheless, he is threatened.

✓ Many merchants who, out of fear or otherwise, yielded and put up "no busing" signs found the signs to be no guarantee against vandalism. Rioters, indiscriminately broke store windows in last weekend's rampage.

✓ Parents who are illegally keeping their children from school are, in some cases, harassing and threatening children who are going to school and their parents. Threatening telephone calls are one of the pressure tactics.

Violence and threats of violence are

inhuman ways to try to convince people. Such acts are also self-defeating. The threats against life and property coming from anti-busing extremists are designed to coerce, not to convince.

Civil disobedience, such as practiced by civil-rights advocates in the 1960s, was effective because it was non-violent and because those taking part recognized that they must accept the legal penalties.

The late Dr. Martin Luther King's famous marches were marked by the peaceful singing of religious hymns, such as "We Shall Overcome." Dr. King preached against temptations to respond to violence through the use of violence.

When Jefferson County's tensions have eased, and when orderly protests are again possible, the voices of opposition to busing have every right to be heard. These voices, however, have no right to try to intimidate or threaten. Such actions are surely the type of threats to freedom that Thomas Jefferson had in mind when he said, "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

Exhibit No. 20

box 1000
 Louisville
 Kentucky 40201
 502 584-2301

WAVE editorial

NEWS CONTROL

Editorial #1574

Dates Aired: 8/14/75 - 11:00 P.M.
 8/15/75 - 6:00 P.M.

We think Judge Todd Hollenbach is ill advised in his attempts to muzzle the news media.

He has informed local news directors that questions about the county's role in the school busing issue must be submitted to him. In writing. He says all relevant questions will be answered. All others in county government are prohibited from making comment. The judge also asks that news people refrain from reporting stories attributed to "unnamed sources" in connection with the desegregation controversy.

In effect, it appears that Judge Hollenbach is trying to exercise control over the news media and direct what's to be reported. The policy he's outlined is cumbersome, unworkable and egocentric. Anyone with even a smattering of knowledge about history knows that citizen rights are lost when government gets control of what's reported by the news media.

Certainly the news media should exercise every degree of caution and responsibility in covering the busing story. There probably will be some mistakes in reporting. But we think it would be a far greater mistake for the news media to fall under the control of Judge Hollenbach.

WAVE makes time available to responsible spokesmen wishing to express opinions different from those in WAVE editorials on controversial issues of public importance.

MEMORANDUM

To: Spalding College Faculty and Staff

From: Sister Eileen M. Egan *SE*

Date: March 19, 1975

The Human Relations Commission of Louisville and Jefferson County has been instrumental in forming a Task Force for Peaceful Desegregation of which Dr. Lois Cronholm and Msgr. Alfred Hornigan are Co-Chairmen. The task force has drafted the statement which is attached as a Statement of Goals of the Task Force for Peaceful Desegregation.

The purpose of the statement is to secure the widest possible support from all segments of the civic community. The presidents of organizations interested in peaceful desegregation are asked to seek approval of the statement by their organization and to sign a Letter of Intent on behalf of the organization indicating its approval and its desire to become an active part of the Task Force for Peaceful Desegregation. To do so does not preclude any group's drafting a more far-reaching statement of its own.

To approve is to place Spalding College alongside other citizens and organizations of people who share the goal inherent in the title of the task force.

If you are willing to sign the approval on the attached sheet, please return the form to the President's mailbox by Friday, March 28.

TASK FORCE FOR PEACEFUL DESEGREGATIONSTATEMENT OF GOALS:

Our community is faced with the issue of school desegregation as a result of findings by a court of law that both the city and county school systems at this time are unlawfully operating segregated school systems. Further, a court of law has ordered that the two systems desegregate and that the school district boundaries shall not constitute a barrier to that process. A broad based task force of organizations representing a cross section of this community is convinced that a desegregation process for the benefit of this community must take place in a peaceful environment. The task force, therefore, sets as its goal peaceful desegregation of the school systems in our community in conformity with orders of the Courts.

I am willing that Spalding College approve the Task Force Statement of Goals and that it thereby become an active part of the Task Force for Peaceful Desegregation.

Name: _____

528

Exhibit No. 22

Louisville and Jefferson County
Community
Consensus
Committee, Inc.

P.O. Box 1619
Louisville, Ky. 40101
589-5440
Ext. 465

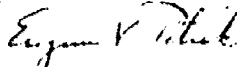
February 10, 1975

The Honorable Harvey I. Sloane
Mayor of Louisville
City Hall
Louisville, Kentucky 40202

Dear Mayor Sloane:

At the most recent meeting of the Board of Directors of the Community Consensus Committee, I was requested to urge you to include funding for the Committee in your budget for next year. In view of our projected fund-raising goal of \$60,000 for a two-year period, it would appear that \$10,000 each from the County and the City would not be destructive of attempts to maintain the broadly representative character of the Committee. I would, therefore, like to respectfully suggest this amount (i.e. \$10,000) for inclusion in your budget.

Sincerely,



Eugene V. Petrik
President



EVF/sh

cc: Daniel C. Diner, Jr.

530

Exhibit No. 23

MINUTES OF MEETING

BOARD OF DIRECTORS

LOUISVILLE AND JEFFERSON COUNTY

file — COMMUNITY CONSENSUS COMMITTEE

August 25, 1975

A special called meeting of the Board of Directors of the Louisville and Jefferson County Community Consensus Committee was held Monday, August 25, 1975, 2:30 P.M., in the Action Now Conference Room, 1015 West Chestnut Street, Louisville, Kentucky.

Members present: Marie Abrams, Charles Clark, Nelson Goodwin, John Johnson, Cindy Musselman, Dr. Eugene Petrik, Jeannette Priebe, and Joan Riehm (representing Mayor Harvey Sloane).

Absent: Judge L. J. Hollenbach, III.

Dr. Petrik, Chairman, called the meeting to order and asked Mr. Priebe to bring the group up to date on the Consensus Committee's involvement in the desegregation issue.

Mr. Priebe reviewed the various meetings held, beginning with 1) Breakfast meeting July 18, with J. Mac Holliday of the Memphis Chamber of Commerce; 2) Board of Directors' meeting July 23; 3) A special called meeting of the full Committee July 28; and ending with 4) A meeting with labor officials, School Board members, and the Consensus Committee on August 4, 1975.

Joan Riehm reported on recent activities concerning the school issue, and advised the Committee that Judge Gordon had been apprised of the Community Consensus Committee's willingness to assist. However, no word has been received from the Judge concerning this matter.

After further discussion of the desegregation issue, Dr. Petrik announced the main purposes for the meeting -- the Committee's critical financial situation and whether it should continue to operate under the present circumstances.

Jeannette Priebe, Treasurer, reported that the request to the County for \$10,000 had been denied and there is no assurance that the City will approve the funding request. There was further discussion concerning solicitation of the private sector, the feeling by some in the private sector, that there are enough committees already performing the role of the Consensus Committee, the lack of full support by the private sector due to an apparent lack of support by the public sector, the expectations of those contributing to the Committee, the consensus among those present that support by the Mayor and County Judge is essential. Effective August 31, 1975, the Committee will have a deficit of approximately \$500.00.

After further discussion concerning the Committee's financial status, the staff was asked to leave the meeting, at which time the Directors went into closed session to discuss a resolution concerning the expiration of the Action Now contract on September 1, 1975 and the Committee's continued existence. The said resolution is attached and made a part of these minutes. After discussion of the resolution by the Directors present, it was agreed unanimously that the resolution, as presented by the chairman, be adopted and that a letter be sent to all members of the Committee advising them of the action taken.

There being no further business, the meeting was adjourned.

RESOLUTION PASSED AT BOARD OF DIRECTORS MEETING

ON AUGUST 25, 1975

WHEREAS: The contract with Action Now is to expire as of September 1, 1975;

WHEREAS: The Jefferson County and Louisville Community Consensus Committee has no funds;

WHEREAS: No financial support has been forthcoming from public sources;

WHEREAS: Several key members of the Committee have indicated strong reluctance to further solicit the business community for funds prior to an expression of strong support from public officials;

WHEREAS: A number of Committee members have in recent months seriously questioned the viability of the Committee,

BE IT RESOLVED: That, in a spirit of wishing to be helpful, the Committee not renew its contract with Action Now and that it not seek any similar contract with any other individual or group, but that it suspend its activities until such time as it might have a very definite function to perform in the community.

Exhibit No. 24

MINUTES OF MEETING

JUL 28 1975 AM

LOUISVILLE AND JEFFERSON COUNTY
— COMMUNITY CONSENSUS COMMITTEE

July 28, 1975

A special called meeting of the Louisville and Jefferson County Community Consensus Committee was held Monday, July 28, 1975, 8:30 A.M., ONE GALT HOUSE, Louisville, Kentucky.

The following members were present: Robinson S. Brown, Charles Clark, John B. Clarke, Ray Crider, Bernard Dahlem, Nelson Goodwin, Judge L. J. Hollenbach, III, Dr. Joyce Howell, Robert Hughes, June Key, Arthur Kling, Jerry Kleier, Cissy Musselman, Jeannette Priebe, Adonna Riley, Hugh Shwab, Mayor Harvey I. Sloane, and Jack Smith.

Members absent: Marie Abrams, Debbie Davis, Father John Eifler, Tom Haag, Marguarite Harris, Kennedy Helm, Dr. Eugene Patrik, and Martin Rockwell.

Also present were Action Now staff members Victor Priebe and Charles Kiker; Alan Bryan, Special Assistant to the Mayor; Charlie Mattingly, Assistant to Congressman Romeo Mazzoli, and members of the news media.

Cissy Musselman, Vice President, chaired the meeting in the absence of the President, Dr. Eugene Patrik. Ms. Musselman announced that the meeting had been called (1) as a direct result of the recent desegregation order, and (2) as a follow-up to a Board of Directors meeting held July 23, 1975, and asked June Key to bring the group up-to-date on the desegregation issue.

Mrs. Key reported that Judge Gordon was still working on the desegregation plan, and the People to People Committee is awaiting the specifics of the plan before proceeding in any particular direction. In the meantime, the group has rearranged its priorities. A Rumor Control or "Not Line" center has been set up at the Brown Education Center, and the center has already received over 1400 calls. The emphasis at this time is on volunteerism, and more volunteers—especially those who can make themselves available on the spur of the moment—are urgently needed.

Cissy Musselman briefed the Committee on the Board of Directors' meeting held July 23, and its decision—in response to a request from June Key—to hold a meeting with labor leaders and school board officials. She explained that the Board proceeded, with the assistance of Charlie Clark, to invite top labor leaders to a meeting set for Thursday, July 31, 9:00 A.M., in the Mayor's Conference Room, and that the Mayor and Judge planned to attend the meeting. She further explained how the Board of Directors had discussed the Consensus Committee's role as a catalyst for bringing diverse groups together, the need for coordination in view of the many groups in the community who are now attempting to do the same thing, and the resulting Board resolution that "The Community Consensus Committee serve as a catalyst in the community for bringing all groups together for the purpose of coordination and communication". It is the intent of the group to not only meet with labor, but also meet with such groups as the press, religious leaders, Chamber officials, etc. She explained that the Consensus Committee's role at these meetings would be in the form of chairing the meetings and providing the forum for frank and open

discussion of the issues. The meetings would also serve to continue communication between the school board and special interest groups. Charlie Clark emphasized the open forum idea and expressed his feeling that the meetings should be open to the press.

Ms. Musselman asked for discussion concerning the Board's resolution. Discussion ensued, and the Judge and Mayor commented regarding their assessment of the Committee's role in the community, and asked the group to assume a leadership role. Bernie Dahlem questioned whether the Consensus Committee should include the word "coordination" in its resolution, and Cissy Musselman explained that the Community Consensus Committee would not attempt to coordinate the groups per se, but would strive to coordinate dialogue and activities between all groups, without being either for or against busing. Robinson Brown and June Key explained the importance of having someone coordinate activities for their respective groups. Mrs. Key mentioned the poster campaign being conducted by the Crestant Hill Ministerial Association as one program that could be shared with other areas provided a vehicle for such coordination existed. She further stated that Superintendent Grayson would like to meet with as many groups as possible but needs someone to coordinate and set up these meetings collectively. It was the consensus of the group that coordination was essential, and the resolution was left intact.

Nelson Goodwin questioned exactly what would be discussed at the meetings, and Mr. Priebe asked for staff direction and identification of specific goals. Following are some specific suggestions for the meetings:

- 1) Encourage people to work together as sensible citizens
- 2) Listen to their concerns
- 3) Provide intelligent and accurate answers to their questions
- 4) Set the tone for achieving reasonable and peaceful implementation of the court order and also have at hand information from other communities about what has happened that has been successful and what has happened that has not been successful. It should be explained that if peaceful and reasonable implementation of the court order does not occur, it is going to hurt the children that are involved in the educational process, it's going to hurt the school system, and it's going to hurt the community in general. This approach should be emphasized as the committee meets with diverse community groups.

In addition, the Mayor recommended that the Consensus Committee meet with either the school board or Superintendent Grayson to become familiar with the plan after it has been completed by Judge Gordon. The Committee should get the specifics on how the plan will operate so it can become thoroughly familiar with the situation. Further, the Consensus Committee needs to emphasize how the community can work together to make this thing come about in a way that we will not sacrifice the education of young people at a great cost to the school system.

Jeanette Priebe questioned the need for official sanction from the Mayor and County Judge giving the Community Consensus Committee authority to serve as community catalyst/coordinator, and Mr. John Clarke stated that it was imperative that the community be made aware that the Consensus Committee has been commissioned by the Mayor

and County Judge to carry out this task and asked that they issue a joint proclamation to this effect. The Mayor and Judge agreed to issue the proclamation.

Cissy Musselman then called for a motion to accept the Board of Victor's resolution, and upon motion by Dr. Joyce Howell, seconded by Mayor Sloan, motion carried unanimously.

Victor Priebe discussed media representation at the meetings, and it was the consensus of the group to hold open meetings. A meeting is planned with top media executives to explain the group's position and to request their assistance.

John Clarke urged that specifics be established in order to avoid multi-meaningless meetings. Jeannette Priebe suggested that, in the essence of time, the Committee specify contact groups during this meeting, and that she and Mr. John Clarke had compiled a similar group listing. Following is the list suggested as a starting point by Mr. Clarke:

- 1) Labor
- 2) Press
- 3) Industrial
- 4) Religious
- 5) Professional
- 6) Educators
- 7) Opposition groups
- 8) Law enforcement authorities
- 9) Black community

Bernie Dahlem urged that young people be considered, and it was agreed to list students as a contact group.

Cissy Musselman asked the staff to summarize the list proposed by Mr. Clarke and to assist in the coordination of group meetings. She will contact Committee members re serving as chairpersons of the groups. In addition, Victor Priebe will work with Alan Bryan and a representative from the Judge's Office regarding the proclamation and meeting scheduling.

June Key asked that Bernard Minnis be advised of all Consensus Committee-group meetings. Further, in response to a request from Adonna Riley, June Key advised the Committee of the various on-going training/orientation sessions currently underway.

Upon request of Cissy Musselman, Jeannette Priebe, treasurer, reported a bank balance of \$1,000 and reported that a meeting of the Finance Committee would be held this week. The Finance Committee will also meet with the Mayor and Judge and will again follow up the financial solicitation letters. Mr. Kling suggested asking churches to contribute, and the Mayor stressed the importance of having the total community involved in the financial solicitation.

Cissy Musselman noted that there are several vacancies on the Committee, and asked Kay Crider to meet with the Nominating Committee as soon as possible so more people could be added.

There being no further business, the meeting was adjourned.

*Exhibit No. 25*STATEMENT OF GALEN MARTIN, EXECUTIVE DIRECTOR
KENTUCKY COMMISSION ON HUMAN RIGHTSPREPARED FOR SUBMISSION
TO THE U. S. COMMISSION ON CIVIL RIGHTS
9 AM, Tuesday, June 15, 1976
IN ITS HEARINGS ON LOUISVILLE-JEFFERSON COUNTY
SCHOOL DESEGREGATION

I am Galen Martin, Executive Director, and an attorney with the Kentucky Commission on Human Rights. I have been the Commission director since 1961. Prior to that I worked for desegregation of pupils and teachers in Knoxville, Tennessee, for four years. In that period, I met every three months with the Southern Interagency Conference, composed of national and regional groups working for school desegregation in the South. I began work in this field in 1956 as Executive Director of the Kentucky Council on Human Relations, an affiliate of the Southern Regional Council, with a particular assignment to "see that black teachers don't become the victims of pupil segregation."

Some of us in Kentucky have more faith in the good will and intelligence of our citizens to adjust to school desegregation than those local officials who have been on the national media, predicting gloom and doom for this community. For more than twenty years, the people of Kentucky have demonstrated time and again that they can make significant progress in desegregation wherever they have good leadership and a reasonable opportunity to make the transition. We have seen this demonstrated clearly in places of public accommodation, in housing, in employment and in schools.

Schools throughout Kentucky are desegregated. We have experienced a slight increase in the number of black teachers in Kentucky, although we should have experienced a much greater growth. Nearly all Kentucky school districts make extensive use of school buses. Larger Kentucky school systems, including Lexington, Paducah and Northern Kentucky systems extensively transport students. Court orders for desegregation are not new in this state because we have federal court orders for desegregation in more than twelve districts.

If one major mistake were made in Kentucky, it was the failure to take more decisive action to require school desegregation in Louisville earlier, especially when resegregation set in about 1965. Civil rights groups have waited for too long, relying on the good faith of public officials and on hopes for voluntary action. In August of 1971 and in March 1972, our Commission offered plans and recommendations for voluntary desegregation of the then separate and segregated Louisville and Jefferson County school systems. When it became absolutely clear that no constructive voluntary action would occur, a suit for merger and desegregation was begun in June 1972, supported by civil rights groups.

It was the Commission's report, Louisville School System Retreats to Segregation, which formed the statistical foundation for the desegregation and merger suit. Subsequently, the Commission issued Southern Cities--Except Louisville--Desegregate Schools, which showed that Louisville schools were much more segregated in both pupils and teachers than the schools in

Jackson, Mississippi; Columbia, South Carolina; Little Rock, Arkansas; and seven other major southern cities.

What is the biggest difference between all of the twenty previous years in Kentucky and the fall of 1975? The most obvious distinction is that last fall the matter of school desegregation had been made a campaign issue. As a writer for the Louisville Times reported in October 1975: "school busing... has been demagogued to the point that Kentucky has begun to sound like a bigoted, backwater state." This has happened for twenty years in other Southern states, but it had not happened in this way in Kentucky before. If we can return to the Kentucky tradition of keeping race issues out of our campaigns, there is every reason to believe that Jefferson County schools can be desegregated, as they have been in other parts of the state.

There are certain factual circumstances which have a significant bearing on the local school desegregation plan which we believe will make it successful, even if some desegregation plans for other cities might have problems. These include:

1. The 77 per cent white and 23 per cent black racial ratio here is the opposite ratio of that in Detroit, Memphis, etc., and other cities where some have claimed desegregation is not succeeding.
2. The merged Louisville and Jefferson County school district unifies the school system for city and suburbs and already encompasses those whites with the economic motivation to move to suburban-style housing. There is little likelihood that those who really want quality education for their children will make a second move to rural county school systems in adjacent areas.

3. New efforts have been started to halt the increased housing segregation and to increase housing desegregation in order to lessen busing. Obviously, such efforts are not going to eliminate all need for the school desegregation plan, but housing segregation can still be changed here, as compared with other northern cities where it is so intensely entrenched that change is much more difficult, such as Chicago and Detroit.
4. The plan itself appears to be an outstanding plan without the defects in some other plans.
5. Judge James Gordon has shown unusual support for law and order without the vacillation shown by judges in some other cities.
6. It is unlikely that private "segregation academies" will develop ballooned enrollments that would weaken public education. The State Department of Education has regulatory power over private schools, and they and other authorities have given no indication that they will allow such schools to use school desegregation to undermine the public schools.
7. Several year-end news media reports have provided new evidence that school desegregation has proceeded smoothly in the overwhelming majority of Jefferson County's 148 schools. These reports have helped to balance news stories carried during the school year concerning problems in about six schools. It is increasingly clear that the good news about school desegregation has customarily not received as much attention as the bad news.
8. While some candidates for public office are exceptions, the vast majority of local political leaders have supported peaceful implementation of the plan and full police protection of students and school personnel and of black citizens.

In addition to these local factual circumstances, which suggest that the Jefferson County desegregation plan will work, there is also significant new evidence from the academic community which challenges reports by sociologist James Coleman, which some had used to suggest that the local plan would fail. A more recent report by Dr. Thomas Pettigrew and Dr. Robert Green, entitled "Another View of Urban Desegregation:

A Response to Professor Coleman," which appeared in the Harvard Educational Review of February 1976, has pointed out that Coleman's research actually tends to support metropolitan solutions to school segregation, and the local plan covers the whole county.

7

The U. S. Commission on Civil Rights has built a solid record of recommendations of action by other federal agencies. An analysis of what has happened in Louisville suggests one particular recommendation for federal action. Last fall, President Ford asked the Department of Health, Education and Welfare and the Department of Justice to undertake an extensive new effort to develop alternatives to busing to achieve desegregation in public schools. It would seem especially appropriate for the U. S. Commission on Civil Rights to recommend that President Ford likewise ask the Department of Housing and Urban Development to develop alternatives to desegregation.

The Kentucky Commission on Human Rights and other civil rights agencies have documented voluminous evidence that the Department of Housing and Urban Development has administered its programs so that they have resulted in providing federal aid to housing segregation. Any examination of the growth of housing segregation and school segregation in this community is bound to conclude that HUD's actions have had a most damaging impact. Last September the Kentucky Commission urged that HUD do much more to promote housing desegregation in all of its

programs within Jefferson County, Kentucky, in order to lessen the need for student transportation next fall and in succeeding years. The Commission said,

It is unfair to the people of this community to allow HUD to support different forms of housing which are segregated, while other branches of the federal government require desegregation of schools.

The Commission made a similar request for leadership by HUD in its December 1973 report entitled "More Housing Segregation Than Ever... In Louisville and Jefferson County." That report mentioned a U. S. Commission on Civil Rights' view that HUD had much more leverage than it had been using.

Such action by HUD is especially warranted because of the various recent statements by President Ford and other federal officials about a wide variety of plans which would restrict the development of school desegregation plans by federal courts. The appendix charts and tables in our report "Louisville School System Retreats to Segregation" clearly point up how increased housing segregation in Louisville brought about increased school segregation. As pointed out in your own document (Section "D" on population shifts, pages 12-18), many of the schools in Louisville's west end were well desegregated fifteen years ago, but the HUD urban renewal programs in the west downtown redevelopment area, in particular, greatly increased housing segregation in western Louisville. Similar policies have resulted in increasing housing segregation to the point where Louisville has gone from the category of one-third "least segregated" cities to where it is now ranked with the one-third "most segregated" cities in this country, according to a report

from the Council on Metropolitan Performance. As housing segregation increased, the schools reflected this fact in their increasingly segregated enrollments.

Logic and reason, and the principles of justice, suggest that federal agencies, including HEW, HUD and the Justice Department should be stopped from saying in 1976 that school segregation, which was not caused by direct action of school officials, should never result in school desegregation orders. It is clear that inaction and delay by these same federal agencies have contributed significantly to the need for transportation of children in Louisville and other cities. They should not now be allowed to plead their own failures to protect black citizens during the last fifteen to twenty years, as a basis for not desegregating our schools.

A common solution to the common problems of housing segregation and school segregation is dramatically presented in the Jefferson County desegregation plan. Because every child that moves to a school district where he is in the minority is immediately exempt from transportation. This is carefully explained in our Commission leaflet, "6 Ways to Avoid Busing."

We suggest the U. S. Commission on Civil Rights give first priority to changing those policies of HUD which have contributed to housing segregation and to make certain that HUD programs will henceforth increase housing desegregation and thereby lessen the need for busing.

The Kentucky Commission on Human Rights requests permission to file seven documents for the U.S. Commission on Civil Rights record:

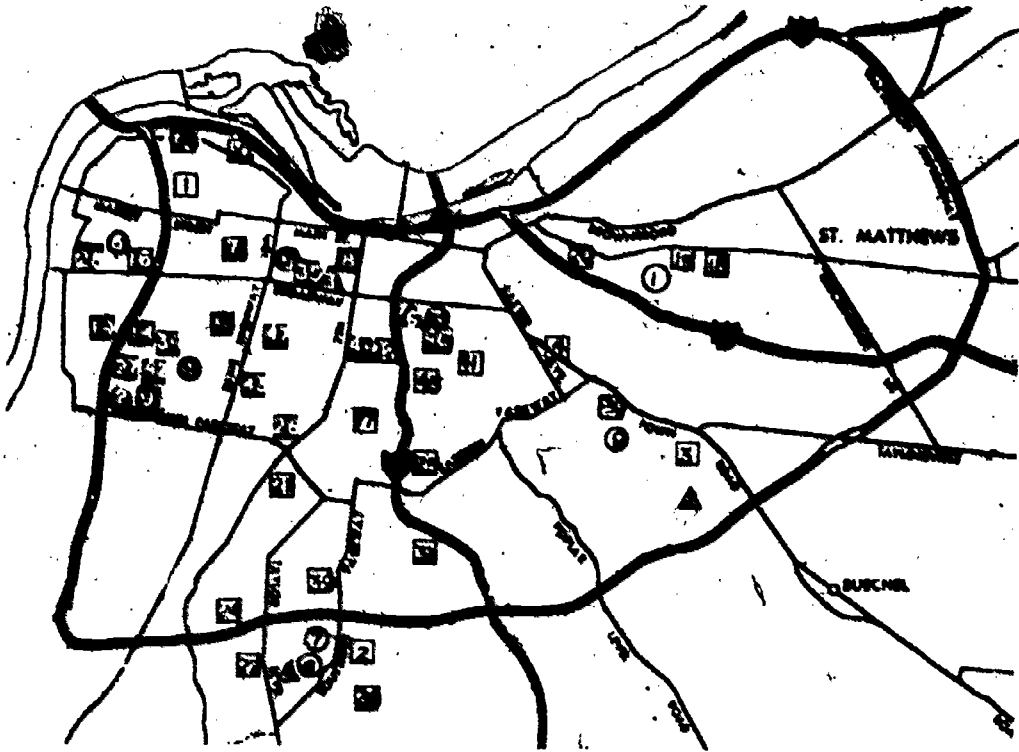
1. Louisville School System Retreats to Segregation
A report documenting racial isolation of students in Louisville public schools, 1956-71. (36 pages).
The facts in this document were "admitted" by the Board in 1972 for submission as evidence before the Federal Courts.
2. Southern Cities - except Louisville - Desegregate Schools
A comparison of Louisville with 10 major school systems in southern states which shows that Atlanta, Georgia; Birmingham, Alabama; Charlotte, North Carolina; Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Little Rock, Arkansas; Nashville, Tennessee; Pontiac, Michigan; and Richmond, Virginia, all had more pupil and teacher desegregation than Louisville prior to the entry of the local suit. May 1973. (12 pages)
3. Segregation Persists in Jefferson County Schools
An analysis, based on the school system's own data, of the implementation of the school desegregation plan with the conclusion that "failure to carry out the existing plan, rather than any defect in the plan itself, must be considered the cause of continued racial identity in Jefferson County Schools." April 1976. (26 pages)
4. More Housing Segregation than Ever ... In Louisville and Jefferson County
An analysis of Louisville housing patterns based on U.S. Census data, 1960-1970, which documents the history of eight Jefferson County retreats from plans for low-income housing which would have lessened the need for busing. December 1973. (16 pages)
5. Louisville Still Among Most Segregated Cities
Information regarding Louisville from the Council on Municipal Performance Report, which indicates that Louisville's ranking of 80th place in the recent housing study of 109 cities puts it among the one-third "most segregated" cities-- a complete turnabout from 1940 when Louisville was among the one-third "least segregated" cities with a ranking of 32. November 1974. (4 pages)
6. Fair Housing - A Better Answer Than Busing
A Plan for Louisville and Jefferson County. September 27, 1975. (18 pages)
7. Six Ways to Avoid Busing
Leaflet detailing methods by which housing desegregation could lessen need for student transportation under school desegregation plan. November 1975.

Kentucky Commission on Human Rights
701 West Walnut
Louisville, Kentucky 40204

Phone: 502 588 4024

June 14, 1976

Louisville School System Retreats to Segregation



A REPORT ON PUBLIC SCHOOLS
IN LOUISVILLE, KENTUCKY
1956-1971

COMMISSION ON HUMAN RIGHTS
COMMONWEALTH OF KENTUCKY
600 West Walnut
Louisville, Kentucky 40203

HIGHLIGHTS

1. Racial isolation of students in Louisville public schools reached a 10-year high in 1971-72 school year and the racial isolation of elementary school students is higher than at any time since total segregation was abolished in 1956.
2. Schools with the greatest concentrations of white students now are losing some of the few black teachers that were added to their faculties between 1968 and 1970.
3. The total number of schools with extreme racial isolation (51 in 1971-72) is higher than in any year since 1967 and the 1972-73 total could top the record 34 in 1956. Twenty-seven of the schools have a white majority of at least 90 per cent this year, compared to just 22 in 1968. Twenty-four schools have a black majority of at least 90 per cent this year, compared to just 17 in 1968.
4. Eighty per cent of the elementary school students attend schools where there is extreme racial isolation--either a 90-100 per cent white majority or a 90-100 per cent black majority.
5. Thirty-two of the 67 schools now in the city system always have had extreme racial isolation. Thirteen black schools and nineteen white schools remain as vestiges of the dual system which the 1956 desegregation plan was supposed to eliminate.
6. The rapid shift to resegregation in Louisville counters the trend in the nation and the south. As late as 1968, only 55.7 per cent of the city's students were in schools with extreme racial isolation but the level had increased to 73.5 per cent in 1971. Meanwhile, the national level dropped from 64.3 per cent in 1968 to 43.3 per cent in 1970 and the level in 11 Southern states dropped from 77.8 per cent in 1968 to 33.4 per cent in 1970.
7. Two elementary schools, Parkland and Foster, in the southwest section of Louisville have made the 100 per cent transition from all-white in 1955 to all black in the early 1970's. Seven other formerly all-white schools are now in the 90-100 per cent black category--Male High School; Parkland and Shawnee junior high schools; and Brandeis, Clay (Young), Jones and Strother elementary schools.
8. The number of black teachers south of Eastern and Algonquin parkways dropped from 8.6 per cent in 1970 to 7.5 per cent in 1971 while the overall percentage of black teachers increased to 31 per cent.
9. The concentration of white students and white teachers into white enclaves is illustrated by the fact that 96.7 per cent of all white high school students attend the four high schools where at least 85 per cent of the teachers also are white.
10. There is a gap of 415 black teachers between the actual number and the number there would be if the percentage of black teachers matched the percentage of black students.
11. Louisville's faculty desegregation plan does not comply with federal court rulings (*Singleton v. Anson County, N. C., Board of Education*) which requires that there be equal distribution of black teachers among all schools in the system.

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PREFACE

This is a report on the failure of the desegregation plan adopted by the Louisville Board of Education in 1956 but never modified to meet changing conditions. The analysis by staff members of the Kentucky Commission on Human Rights, is based on statistical data supplied by the board of education for the years 1955 through 1971.

Figures on student enrollment are reported each September and the figures on faculty members are usually reported in November or December. Therefore, the columns headed 1971 are for the current, 1971-72 school year.

This report is designed to establish just what Louisville has accomplished, what it has failed to accomplish in its stated goal of desegregating its public school system-- students and teachers. The purpose is not to show failure-- though that is what it clearly shows-- but to help prepare the way for a renewal of the effort begun 16 years ago when Louisville proudly proclaimed itself as the nation's leader in school desegregation.

I. GETTING WORSE, FASTER

Racial isolation is extreme in 51 of Louisville's 67 public schools this year, the highest percentage since total segregation was abolished in 1956. That means Louisville once again is running a segregated system and it's getting worse, faster.

Racial isolation is considered extreme when at least 90 per cent of the students in a school are of one race. Just three years ago, only 39 schools were in that category and the trend was downward. Then the trend shifted and the number jumped to 45 in 1969 and to 50 in 1970.

Graph 1, below, shows the change in the number of 90 per cent black and 90 per cent white schools for

each year since 1956. Note, particularly, the decline in the number of 90 per cent white schools for the first 10 years after total segregation was abolished. The year, 1968, marks a dramatic shift in the rather gradual rise in the number of 90 per cent black schools.

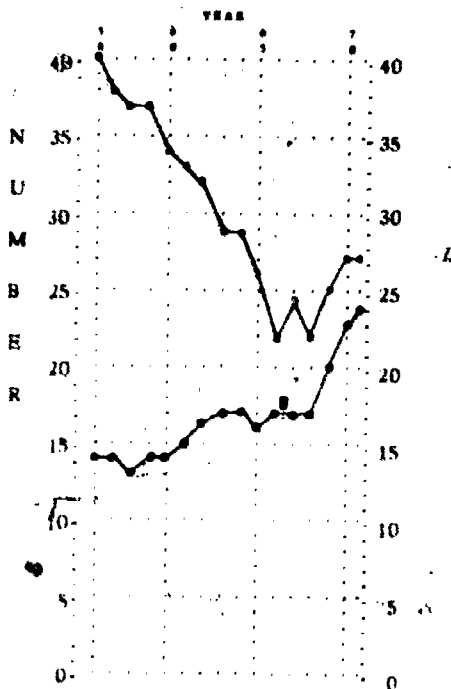
The jump occurred even though there are only 29 more black students in city schools this year than in 1968. There was a decline in the number of white students but the percentage of black students in the city system rose only from 46.7 per cent in 1968 to 48.7 per cent in 1971.

It is more than a case of the black schools getting blacker. A few predominantly white schools in the city also are getting whiter.

For example, 27 schools have a white majority of at least 90 per cent this year, compared to 22 in 1968. Of these 27 schools, two have all-white student bodies. The two all-white schools are Bloom and Longfellow elementary schools. Both are in the Highlands. Longfellow, 1925 Duker, never has had a black student. Bloom, 1627 Lucia, had black students in only two of the past 11 years.

Another 24 schools have a black majority of at least 90 per cent this year, compared to 17 just three years ago. Of these 24 schools, five have only black students. The all-black schools are Central High School; Russell Junior High School; Cotter, Foster and Washington elementary schools.

GRAPH 1
Number of Schools With At Least a 90 Per Cent Racial Majority, 1956 through 1971, Louisville, Kentucky



o number of schools with at least a 90 per cent white majority

a number of schools with at least a 90 per cent black majority

TERMS USED IN THIS REPORT

The underlined terms below are used throughout this report in keeping with the brief definitions provided.

Extreme racial isolation exists if at least 90 per cent of the students in a school are of one race.

Racial isolation exists if between 75 and 90 per cent of the students in a school are of one race.

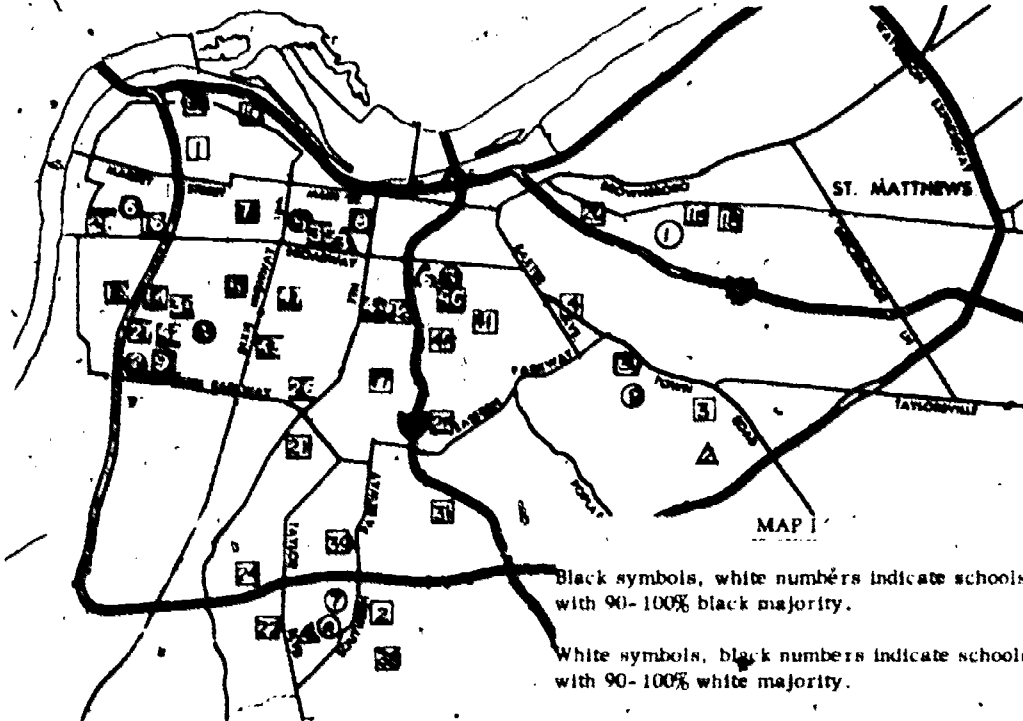
White majority exists if at least 50 per cent of the students in a school are of one race.

Black majority exists if at least 50 per cent of the students in a school are black.

Extreme segregation exists if at least 90 per cent of the schools in a system have extreme racial isolation.

Segregation exists if between 75 and 90 per cent of the schools in a system have extreme racial isolation.

WHERE RACIAL ISOLATION IS EXTREME



SCHOOL IDENTIFICATION SYMBOLS USED THROUGHOUT THIS REPORT

Sr. High Schools

- △ Ahrens
- △ Afferton
- △ Central
- △ Iroquois
- △ Manual
- △ Male
- △ Shawnee

Jr. High Schools

- ① Barret
- ② Duvalle
- ③ Meyzeek
- ④ Parkland
- ⑤ Russell
- ⑥ Shawnee
- ⑦ Southern

- ⑧ Cottachalk
- ⑨ Highland
- ⑩ Iroquois
- ⑪ Manly
- ⑫ Manual
- ⑬ Western
- ⑭ Woerner

Elementary Schools

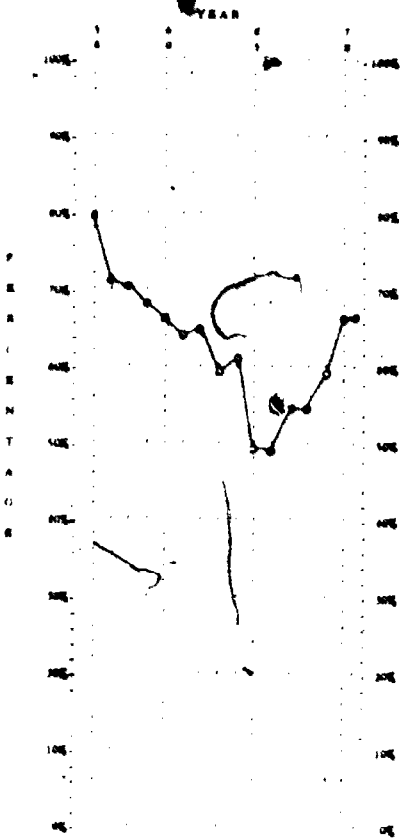
- ① Atkinson
- ② Beechmont
- ③ Bolnap
- ④ Bloom
- ⑤ Brandeis
- ⑥ Breckinridge
- ⑦ Byck
- ⑧ Coleridge-Taylor
- ⑨ Cotter

- ⑩ Dolfinger
- ⑪ Emerson
- ⑫ Engelhard
- ⑬ Carmichael
- ⑭ Carter
- ⑮ Clark
- ⑯ Clay
- ⑰ Cochran
- ⑱ Field
- ⑲ Foster
- ⑳ Franklin
- ㉑ Frayser
- ㉒ Hazelwood
- ㉓ Heywood
- ㉔ Jacob
- ㉕ Johnston
- ㉖ Jones
- ㉗ Kennedy
- ㉘ King

- ㉙ Lincoln
- ㉚ Longfellow
- ㉛ Lowell
- ㉜ Marshall
- ㉝ McFerron
- ㉞ Parkland
- ㉟ Perry
- ㊱ Portland
- ㊲ Roosevelt
- ㊳ Rutherford
- ㊴ Semple
- ㊵ Shawnee
- ㊶ Shelby
- ㊷ Southwick
- ㊸ Strother
- ㊹ Talbert
- ㊺ Tingley
- ㊻ Washington, B.T.
- ㊼ Wheatley

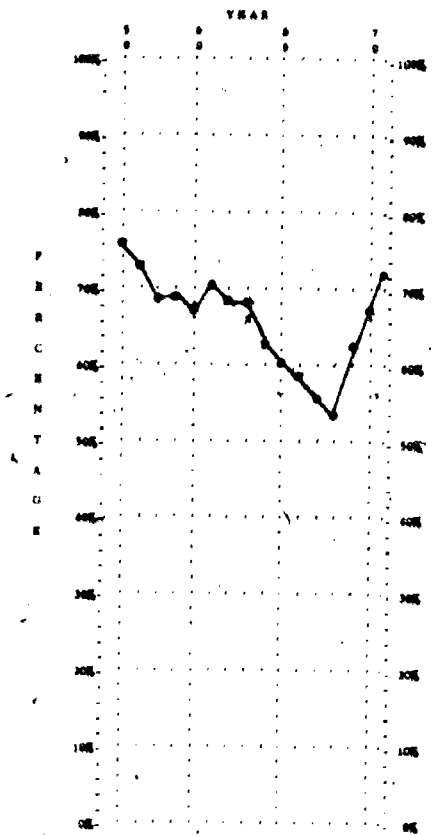
PERCENTAGE OF STUDENTS IN ALL SCHOOLS WITH EXTREME RACIAL ISOLATION

Graph II: Extreme Isolation of White Students, 1956-71, in Louisville, Kentucky



o indicates percentage of white students attending all schools where at least 90 per cent of the students are white.

Graph III: Extreme Isolation of Black Students, 1956-71, in Louisville, Kentucky



o indicates percentage of black students attending all schools where at least 90 per cent of the students are Black.

This year, 80 per cent of all elementary school students attend schools where there is extreme racial isolation.

The percentage of junior and senior high students attending the schools with extreme racial isolation is lower but is increasing.

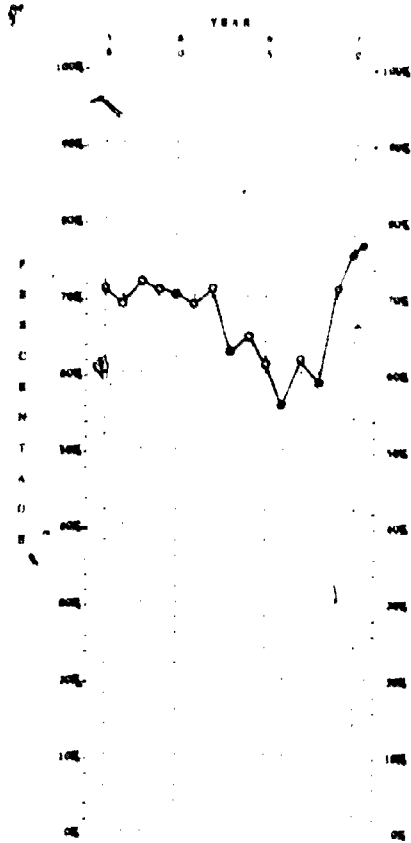
Look at the city's seven high schools. Three have a black majority and four have a white majority. All

but 850 of the 4,800 black students attend the black schools. All but 400 of the 5,600 white students attend the white schools.

Look at the city's 13 junior high schools. Six have a black majority and seven have a white majority. All but 1,200 of the 6,300 black junior high school students attend the black schools. All but 600 of the 6,500 white students attend the white schools.

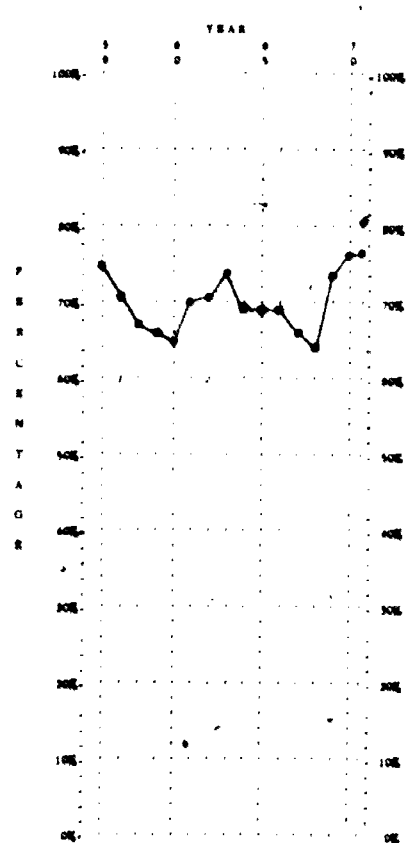
PERCENTAGE OF STUDENTS IN ELEMENTARY SCHOOLS WITH EXTREME RACIAL ISOLATION

Graph IV: Extreme Isolation of White Elementary School Students, 1956-71 in Louisville, Kentucky



o indicates percentage of white elementary school students attending schools where at least 90 per cent of the students are white.

Graph V: Extreme Isolation of Black Elementary School Students, 1956-71 in Louisville, Kentucky



• indicates percentage of black elementary school students attending schools where at least 90 per cent of the students are Black.

Look at the city's 47 elementary schools. Twenty-one have a black majority and twenty-six have a white majority. All but 850 of the 12,500 black elementary school students attend the black schools. All but 800 of the 13,000 white students attend the white schools.

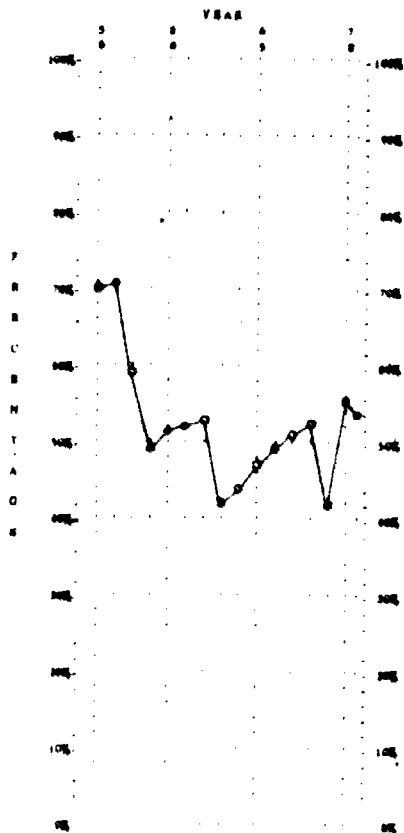
It is a segregated system with Louisville's youth learning to accentuate racial differences.

There is a lot of the old-style segregation mixed with the new. School officials never have eliminated the vestiges of the dual system. Thirty-two of the schools now in the city system always have had extreme segregation.

Thirteen schools always have had at least a 90 per cent black majority. The schools are Central High School; DuValle, Meyzeek and Russell junior high

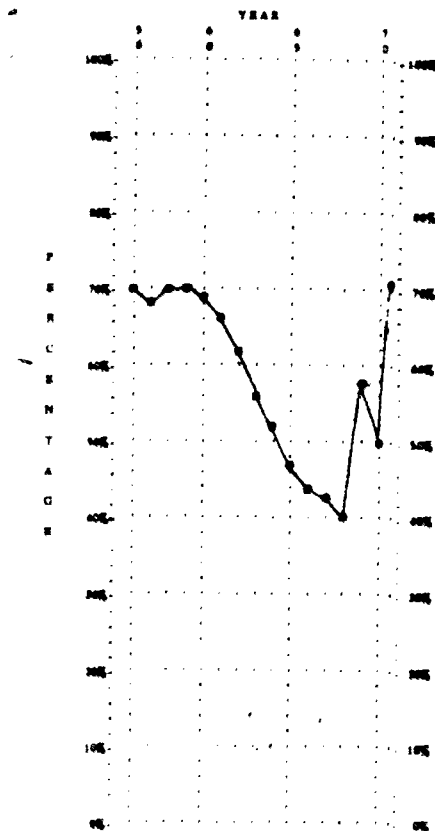
PERCENTAGE OF STUDENTS IN JUNIOR HIGH SCHOOLS WITH EXTREME RACIAL ISOLATION

Graph VI: Extreme Isolation of White Junior High School Students, 1956-71, in Louisville, Kentucky



o indicates percentage of white junior high school students attending schools where at least 90 per cent of the students are white.

Graph VII: Extreme Isolation of Black Junior High School Students, 1956-71 in Louisville, Kentucky



o indicates percentage of black junior high school students attending schools where at least 90 per cent of the students are Black.

schools, Byck, Carter, Cotter, Kennedy, Perry, Southwick, Talbert, Booker T. Washington and Wheatley elementary schools. Another, Whitney Young Elementary School, opened in 1971 in the ninety-plus category but replaced the former Clay Elementary School that once was all white.

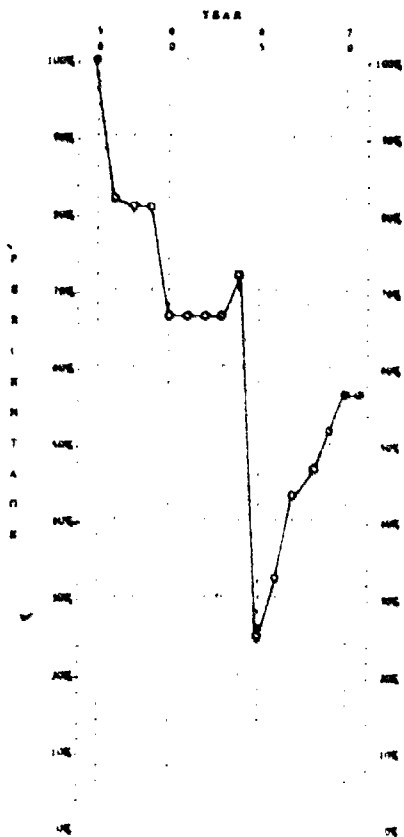
Nineteen schools always have had at least a 90 per cent white majority. The schools are Atherton and Iroquois high schools, Barret, Gottschalk and South-

ern junior high schools; Atkinson, Beechmont, Belknap, Bloom, Engelhard, Field, Frayser, Hazelwood, Jacob, Longfellow, Portland, Rutherford, Seiple and Shelby elementary schools.

The rapid increase in the level of black isolation in Louisville schools runs counter to the national trend. Figures compiled by the U.S. Department of Health, Education and Welfare show that nationwide the level of black students in extreme segregation (schools

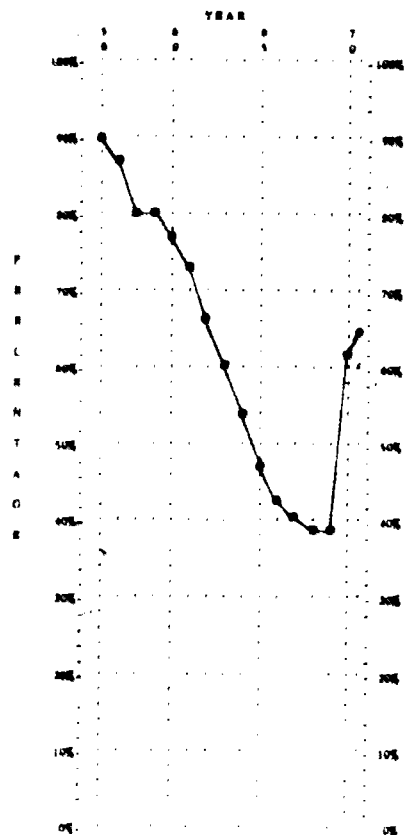
PERCENTAGE OF STUDENTS IN SENIOR HIGH SCHOOLS WITH EXTREME RACIAL ISOLATION

Graph VIII: Extreme Isolation of White Senior High School Students, 1956-71 in Louisville, Kentucky



○ indicates percentage of white senior high school students attending schools where at least 90 per cent of the students are white.

Graph IX: Extreme Isolation of Black Senior High School Students, 1956-71 in Louisville, Kentucky



● indicates percentage of black senior high school students attending schools where at least 90 per cent of the students are Black.

with at least a 90 per cent black majority) dropped from 64.3 per cent in 1968 to 43.3 per cent in 1970. The decline in the South was even more dramatic, from 77.8 per cent in 1968 to 33.4 per cent in 1970.

In contrast, the level in Louisville jumped from 54.0 per cent in 1968 to 67.5 per cent in 1970. So Louisville went from well below the level in the nation and South in 1968 to a point well above the nation and the South in 1970. National figures are

not available for 1971, but Louisville continued to show an increase and reached 72.5 per cent.

A nation-wide report on the status of school desegregation has been prepared by the U.S. Civil Rights Commission and is reprinted in this report as Appendix A. It indicates how far Louisville has fallen behind. The report states:

"The number of minority group children attending desegregated schools continued to increase in States

where segregation once had been required under law (including Kentucky). In fall 1968, 78 per cent of all black school children were in schools with 80 per cent or more minority enrollment in the 11 Southern States. By fall 1970, the figure had dropped to 39 per cent."

In Louisville, however, 81 per cent of all black school children are in schools with 80 per cent or more minority enrollment this year.

Table A, below, compares the changing percentage of blacks in the 90 to 100 per cent black schools in Louisville with the percentages in the nation and its sub-regions.

Louisville can also be measured against its own earlier record. Today, 72.3 per cent of all city students (black and white) attend schools where one

TABLE A

Blacks attending elementary and secondary schools in which at least 90 per cent of students are black for Fall, 1968, and Fall, 1970

Area	STUDENTS		
	all schools	90-100 % black schools number	%
Louisville			
1968	23,277	12,556	54.0
1970	23,579	15,859	67.5
6 Border States and District of Columbia			
1968	636,157	383,059	60.2
1970	667,362	380,185	57.0
11 Southern States			
1968	2,942,960	2,288,570	77.8
1970	3,150,192	1,051,210	33.4
12 Northern and Western States			
1968	2,703,056	1,369,965	50.7
1970	2,889,858	1,475,689	51.1
Continental U. S.			
1968	6,282,173	4,041,593	64.3
1970	6,707,411	2,907,084	43.3

Source: Louisville data from annual reports filed by the Louisville Board of Education. Additional data from Civil Rights Digest, Vol. 4, No. 4, December, 1971.

race has a 90 per cent majority. That is the highest percentage since the 77.5 per cent in 1956 and the 73.5 per cent in 1957, the first two years of school desegregation.

The recent and rapid shift to re-segregation is illustrated by the fact that as late as 1968 only 55.7 per cent of the students were in schools with such extreme racial isolation. Table B, below, shows how that trend shifted.

TABLE B

Percentage of students attending schools with at least a 90% racial majority, by year and type of school

Year	Elementary	Jr. high	Sr. High	Total
1956	74.0	72.0	100.0	77.5
1957	70.6	67.0	84.6	73.5
1958	72.3	63.5	82.7	72.0
1959	71.0	56.5	84.2	70.0
1960	69.9	57.6	70.6	67.0
1961	71.6	58.0	70.5	68.0
1962	73.1	47.7	67.7	69.0
1963	69.9	47.7	68.2	64.0
1964	69.0	47.6	70.2	64.1
1965	66.8	47.7	33.5	55.3
1966	64.2	47.7	38.0	54.8
1967	66.4	48.5	43.4	57.4
1968	63.0	48.4	44.8	55.7
1969	75.0	50.7	47.7	63.1
1970	82.5	55.1	61.2	69.2
1971	80.0	64.7	62.1	72.3

The one-hundred per cent transition of Parkland and Foster Elementary schools signals the arrival of the New Segregation.

All-white in 1955, Parkland became all-black in 1970 and Foster became all-black in 1971.

Others are getting close. Two are high schools, Male at 94 per cent and Shawnee at 88 per cent. Two are junior high, Shawnee at 93 per cent and Parkland at 99 per cent. Five are elementary schools, Brandeis at 98, Young at 93, Jones at 91, Strother at 90 and Shawnee at 85.

Both Parkland and Foster elementary schools were the nearest schools to many black students forced into separate, all-black facilities under the dual school system in operation before 1956.

The Louisville Story, a book by Omer Carmichael

(then city school superintendent) and Weldon James, described the original desegregation plan. That plan--to desegregate all schools at one time--was acclaimed by many as a pattern for other cities.

It was under that 1956 plan that the artificial boundaries between the children of the city fell and the process of desegregation began. The disparities before 1956 are evident in the rapid increase in the number of black students in both Parkland and Foster between 1955 and 1957, as shown in Charts 1 and 2 below.

Foster

Year	Number of Students		Percentage Black									
	White	Black	1	2	3	4	5	6	7	8	9	0
1955	642	0	0	0	0	0	0	0	0	0	0	0
1957	486	187	●●●●●	x	0	0	0	0	0	0	0	0
1959	244	519	●●●●●	x	0	0	0	0	0	0	0	0
1961	52	697	●●●●●	x	0	0	0	0	0	0	0	0
1963	24	810	●●●●●	x	0	0	0	0	0	0	0	0
1965	14	811	●●●●●	x	0	0	0	0	0	0	0	0
1967	13	803	●●●●●	x	0	0	0	0	0	0	0	0
1969	2	762	●●●●●	x	0	0	0	0	0	0	0	0
1971	0	646	●●●●●	x	0	0	0	0	0	0	0	0

Parkland

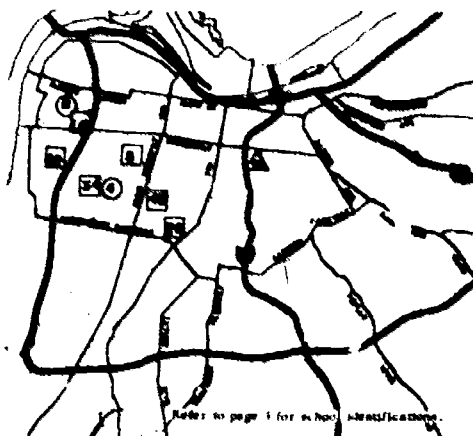
Year	Number of Students		Percentage Black									
	White	Black	1	2	3	4	5	6	7	8	9	0
1955	308	0	0	0	0	0	0	0	0	0	0	0
1957	303	106	●●●●●	x	0	0	0	0	0	0	0	0
1959	213	191	●●●●●	x	0	0	0	0	0	0	0	0
1961	115	346	●●●●●	x	0	0	0	0	0	0	0	0
1963	55	498	●●●●●	x	0	0	0	0	0	0	0	0
1965	31	546	●●●●●	x	0	0	0	0	0	0	0	0
1967	12	622	●●●●●	x	0	0	0	0	0	0	0	0
1969	11	573	●●●●●	x	0	0	0	0	0	0	0	0
1971	4	588	●●●●●	x	0	0	0	0	0	0	0	0

Similar charts illustrating the racial composition and changes in all schools in the city system are collected into Appendix B in this publication.

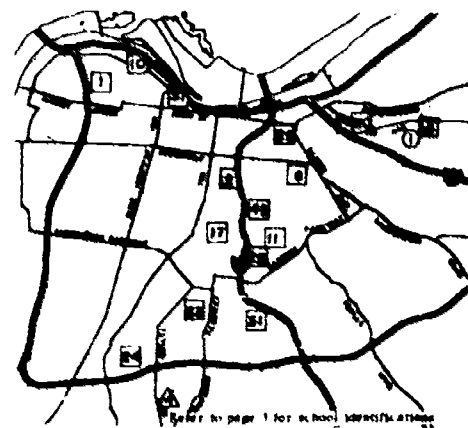
The new Brown School, scheduled to open at Fourth and Broadway in September, will provide education in an integrated, center city setting. But only one per cent of the city's students will be allowed to attend.

While the city system has had some success in teacher desegregation and in the use of black adminis-

MAP II: WHITE TO BLACK SCHOOLS
9 white schools in 1955 now 90-100% Black.



MAP III: WHITE TO WHITER SCHOOLS
17 white schools which lost black students over past 5 years.



trators, the Brown School is the first realistic step toward an integrated education for students.

Too little way late. Louisville still insists on tiny, tentative steps even after the evidence is in. "Take Greenburgh, N.Y., where educators proved to doubting parents that full-scale integration paid off in better grades for both black and white students. Both groups are well ahead of national averages and both groups have improved at an increasing rate since integration 10 years ago.

Educators there found "Trying to upgrade schools without desegregating them first is, at best, a piecemeal effort. The

Table C. Segregation Index for All Schools in Louisville, Kentucky, 1956-1971

year	elementary	junior high	high school
1956	79.7	74.3	90.4
1957	77.2	72.1	87.6
1958	75.6	70.6	81.4
1959	78.4	72.8	80.3
1960	81.6	70.9	76.8
1961	80.6	66.3	73.9
1962	80.0	63.7	66.3
1963	78.5	61.9	61.5
1964	78.8	63.7	60.7
1965	77.0	65.5	61.5
1966	75.5	67.1	63.1
1967	78.4	70.1	65.9
1968	80.3	73.2	68.6
1969	82.1	74.8	75.5
1970	84.0	70.7	72.2
1971	86.2	70.7	78.6

$$\text{Segregation Index} = \left[\frac{\sum |o - e|}{(2N_b X) - N_b} \right] 100$$

where: o = actual number of blacks
e = expected number of blacks
N = total black and white
N_b = total black

elementary supervisor said... 'first integrate, and then saturate (upgrade) every school with new ideas, new materials.' He is convinced that Negro and white children must sit in the same classrooms before it is possible to teach either group how to be good citizens in a multi-racial society. The net result of integration, he said, is 'better teaching and better schools.'

The details of the Greenburgh story are in a 70-page publication *Equality Through Integration* written by Naomi and Arnold Buckheimer and published by the Anti-Defamation League of B'nai B'rith, New York City.

The number of black students almost doubled in the 16 years since desegregation while the number of white students declined. Table D, below, shows the changes. While the percentage increase is considerable, segregation has increased out of pace with the increase in the number of black students. Table C, next column, is a standard segregation index that takes into account both number and distribution of the minority group.

Table C shows that distribution of Black students has worsened along with the numbers increase to the point that all the early gains have all but been wiped out.

Note, in Table C, that the segregation index reached lows in the mid-1960s—75.5 for elementary schools in 1965, 61.9 for junior highs in 1963, and

Table D: Black Student Population Growth
Showing change in number and percentage of black students in elementary, junior high and senior high schools for each year from school desegregation in 1956 to 1971, Louisville, Kentucky.

	Elementary			Jr. High			Sr. High		
	Total	Black	% Black	Total	Black	% Black	Total	Black	% Black
1956	27,684	7,622	27.5	10,839	2,746	25.3	7,318	1,642	22.2
1957	28,471	8,493	29.8	10,084	2,520	25.1	7,467	1,777	23.8
1958	28,529	9,252	32.4	10,319	2,692	26.1	7,787	1,888	23.9
1959	28,096	9,867	35.1	10,861	2,950	27.2	7,647	1,939	25.4
1960	28,280	10,437	36.9	11,881	3,443	29.1	7,136	1,837	25.8
1961	28,315	10,962	38.8	12,193	3,827	31.4	7,555	2,000	26.4
1962	28,452	11,410	40.1	12,402	4,257	34.3	8,528	2,313	27.1
1963	28,209	11,895	42.1	12,406	4,671	37.4	9,634	2,800	29.1
1964	27,803	12,229	44.0	12,346	4,920	39.8	10,072	3,144	31.2
1965	27,562	12,453	45.2	12,450	5,194	41.7	10,140	3,565	35.2
1966	27,244	12,733	46.7	12,535	5,466	43.6	10,218	3,930	38.4
1967	28,428	13,145	46.7	12,423	5,590	44.9	10,411	4,169	40.1
1968	27,796	13,077	47.1	12,595	5,822	46.3	10,498	4,378	41.7
1969	26,853	12,850	47.8	12,627	6,045	47.7	10,479	4,450	42.5
1970	26,157	12,636	48.3	12,815	6,202	48.3	10,412	4,741	45.4
1971	27,752	12,147	49.2	12,625	6,302	49.9	10,415	4,857	46.6

60.7 for high schools in 1964. Elementary schools, now at 86.2, are at the highest level since the dual system was abolished and senior high at 78.6, are the highest since 1959.

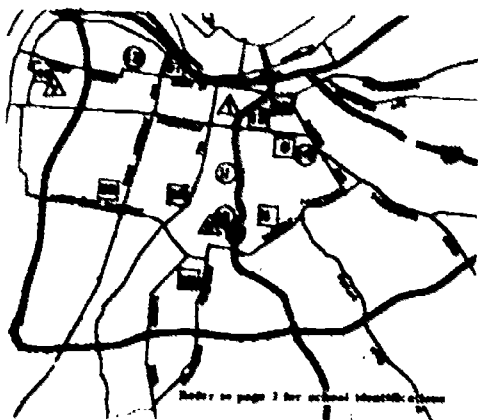
In addition to the 51 schools with extreme racial isolation, there are another nine schools where at least 75 per cent of the students are of one race. Schools with isolation of whites are Western Junior High School and Breckinridge, Emerson, Heywood and Roosevelt elementary schools. Schools with isolation of blacks are Shawnee High School and Carmichael, McFerran and Shawnee elementary schools.

That means that only seven of the city's 67 schools do not have racial isolation this year. They are Ahrens and Manual high schools; Manual, Manly and Woerner junior high schools, and Lincoln and Marshall elementary schools.

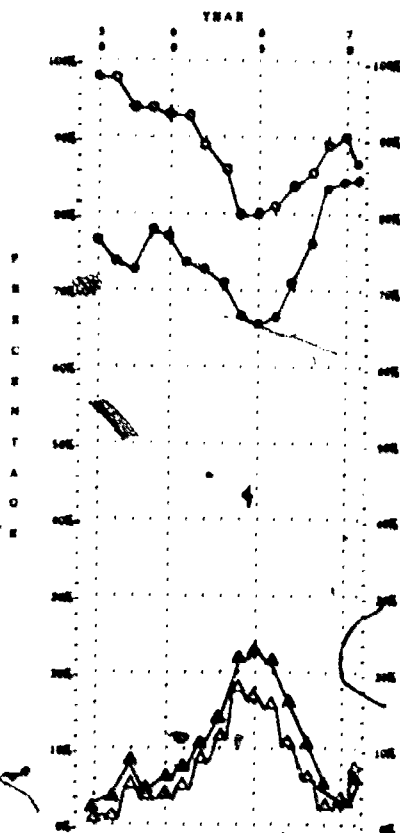
Only three of those schools, Manly, Woerner and Marshall, are in the middle band where neither race has more than a one-third majority.

Graph X shows how the student population in these middle band schools has shifted since 1956. Note the decline in number of students attending the easily identifiable black and white schools dropped steadily through the mid-1960s only to spurt back up in the closing years of the decade and almost entirely wipe out the early gains. By 1965 the percentage of black students in the two-thirds majority schools had dropped to 66 per cent but since then it has climbed steadily from that low to an all-time high of 85 per cent.

MAP IV: BETWEEN THE EXTREMES



Graph X: Two-Thirds Majority Schools
Showing percentage of black and white students in schools where one race had at least a two-thirds majority, Louisville, Ky., 1956-71.



○ per cent of white students attending schools where they are in at least a two-thirds majority.

● per cent of black students attending schools where they are in at least a two-thirds majority.

△ per cent of white students attending schools where neither race has a two-thirds majority.

▲ per cent of black students attending schools where neither race has a two-thirds majority.

11. TOKEN FACULTY GAINS SACRIFICED

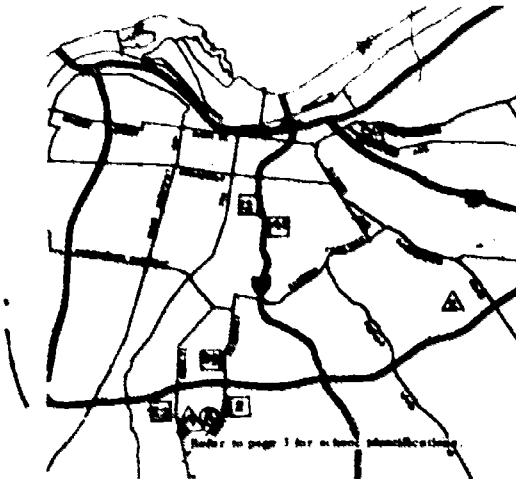
Louisville never even got close to federal court guidelines for faculty desegregation but even the modest advances were scrapped this year and the process of resegregation begun.

One basic reason is that the administration failed to hire black teachers at a level keeping with the gains in black student population.

Even where there were gains in faculty desegregation between 1968 and 1970, there now is some erosion. In fact, the schools with the greatest concentrations of white students actually are losing some of their few black teachers.

There are 16 schools where at least 95 per cent of the students are white. Seven of these schools have

MAP V: SCHOOLS LOSE BLACK TEACHERS



Nine schools with extreme isolation of white students that lost black teachers between 1970 and 1971 are shown on this map. School identification numbers are shown on this map. School identifications are given on page 3.

fewer black teachers this year than they had in the 1970-71 school year, six have the same number and only three have additional black teachers.

There are another 11 schools where 90 to 95 per cent of the students are white. Two of these schools lost black teachers, six have the same number and three have additional black teachers.

Table E, in the next column shows the change in number and percentage of black teachers in the 27

Table E: Black Teachers in White Schools
Showing changes in number of black teachers in schools with 90-100 per cent white students, 1970, 1971, Louisville, Kentucky.

	Black Teachers		1971		change	
	1970		1971		1970-71	
	no.	%	no.	%	no.	%
95-100% White Student Body						
Longfellow	1.0	7.5	1.0	6.9	*	- 0.6
Bloom	2.0	14.8	2.0	12.9	*	- 1.9
Semple	5.0	15.7	4.0	13.0	-1.0	- 2.7
Southern	2.0	4.2	2.0	4.2	*	*
Iroquoia	5.0	7.0	3.0	4.2	-2.0	- 2.8
Rutherford	3.0	8.9	3.0	8.6	*	- 0.3
Field	1.0	6.2	3.0	19.3	+2.0	+13.1
Belknap	2.0	12.1	3.0	19.2	+1.0	+ 7.1
Beechmont	1.0	8.0	0.0	0.0	-1.0	-11.3
Gottschalk	5.0	10.9	3.0	6.5	-2.0	- 4.4
Franklin	4.0	23.4	3.0	21.4	-1.0	- 2.0
Jacob	2.0	9.1	2.0	10.6	*	+ 1.5
Barrat	4.0	12.1	4.0	12.9	*	+ 0.8
Atherton	6.0	9.3	4.0	5.5	-2.0	- 3.8
Hazelwood	2.0	5.8	1.1	3.4	-0.9	- 2.4
Portland	4.0	24.8	5.0	32.2	+1.0	+ 7.4
Subtotal	49.0		43.1		-5.9	-12.0
90-95% White Student Body						
Atkinson	4.0	10.9	4.5	13.2	+0.5	+ 2.3
Johnston	1.0	7.0	2.0	12.8	+1.0	+ 5.8
Frayser	1.0	3.7	1.0	4.0	*	+ 0.3
Tingley	2.0	9.1	1.0	5.5	-1.0	- 3.6
Engelhard	6.0	29.8	5.0	25.0	-1.0	- 4.8
Lowell	2.0	9.1	2.0	8.9	*	- 0.2
Dolfinger	4.5	25.4	4.5	27.3	*	+ 1.9
Highland	5.0	11.6	5.0	12.2	*	+ 0.6
Shelby	2.0	12.9	2.0	15.5	*	+ 2.6
Clark	2.0	11.4	2.0	11.9	*	+ 0.4
Cochran	1.7	7.0	2.6	11.0	+0.9	+ 4.0
Subtotal	31.2		31.6		+0.4	+ 0.1
Total	80.2		74.7		-5.5	- 6.9

*No change

city schools where the concentration of white students is greatest. The schools are ranked in order of the percentage of white students attending this year.

The gain and then decline in the number of black teachers south of Eastern and Algonquin parkways is an indicator of the weakness in the faculty desegregation drive.

There are 15 schools in that southern section of the city system. Table F, below, shows just what has happened in that area. There were only a few token black teachers in the area through 1969. Then there was a significant gain, almost doubling the number in 1970. But this year there was a marked decline.

Table F

Number of teachers in the 15 Louisville public schools south of Eastern and Algonquin Parkways, 1967-71.

	1967	1968	1969	1970	1971
Black	19.1	20.0	24.0	43.0	37.1
White	458.4	475.1	480.9	459.5	458.6
% Black	4.0	4.0	4.8	8.6	7.5

The school by school table below shows just what happened in each of the 15 southernmost schools over the past five years. Note, particularly, the gain and then decline in the number of black teachers at Atherton and Iroquois, the city's two white high schools, Table G.

At a time when educators talk of faculty desegregation, it is obvious that more of our white youth are

being taught in the white enclaves—white classmates, white teachers.

Table H, below, shows just what that means this year at the high school level. The table ranks schools in order of the percentage of black teachers; gives the total number of white students in each school; shows the percentage of white students and then the cumulative percentage of white students. For example it shows that 96.7 per cent of all white high school students attend schools where less than 15 per cent of the faculty is black.

Table H: White Enclaves

Showing location of white students in relation to percentage of black faculty at all senior high schools, Louisville, Kentucky, 1971.

	% black teachers	white students	% of all white students	cumulative %
Iroquois	4.2	1,621	29.3	29.3
Atherton	5.5	1,582	28.6	57.9
Ahrens	10.6	1,120	20.2	78.1
Manual	14.6	1,030	18.6	96.7
Male	26.3	88	1.6	98.3
Shawnee	37.2	107	1.9	100.2*
Central	66.4	0	0	

*More than 100% due to rounding of figures.

There was only token faculty desegregation in the Louisville city schools until the late 1960s. Then an effort—with prodding from the federal government—was begun. Table I shows the effects of desegregation efforts in the changing percentage of

Table G: Black Teachers in White Schools

Showing shift of black teachers during years 1967-71 in the 27 Louisville city schools where at least 90 per cent of the students are white.

	No. of Black Teachers						No. of Black Teachers				
	'67	'68	'69	'70	'71		'67	'68	'69	'70	'71
Sr. High School						Elementary					
Atherton	1	2	2	4	4	Beechmont	1	1	1	1	0
Iroquois	4	3	3	5	3	Balknap	1	1	1	2	3
Subtotal	5	5	5	11	7	Frayser	1	1	1	1	1
Jr. High School						Hazelwood	1	1	2	2	1.1
Cottachalk	2	1	2	5	3	Heywood	1	2	2	3	3
Highland	1	2	2	5	5	Jacob	1	0	0	2	2
Southern	1	1	2	2	2	Longfellow	1	1	1	1	1
Subtotal	4	4	6	12	10	Lowell	1.1	2	2	2	2
						Rutherford	1	1	1	3	3
						Sample	1	1	2	5	4
						Subtotal	10.1	11	13	22	20.1
						TOTAL	19.1	20.0	24.0	45.0	27.1

Table I: Location of Black Teachers
 Showing change in percentage of black faculty members for each school,
 Louisville, Kentucky, 1967-71

% of Black Faculty Members						% of Black Faculty Members					
Schools	'67	'68	'69	'70	'71	Schools	'67	'68	'69	'70	'71
Ahrens	1.2	3.3	3.2	8.1	12.0	Engelhard	9.9	4.0	8.3	27.1	22.7
Atherton	1.7	3.3	3.1	10.3	6.4	Field	6.5	6.1	5.9	11.7	24.2
Central	85.0	82.7	82.3	72.5	67.7	Poster	51.5	54.7	64.5	61.0	76.0
Iroquois	6.2	4.2	3.9	6.5	5.8	Franklin	5.4	5.4	5.4	22.1	20.0
Manual	4.4	6.2	8.6	8.7	15.1	Frayer	3.4	3.4	3.3	3.6	3.9
Male	5.8	8.1	12.5	19.0	29.3	Hazelwood	2.7	2.7	5.8	5.6	3.3
Shawnee	10.5	13.7	15.8	25.0	40.0	Haywood	6.5	12.2	12.2	18.1	21.3
Total High Schools	16.9	17.7	18.6	20.2	23.8	Hill	15.7	31.5	46.2	*	*
Barret	3.1	2.8	6.1	11.1	11.8	Jacob	3.7	0.0	0.0	8.7	10.1
Duvalle	93.8	86.7	78.2	53.8	69.0	Johnston	6.5	6.5	7.5	6.5	11.7
Gottschalk	3.9	1.9	4.3	10.0	6.1	Jones	13.4	20.0	22.0	35.6	36.2
Highland	2.6	4.3	4.4	13.1	13.3	Kennedy	72.8	94.0	79.0	87.1	81.0
Manly	26.4	27.8	32.0	39.2	30.4	King	**	50.0	61.7	51.3	53.6
Manual	Included in Manual Sr. High					Lincoln	3.5	3.3	6.5	12.3	8.3
Meysssek	77.6	75.9	69.8	69.2	80.0	Longfellow	6.7	6.1	6.6	6.8	6.5
Parkland	44.1	43.4	51.4	41.7	53.5	Lowell	4.3	7.8	7.7	8.9	8.5
Russell	90.2	83.0	84.9	61.3	66.1	Marshall	7.6	5.7	5.7	21.1	13.6
Shawnee	27.2	26.1	26.2	38.1	47.0	McFerran	15.0	14.1	18.5	26.5	44.5
Southern	2.2	2.0	4.4	3.9	3.8	Parkland	87.7	77.0	69.6	70.5	61.5
Western	19.7	17.5	13.3	15.9	21.7	Perry	96.7	85.4	81.0	72.2	68.0
Woerner	4.8	7.0	7.7	11.9	14.6	Portland	5.8	11.4	5.4	23.2	30.4
Total Junior High	34.5	32.0	32.2	30.8	32.6	Roosevelt	9.8	5.5	8.1	17.9	15.4
Atkinson	2.6	2.7	5.2	10.6	12.8	Rutherford	2.6	2.6	2.7	8.6	8.3
Beechmont	9.9	9.0	8.2	7.9	0.6	Sample	3.1	3.1	6.0	15.3	12.6
Belknap	6.5	5.7	5.7	11.4	18.1	Shawnee	23.6	28.6	23.1	33.4	53.7
Bloom	6.9	6.1	5.5	13.7	12.1	Shelby	6.4	0.0	5.6	12.1	12.1
Brandeis	85.7	85.3	77.3	68.2	75.7	Southwick	84.5	88.1	81.5	70.9	75.6
Breckinridge	4.0	3.7	7.4	11.9	12.4	Strother	23.4	35.7	36.4	42.4	42.7
Byck	74.4	72.4	58.1	69.2	56.7	Talbert	83.4	85.5	70.3	68.2	31.9
Carmichael	54.1	57.2	44.0	36.4	37.0	Tingley	6.2	4.9	11.6	9.1	5.3
Carter	90.3	89.7	84.2	58.4	72.4	Washington, B. T.	79.3	72.3	71.5	65.7	50.0
Clark	5.9	5.1	5.1	10.8	11.3	Wheatly	86.7	80.0	63.0	39.7	43.4
Clay (Young)	32.0	40.5	37.1	51.1	58.8	Total Elementary	34.4	36.2	34.4	34.1	34.2
Cochran	2.3	2.5	2.1	6.7	10.8	TOTAL SCHOOLS	30.2	30.8	30.4	29.9	31.3
Coleridge-Taylor	96.3	100.0	73.0	44.8	52.7	*Hill Elementary closed for 1970-71 school years.					
Cotter	93.2	95.0	78.2	78.5	98.4	**King opened in 1968.					
Dolftnger	15.0	17.1	14.3	24.0	25.7	Underlined figures indicate years in which there was a decline in percentage of black faculty.					
Emerson	10.3	10.3	4.9	21.0	14.6						

black and white teachers on each school faculty. The underlined figures indicate years in which there was a decline in the percentage of black teachers. Decline means improved faculty desegregation if the faculty has a high black majority but decline means faculty resegregation in the schools where the percentage of black faculty members already was low.

This runs counter to the federal court ruling in a North Carolina case which requires that the ratio of minority group to majority group teachers in each school must be substantially the same as the ratio throughout the district. [Singleton v. Anson County Board of Education, 283 F. Supp. 895 (1968) (U.S.D.C., WDNC)]

The retreat from faculty desegregation did not begin until the current school year. Though partly concealed by overall staff cuts, the retreat is obvious when the direction of change in faculty is analyzed.

Table J summarizes such an analysis. It shows the percentage of schools in each of 10 categories that

TABLE J

Percentage of schools (by black faculty deciles) that gained in percentage of black teachers for the years 1967 to 1971 in Louisville, Kentucky.

percentage of black faculty	% of schools gaining black teachers			
	67-68	68-69	69-70	70-71
90-100	33.3	0.0	*	*
80-89.9	33.3	12.5	0.0	0.0
70-79.9	25.0	0.0	14.9	40.0
60-69.9	*	*	0.0	56.1
50-59.9	100.0	66.7	50.0	100.0
40-49.9	0.0	50.0	0.0	100.0
30-39.9	100.0	100.0	75.0	50.0
20-29.9	80.0	60.0	100.0	50.0
10-19.9	50.0	50.0	85.7	70.6
0-9.9	31.4	59.4	87.7	39.9

* no schools in category

Underlined figures indicate years in which there was a decline in percentage of black faculty.

gained in percentage of black teachers. As in Table I, a decline in percentage means faculty desegregation if the school already is above 30 per cent (above dashes in Table J), a decline in percentage means faculty resegregation if the school already is below 30 per cent (below dashes in table).

For example, there should be a high rate of gain for schools where less than 10 per cent of the teachers are black. Reading across the bottom line of Table J there is such an increase until the current year—31.4, 59.4, 87.7 and then the drop back to 39.9. That means that less than 40 per cent (6 of 15) of the schools in that low category showed an increase in percentage of black teachers in 1971.

As previous data in this section shows, the area where there was a decline in black faculty members is the section south of Algonquin and Eastern parkways where there is the greatest concentration of white students.

Though starting later, the retreat to segregation of faculties appears headed rapidly in the same direction as the resegregation of students.

Another area of concern is the failure of the city system to keep the hiring of black faculty members at a pace with the growth of the black student population. Table K indicates the major proportions of that gap.

Opportunities for black teachers are not keeping pace with the over-all growth of the black population. A major reason appears to be the continued concentration of white teachers in white schools with much of the faculty desegregation coming in the form of placing white teachers into the black majority schools rather than placing more blacks into the white majority schools.

Table K shows the gap was 333 black teachers in 1967. Today that gap is 415.

Table K. The Hiring Gap

Showing actual number of black teachers and gap between that number and what would be expected if black teacher percentage equaled black student percentage, Louisville, Ky., 1967-71.

No. of black teachers if equal to student per cent	1032	1105	1181	1263	1163
actual number black teachers	699	757	764	796	748
gap, number	333	348	417	467	415
gap, per cent	32.3	31.2	35.2	36.9	35.6

III. CONCLUSIONS

The Louisville-Jefferson County community cannot afford to graduate another student generation which is inadequately prepared to participate in a democratic, multi-racial society. But that's what will happen if the resegregation trend continues and the area's young people are educated in racial isolation.

Racial isolation has been proved a detriment to the education of both white and black students. Since segregation creates an inferior educational setting, it cannot be justified by the excuse most often heard, that it merely reflects residential segregation.

The excuse has denied most white children the experience they need of relating to black teachers and administrators in positions of authority just as it has fed the myth that black teachers prefer to teach in black schools.

In a city where people should be learning to live together, we have a school system teaching the young that they must learn in separate institutions.

The truth is that separate education is inherently unequal. That is the law of the land and it is solidly supported by documented facts both before and since the school desegregation decision of 1954. And on the contrary, no evidence has been produced to show that quality education can be achieved in segregated schools. And with the realities of economics and power politics, it is the black people and the poor people who suffer the most from such separatism.

The reward offered to blacks willing to "stay in their place" is a token voice in the operation of the schools in their neighborhoods. Neither quality nor equality can be purchased with such tokens.

Equality will come only through an integrated school system and with equality will come improved quality.

Already had, the rate of resegregation in Louisville city schools has accelerated over the past few years. Soon all the gains made in the early years of desegregation will be wiped out.

Resegregation is a tragedy because it means a lost opportunity to educate young people for life in our multi-racial society. Segregation breeds distrust as a starting point to hatred.

At first, establishment of a dual system resulted only from a drift. Now, the separation of students into schools that can be identified on racial and economic lines will increase even more rapidly with renewed emphasis on neighborhood schools.

The code word is neighborhood schools. The most popular argument, though not proven, is that like groups are easier to teach.

But stripped of the code words and pop arguments, we see a segregated system that fosters racial fears and promotes ethnic stereotypes. We see a system in which white students living in predominantly black neighborhoods find it easy to get transfers. We see a system in which black students from predominantly white areas are encouraged to attend black schools in the inner city either through recruiting or through disciplinary transfers.

State and federal laws prohibit discrimination in the hiring and assignment of black teachers. Still, black teachers have little more than held their 1967 share of jobs while there has been a dramatic increase in the percentage of black students within the system. There is a need for more effective recruitment of black teachers.

The Singleton ruling by the federal courts makes it clear that school officials must strive for equal distribution of black teachers throughout the system. An example of failure is the continued tokenism on faculties in the southern-most schools in the city system. Even the modest efforts of 1969 and 1970 now seem to be sacrificed.

In place of the goals set by the Singleton ruling, city school officials have announced that they seek faculties with at least 30 per cent of the minority groups. That means 70 per cent black faculty schools and 70 per cent white faculty schools would be permitted. Such a plan does not appear to meet Singleton standards and makes race a clear criteria for assignment of teachers.

The major conclusion the Kentucky Commission on Human Rights must make as a result of this study is that the Louisville school system has failed—either by design or by lack of effort—to deliver on the promise of full student and faculty desegregation. The myth of "neighborhood schools" has been put forward to conceal this basic failure.

Since leadership has faltered, there must now be a revival of the spirit of an earlier time when there was broad support for desegregation as a step toward quality education through equality in opportunity. The current Board of Education is in a position to provide much of that new leadership and to direct its staff to develop the programs and plans to make it work—now.

IV. RECOMMENDATIONS

1. The Louisville school system should begin immediate preparation of a comprehensive plan for school desegregation designed to turn the resegregation pattern back around with the opening of school in the fall of 1972.
2. The first year phase of that comprehensive plan must include some elementary school pairing.
3. The first year phase of that comprehensive plan must include a system-wide revision of the high school attendance patterns and a long-range move toward educational parks.
4. Louisville and Jefferson County school officials should begin planning together now for the complete merger and desegregation program which is inevitable. Such a plan must protect the modest gains made by black teachers and administrators within the city system.
5. If city and county officials fail to initiate desegregation and merger planning, then white parents, students and teachers should join with black parents, students and teachers in a federal court suit that will require full desegregation of faculty and student bodies in a merged system. Such a plan must protect rights of minority group students, teachers and administrators.
6. City officials must close the gap that still exists in the hiring of black teachers.
7. City officials should comply with the federal court decision (*Singleton v. Anson County, N. C., Board of Education*) which states that the percentage of black teachers in each school should reflect the percentage of black teachers throughout the system. Teachers should be hired and placed on a desegregated basis by the central office of the school system. While neighborhood groups can properly participate in evaluating teachers after they have taught in a school for a reasonable period, no such group should be placed in a position where it can prevent employment or placement of a teacher as a device for maintaining segregation.
8. City officials must inform the community on the educational advantage of assuring that at least 35 per cent of the teachers in every school are black.
9. City officials should require that the racial minority in every elementary school exceed 11.1 per cent in 1972. That would mean that no black majority school could have more than 88.8 per cent black students and no white majority school could have more than 88.8 per cent white students.
10. City officials should require that the racial minority in every junior high school exceed 22.2 per cent in 1972-73.
11. City officials should require that the racial minority in every senior high school exceed 33.3 per cent in 1972-73.
12. City officials should consider the levels in recommendations 8, 9 and 10 only as the first phase in total desegregation of the schools.
13. Black teachers who believe they have been discriminated against by the school officials in matters of hiring, assignment or promotion should file complaints with the Kentucky Commission on Human Rights.
14. Special attention should be given to locating new schools on sites where they will increase the level of desegregation.

SCHOOL DESEGREGATION

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Federal courts have moved vigorously the past year and a half to accelerate the pace of school desegregation. Tactics designed to delay elimination of the dual school system have been systematically struck down. The Supreme Court gave support to a wide variety of desegregation techniques, including transportation, in the important *Susan v. Charlotte-Mecklenburg Board of Education* case decided unanimously in April 1971. In that decision, neighborhood schools lost their sanctity when busing was recognized as a viable means of achieving desegregation.

Decisions of courts in areas so widely separated as Pasadena, California and Pontiac, Michigan have acknowledged that segregation is a national rather than a regional problem and requires remedial action by individual school districts wherever it exists.

In another step toward eliminating inequality of educational opportunity, a Federal court denied tax exemptions to private educational institutions, as well as tax deductions to individuals contributing to these institutions, if the schools discriminate on the basis of race. Racially discriminatory private schools support segregation by diminishing the number of white students who otherwise would attend desegregated public schools.

In fall 1970, Southern school districts which previously had escaped desegregation were required to implement final desegregation plans. This action followed pressure from the Department of Health, Education, and Welfare and from Supreme Court rulings requiring that desegregation take place "at once." Although there was large scale implementation of desegregation plans, most of the plans continued to permit numerous black, majority black or predominantly white schools. Strategies adopted to avoid a completely desegregated system included adherence to neighborhood schools where residential segregation would preclude integration, rejection of noncontiguous zoning or school pairing, and rejection of transportation plans for desegregation purposes. Hence, many school systems technically desegregated and in compliance with court ordered plans or HEW voluntary plans still were educating minority and majority group children in segregated schools or segregated classrooms.

Nevertheless the number of minority group children attending desegregated schools continued to increase in States where segregation once had been required under law. In fall 1968, 78 percent of all black school children were in schools with 80 percent or more minority enrollment in the 11 Southern States. By fall 1970 the figure had dropped to 89 percent.

However, these statistics reflect only physical desegregation of schools. The figures fail to take into account other means but often more subtle aspects of segrega-

tion and discrimination. These include segregation of activities and facilities within schools, unequal discipline based upon race, and denigration and/or dismissal of minority faculty and school administrators. These problems represent forms of discrimination which almost inevitably will become the focus of legal and administrative action in the seventies.

Even without looking at discriminatory tactics, the discouraging fact is that, despite minimal gains in desegregation, more than 33 million black children remain in schools 80 percent or more minority in the continental United States, 1.2 million of whom are in the South.¹ In addition, more than 750,000 Spanish speaking children, 468,000 of whom are in five Southwestern States, remain in ethnically unbalanced schools.² In the North and West, where legally segregated education has been infrequent, the extent of segregation is substantial and, in many communities, growing.³

NATIONAL STANDARDS

During 1970 and 1971 an increasing debate has been heard about the need for national standards for school desegregation, applicable nationwide in *de jure* as well as *de facto* situations. A leading Northern exponent for a national approach to school desegregation is Senator Abraham A. Ribicoff of Connecticut who, in 1970 and 1971, introduced legislation which would require metropolitanwide desegregation of schools. Under the Ribicoff proposal, all schools within a metropolitan area would be required to have a proportion of minority group students equal to at least one-half the minority group proportion of the enrollment in the metropolitan area as a whole. Ten years would be allowed to accomplish this integration, but school districts would be expected to show substantial progress toward established goals each year or face the loss of all Federal education aid. The Senate rejected the bills both years.

Senator John Stennis of Mississippi also pressed for equal emphasis on desegregation in all sections of the country. Senator Stennis introduced an amendment to the 1970 Education Appropriations bill requiring uniform application of HEW school desegregation policies and practices throughout the country. After Senator Ribicoff added the phrase "regardless of the

¹ National Survey of Racial and Ethnic Enrollment in the Public Schools, Table 3 A, HEW Press Release, Washington, D.C., June 18, 1971.

² National Survey of Racial and Ethnic Enrollment in the Public Schools, Table 2 B, HEW Press Release, Washington, D.C., June 18, 1971.

³ National Survey of Racial and Ethnic Enrollment in the Public Schools, Table 3 C, HEW Press Release, Washington, D.C., June 18, 1971.

NEGROES ATTENDING SCHOOL AT INCREASING LEVELS OF ISOLATION
FALL 1968 AND FALL 1970 ELEMENTARY AND SECONDARY SCHOOL SURVEY

NEGROES ATTENDING:

AREA	TOTAL PUPILS	NEGRO NUM	NEGRO PCT	0-49.9% MINORITY SCHOOLS		50-100% MINORITY SCHOOLS		80-100% MINORITY SCHOOLS		
				NUMBER	PCT	NUMBER	PCT	NUMBER	PCT	
CONTINENTAL U.S.										
	68	4333268	6322173	14.5	1467291	33.4	4814881	76.6	4374661	68.9
	70	64877847	6797431	14.0	2223506	33.1	4483988	66.9	2311372	49.4
(1) 12 NORTHERN AND WESTERN										
	68	28579766	3783886	9.5	746030	27.6	1957023	72.4	1358440	57.4
	70	29451976	2899888	9.8	792979	27.5	2096879	72.5	1669226	57.6
(2) 6 BORDER AND D.C.										
	68	3738817	626157	17.1	180549	28.4	455388	71.6	406171	62.8
	70	3853321	667362	17.3	198659	29.8	468708	78.2	484296	68.6
(3) 11 SOUTHERN										
	68	11043485	2942960	26.4	540892	18.4	3462266	81.6	2317850	78.8
	70	11578831	3150192	27.2	1230868	39.1	1919323	68.9	1241050	29.4

AREA	90-100% MINORITY SCHOOLS		95-100% MINORITY SCHOOLS		99-100% MINORITY SCHOOLS		100% MINORITY SCHOOLS	
	NUMBER	PCT	NUMBER	PCT	NUMBER	PCT	NUMBER	PCT
CONTINENTAL U.S.								
	68	4041549	64.3	2832043	61.0	3331404	53.9	2493298
	70	2997084	63.3	2563327	38.2	1878787	28.9	941111
(1) 12 NORTHERN AND WESTERN								
	68	1369965	50.7	1198052	64.3	834898	30.9	332408
	70	1475689	51.1	1288221	64.4	578357	30.4	343629
(2) 6 BORDER AND D.C.								
	68	183659	60.2	368149	57.9	294844	66.3	188504
	70	180185	57.0	355512	53.3	264104	44.1	154409
(3) 11 SOUTHERN								
	68	238579	77.8	226642	77.9	220162	74.8	208086
	70	1091218	33.4	978994	29.2	764206	22.4	643073

Source: National Survey of Racial and Ethnic Enrollment in the Public Schools, Table 3.4, *HRP Press Release*, Washington, D.C., June 18, 1971.

origin or cause of the segregation", the perfected amendment was adopted.

Neighborhood schools and the use of busing to achieve desegregation have caused widespread debate during the past 2 years. In March 1970, the President issued a special statement on school desegregation in which he emphasized the distinction between *de facto* and *de jure* segregation, expressed support for the neighborhood school, and opposed busing to achieve desegregation.

The United States Commission on Civil Rights responded to the President's message. While commending the President for his strong support of the constitutional principle of the 1954 Supreme Court decision in *Brown v. Board of Education*, the Commission took exception to the arguments against busing, maintaining that the emphasis on busing was misplaced. "As most Americans would agree," the Commission said, "it is the kind of education that awaits our children at the end of the bus ride that is really important."

The Commission also took issue with the President's statement of *de facto* segregation. It observed that often what appears to be *de facto* segregation actually is the result, in whole or substantial part, of an accumulation of governmental actions. Such segregation, the Commission argued, therefore is *de jure*.

For example, in a recent Northern school case, *Davis v. School District of the City of Pontiac, Inc.*, the school board contended that *de facto* segregation existed in certain Pontiac elementary schools but that it could not be required to undo that which it had not caused.⁸ The court found that the Pontiac Board of Education intentionally utilized the power at its disposal to perpetuate the pattern of segregation, deliberately preventing integration despite its affirmations favoring integration. The court concluded that the Pontiac Board of Education did "a great deal to create the patterns existing within that school district" and therefore was responsible for eliminating the patterns. The decision was affirmed on appeal.⁹

The Commission's position on busing was supported by the United States Supreme Court in its April 20, 1971 decision in Swann v. Charlotte-Mecklenburg Board of Education.¹⁰ The case involved an appeal from a court-ordered integration plan which called for extensive busing of about 23,000 students. The plan called for a white-black enrollment in each school approximating the overall enrollment ratio in the district. In affirming the lower court's earlier order, the Supreme Court held:

- 1) Limited use of mathematical ratios in fashioning a desegregation decree is permissible.
- 2) Where black-white enrollments in individual schools do not reflect generally the black-white ratio in the district as a whole, the burden is upon

the school board to show that desegregation has nevertheless been achieved to the greatest degree possible.

- 3) Rearrangement of school districts and geographic zones and the development of noncontiguous zoning is within the power of the courts in eliminating the dual system.
- 4) Bus transportation is a viable technique for accomplishing school desegregation and courts may require its use.

Because busing had been utilized sparingly under HEW administrative rules, numerous desegregation plans perpetuating all-black, majority black, or majority minority schools had received the Department's sanction. Following the Swann decision, HEW's Office for Civil Rights began to review previously accepted plans to secure changes where all-black schools continued to exist. However, few changes in plans have been made which adequately reflect the rulings in Swann.

LEGISLATION

Despite frequent changes in policy regarding school desegregation during the past 2 years, Federal financial assistance for implementing desegregation has been increased. Under the Emergency School Assistance Program, an initial \$75 million was appropriated in August 1970 to help Southern school districts carry out their desegregation plans by resolving problems arising "incident to desegregation." Legislation calling for an additional \$1.5 billion was introduced later in 1970 by the Administration, but it was not approved. Some Congressmen felt there were insufficient safeguards for assuring that funds would be spent properly. Two evaluations of the \$75 million program, one by several private civil rights groups and another by the General Accounting Office cited numerous examples of improper use of funds and improper program administration. Other opponents felt the funds would support busing, of which they disapproved.

The Emergency School Aid legislation was restructured by the Administration and merged with a similar bill introduced by Senator Walter F. Mondale of Minnesota. The new bill, entitled the Emergency School Assistance and Quality Integrated Education Act, would require a school district receiving Federal aid for desegregation to have "at least one stable quality integrated school." An integrated school is defined as one "in which a substantial portion of the children are from educationally advantaged backgrounds and which is substantially representative of the minority group enrollment of the local educational agency in which it is located." The faculty also must be representative of the minority and majority populations.

The revised legislation required districts to adopt plans for eliminating racial isolation "to the maximum extent possible." The plans however, are undefined and could provide a loophole for resistant districts and judges unsympathetic to desegregation. The bill also would provide funds for two experimental educational

⁸ 459 F.2d 1048 (7th Cir. 1971).

⁹ 461 F.2d 1053 (7th Cir. 1971).

¹⁰ 401 U.S. 1 (1971).

public and for planning integrated programs to involve entire metropolitan areas. Further, it would provide money for special programs including educational television, bilingual education, and programs to involve parents in the educational process. Funds also would be provided for human relations activities designed to foster understanding between majority and minority groups and for a variety of school-community relations activities. The bill has passed the Senate but now is in the House Committee on Education and Labor. The President has indicated that he will ask that the bill be amended to forbid use of the funds for transportation purposes.

The Education Revenue Sharing Act of 1971 (ERS) is another major piece of proposed education legislation. ERS would replace categorical programs of Federal assistance to elementary and secondary education with a revenue sharing system designed to meet the broad needs of State and local school systems. Passage of the bill in the current legislative session now seems unlikely.

SEGREGATED PRIVATE SCHOOLS

A most disturbing development in education in recent years has been the proliferation of segregated private schools in the South as a means of avoiding school desegregation. The growth of these schools has been facilitated by the tax exempt status granted them by the Internal Revenue Service and the tax deductions allowed to taxpayers who make financial contributions to these schools. In the midst of the *Cross v. Connally* litigation, IRS modified its policy regarding segregated private schools. On July 10, 1970,¹ and July 19, 1970,² IRS

issued press releases stating it would no longer grant tax exempt status to segregated private schools.

Nevertheless, on June 30, 1971, in *Cross v. Connally*, a three-judge Federal district court held that the Internal Revenue Code does not permit Federal tax exemptions to racially discriminatory private schools in Mississippi, nor does it permit individual tax-payer deductions where contributions are made to such schools. The court held that IRS, before granting tax exempt status to private schools, must require the schools to document publication of their non-discriminatory admission policy, to provide data on the racial composition of the student body, faculty, staff, applicants for admission, and recipients of scholarships and loan awards, to list the incorporation, founders, board members, and donors of lands and buildings, and to provide a statement as to whether they have an unambiguous identification with organizations created to maintain segregated education as a primary objective.

Segregated private schools have become havens for white students fleeing integrated public schools and have thereby jeopardized the viability of plans to integrate public schools. With effective monitoring by IRS the court decision and policy change therefore can have major implications for strengthening public education.

UNFINISHED TASK

The 1970's will be busy years for school desegregation activities. The agenda will include completing physical desegregation and removing remaining discriminatory elements in systems which have desegregated. These activities undoubtedly will focus on eliminating artificial distinctions between *de facto* and *de jure* segregation. In working to end discrimination and segregation, North and South, the Nation will have to move with greater vigor and decisiveness toward the goal of providing equality of educational opportunity for all of its children.

¹ Announcement of Position on Private Schools, IRS Press Release, Washington, D.C., July 10, 1970.

² Announcement of Position on Private Schools, IRS Press Release, Washington, D.C., July 19, 1970.

APPENDIX B Changes in Racial Composition in all Louisville Public Schools
from 1955 through 1971

(Individual tables cover odd numbered years and give the number of white students, the number of black students. The individual parts indicate the approximate percentages of black and white students. Statistics are from annual reports prepared by the Louisville Board of Education and are mid-September figures for each year covered.)

High Schools

Ahrens

Year	Number of Students		Percentage Black									
	White	Black	1	2	3	4	5	6	7	8	9	0
1955	1061	0	0	0	0	0	0	0	0	0	0	0
1957	1082	22	x	0	0	0	0	0	0	0	0	0
1959	1071	45	x	0	0	0	0	0	0	0	0	0
1961	1071	47	x	0	0	0	0	0	0	0	0	0
1963	1124	88	x	x	0	0	0	0	0	0	0	0
1965	1092	123	x	x	0	0	0	0	0	0	0	0
1967	1279	162	x	x	x	0	0	0	0	0	0	0
1969	1396	162	x	x	x	x	0	0	0	0	0	0
1971	1120	407	x	x	x	x	x	0	0	0	0	0

Atherton

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	901	0	0	0	0	0	0	0	0	0	0	0	0
1957	945	0	0	0	0	0	0	0	0	0	0	0	0
1959	921	2	x	0	0	0	0	0	0	0	0	0	0
1961	929	6	x	0	0	0	0	0	0	0	0	0	0
1963	1265	11	x	0	0	0	0	0	0	0	0	0	0
1965	1113	28	x	0	0	0	0	0	0	0	0	0	0
1967	1400	26	x	0	0	0	0	0	0	0	0	0	0
1969	1512	32	x	0	0	0	0	0	0	0	0	0	0
1971	1582	61	x	0	0	0	0	0	0	0	0	0	0

Central

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	0	1420	x	0	0	0	0	0	0	0	0	0	0
1957	0	1555	x	0	0	0	0	0	0	0	0	0	0
1959	0	1554	x	0	0	0	0	0	0	0	0	0	0
1961	1	1478	x	0	0	0	0	0	0	0	0	0	0
1963	0	1645	x	0	0	0	0	0	0	0	0	0	0
1965	0	1775	x	0	0	0	0	0	0	0	0	0	0
1967	0	1616	x	0	0	0	0	0	0	0	0	0	0
1969	0	1775	x	0	0	0	0	0	0	0	0	0	0
1971	0	1616	x	0	0	0	0	0	0	0	0	0	0

Inquote

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	166	2	x	0	0	0	0	0	0	0	0	0	0
1957	1463	23	x	0	0	0	0	0	0	0	0	0	0
1959	1679	15	x	0	0	0	0	0	0	0	0	0	0
1971	1621	9	x	0	0	0	0	0	0	0	0	0	0

Manual

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	1457	0	0	0	0	0	0	0	0	0	0	0	0
1957	1744	38	x	0	0	0	0	0	0	0	0	0	0
1959	1748	57	x	0	0	0	0	0	0	0	0	0	0
1961	1712	89	x	0	0	0	0	0	0	0	0	0	0
1963	2064	142	x	x	0	0	0	0	0	0	0	0	0
1965	1709	208	x	x	0	0	0	0	0	0	0	0	0
1967	1111	281	x	x	x	0	0	0	0	0	0	0	0
1969	898	298	x	x	x	x	0	0	0	0	0	0	0
1971	1030	391	x	x	x	x	x	0	0	0	0	0	0

Male

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	997	0	0	0	0	0	0	0	0	0	0	0	0
1957	1012	117	x	0	0	0	0	0	0	0	0	0	0
1959	1023	188	x	x	0	0	0	0	0	0	0	0	0
1961	934	230	x	x	0	0	0	0	0	0	0	0	0
1963	1038	460	x	x	x	0	0	0	0	0	0	0	0
1965	774	695	x	x	x	x	0	0	0	0	0	0	0
1967	511	966	x	x	x	x	x	0	0	0	0	0	0
1969	241	1147	x	x	x	x	x	x	0	0	0	0	0
1971	88	1512	x	x	x	x	x	x	x	0	0	0	0

Shawnee

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	768	0	0	0	0	0	0	0	0	0	0	0	0
1957	907	45	x	0	0	0	0	0	0	0	0	0	0
1959	945	93	x	0	0	0	0	0	0	0	0	0	0
1961	908	150	x	0	0	0	0	0	0	0	0	0	0
1963	1143	414	x	x	0	0	0	0	0	0	0	0	0
1965	721	609	x	x	x	0	0	0	0	0	0	0	0
1967	558	598	x	x	x	x	0	0	0	0	0	0	0
1969	303	861	x	x	x	x	x	0	0	0	0	0	0
1971	107	861	x	x	x	x	x	x	0	0	0	0	0

Appendix B: Continued

JR. HIGH SCHOOLS

Barrett ①

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1985	654	0	o	o	o	o	o	o	o	o	o	o	o
1987	610	26	x	o	o	o	o	o	o	o	o	o	o
1989	616	22	x	o	o	o	o	o	o	o	o	o	o
1961	722	31	x	o	o	o	o	o	o	o	o	o	o
1963	655	37	x	o	o	o	o	o	o	o	o	o	o
1965	630	40	x	o	o	o	o	o	o	o	o	o	o
1967	633	31	x	o	o	o	o	o	o	o	o	o	o
1969	688	39	x	o	o	o	o	o	o	o	o	o	o
1971	676	25	x	o	o	o	o	o	o	o	o	o	o

DuVelle ②

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1985	0	990	o	o	o	o	o	o	o	o	o	o	o
1987	0	577	o	o	o	o	o	o	o	o	o	o	o
1989	20	816	o	o	o	o	o	o	o	o	o	o	x
1961	9	961	o	o	o	o	o	o	o	o	o	o	x
1963	7	1077	o	o	o	o	o	o	o	o	o	o	x
1965	2	1159	o	o	o	o	o	o	o	o	o	o	x
1967	7	1144	o	o	o	o	o	o	o	o	o	o	x
1969	6	1037	o	o	o	o	o	o	o	o	o	o	x
1971	4	859	o	o	o	o	o	o	o	o	o	o	x

Mayneek ③

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1985	0	639	o	o	o	o	o	o	o	o	o	o	o
1987	0	407	o	o	o	o	o	o	o	o	o	o	o
1989	1	440	o	o	o	o	o	o	o	o	o	o	x
1961	0	489	o	o	o	o	o	o	o	o	o	o	o
1963	0	449	o	o	o	o	o	o	o	o	o	o	o
1965	4	391	o	o	o	o	o	o	o	o	o	o	x
1967	22	394	o	o	o	o	o	o	o	o	o	o	x
1969	12	385	o	o	o	o	o	o	o	o	o	o	x
1971	4	389	o	o	o	o	o	o	o	o	o	o	x

Parkland ④

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1985	1019	0	o	o	o	o	o	o	o	o	o	o	o
1987	927	58	x	o	o	o	o	o	o	o	o	o	o
1989	887	144	x	o	o	o	o	o	o	o	o	o	o
1961	805	262	x	o	o	o	o	o	o	o	o	o	o
1963	633	536	x	o	o	o	o	o	o	o	o	o	o
1965	399	802	o	o	o	o	o	o	o	o	o	x	o
1967	295	1058	o	o	o	o	o	o	o	o	o	x	o
1969	75	1269	o	o	o	o	o	o	o	o	o	x	o
1971	40	1026	o	o	o	o	o	o	o	o	o	x	o

Russell ⑤

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1985	0	934	o	o	o	o	o	o	o	o	o	o	o
1987	1	729	o	o	o	o	o	o	o	o	o	o	x
1989	0	829	o	o	o	o	o	o	o	o	o	o	o
1961	0	1094	o	o	o	o	o	o	o	o	o	o	o
1963	0	1097	o	o	o	o	o	o	o	o	o	o	o
1965	0	906	o	o	o	o	o	o	o	o	o	o	o
1967	0	896	o	o	o	o	o	o	o	o	o	o	o
1969	0	821	o	o	o	o	o	o	o	o	o	o	o
1971	0	696	o	o	o	o	o	o	o	o	o	o	o

Shawnee ⑥

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1985	903	0	o	o	o	o	o	o	o	o	o	o	o
1987	807	38	x	o	o	o	o	o	o	o	o	o	o
1989	827	94	x	o	o	o	o	o	o	o	o	o	o
1961	885	262	x	o	o	o	o	o	o	o	o	o	o
1963	783	483	x	o	o	o	o	o	o	o	o	o	o
1965	632	785	o	o	o	o	o	o	o	o	o	x	o
1967	397	960	o	o	o	o	o	o	o	o	o	x	o
1969	231	1221	o	o	o	o	o	o	o	o	o	x	o
1971	113	1493	o	o	o	o	o	o	o	o	o	x	o

Southern ⑦

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1985	1159	0	o	o	o	o	o	o	o	o	o	o	o
1987	921	2	x	o	o	o	o	o	o	o	o	o	o
1989	1018	2	x	o	o	o	o	o	o	o	o	o	o
1961	1084	0	o	o	o	o	o	o	o	o	o	o	o
1963	1065	0	o	o	o	o	o	o	o	o	o	o	o
1965	1049	0	o	o	o	o	o	o	o	o	o	o	o
1967	1011	0	o	o	o	o	o	o	o	o	o	o	o
1969	1074	1	x	o	o	o	o	o	o	o	o	o	o
1971	1077	4	x	o	o	o	o	o	o	o	o	o	o

Appendix B. Continued
Cottachik (8)

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1957	779	7	x	0	0	0	0	0	0	0	0	0	0
1959	802	4	x	0	0	0	0	0	0	0	0	0	0
1961	926	7	x	0	0	0	0	0	0	0	0	0	0
1963	867	7	x	0	0	0	0	0	0	0	0	0	0
1965	322	1	x	0	0	0	0	0	0	0	0	0	0
1967	1045	13	x	0	0	0	0	0	0	0	0	0	0
1969	1001	15	x	0	0	0	0	0	0	0	0	0	0
1971	898	21	x	0	0	0	0	0	0	0	0	0	0

Manuel (2)

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	892	0	0	0	0	0	0	0	0	0	0	0	0
1957	652	104	x	0	0	0	0	0	0	0	0	0	0
1959	651	95	x	0	0	0	0	0	0	0	0	0	0
1961	716	142	x	0	0	0	0	0	0	0	0	0	0
1963	802	155	x	0	0	0	0	0	0	0	0	0	0
1965	753	202	x	0	0	0	0	0	0	0	0	0	0
1967	579	181	x	0	0	0	0	0	0	0	0	0	0
1969	710	208	x	0	0	0	0	0	0	0	0	0	0
1971	764	449	x	0	0	0	0	0	0	0	0	0	0

Highland (9)

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	743	0	0	0	0	0	0	0	0	0	0	0	0
1957	626	4	x	0	0	0	0	0	0	0	0	0	0
1959	668	4	x	0	0	0	0	0	0	0	0	0	0
1961	679	8	x	0	0	0	0	0	0	0	0	0	0
1963	654	13	x	0	0	0	0	0	0	0	0	0	0
1965	766	19	x	0	0	0	0	0	0	0	0	0	0
1967	805	43	x	0	0	0	0	0	0	0	0	0	0
1969	850	107	x	0	0	0	0	0	0	0	0	0	0
1971	787	69	x	0	0	0	0	0	0	0	0	0	0

Western (13)

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	955	0	0	0	0	0	0	0	0	0	0	0	0
1957	885	244	x	0	0	0	0	0	0	0	0	0	0
1959	911	113	x	0	0	0	0	0	0	0	0	0	0
1961	966	79	x	0	0	0	0	0	0	0	0	0	0
1963	1000	149	x	0	0	0	0	0	0	0	0	0	0
1965	926	203	x	0	0	0	0	0	0	0	0	0	0
1967	967	223	x	0	0	0	0	0	0	0	0	0	0
1969	983	240	x	0	0	0	0	0	0	0	0	0	0
1971	1000	316	x	0	0	0	0	0	0	0	0	0	0

Iroquois (10)

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1965	639	4	x	0	0	0	0	0	0	0	0	0	0

Woerner (14)

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	833	0	0	0	0	0	0	0	0	0	0	0	0
1957	714	59	x	0	0	0	0	0	0	0	0	0	0
1959	759	71	x	0	0	0	0	0	0	0	0	0	0
1961	806	144	x	0	0	0	0	0	0	0	0	0	0
1963	638	177	x	0	0	0	0	0	0	0	0	0	0
1965	581	180	x	0	0	0	0	0	0	0	0	0	0
1967	572	184	x	0	0	0	0	0	0	0	0	0	0
1969	510		x	0	0	0	0	0	0	0	0	0	0
1971	531		x	0	0	0	0	0	0	0	0	0	0

Manly (11)

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	1062	0	0	0	0	0	0	0	0	0	0	0	0
1957	642	265	x	0	0	0	0	0	0	0	0	0	0
1959	691	316	x	0	0	0	0	0	0	0	0	0	0
1961	768	348	x	0	0	0	0	0	0	0	0	0	0
1963	631	491	x	0	0	0	0	0	0	0	0	0	0
1965	553	502	x	0	0	0	0	0	0	0	0	0	0
1967	500	443	x	0	0	0	0	0	0	0	0	0	0
1969	442	492	x	0	0	0	0	0	0	0	0	0	0
1971	429	584	x	0	0	0	0	0	0	0	0	0	0

Appendix B: Continued

ELEMENTARY SCHOOLS

Atkinson 1

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	901	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1957	749	53	x	0	0	0	0	0	0	0	0	0	0	0	0
1959	730	50	x	0	0	0	0	0	0	0	0	0	0	0	0
1961	800	42	x	0	0	0	0	0	0	0	0	0	0	0	0
1963	854	53	x	0	0	0	0	0	0	0	0	0	0	0	0
1965	851	58	x	0	0	0	0	0	0	0	0	0	0	0	0
1967	995	86	x	0	0	0	0	0	0	0	0	0	0	0	0
1969	899	90	x	0	0	0	0	0	0	0	0	0	0	0	0
1971	882	49	x	0	0	0	0	0	0	0	0	0	0	0	0

Beechmont 2

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	335	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1957	294	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1959	276	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1961	246	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1963	203	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1965	211	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1967	226	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1969	263	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1971	325	6	x	0	0	0	0	0	0	0	0	0	0	0	0

Bellmap 3

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	384	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1957	365	1	x	0	0	0	0	0	0	0	0	0	0	0	0
1959	319	1	x	0	0	0	0	0	0	0	0	0	0	0	0
1961	322	1	x	0	0	0	0	0	0	0	0	0	0	0	0
1963	289	2	x	0	0	0	0	0	0	0	0	0	0	0	0
1965	286	6	x	0	0	0	0	0	0	0	0	0	0	0	0
1967	374	5	x	0	0	0	0	0	0	0	0	0	0	0	0
1969	446	1	x	0	0	0	0	0	0	0	0	0	0	0	0
1971	410	5	x	0	0	0	0	0	0	0	0	0	0	0	0

Bloom 4

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	236	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1957	328	3	x	0	0	0	0	0	0	0	0	0	0	0	0
1959	304	5	x	0	0	0	0	0	0	0	0	0	0	0	0
1961	254	1	x	0	0	0	0	0	0	0	0	0	0	0	0
1963	287	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1965	323	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1967	348	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1969	373	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1971	367	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Brandels 5

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	399	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1957	337	83	x	0	0	0	0	0	0	0	0	0	0	0	0
1959	292	152	x	0	0	0	0	0	0	0	0	0	0	0	0
1961	234	335	x	0	0	0	0	0	0	0	0	0	0	0	0
1963	159	717	x	0	0	0	0	0	0	0	0	0	0	0	0
1965	71	899	x	0	0	0	0	0	0	0	0	0	0	0	0
1967	47	1012	x	0	0	0	0	0	0	0	0	0	0	0	0
1969	22	1011	x	0	0	0	0	0	0	0	0	0	0	0	0
1971	15	838	x	0	0	0	0	0	0	0	0	0	0	0	0

Breckinridge 6

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1957	469	94	x	0	0	0	0	0	0	0	0	0	0	0	0
1969	455	77	x	0	0	0	0	0	0	0	0	0	0	0	0
1971	401	88	x	0	0	0	0	0	0	0	0	0	0	0	0

Byck 7

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1963	40	914	x	0	0	0	0	0	0	0	0	0	0	0	0
1965	24	877	x	0	0	0	0	0	0	0	0	0	0	0	0
1967	37	861	x	0	0	0	0	0	0	0	0	0	0	0	0
1969	29	832	x	0	0	0	0	0	0	0	0	0	0	0	0
1971	17	704	x	0	0	0	0	0	0	0	0	0	0	0	0

Appendix B: Continued
Coleridge - 11

Taylor

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	0	658	●	●	●	●	●	●	●	●	●	●	●	●	●
1957	11	653	●	●	●	●	●	●	●	●	●	●	●	●	●
1959	12	512	●	●	●	●	●	●	●	●	●	●	●	●	●
1961	8	615	●	●	●	●	●	●	●	●	●	●	●	●	●
1963	50	554	●	●	●	●	●	●	●	●	●	●	●	●	●
1965	54	427	●	●	●	●	●	●	●	●	●	●	●	●	●
1967	19	371	●	●	●	●	●	●	●	●	●	●	●	●	●
1969	7	326	●	●	●	●	●	●	●	●	●	●	●	●	●
1971	9	413	●	●	●	●	●	●	●	●	●	●	●	●	●

Cotner - 9

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	0	728	●	●	●	●	●	●	●	●	●	●	●	●	●
1957	0	938	●	●	●	●	●	●	●	●	●	●	●	●	●
1959	26	905	●	●	●	●	●	●	●	●	●	●	●	●	●
1961	7	744	●	●	●	●	●	●	●	●	●	●	●	●	●
1963	1	370	●	●	●	●	●	●	●	●	●	●	●	●	●
1965	0	370	●	●	●	●	●	●	●	●	●	●	●	●	●
1967	1	359	●	●	●	●	●	●	●	●	●	●	●	●	●
1969	0	314	●	●	●	●	●	●	●	●	●	●	●	●	●
1971	0	265	●	●	●	●	●	●	●	●	●	●	●	●	●

Dolfinger - 10

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	466	0	●	●	●	●	●	●	●	●	●	●	●	●	●
1957	449	40	●	●	●	●	●	●	●	●	●	●	●	●	●
1959	407	36	●	●	●	●	●	●	●	●	●	●	●	●	●
1961	431	20	●	●	●	●	●	●	●	●	●	●	●	●	●
1963	421	20	●	●	●	●	●	●	●	●	●	●	●	●	●
1965	339	50	●	●	●	●	●	●	●	●	●	●	●	●	●
1967	401	59	●	●	●	●	●	●	●	●	●	●	●	●	●
1969	370	47	●	●	●	●	●	●	●	●	●	●	●	●	●
1971	356	29	●	●	●	●	●	●	●	●	●	●	●	●	●

Emerson - 11

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	274	0	●	●	●	●	●	●	●	●	●	●	●	●	●
1957	268	18	●	●	●	●	●	●	●	●	●	●	●	●	●
1959	216	114	●	●	●	●	●	●	●	●	●	●	●	●	●
1961	249	135	●	●	●	●	●	●	●	●	●	●	●	●	●
1963	221	144	●	●	●	●	●	●	●	●	●	●	●	●	●
1965	221	142	●	●	●	●	●	●	●	●	●	●	●	●	●
1967	325	131	●	●	●	●	●	●	●	●	●	●	●	●	●
1969	350	88	●	●	●	●	●	●	●	●	●	●	●	●	●
1971	383	64	●	●	●	●	●	●	●	●	●	●	●	●	●

Engelhard - 12

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	657	0	●	●	●	●	●	●	●	●	●	●	●	●	●
1957	538	14	●	●	●	●	●	●	●	●	●	●	●	●	●
1959	452	27	●	●	●	●	●	●	●	●	●	●	●	●	●
1961	458	20	●	●	●	●	●	●	●	●	●	●	●	●	●
1963	460	19	●	●	●	●	●	●	●	●	●	●	●	●	●
1965	500	48	●	●	●	●	●	●	●	●	●	●	●	●	●
1967	453	44	●	●	●	●	●	●	●	●	●	●	●	●	●
1969	415	35	●	●	●	●	●	●	●	●	●	●	●	●	●
1971	460	33	●	●	●	●	●	●	●	●	●	●	●	●	●

Carmichael - 13

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1961	446	447	●	●	●	●	●	●	●	●	●	●	●	●	●
1963	352	286	●	●	●	●	●	●	●	●	●	●	●	●	●
1965	289	307	●	●	●	●	●	●	●	●	●	●	●	●	●
1967	290	426	●	●	●	●	●	●	●	●	●	●	●	●	●
1969	207	373	●	●	●	●	●	●	●	●	●	●	●	●	●
1971	134	403	●	●	●	●	●	●	●	●	●	●	●	●	●

Carter - 14
(Virginia Avenue)

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	0	944	●	●	●	●	●	●	●	●	●	●	●	●	●
1957	1	821	●	●	●	●	●	●	●	●	●	●	●	●	●
1959	8	765	●	●	●	●	●	●	●	●	●	●	●	●	●
1961	11	886	●	●	●	●	●	●	●	●	●	●	●	●	●
1963	3	928	●	●	●	●	●	●	●	●	●	●	●	●	●
1965	1	900	●	●	●	●	●	●	●	●	●	●	●	●	●
1967	3	807	●	●	●	●	●	●	●	●	●	●	●	●	●
1969	2	717	●	●	●	●	●	●	●	●	●	●	●	●	●
1971	2	660	●	●	●	●	●	●	●	●	●	●	●	●	●

Clark - 15

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	411	0	●	●	●	●	●	●	●	●	●	●	●	●	●
1957	396	50	●	●	●	●	●	●	●	●	●	●	●	●	●
1959	413	39	●	●	●	●	●	●	●	●	●	●	●	●	●
1961	360	44	●	●	●	●	●	●	●	●	●	●	●	●	●
1963	345	42	●	●	●	●	●	●	●	●	●	●	●	●	●
1965	358	44	●	●	●	●	●	●	●	●	●	●	●	●	●
1967	395	41	●	●	●	●	●	●	●	●	●	●	●	●	●
1969	397	32	●	●	●	●	●	●	●	●	●	●	●	●	●
1971	353	31	●	●	●	●	●	●	●	●	●	●	●	●	●

Appendix B Continued
Clay (Young) [16]

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	358	0	0	0	0	0	0	0	0	0	0	0	0
1957	366	47	x	x	x	x	x	x	x	x	x	x	x
1959	390	72	x	x	x	x	x	x	x	x	x	x	x
1961	398	107	x	x	x	x	x	x	x	x	x	x	x
1963	340	214	x	x	x	x	x	x	x	x	x	x	x
1965	268	455	x	x	x	x	x	x	x	x	x	x	x
1967	149	737	x	x	x	x	x	x	x	x	x	x	x
1969	78	746	x	x	x	x	x	x	x	x	x	x	x
1971	56	807	x	x	x	x	x	x	x	x	x	x	x

Cochran [17]

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	545	0	0	0	0	0	0	0	0	0	0	0	0
1957	605	17	x	x	x	x	x	x	x	x	x	x	x
1959	605	44	x	x	x	x	x	x	x	x	x	x	x
1961	612	38	x	x	x	x	x	x	x	x	x	x	x
1963	610	19	x	x	x	x	x	x	x	x	x	x	x
1965	633	54	x	x	x	x	x	x	x	x	x	x	x
1967	401	42	x	x	x	x	x	x	x	x	x	x	x
1969	356	29	x	x	x	x	x	x	x	x	x	x	x
1971	385	36	x	x	x	x	x	x	x	x	x	x	x

Field [18]

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	304	0	0	0	0	0	0	0	0	0	0	0	0
1957	325	0	0	0	0	0	0	0	0	0	0	0	0
1959	348	0	0	0	0	0	0	0	0	0	0	0	0
1961	325	0	0	0	0	0	0	0	0	0	0	0	0
1963	303	0	0	0	0	0	0	0	0	0	0	0	0
1965	330	0	0	0	0	0	0	0	0	0	0	0	0
1967	362	2	x	x	x	x	x	x	x	x	x	x	x
1969	388	0	0	0	0	0	0	0	0	0	0	0	0
1971	401	3	x	x	x	x	x	x	x	x	x	x	x

Poster [19]

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	642	0	0	0	0	0	0	0	0	0	0	0	0
1957	486	187	x	x	x	x	x	x	x	x	x	x	x
1959	244	519	x	x	x	x	x	x	x	x	x	x	x
1961	52	697	x	x	x	x	x	x	x	x	x	x	x
1963	24	810	x	x	x	x	x	x	x	x	x	x	x
1965	14	811	x	x	x	x	x	x	x	x	x	x	x
1967	13	803	x	x	x	x	x	x	x	x	x	x	x
1969	2	762	x	x	x	x	x	x	x	x	x	x	x
1971	0	646	x	x	x	x	x	x	x	x	x	x	x

Franklin [20]

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	278	0	0	0	0	0	0	0	0	0	0	0	0
1957	198	32	x	x	x	x	x	x	x	x	x	x	x
1959	285	24	x	x	x	x	x	x	x	x	x	x	x
1961	286	23	x	x	x	x	x	x	x	x	x	x	x
1963	284	26	x	x	x	x	x	x	x	x	x	x	x
1965	253	19	x	x	x	x	x	x	x	x	x	x	x
1967	398	23	x	x	x	x	x	x	x	x	x	x	x
1969	390	15	x	x	x	x	x	x	x	x	x	x	x
1971	315	9	x	x	x	x	x	x	x	x	x	x	x

Fraser [21]

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	727	0	0	0	0	0	0	0	0	0	0	0	0
1957	771	28	x	x	x	x	x	x	x	x	x	x	x
1959	696	41	x	x	x	x	x	x	x	x	x	x	x
1961	713	43	x	x	x	x	x	x	x	x	x	x	x
1963	664	38	x	x	x	x	x	x	x	x	x	x	x
1965	641	31	x	x	x	x	x	x	x	x	x	x	x
1967	681	32	x	x	x	x	x	x	x	x	x	x	x
1969	624	37	x	x	x	x	x	x	x	x	x	x	x
1971	538	32	x	x	x	x	x	x	x	x	x	x	x

Hazelwood [22]

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	1049	0	0	0	0	0	0	0	0	0	0	0	0
1957	858	14	x	x	x	x	x	x	x	x	x	x	x
1959	740	12	x	x	x	x	x	x	x	x	x	x	x
1961	724	10	x	x	x	x	x	x	x	x	x	x	x
1963	687	12	x	x	x	x	x	x	x	x	x	x	x
1965	827	15	x	x	x	x	x	x	x	x	x	x	x
1967	968	18	x	x	x	x	x	x	x	x	x	x	x
1969	841	23	x	x	x	x	x	x	x	x	x	x	x
1971	841	34	x	x	x	x	x	x	x	x	x	x	x

Heywood [23]

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	398	0	0	0	0	0	0	0	0	0	0	0	0
1957	351	89	x	x	x	x	x	x	x	x	x	x	x
1959	309	70	x	x	x	x	x	x	x	x	x	x	x
1961	319	82	x	x	x	x	x	x	x	x	x	x	x
1963	328	86	x	x	x	x	x	x	x	x	x	x	x
1965	293	80	x	x	x	x	x	x	x	x	x	x	x
1967	291	65	x	x	x	x	x	x	x	x	x	x	x
1969	322	50	x	x	x	x	x	x	x	x	x	x	x
1971	283	43	x	x	x	x	x	x	x	x	x	x	x

Appendix B: Continued
Jacob 22

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	677	0	0	0	0	0	0	0	0	0	0	0	0
1957	719	0	0	0	0	0	0	0	0	0	0	0	0
1959	650	0	0	0	0	0	0	0	0	0	0	0	0
1961	619	0	0	0	0	0	0	0	0	0	0	0	0
1963	632	0	0	0	0	0	0	0	0	0	0	0	0
1965	593	2	x	0	0	0	0	0	0	0	0	0	0
1967	646	25	x	0	0	0	0	0	0	0	0	0	0
1969	608	22	x	0	0	0	0	0	0	0	0	0	0
1971	477	15	x	0	0	0	0	0	0	0	0	0	0

Johnston 25

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	355	0	0	0	0	0	0	0	0	0	0	0	0
1957	396	36	x	0	0	0	0	0	0	0	0	0	0
1959	375	75	x	x	0	0	0	0	0	0	0	0	0
1961	350	82	x	x	0	0	0	0	0	0	0	0	0
1963	312	51	x	x	0	0	0	0	0	0	0	0	0
1965	315	48	x	x	0	0	0	0	0	0	0	0	0
1967	300	33	x	x	0	0	0	0	0	0	0	0	0
1969	261	22	x	x	0	0	0	0	0	0	0	0	0
1971	265	15	x	x	0	0	0	0	0	0	0	0	0

Jones 26

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	177	0	0	0	0	0	0	0	0	0	0	0	0
1957	349	47	x	x	0	0	0	0	0	0	0	0	0
1959	347	39	x	x	0	0	0	0	0	0	0	0	0
1961	378	50	x	x	0	0	0	0	0	0	0	0	0
1963	302	107	x	x	x	0	0	0	0	0	0	0	0
1965	177	226	x	x	x	x	0	0	0	0	0	0	0
1967	123	252	x	x	x	x	x	0	0	0	0	0	0
1969	51	258	x	x	x	x	x	x	0	0	0	0	0
1971	30	294	x	x	x	x	x	x	x	0	0	0	0

Kennedy 27

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1953	14	765	x	x	x	x	x	x	x	x	x	x	x
1965	4	757	x	x	x	x	x	x	x	x	x	x	x
1967	10	716	x	x	x	x	x	x	x	x	x	x	x
1969	7	608	x	x	x	x	x	x	x	x	x	x	x
1971	4	615	x	x	x	x	x	x	x	x	x	x	x

King 28

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1969	85	789	x	x	x	x	x	x	x	x	x	x	x
1971	31	844	x	x	x	x	x	x	x	x	x	x	x

Lincoln 29

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1967	473	165	x	x	x	x	x	x	x	x	x	x	x
1969	457	153	x	x	x	x	x	x	x	x	x	x	x
1971	329	146	x	x	x	x	x	x	x	x	x	x	x

Longfellow 30

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	303	0	0	0	0	0	0	0	0	0	0	0	0
1957	298	0	0	0	0	0	0	0	0	0	0	0	0
1959	295	0	0	0	0	0	0	0	0	0	0	0	0
1961	285	0	0	0	0	0	0	0	0	0	0	0	0
1963	311	0	0	0	0	0	0	0	0	0	0	0	0
1965	306	0	0	0	0	0	0	0	0	0	0	0	0
1967	347	0	0	0	0	0	0	0	0	0	0	0	0
1969	343	0	0	0	0	0	0	0	0	0	0	0	0
1971	296	0	0	0	0	0	0	0	0	0	0	0	0

Lowell 31

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	597	0	0	0	0	0	0	0	0	0	0	0	0
1957	606	70	x	x	0	0	0	0	0	0	0	0	0
1959	592	61	x	x	0	0	0	0	0	0	0	0	0
1961	533	79	x	x	0	0	0	0	0	0	0	0	0
1963	559	66	x	x	0	0	0	0	0	0	0	0	0
1965	622	62	x	x	0	0	0	0	0	0	0	0	0
1967	554	67	x	x	0	0	0	0	0	0	0	0	0
1969	501	51	x	x	0	0	0	0	0	0	0	0	0
1971	444	34	x	x	0	0	0	0	0	0	0	0	0

Marshall 32

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	478	0	0	0	0	0	0	0	0	0	0	0	0
1957	379	110	x	x	0	0	0	0	0	0	0	0	0
1959	363	101	x	x	0	0	0	0	0	0	0	0	0
1961	322	108	x	x	0	0	0	0	0	0	0	0	0
1963	341	106	x	x	0	0	0	0	0	0	0	0	0
1965	367	139	x	x	0	0	0	0	0	0	0	0	0
1967	196	178	x	x	0	0	0	0	0	0	0	0	0
1969	193	183	x	x	0	0	0	0	0	0	0	0	0
1971	175	187	x	x	0	0	0	0	0	0	0	0	0

Appendix B: Continued
Shelby 31

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	277	0	0	0	0	0	0	0	0	0	0	0	0
1957	314	0	0	0	0	0	0	0	0	0	0	0	0
1959	298	0	0	0	0	0	0	0	0	0	0	0	0
1961	312	0	0	0	0	0	0	0	0	0	0	0	0
1963	306	7	x	0	0	0	0	0	0	0	0	0	0
1965	333	7	x	0	0	0	0	0	0	0	0	0	0
1967	374	13	x	0	0	0	0	0	0	0	0	0	0
1969	409	27	x	0	0	0	0	0	0	0	0	0	0
1971	381	33	x	0	0	0	0	0	0	0	0	0	0

Southwick 32

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1959	47	939	0	0	0	0	0	0	0	0	0	0	0
1961	15	848	0	0	0	0	0	0	0	0	0	0	0
1963	4	767	0	0	0	0	0	0	0	0	0	0	0
1965	2	672	0	0	0	0	0	0	0	0	0	0	0
1967	2	593	0	0	0	0	0	0	0	0	0	0	0
1969	1	560	0	0	0	0	0	0	0	0	0	0	0
1971	1	492	0	0	0	0	0	0	0	0	0	0	0

Strother 33

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	285	0	0	0	0	0	0	0	0	0	0	0	0
1957	224	117	0	0	0	0	0	0	0	0	0	0	0
1959	207	159	0	0	0	0	0	0	0	0	0	0	0
1961	12	182	0	0	0	0	0	0	0	0	0	0	0
1963	12	228	0	0	0	0	0	0	0	0	0	0	0
1965	140	262	0	0	0	0	0	0	0	0	0	0	0
1967	84	343	0	0	0	0	0	0	0	0	0	0	0
1969	72	425	0	0	0	0	0	0	0	0	0	0	0
1971	49	448	0	0	0	0	0	0	0	0	0	0	0

Talbert 34

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	0	257	0	0	0	0	0	0	0	0	0	0	0
1957	0	314	0	0	0	0	0	0	0	0	0	0	0
1959	0	284	0	0	0	0	0	0	0	0	0	0	0
1961	1	299	0	0	0	0	0	0	0	0	0	0	0
1963	1	304	0	0	0	0	0	0	0	0	0	0	0
1965	0	269	0	0	0	0	0	0	0	0	0	0	0
1967	3	227	0	0	0	0	0	0	0	0	0	0	0
1969	0	202	0	0	0	0	0	0	0	0	0	0	0
1971	9	165	0	0	0	0	0	0	0	0	0	0	0

Tingley 35

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	279	0	0	0	0	0	0	0	0	0	0	0	0
1957	349	53	0	0	0	0	0	0	0	0	0	0	0
1959	322	24	0	0	0	0	0	0	0	0	0	0	0
1961	305	47	0	0	0	0	0	0	0	0	0	0	0
1963	366	54	0	0	0	0	0	0	0	0	0	0	0
1965	310	45	0	0	0	0	0	0	0	0	0	0	0
1967	379	46	0	0	0	0	0	0	0	0	0	0	0
1969	368	30	0	0	0	0	0	0	0	0	0	0	0
1971	378	25	0	0	0	0	0	0	0	0	0	0	0

Washington, B. T. 36

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	0	810	0	0	0	0	0	0	0	0	0	0	0
1957	0	800	0	0	0	0	0	0	0	0	0	0	0
1959	0	802	0	0	0	0	0	0	0	0	0	0	0
1961	6	782	0	0	0	0	0	0	0	0	0	0	0
1963	0	798	0	0	0	0	0	0	0	0	0	0	0
1965	4	772	0	0	0	0	0	0	0	0	0	0	0
1967	5	747	0	0	0	0	0	0	0	0	0	0	0
1969	10	673	0	0	0	0	0	0	0	0	0	0	0
1971	0	514	0	0	0	0	0	0	0	0	0	0	0

Wheatley 37

Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	0	743	0	0	0	0	0	0	0	0	0	0	0
1957	1	667	0	0	0	0	0	0	0	0	0	0	0
1959	5	717	0	0	0	0	0	0	0	0	0	0	0
1961	43	883	0	0	0	0	0	0	0	0	0	0	0
1963	23	869	0	0	0	0	0	0	0	0	0	0	0
1965	9	935	0	0	0	0	0	0	0	0	0	0	0
1967	14	913	0	0	0	0	0	0	0	0	0	0	0
1969	9	749	0	0	0	0	0	0	0	0	0	0	0
1971	6	612	0	0	0	0	0	0	0	0	0	0	0

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Appendix B: Continued
DISCONTINUED SCHOOLS

Bannecker (50)

Year	Number of Students		Percentage Black									
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	0	59									

Bond (51)

Year	Number of Students		Percentage Black									
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	0	661	.....								
1957	8	675	.....x								
1959	1	566	.....x								

Bowman (52)

Year	Number of Students		Percentage Black									
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	218	0	.....								
1957	206	0	.....								
1959	158	0	.....								
1961	230	0	.....								

California (53)

Year	Number of Students		Percentage Black									
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	200	0	.....								
1957	111	182	.....x								
1959	53	173	.....								

Douglas (54)

Year	Number of Students		Percentage Black									
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	0	354	.....								
1957	83	243	.....x								
1959	76	275	.....x								

Fenzer (55)

Year	Number of Students		Percentage Black									
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	461	0	.....								
1957	291	112	.....x								
1959	225	166	.....x								
1961	199	204	.....x								
1963	188	226	.....x								
1965	119	192	.....x								

Highland Park (56)

Year	Number of Students		Percentage Black									
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	0	55									

Hill (57)

Year	Number of Students		Percentage Black									
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	278	0	.....								
1957	233	77	.....x								
1959	185	92	.....x								
1961	185	99	.....x								
1963	148	113	.....x								
1965	107	98	.....x								
1967	128	60	.....x								
1969	95	52	.....x								

Lincoln (58)

Year	Number of Students		Percentage Black									
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	0	243	.....								
1957	0	164	.....								

McClellan (59)

Year	Number of Students		Percentage Black									
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	0	113									

Marker (60)

Year	Number of Students		Percentage Black									
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	527	0	.....								
1957	487	71	.....x								
1959	398	132	.....x								
1961	396	146	.....x								
1963	292	169	.....x								
1965	250	176	.....x								

Moore (61)

Year	Number of Students		Percentage Black									
	White	Black	0	1	2	3	4	5	6	7	8	9	0
1955	0	98									

Appendix B: Continued
Morris (62)

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	486	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1957	410	89	x	x	x	x	x	x	x	x	x	x	x	x	x
1959	297	79	x	x	x	x	x	x	x	x	x	x	x	x	x

Practice (63)

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	310	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1957	192	92	x	x	x	x	x	x	x	x	x	x	x	x	x
1959	123	68	x	x	x	x	x	x	x	x	x	x	x	x	x
1961	99	91	x	x	x	x	x	x	x	x	x	x	x	x	x

Roberts (64)

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	351	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1957	417	10	x	x	x	x	x	x	x	x	x	x	x	x	x
1959	369	10	x	x	x	x	x	x	x	x	x	x	x	x	x
1961	274	23	x	x	x	x	x	x	x	x	x	x	x	x	x
1963	225	15	x	x	x	x	x	x	x	x	x	x	x	x	x
1965	191	25	x	x	x	x	x	x	x	x	x	x	x	x	x

Rubado (65)

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1957	545	3	x	x	x	x	x	x	x	x	x	x	x	x	x
1959	514	3	x	x	x	x	x	x	x	x	x	x	x	x	x
1961	519	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1963	539	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1965	84	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Rapel (66)

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	279	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1957	323	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1959	316	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1961	318	7	x	x	x	x	x	x	x	x	x	x	x	x	x
1963	318	13	x	x	x	x	x	x	x	x	x	x	x	x	x
1965	286	6	x	x	x	x	x	x	x	x	x	x	x	x	x

Salisbury (67)

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	0	830	x	x	x	x	x	x	x	x	x	x	x	x	x
1957	213	288	x	x	x	x	x	x	x	x	x	x	x	x	x
1959	143	322	x	x	x	x	x	x	x	x	x	x	x	x	x
1961	40	354	x	x	x	x	x	x	x	x	x	x	x	x	x

Washington, George (68)

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	320	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1957	320	9	x	x	x	x	x	x	x	x	x	x	x	x	x
1959	297	12	x	x	x	x	x	x	x	x	x	x	x	x	x
1961	275	14	x	x	x	x	x	x	x	x	x	x	x	x	x
1963	241	14	x	x	x	x	x	x	x	x	x	x	x	x	x
1965	208	1	x	x	x	x	x	x	x	x	x	x	x	x	x

Dunbar (69)

Year	Number of Students		Percentage Black												
	White	Black	0	0	0	0	0	0	0	0	0	0	0	0	1
1955	0	428	x	x	x	x	x	x	x	x	x	x	x	x	x
1957	0	363	x	x	x	x	x	x	x	x	x	x	x	x	x
1959	4	275	x	x	x	x	x	x	x	x	x	x	x	x	x
1961	1	315	x	x	x	x	x	x	x	x	x	x	x	x	x
1963	17	245	x	x	x	x	x	x	x	x	x	x	x	x	x

APPENDIX C: Percentages of Black Students in each Louisville Public School
for the Years 1956 through 1971

(Underlining indicates years in which there was a decline in the percentage of black students at individual schools.)

	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	change in percentage 1956-1965	change in percentage 1965-1971	change in percentage 1956-1971
High Schools																			
Ahrens Trade	1.4	1.9	3.3	4.0	<u>3.9</u>	4.2	4.6	7.7	9.6	15.0	<u>19.4</u>	22.1	22.2	19.6	26.4	26.8	14.6	10.6	25.2
Atherton ¹	.2	.0	.2	.2	.5	.5	.8	.9	.9	2.1	2.1	1.8	1.9	2.4	3.3	3.7	1.9	1.8	3.6
Central	100.0	100.0	100.0	100.0	100.0	<u>99.1</u>	100.0	100.0	100.0	<u>99.8</u>	100.0	100.0	100.0	100.0	99.9	100.0	.2	.2	.0
Manual	1.7	2.1	2.8	3.2	4.1	4.9	5.0	7.0	7.7	10.9	14.8	20.2	23.6	24.9	31.4	<u>27.5</u>	9.2	15.5	25.8
Iroquois										.5	.8	1.6	1.9	.9	.8	.6		.1	.1
Male	5.3	13.9	15.0	15.5	18.0	19.6	25.7	30.7	34.5	47.3	56.4	65.4	72.7	62.6	90.0	94.4	42.0	47.1	89.1
Shawnee	5.3	<u>4.7</u>	6.5	9.3	10.9	14.9	20.0	28.6	36.9	46.8	53.4	57.9	62.1	73.0	82.0	87.8	40.5	42.0	82.5
Jr. High Schools																			
Barret	3.3	4.1	<u>3.5</u>	3.4	4.2	4.1	3.8	5.3	5.2	6.0	<u>6.3</u>	4.7	4.6	6.4	<u>4.9</u>	3.5	2.7	2.5	.2
Manual	13.7	13.7	15.0	<u>12.7</u>	15.1	16.5	16.5	<u>15.2</u>	20.9	21.2	23.4	23.8	20.9	22.8	32.9	37.0	7.5	15.8	22.3
DuValle	100.0	100.0	100.0	<u>96.6</u>	98.9	99.1	<u>98.9</u>	99.4	99.7	99.9	99.9	<u>99.4</u>	99.5	99.5	<u>96.9</u>	99.5	.2	.3	.5
Gottschalk	1.1	.9	.8	.5	.8	.8	.9	.8	.8	.5	.7	1.2	.9	1.5	1.8	2.3	.6	1.8	1.2
Highland	1.3	.6	.9	.9	1.2	1.2	1.4	1.9	2.9	<u>2.4</u>	2.9	5.1	7.7	11.2	<u>8.0</u>	8.0	1.1	5.6	6.7
Manly	28.5	29.2	<u>27.8</u>	29.6	32.6	<u>30.0</u>	37.9	43.8	45.3	47.6	48.7	<u>48.9</u>	49.2	52.7	54.9	57.5	19.1	9.9	29.0
Meyzeck ²	100.0	100.0	100.0	<u>99.5</u>	99.5	100.0	<u>99.8</u>	100.0	<u>99.3</u>	<u>99.9</u>	<u>94.2</u>	94.7	95.1	97.0	98.1	99.0	1.1	.1	1.0
Parkland	4.4	5.9	10.5	14.4	17.8	24.8	35.2	45.9	50.6	66.8	74.2	73.2	87.9	94.2	97.8	96.6	62.4	29.8	92.2
Russell ²	100.0	<u>99.8</u>	100.0	100.0	100.0	100.0	<u>99.8</u>	100.0	100.0	100.0	100.0	100.0	<u>99.9</u>	100.0	100.0	100.0	0.0	0.0	0.0
Shawnee	2.7	4.5	8.0	10.2	16.6	22.8	29.3	38.2	46.9	56.4	63.5	71.2	77.5	83.3	90.9	93.2	52.7	37.8	90.5
Southern	0.0	.2	.2	.2	.0	.0	.0	.0	.0	.0	.0	.0	.0	.1	.2	.4	0.0	.4	.4
Western	21.0	22.5	<u>15.7</u>	<u>11.0</u>	<u>6.8</u>	7.8	8.1	12.9	15.1	17.9	<u>11.7</u>	18.7	21.7	<u>19.8</u>	21.5	24.1	3.1	6.2	3.1
Wormer ⁴	6.2	<u>7.9</u>	<u>7.4</u>	8.8	10.5	15.1	17.0	21.7	<u>19.9</u>	23.7	<u>23.1</u>	24.3	24.5	29.1	34.8	41.1	15.5	17.4	32.9
Iroquois ¹										0.6	0.8								
Elementary Schools																			
Atkinson	5.3	6.6	6.9	6.4	6.1	5.0	5.1	5.8	6.8	6.4	7.5	7.9	8.0	9.1	6.0	6.3	1.1	1.1	0.0
Beechmont	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.8	0.0	1.8	1.8

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Appendix C. Continued

School	1966	1967	1968	1969	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1970	1971	change in percentage 1966-1968	change in percentage 1966-1971	change in percentage 1968-1971
Bethnes	4	4	5	3	3	3	5	7	1.8	2.1	2.5	1.3	9	2	7	1.2	1.7	.9	1.3
Bloom	4	9	1.0	1.8	.8	.3	3	0.0	0.0	0.0	0.0	0.0	0.8	0.0	.7	0.0	.4	0.0	.4
Brandes	14.4	19.7	23.9	34.3	48.5	59.0	72.6	81.8	89.3	92.7	95.3	95.6	98.8	97.8	98.9	98.2	78.3	6.6	83.8
Breckinridge											21.8	19.7	17.4	14.4	14.9	18.0		3.8	3.8
Byok						93.0	94.0	96.8	96.4	97.3	95.6	95.8	97.5	98.7	97.5	97.5	4.3	.2	4.5
Carmichael						50.1	43.9	44.8	47.0	51.5	51.7	59.6	60.8	64.2	72.6	75.0	1.5	23.5	24.9
Carter	100.0	99.8	99.8	99.0	98.8	98.7	98.9	99.7	99.7	99.9	99.8	99.6	99.7	99.8	99.9	99.4	.1	1.5	.6
Clerk	11.2	11.2	9.4	8.6	10.5	10.9	11.7	10.9	10.1	10.9	11.1	9.4	9.3	7.5	7.8	8.1	8.7	2.8	3.1
Clay (Young, 1971)	10.7	11.1	12.9	15.6	18.4	21.2	28.8	38.6	53.7	62.9	78.8	83.2	87.3	90.5	93.7	93.5	52.2	30.6	62.8
Cochran	3.0	5.8	7.8	5.8	7.1	5.9	5.9	6.0	8.3	7.9	8.7	9.5	10.7	7.6	6.8	8.6	4.9	.7	5.8
Cokeridge-Taylor	97.0	98.3	99.1	98.0	97.7	98.9	97.0	91.7	91.3	88.8	93.3	96.1	98.0	97.0	99.0	98.0	8.2	9.2	11.0
Cutter	100.0	100.0	100.0	97.0	98.2	99.0	99.0	99.7	99.4	100.0	100.0	99.7	100.0	100.0	100.0	100.0	0.0	0.0	0.0
Dolfinger	7.9	8.2	7.9	6.1	4.0	4.4	6.3	4.5	7.3	12.9	12.3	12.8	12.1	11.3	7.2	7.5	5.0	5.4	.4
Emerson	4.1	6.3	34.0	34.5	33.6	36.1	37.5	39.5	41.1	39.1	34.6	28.7	25.6	20.1	16.8	14.6	35.0	24.5	10.5
Engelhard	2.7	2.5	3.4	5.7	3.9	4.2	4.1	4.0	8.2	8.8	10.5	8.8	7.3	7.8	6.7	6.7	6.1	2.1	4.0
Field	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	.8	1.3	0.0	.8	.7	0.0	.7	.7
Foster	12.9	28.0	45.0	59.0	77.5	93.6	95.6	97.1	97.9	98.3	98.7	98.4	98.6	99.7	99.0	100.0	85.4	1.7	87.1
Franklin	13.8	9.5	10.7	7.8	9.4	7.4	7.7	8.4	9.3	7.0	6.2	5.5	3.1	3.7	3.2	2.7	6.6	4.3	10.9
Rogyer	3.5	3.5	4.9	5.8	4.8	5.7	5.6	5.4	4.5	4.6	4.2	4.5	4.7	8.6	5.2	5.6	1.1	1.0	2.1
Hazelwood	1.8	1.6	1.8	1.5	1.5	1.3	2.4	1.7	2.0	1.9	2.1	1.8	2.2	2.7	2.7	3.9	0.0	2.1	2.1
Heywood	17.0	20.2	20.3	18.4	18.3	20.4	20.6	20.8	20.5	21.4	22.1	18.5	19.1	13.4	10.5	13.4	4.4	8.0	3.6
Sicob	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	.3	1.8	3.7	3.8	3.5	2.4	3.0	.3	2.7	3.0
Johnston	7.9	9.1	17.9	16.6	19.6	18.9	19.9	14.0	13.5	13.2	14.2	9.9	10.6	7.8	7.2	5.4	6.3	7.8	2.5
Jones	9.4	11.8	14.6	10.1	10.2	11.6	16.5	26.2	37.8	56.1	59.8	67.2	78.0	86.5	92.0	90.8	46.7	34.7	81.4
Kennedy								98.2	98.0	99.4	96.8	96.6	97.9	98.9	99.0	99.3	1.2	.1	1.1
King													78.8	90.3	94.0	98.4		17.6	17.6
Lincoln										41.4	25.5	25.9	24.8	25.1	29.9	30.7		10.7	10.7
Longfellow	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Lowell	8.7	10.4	9.4	9.4	10.8	12.9	11.7	10.8	11.5	9.1	9.5	10.8	10.6	9.2	7.9	7.1	.4	2.0	1.8

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Appendix C: Continued

School	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	change in percentage 1966-1986	change in percentage 1966-1971	change in percentage 1966-1971
Marshall	23.4	<u>22.5</u>	<u>20.8</u>	21.8	28.0	28.1	28.7	<u>23.7</u>	27.1	34.2	38.5	45.8	48.0	48.2	53.8	<u>51.0</u>	10.8	17.4	28.2
McFerran	0.0	.2	.1	.2	.9	1.4	3.7	12.4	21.2	28.8	38.7	41.9	52.0	65.1	72.0	81.0	28.8	51.4	81.0
Parkland	18.2	25.8	34.2	47.3	58.0	75.0	82.0	90.1	92.3	94.8	95.7	98.1	98.4	<u>98.3</u>	100.0	<u>98.4</u>	78.4	48	81.2
Perry	98.8	<u>98.7</u>	100.0	<u>98.7</u>	98.8	<u>98.8</u>	<u>98.4</u>	<u>98.1</u>	<u>98.7</u>	<u>98.3</u>	98.8	98.8	98.8	<u>98.7</u>	<u>98.0</u>	<u>98.7</u>	.5	.4	.1
Portland	.5	.2	.5	2.9	<u>1.9</u>	2.2	0.0	.5	.8	1.3	.8	0.0	0.0	0.0	1.8	4.7	.8	3.4	4.2
Roosevelt	1.8	2.1	2.1	2.6	3.3	<u>2.7</u>	3.4	4.7	8.8	13.3	18.7	18.7	16.9	18.1	17.2	<u>15.8</u>	11.7	2.3	14.0
Rutherford	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	.2	.4	.8	0.0	.8	.8
Sample	.2	3.5	<u>6.1</u>	.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	.4	.8	<u>.3</u>	.2	.3	.1
Shawnee	0.0	0.0	0.0	0.0	0.0	.9	8.8	18.7	30.6	40.9	54.5	60.8	<u>80.0</u>	88.2	78.9	84.8	40.9	43.7	84.8
Shelby	1.0	0.0	0.0	0.0	0.0	0.0	0.0	.8	.8	2.1	8.2	<u>3.3</u>	8.3	8.2	<u>5.8</u>	8.0	1.1	8.8	7.0
Southwick				96.0	97.5	98.1	98.4	98.8	<u>98.4</u>	98.7	<u>98.2</u>	98.7	98.8	<u>98.0</u>	<u>98.0</u>	98.7	4.7	0.0	4.7
Strother	24.8	34.3	37.0	43.4	48.8	50.0	55.1	58.1	<u>59.8</u>	68.2	74.9	80.3	84.2	88.8	90.1	90.1	40.6	24.9	88.5
Talbert	100.0	100.0	100.0	100.0	100.0	<u>98.8</u>	100.0	<u>98.7</u>	100.0	100.0	100.0	<u>98.7</u>	100.0	100.0	<u>98.0</u>	<u>98.0</u>	0.0	4.0	4.0
Tingley	12.1	15.8	<u>8.2</u>	<u>8.9</u>	7.0	13.3	12.7	12.9	<u>10.8</u>	12.7	12.8	10.8	11.4	7.5	<u>5.4</u>	6.2	.8	<u>6.5</u>	<u>5.1</u>
Washington	100.0	100.0	100.0	100.0	100.0	<u>98.4</u>	100.0	100.0	<u>98.7</u>	<u>98.5</u>	<u>98.2</u>	98.3	98.4	<u>98.8</u>	98.0	100.0	.5	.5	0.0
Wheatley	98.7	98.8	98.8	<u>98.4</u>	100.0	<u>98.3</u>	98.6	97.4	<u>97.3</u>	98.0	<u>97.8</u>	98.5	98.6	<u>98.8</u>	<u>97.2</u>	98.0	.7	0.0	.7
Discontinued Schools																			
Bond	98.0	98.0	98.6	<u>98.5</u>	98.0												3.0		3.0
Bowman Field	0.0	0.0	0.0	0.0	0.0	0.0											0.0		0.0
California	56.0	62.2	68.0	78.6	82.8												27.8		27.8
Douglas	83.7	74.8	77.0	78.5	78.7												5.0		5.0
Dunbar	97.9	100.0	<u>98.0</u>	<u>98.8</u>	<u>98.4</u>	98.7	98.8	<u>93.8</u>	<u>92.6</u>								6.3		6.3
Finney	22.3	27.7	38.7	42.5	49.2	50.8	54.3	54.6	54.6	61.7							38.4		38.4
Hill	12.7	24.8	<u>24.3</u>	33.2	34.0	34.8	38.1	43.3	46.4	47.8	<u>38.9</u>	<u>31.8</u>	<u>27.7</u>	36.2			36.1	<u>128</u>	22.5
Lincoln	100.0	100.0															0.0		0.0
Marker	12.7	12.7	26.7	<u>24.9</u>	27.1	28.1	34.0	38.8	43.4	<u>41.3</u>							28.6		28.6
Morris	14.0	17.8	<u>18.2</u>	21.0	23.4												9.4		9.4
Prentice	26.2	32.4	35.5	36.8	39.0	47.9	53.7										53.7		53.7

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Appendix C: Continued

School	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1970	1971	change in percentage 1966-1968	change in percentage 1966-1971	change in percentage 1966-1971
Roberts	.7	2.3	4.4	4.1	5.7	7.7	8.4	7.8	9.0	11.8							10.8		10.9
Rubato	0.0	.5	.4	.8	.2	0.0	0.0	0.0	0.8	0.0							0.0		0.0
Rubel Ave.	0.0	0.0	0.0	0.0	1.5	2.1	2.5	3.9	5.2	2.1							2.1		2.1
Salisbury	46.7	57.4	63.9	69.0	74.8	80.9	91.4										4.7		46.7
Washington (G)	2.2	2.7	3.6	3.9	2.9	4.8	4.8	5.5	5.0	.5							1.7		1.7

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Under the Kentucky Civil Rights Act of 1966, KRS 344.190 (11), the Commission has the duty "to make studies appropriate to effectuate the purposes and policies of this chapter and to make the results thereof available to the public."

This report was prepared by Charles Walden, Research Specialist. Layout and tables by Darla S. Payton.

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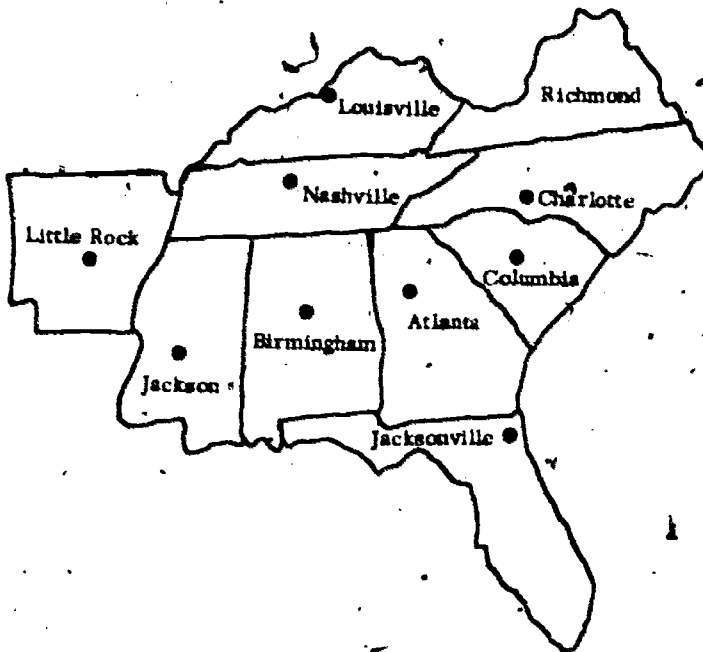
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Year	Number of Students		Percentage Black										
	White	Black	0	1	2	3	4	5	6	7	8	9	0
			0	0	0	0	0	0	0	0	0	0	0
1955	681	0	0	0	0	0	0	0	0	0	0	0	0
1957	748	0	0	0	0	0	0	0	0	0	0	0	0
1959	691	0	0	0	0	0	0	0	0	0	0	0	0
1961	742	7	x	0	0	0	0	0	0	0	0	0	0
1963	757	174	●	●	●	x	0	0	0	0	0	0	0
1965	621	430	●	●	●	●	●	●	x	0	0	0	0
1967	535	831	●	●	●	●	●	●	●	●	x	0	0
1969	244	522	●	●	●	●	●	●	●	●	●	x	0
1971	128	696	●	●	●	●	●	●	●	●	●	●	x

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**A Southern cities
-except Louisville-
desegregate schools**



COMMISSION ON HUMAN RIGHTS
COMMONWEALTH OF KENTUCKY
600 West Walnut
Louisville, Kentucky 40203

THE LOUISVILLE LAG

A comparison of major city school systems in 10 Southern states shows clearly that Louisville has the worst record in both student and faculty segregation. And the very high ratio of black students to black teachers shows that Louisville trails all the other 11 systems in this study in the vital area of hiring black teachers.

That means that Louisville is worse than Atlanta, Georgia; Birmingham, Alabama; Charlotte, North Carolina; Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Little Rock, Arkansas; Nashville, Tennessee; Pontiac, Michigan; and Richmond Virginia.

Federal court orders in many of the cities are an obvious factor but Louisvillians should be told that the degree of segregation is much greater in their city today than it was in either Charlotte, North Carolina, or in Pontiac, Michigan, BEFORE the decisive court action in those two cities.

Only Atlanta has improved its record over the past four years while the Louisville record--already bad--has taken a sharp turn for the worse.¹

Four comparisons show just how far Louisville has fallen behind the rest:

1. In 1968, only three of the 11 city school systems included in this report had less segregation of elementary school students than Louisville. Today, all have less segregation than Louisville.

(Chart I, page 8)

¹Commission on Human Rights, Commonwealth of Kentucky. Louisville School System Retreats to Segregation: A report on Public Schools in Louisville, Kentucky, 1966-1971. March, 1972.

2. In 1968, six systems had less segregation of junior high school students than Louisville. Today, all have less segregation than Louisville. (Chart II, page 9)
3. In 1968, three systems had less segregation of senior high school students than Louisville. Today, only Atlanta has more segregation. (Chart III, page 10)
4. In 1968, only two systems had less segregation of elementary school teachers. Today, all have less segregation than Louisville. (Chart IV, page 11)

Study after study from over the nation has shown that equal educational opportunities are not extended to black students within segregated systems. So, the degree of segregation is directly related to disparities in quality education. All the evidence is on the side of those who argue, as we do, that there has not and cannot be equality in education within a segregated system.

Blacks have suffered in the past from segregated educational facilities. There is no evidence that the disparity in curriculum and programs that does exist in Louisville today does not limit educational opportunities for black students. As an example, school officials readily admit that students attending the predominantly black high schools (Central, Male and Shawnee) do not have access to the full range of programs offered at Atherton High School (98.1 per cent white student body, 93.6 per cent white faculty).

LAG IN TEACHER HIRING

Look at the ratio of black students to black teachers and it is easy to see how far Louisville is behind other Southern cities. In Louisville, the ratio is 36 to 1, last among 18 school systems included in this phase of the study.

TABLE A
RATIO OF BLACK STUDENTS TO BLACK TEACHERS
FOR 18 CITY SCHOOL SYSTEMS, 1971-1972

<u>System</u>	<u>Ratio</u>	<u>System</u>	<u>Ratio</u>
1. Norfolk, Va.	21.9 to 1	10. Columbia, S.C.	31.7 to 1
2. Greensboro, N.C.	26.2 to 1	11. Raleigh, N.C.	32.2 to 1
3. Atlanta, Ga.	28.1 to 1	12. Nashville, Tenn.	32.6 to 1
4. Tampa, Fla.	29.0 to 1	13. Memphis, Tenn.	32.7 to 1
5. Richmond, Va.	29.2 to 1	14. Jackson, Miss.	33.1 to 1
6. Birmingham, Ala.	29.5 to 1	15. Greenville, S.C.	33.2 to 1
7. Montgomery, Ala.	30.4 to 1	16. Pontiac, Mich.	34.0 to 1
8. Mobile, Ala.	30.4 to 1	17. Little Rock, Ark.	34.7 to 1
9. Charlotte, N.C.	30.6 to 1	18. LOUISVILLE, KY.	36.6 to 1

Louisville also is next to the last in the vital area of closing the gap in the number of black teachers (Tables B and C on page 5 and Graph I on page 8). Louisville started behind most and has not made any significant gain. In 1968, 30.8 per cent of the teachers in Louisville were Black. In 1971, the figure is only 31.3, a gain of only half of one per cent. During that same period, the black student population rose from 45.7 per cent in 1968 to 48.6 per cent in 1971. The result, in Louisville, is an even wider gap between the number of black teachers and the number of black students.

The comparative salary figures included in Table C indicate that Louisville is in a competitive position with the other systems included in this report.

Louisville school officials point out that they recruited at 54 colleges and universities last year, 28 of them predominantly Black. Comparative figures are not available from all other systems, but in a report on black teachers in the South from Race Relations Information Center², it is reported that Nashville recruited in 43 predominantly black schools in 1971 and that 20 of the 45 colleges visited by Chattanooga, Tennessee, officials are predominantly Black.

Louisville needs some 450 additional black teachers to bring the percentage of black teachers up to the percentage of black students. And the system needs more than 250 additional black teachers - this year - to reach the limited goals set by the system three years ago. City officials now say they hope to hire at least 100 black teachers before school starts this fall.

Charts I through III show just how dramatically Louisville is moving against the flow of desegregation in the South. Chart IV shows just how failure to follow court rulings elsewhere and failure to adopt guidelines set out by the U. S. Department of Health, Education and Welfare has resulted in an obvious disparity in teacher assignments.

Looking at Chart I, page 8, the "o" lines indicate that Louisville was ahead of all but Charlotte, Columbia and Pontiac in the degree of elementary school desegregation in 1968. The "x" lines show that all 10 of the systems are ahead of

²Robert W. Hooker. Displacement of Black Teachers in the Eleven Southern States. Race Relations Information Center, Nashville, Tennessee. December, 1970.

TABLE B
RATIO OF TEACHERS TO STUDENTS, BY RACE: AND PROPORTION OF WHITE RATIO
TO BLACK RATIO FOR SELECTED CITIES, 1971

Districts	WHITE			BLACK			White Ratio Black Ratio 1971
	Students	Teachers	Ratio	Students	Teachers	Ratio	
Louisville, Ky.	24,541	1,391	17.6	22,346	636	36.6	.482
Atlanta, Georgia	27,834	1,654	16.8	72,821	2,579	28.1	.598
Birmingham, Ala.	25,994	1,071	25.2	33,809	1,147	29.5	.835
Charlotte, N.C.	57,341	2,404	23.1	26,022	823	30.6	.754
Columbia, S.C.	17,499	1,109	15.8	20,143	535	31.7	.498
Jackson, Miss.	10,594	776	13.6	18,067	575	33.1	.412
Jacksonville, Fla.	77,639	3,147	24.6	38,979	1,380	28.0	.878
Little Rock, Ark.	10,825	594	18.2	8,694	250	34.7	.522
Nashville, Tenn.	64,114	2,608	24.6	23,963	780	32.6	.761
Pontiac, Mich.	13,266	539	24.6	8,235	242	34.0	.724
Richmond, Va.	13,641	866	15.7	29,747	1,038	29.2	.537

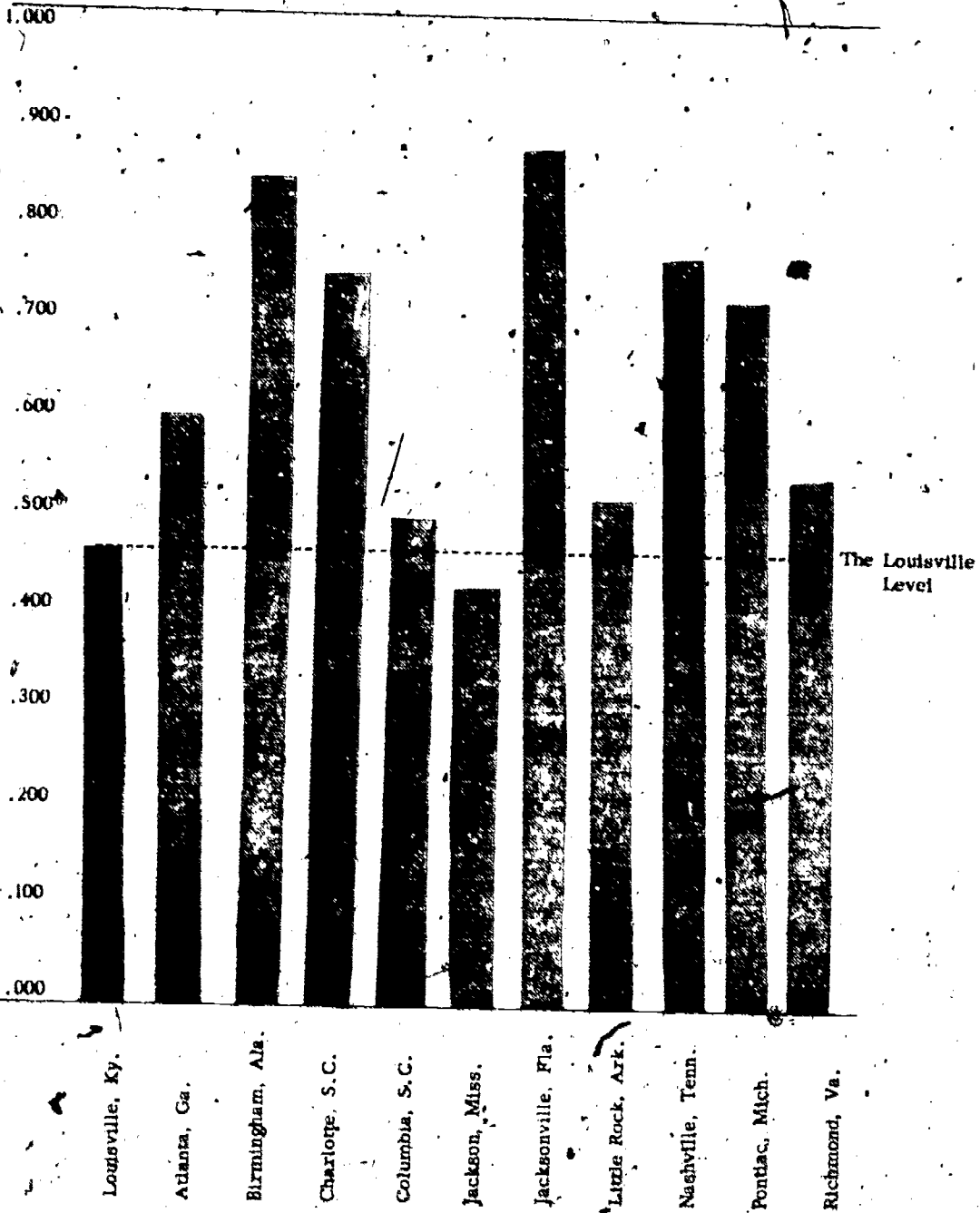
TABLE C
BLACK PERCENTAGE OF FACULTIES FOR SELECTED CITIES
1968 and 1971, CHANGE AND SALARIES

Cities	1968	1971	change %	% change	Salaries*	
					starting	maximum
Louisville, Ky.	30.8	31.3	0.5	+1.6	\$6,391	\$10,226
Atlanta, Ga.	55.5	60.9	5.4	+9.7	7,300	10,660
Birmingham, Ala.	49.3	51.7	2.4	+4.9	6,444	8,352
Charlotte, N.C.	24.9	25.4	0.5	+2.0	7,005	10,357
Columbia, S.C.	37.4	36.4	1.0	-1.7	"	"
Jackson, Miss.	41.8	42.5	0.7	+1.7	6,300	8,566
Jacksonville, Fla.	27.5	28.9	1.4	+5.1	6,800	9,800
Little Rock, Ark.	28.7	29.6	0.9	+3.1	5,800	6,670
Nashville, Tenn.	21.2	23.0	1.8	+8.5	"	"
Pontiac, Mich.	24.2	30.6	6.4	+26.4	"	"
Richmond, Va.	60.2	54.9	5.3	-8.8	7,000	11,200

*Teachers with Bachelor's degrees

*Comparative figures not available

GRAPH I
 PROPORTION OF BLACK TEACHERS/BLACK STUDENTS TO WHITE
 TEACHERS/WHITE STUDENTS IN SELECTED CITIES, 1971



Louisville in desegregation during the current school year (1971-1972).

Note, particularly the dramatic changes in both Charlotte and Pontiac, where federal court decisions resulted in sweeping changes. Note, also, that every system moved toward desegregation except for Louisville.

Louisville did show a slight decline in desegregation at the junior high level (Chart II, page 9) but again all other systems far outstripped effort here. The Commission's earlier report on Louisville's retreat to segregation made it clear that most of the desegregation occurred in the predominantly white schools on the fringes of the inner city and that there actually was a decline in black attendance in the junior high schools attended by most middle class whites.

At the senior high school level (Chart III, page 10) only Louisville shows an increase in student segregation, up a full ten points. The gain in segregation in Louisville came at a time when dramatic improvements were made through most of the South and even some improvement in Atlanta. Compare the degree of segregation in Louisville high schools today (78.6) with that in Birmingham (12.4) and in Little Rock (5.1) and you get some idea of the different view our students are getting of their total society.

Chart IV, page 11, deals only with teacher segregation at the elementary school level but it also reflects the conditions at the junior and senior high school levels. It shows how Louisville, following a plan that runs counter to federal court rulings and HEW guidelines, has moved far slower than other systems to achieve equal distribution of black teachers. Note, particularly the comparison between Louisville (45.4) and Charlotte (0.6) and you will get some idea of the current imbalances.

II: SEGREGATION INDEX, ELEMENTARY SCHOOL STUDENTS

System	Year	1	2	3	4	5	6	7	8	9	10	actual seg. index
		0	0	0	0	0	0	0	0	0	0	
Louisville, Ky.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	80.3
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	86.2
Atlanta, Georgia	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	96.1
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	83.1
Birmingham, Alabama	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	92.8
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	79.6
Charlotte, N.C.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	79.6
	1971	XXXX	XXXX	X								11.0
Columbia, S.C.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	71.6
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXX				37.9
Jackson, Miss.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	96.7
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX					35.4
Jacksonville, Florida	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	89.8
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	64.0
Little Rock, Arkansas	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	89.8
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	74.7
Nashville, Tenn.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	85.1
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	X				35.8
Pontiac, Michigan	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	80.1
	1971	XXXX	XXXX	XXXX	XXXX	X						21.1
Richmond, Va.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	90.3
	1971	XXXX	XXXX	XXXX	XXXX	XX						22.9

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II. SEGREGATION INDEX, JUNIOR HIGH SCHOOL STUDENTS

System	Year	5	0	5	2	0	5	3	0	5	4	0	5	0	5	6	0	5	7	0	5	8	0	5	9	0	5	1 actual seg. index	
Louisville, Ky.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	73.2	
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	70.7	
Atlanta, Georgia	1968	a																											
	1971	a																											
Birmingham, Alabama	1968	#																											
	1971	g																											
Charlotte, N.C.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	68.3	
	1971	XXXX	XXX																									8.9	
Columbia, S.C.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	70.3	
	1971	XXXX	XXXX	XXXX	XXX																							18.0	
Jackson, Miss.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	98.1	
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XX																	37.9	
Jacksonville, Florida	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	71.0	
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	49.9
Little Rock, Arkansas	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	71.2	
	1971	XXX																										3.2	
Nashville, Tenn.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	66.8	
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XX																		32.0	
Pontiac, Michigan	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	62.8	
	1971	x																										1.7	
Richmond, Virginia	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	73.7	
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XX																		32.3	

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^aIncluded in high schools.

III. SEGREGATION INDEX, SENIOR HIGH SCHOOL STUDENTS

System	Year	1	2	3	4	5	6	7	8	9	10	actual seg. index
Louisville, Ky.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	68.6
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	78.6
Atlanta, Georgia	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	89.1
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	83.4
Birmingham, Alabama	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	87.7
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	65.3
Charlotte, N.C.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	53.3
	1971	XXXX	XXXX	XX								12.4
Columbia, S.C.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	80.9
	1971	XXXX	XXXX	XXXX								14.3
Jackson, Miss.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	95.6
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX				39.0
Jacksonville, Florida	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	90.8
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	X		56.3
Little Rock, Arkansas	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	54.7
	1971	XXXXX										5.1
Nashville, Tenn.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	72.8
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXXX				40.3
Pontiac, Michigan	1968	0000	0000	0000	0000	0000	0000	0				36.2
	1971	XXXX	XX									7.8
Richmond, Va.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	80.4
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XX				32.9

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IV. SEGREGATION INDEX, ELEMENTARY SCHOOL TEACHERS

System	Year	1 actual																		0 seg. 0 index
		5	0	5	0	5	0	5	0	5	0	5	0	5	0	5	0	5	0	
Louisville, Ky.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	71.2
	1971	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	45.4
Atlanta, Georgia	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	79.4	
	1971	XXXX	XXXX	XXXX	XXXX														19.4	
Birmingham, Alabama	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	84.3	
	1971	XXXXX																	5.6	
Charlotte, N.C.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	75.5	
	1971																		0.6	
Columbia, S.C.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	90.5	
	1971	XXXX	XXXX	X															11.3	
Jackson, Miss.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	99.1	
	1971	XXXX	XXXX	XX															12.0	
Jacksonville, Florida	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	89.7	
	1971	XXXX	XX																7.3	
Little Rock, Arkansas	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	65.8	
	1971	XXXX	XXXX	XX															12.4	
Nashville, Tenn.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	76.1	
	1971	XXXX	XX																7.2	
Pontiac, Michigan	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	36.5	
	1971	XXXX	XXXXX																10.7	
Richmond, Va.	1968	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	0000	87.3	
	1971	XXXX	XXX																8.1	

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CONCLUSIONS

From these comparisons with other systems, the Kentucky Commission on Human Rights can only conclude that the Louisville Board of Education has failed to take effective action to desegregate students and that the Louisville Board of Education is following a plan for teacher assignments that is not achieving the goals clearly laid down by the federal courts and by HEW.

RECOMMENDATIONS

This new evidence provides further arguments for the school board to move ahead, now, to implement the recommendations set forth in the Commission's earlier report, Louisville Schools Retreat to Segregation.

COMMONWEALTH OF KENTUCKY

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Under the Kentucky Civil Rights Act of 1966, KRS 344.190 (11), the Commission has the duty "to make studies appropriate to effectuate the purposes and policies of this chapter and to make the results thereof available to the public."

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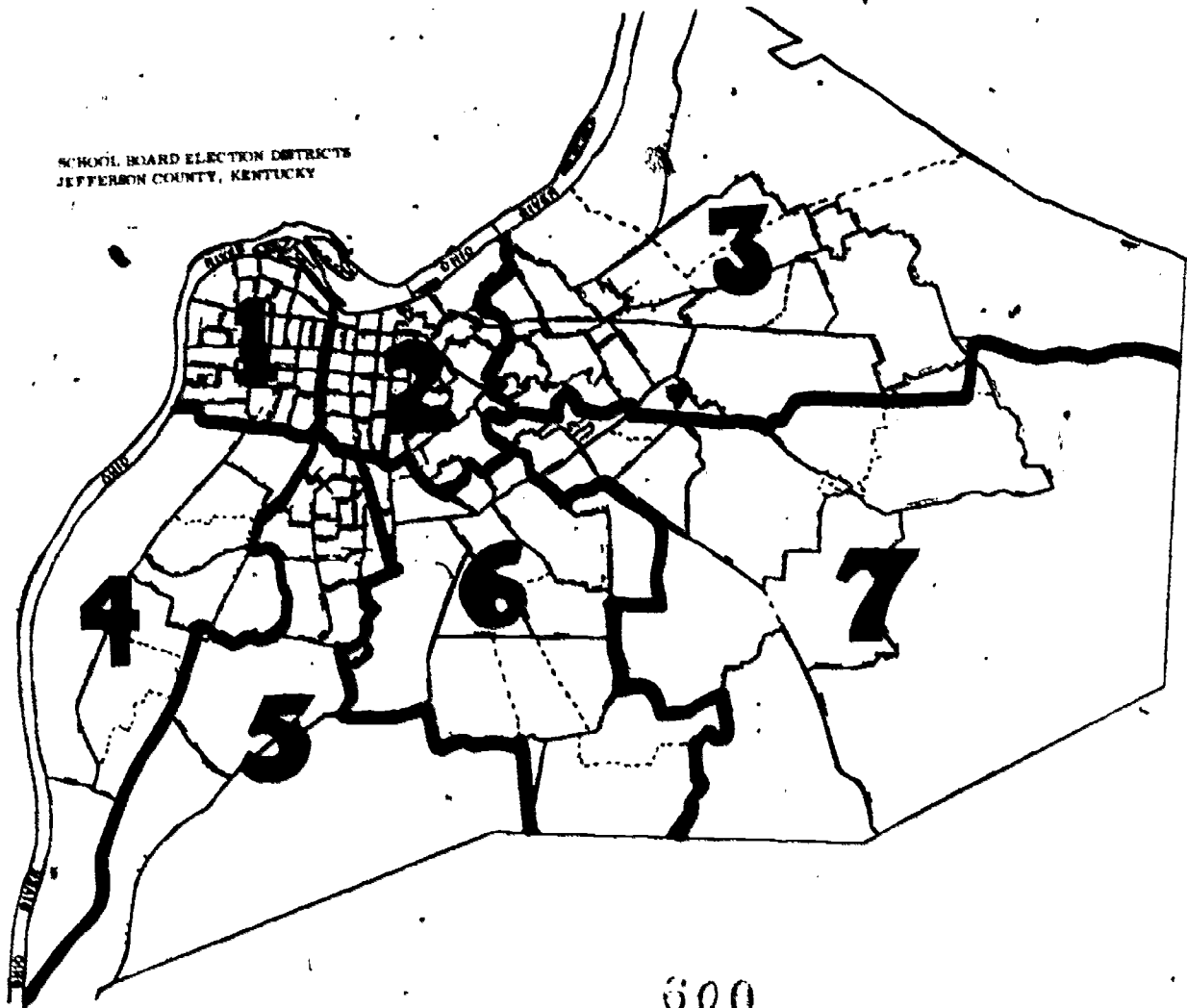
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**SEGREGATION PERSISTS
IN
JEFFERSON COUNTY SCHOOLS
1975 - 76**

KENTUCKY COMMISSION ON HUMAN RIGHTS
COMMONWEALTH OF KENTUCKY
828 Capital Plaza Tower
Frankfort, Kentucky 40601

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SCHOOL BOARD ELECTION DISTRICTS
JEFFERSON COUNTY, KENTUCKY



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PREFACE

This is a report on the failure of the Jefferson County school system to sufficiently implement the Court's July 1975 desegregation plan. The analysis, by staff members of the Kentucky Commission on Human Rights, is based on statistical data supplied by the Board of Education for the years 1973 through 1976, and on data included in the previous Commission report, Louisville School System Retreats to Segregation, published in March 1972.

Student enrollment and teacher assignment data was submitted on April 22, 1976, and is current as of March 1976. Full data concerning other faculty and staff assignments as of March 1976 was not available at press time, making it necessary to use figures current as of November 1975. However, a preliminary comparison between this November data and the limited data available for March indicates no significant change in the racial composition of the various job categories.

COI

HIGHLIGHTS

1. Fifteen of the 16 formerly black elementary schools (student enrollment over 50 percent black) have retained their racial identity by having black student enrollments which exceed the desegregation plan guidelines. Black faculty and staff assignments in these 15 schools also reflect their former racial identity.
2. Thirteen formerly white elementary schools also have retained their racial identity by having black student enrollments which are below the desegregation plan guidelines and below-average percentages of black faculty and staff.
3. All three high schools which were predominantly black prior to the desegregation plan have retained their racial identity as well.
4. Thirty-two of the 148 schools in the county system have black student enrollments which are outside the boundaries established by the desegregation plan.
5. Every formerly black school except one (Meyzeck Junior High) needs additional white teachers in order to approximate the system-wide black/white teacher ratio.
6. All 11 of the elementary schools which in 1973 had black teacher percentages in excess of 50 percent still are above the system-wide black teacher percentage of 19 percent.
7. Twelve of the 15 elementary schools which in 1973 had no black teachers are still below the system-wide black teacher percentage of 19 percent.
8. The gap between the schools with the lowest and highest black teacher percentages is at least 29 points at all three educational levels. In every case, the school with the highest figure was predominantly black before desegregation, and the school with the lowest figure had been predominantly white.
9. School Board election districts 1 and 2, which include all schools that were formerly black, have the highest percentages of black faculty and staff in every job category at every level with only one exception.
10. Assignment of paraprofessionals, clerical workers, lunchroom workers and custodial personnel has maintained the racial identity of most schools. In many schools, such job classifications have been kept either 100 percent white or 100 percent black.

SEGREGATION PERSISTS IN JEFFERSON COUNTY SCHOOLS

Vestiges of past student and faculty segregation are apparent in Jefferson County in 1976 despite a federal court order designed to eliminate racial identities from the schools.

For example, of 16 formerly black elementary schools (student enrollment over 50 percent black) 15 retain racial identity. The same is true of 13 formerly white schools.

The 3 city high schools that were predominantly black before desegregation retain their black racial identity, outside the limits set by the court.

In addition, significantly higher concentrations of black faculty and staff remain in those schools which were previously black. Fewer black faculty and staff members are in the suburban, formerly white schools. The vestiges of segregation of pupils and staff remain at all levels--elementary, junior/middle and high school.

At the elementary level, for example, black teachers make up 29 percent of the faculty in the 16 schools that had predominantly black student bodies before desegregation. The contrast with remaining elementaries is obvious: the other 85 elementaries average 17 percent black teachers.

While most schools are closer to the system-wide ratio than before desegregation, a large gap persists as a result of the school board's teacher assignment patterns. Contrast the 8 percent black faculty at Watson Lane Elementary near the southwestern border of Jefferson County with the 58 percent black faculty at Perry Elementary, a former black school in Louisville's west end. Both range far from the 19 percent black teacher average system-wide.

The teacher assignment pattern extends into the junior/middle and high school levels. Kammerer Middle in the eastern section of the county has 5 percent black faculty, while over six times that, 34 percent black faculty, has been assigned to Parkland Junior

- None of the remaining five districts covering the white population sections of Louisville and suburban Jefferson County, exceeds 15 percent black teacher assignments.
- Segregation of paraprofessionals, clerical workers, lunchroom workers and custodial personnel, is maintained by policies that further serve to establish racial identity of most schools. In many schools, such job classifications have been kept either 100 percent white or 100 percent black.

The report and appendices that follow document how poorly Jefferson County school officials have done in fulfilling the opportunity to provide education in the multi-racial setting that reflects the America of today and its hope for a future in growth together. Also denied students for another year was the opportunity to benefit fully from teaching staffs that are fully desegregated and to learn in a school where support staff reflects the entire community rather than the divisions forced on segments of that community by discriminatory laws and policies of the past.

The report shows how the community has been trapped into another year in which the lesson taught in its schools was one so wisely rejected earlier by those who recognize the value of each and all in a free society, by those who know the contribution each can make to others in shaping a county, region and nation richer in spirit and integrity under laws and policies that serve each equally.

RACIAL IDENTITY PERSISTS

Despite reassignment of students in Jefferson County, 52 out of the county's 148 schools still have black student percentages that fall outside boundaries established by the court as acceptable. That means Jefferson County school officials have illegally exempted 22 percent of the schools from full implementation of the order.

Twenty-eight of the schools are elementaries; the other four are high schools. All junior and middle schools are within court-established limits.

TABLE A

Schools Outside Student Enrollment Guidelines Set by July, 1975, Desegregation Order.¹

School ²	% Black Pupils	Adm'n.		% Black Staff			
		Teachers	Para.	Elementary	Clerical	Custodial	Lunchroom
Elementary (Allowable Black Student %: 12-49%)							
District 1							
Perry	74	0	50	84	100	100	83
Brinkley	70	50	28	100	100	100	100
Kennedy	70	50	28	100	100	100	100
Carter	68	0	38	100	100	100	100
Young	64	0	28	100	100	100	100
McFerran	63	0	31	86	0	100	80
Kling	43	33	23	100	100	100	80
Shawnee	60	50	27	80	80	100	17
Foster	60	0	29	0	100	100	75
Parkland	57	50	31	100	100	100	100
Whitely	55	0	29	100	100	100	100
Brother	55	0	20	100	50	100	50
Byrd	55	0	31	18	100	100	100
District 2							
Coleridge-Taylor	54	50	24	100	100	100	60
Jones	52	100	23	67	100	100	0
District 3							
Bowen	11.2	0	18	0	0	100	0
Field	11	100	14	0	0	33	33
Zachary Taylor	10	50	14	0	0	87	0
District 4							
Sanders	10	0	17	0	0	0	0
Wilkinson	10	0	9	0	0	25	0
Greenwood	9	50	14	0	0	0	0
Wellington	8	0	15	0	0	0	0
District 5							
Trammell	11.4	0	13	0	0	0	0
Coral Ridge	10	0	16	33	0	0	0
Anburndale	9	0	13	40	0	0	0
District 6							
Blake	10.3	0	19	0	0	87	0
District 7							
Wheeler	11.9	0	14	0	0	33	0
Hawthorne	10	50	10	20	0	100	0
Secondary³ (Allowable Black Student %: 12-35%)							
District 1							
Shawpe	55	17	30	67	80	91	40
District 2							
Male	43	17	27	0	33	100	33
Central	40	17	27	100	100	100	100
District 7							
Atherton		17	18	0	0	17	57

*A (-) indicates no paraprofessional staff. ¹ Based on Jefferson County Board of Education data, March 24, 1976.
² Every school in Districts 1 and 2 shown above is a formerly racially identifiable Black school. Every formerly Black school in District 1 is included in this table as are two of the three formerly Black schools in District 2. Of the 16 formerly Black city elementary schools, 15 are included in this table. No junior or middle school violated the guidelines.

Table A not only shows the over-limit student population of those 32 schools but also indicates how school administration action permits heavy racial identity to continue in the teaching staff, administration, paraprofessional, clerical, food service and custodial staffs--also in violation of the clear intent of the court order.

Of the 28 over-limit elementary schools, 15 have a black student percentage that exceeds the 40 percent maximum allowed by the court; the other 13 have a black student percentage below the 15 percent minimum. Three of the four high schools are above the desegregation limit of 35 percent black: Shawnee, Central and Male; the other, Atherton, is below the 12.5 percent minimum.

All 15 elementary schools with excessive black student percentages are in districts 1 and 2. Each of these schools had black student enrollments over 50 percent before the implementation of desegregation. Every formerly black elementary school in district 1 remains overly black; two of the three in district 2 have retained black racial identity.

Put simply, of the 16 formerly black city elementary schools, 15 still have excessively black student populations.

The 13 elementaries that have black student percentages too low to reflect the system-wide ratio are all schools that were predominantly white before desegregation. In effect, the school administrators have permitted these schools, along with the 15 elementary schools with excessive black student populations, to retain the same racial identity that contributed to the condition that resulted in the court order-- racial isolation. That isolation persists in 28 percent of the elementary schools in the system.

The three high schools that report an excessive concentration of black students follow the same pattern. All were previously in the city system and each had a black

student population that significantly exceeded the system-wide percentage. All are located in districts 1 and 2.

As with the elementary schools, the racial identity of these schools goes beyond unequal student distribution. Racial identity can be established by noting staff assignments:

- Of 15 elementary schools in districts 1 and 2 over the student enrollment guidelines, nine have 100 percent black paraprofessional staffs, twelve have 100 percent black clerical staffs, seven have 100 percent black lunchroom staffs; all 15 have 100 percent black custodial staffs.
- Of the 13 elementary schools that are below the black student enrollment guidelines, nine have 100 percent white paraprofessional staffs, six have 100 percent white custodial departments, twelve have 100 percent white lunchroom staffs; all 13 have totally white clerical staffs.

Contrasting two schools outside court authorized limits illustrates the significant difference in the way school administration actions have perpetuated racial identity of black and white schools. Carter Elementary in district 1 has a 68 percent black student body, no black administrators, a 38 percent black faculty (twice the system-wide percentage), and a 100 percent black staff of paraprofessional, clerical, custodial and food service workers. Then there is Wellington Elementary in district 4 that has a student body only 8 percent black, no black administrators, a 15 percent black teaching staff, and a 100 percent white staff of paraprofessionals, clerical, custodial and lunchroom workers. The court clearly told school administrators to eliminate such inequities and create a unitary school system. The figures indicate the degree of failure by those administrators.

BLACK TEACHER GAP STILL SEVERE AT MANY SCHOOLS

The black teacher gap--number of black teachers above or below the system-wide average--is worst in the inner-city black schools and suburban white schools.

(See Table B.)

Two schools, as examples, show how much administrators failed to close that gap. Parkland Junior High School in Louisville's west end should have eight additional white teachers, while eight of its black teachers should be assigned to schools short of black faculty members. One such school would be Kammerer Middle School that has less than one-third the number of black teachers it should have.

Contrasts between the black identity of Parkland and the white identity of Kammerer are further accented by the fact that all three paraprofessionals at Parkland, as well as all custodial and food service workers, are black, while 100 percent of the clerical and food service staffs at Kammerer are white.

DuValle Junior High, second-ranked of the junior/middle schools in Table B, misses the system-wide average by seven teachers because an excessive number of blacks is concentrated in that school in Louisville's west end. In addition, all paraprofessional, clerical, custodial and food service workers are black. This concentration continues even though school officials have failed to meet court intent in assigning blacks to staffs in several formerly white junior and middle schools.

Shawnee Junior High, while nearer system-wide averages than Parkland and DuValle, not only has an excess of five black certified teachers but also has a totally black paraprofessional staff.

TABLE B

Ranking of Ten Schools with Worst Black Teacher Gap*
at Junior/Middle and Secondary Levels, March 1976

Junior/Middle (County-wide: 19% Black Teachers)

School	Black Teachers		Black Teacher Gap*
	No.	%	
1. <u>Parkland**</u>	19	34	-8
2. <u>DuValle</u>	16	33	-7
3. <u>Shawnee</u>	15	27	-5
4. Bruce	3	7	+5
5. Kammerer	2	5	+5
6. Noe	14	27	-4
7. Western	15	26	-4
8. Lassiter	6	13	+3
9. Frost	3	10	+3
10. Knight	6	13	+3

Secondary (County-wide: 12% Black Teachers)

School	Black Teachers		Black Teacher Gap*
	No.	%	
1. <u>Shawnee</u>	17	35.4	-11
2. <u>Ahrens</u>	20	25.3	-11
3. <u>Central</u>	18	26.9	-10
4. <u>Jeffersontown</u>	3	2.7	+10
5. <u>Male</u>	15	26.8	-8
6. <u>Manual</u>	18	19.4	-7
7. Moore	8	6.8	+6
8. Fern Creek	7	6.9	+5
9. <u>Pleasure Ridge Park</u>	7	6.8	+5
10. Valley	7	6.8	+5

*Change needed in number of black teachers to achieve a school-wide black teacher percentage equal to the county-wide percentage. For example, a school with a black teacher gap of (+5) needs six additional black teachers on its staff to have a black teacher percentage which matches that of the entire system, while a school with a gap of (-10) needs to transfer 10 of its black teachers in order to match this figure.

**Underlining indicates a formerly black school.

Source: Jefferson County Board of Education data, submitted for period ending March 1976.

Bruce Middle School needs to add five black teachers to its faculty, and also needs additional blacks in its clerical, custodial and food service staffs to meet provisions of the county's desegregation plan. Noe Middle School, in the inner-city, has a surplus of blacks in every department except administration and custodial.

Lassiter, Frost and Knight schools all need three additional black teachers, while Western Junior High (in Louisville's west end) has four more than the system-wide average.

The black teacher gap is even more pronounced at the secondary level. School officials have permitted the greatest gap at Shawnee where the concentration of 17 black teachers is eleven more than the system-wide average. In order for the Shawnee black-white teacher ratio to meet court intent, 65 percent of the black teachers would have to be shifted to suburban schools well below the system-wide average. The pattern, again, is obvious at Shawnee: in student and all-job categories, except administrative, the west-end school exceeds the intent and the actual guidelines of the desegregation order.

Abrens, which is also 11 black teachers above the system-wide average, and Central, which is 10 above the average, are both in Louisville's downtown area and follow close behind Shawnee in concentration of black teachers and staff. In addition, all the paraprofessional, clerical and custodial workers at Central are black, as is 91 percent of the food service staff. In contrast, 10 percent of the system-wide food service staff is black. Staff assignments clearly reflect the vestiges of Central's status as a former black school in the center city portion of the former Louisville district.

Jeffersontown High School, on the other hand, is 10 black teachers below the number it should have. It also has totally white clerical and food service staffs and a student population that is 18 percent black.

Male High, another formerly black school near downtown Louisville, retains its racial identity with a black teacher surplus of eight, a 43 percent black student population and an all-black custodial staff.

Manual High School, which had a student body with racial composition sufficient to exempt it from student transportation aspects of the desegregation plan, has the sixth worst black teacher gap among secondary schools. Its 18 black teachers is seven more than the system-wide average.

Moore High School, in addition to needing six additional black teachers, also needs blacks on its all-white clerical, paraprofessional, food service and custodial staffs.

Valley, Pleasure Ridge Park, and Fern Creek High Schools all need five additional black certified teachers, and each is short of black personnel in almost every job category.

The schools included in Table B, while only the worst examples of unequal black teacher assignments, reflect the pattern that permeates the entire Jefferson County school system. Despite the desegregation order, schools continue to retain their racial identity because of racially segregated staffs, maintained in direct violation of the Singleton ruling. This pattern cannot be reversed until school administrators accept the responsibility and shift more blacks into formerly white county schools and more whites into formerly black schools in compliance with the county's desegregation plan.

RANKING SHOWS RACIAL IDENTITY AT ALL STAFF LEVELS

Districts 1 and 2 in Louisville's west end rank one and two in the concentration of black staff assignments in all but three categories. (See Table C.) In only one category (administrative staff at the junior/middle level) does a district other than 1 or 2 show the greatest concentration of blacks.

In staffing, the certified teacher category is perhaps the most important, though certainly not the only important one. At all three levels, the percentage of black teachers in districts 1 and 2 exceeds the system-wide percentage, while the remaining five districts have percentages that fall below the system-wide figure. This difference is greatest at the secondary level where black teacher percentages for districts 1 and 2 are 35 percent and 24 percent respectively, while none of the other five districts shows figures greater than 11 percent. The system-wide figure is 12 percent.

Racial concentrations of paraprofessionals show the same pattern, with the greatest gap in the high schools. At this level, 75 percent of the paraprofessionals in district 2, and 67 percent of those in district 1, are black, while four of the remaining five districts have no black paraprofessionals. The exception is district 6, which matches the system-wide average of 7 percent.

Five of the six black paraprofessionals in the system's high school level are assigned to schools in districts 1 and 2. In contrast, only two of the 75 white paraprofessionals are assigned to an inner-city school.

Clerical staffs also are more segregated than the teaching staffs in each district. For example, 30 of the 34 black clerical workers in the elementary schools work in districts 1 and 2. That is 88 percent of the total. Three of the other districts have no black clerical workers in their elementary schools.

TABLE C

Ranking of School Districts by Per cent Black Employed in Classified Staff Levels

ADMINISTRATIVE STAFF

<u>Elementary</u> 15% Black*		<u>Junior and Middle</u> 27% Black		<u>Secondary</u> 12% Black	
<u>District</u>	<u>% Black</u>	<u>District</u>	<u>% Black</u>	<u>District</u>	<u>% Black</u>
2	23	5	36	1	17
1	20	6	33	2	14
3	18	3	33	5	14
5	17	2	29	7	14
7	13	1	28	6	11
6	12	4	11	3	9
4	7	7	0	4	8

CERTIFIED TEACHERS

19% Black		19% Black		12% Black	
<u>District</u>	<u>% Black</u>	<u>District</u>	<u>% Black</u>	<u>District</u>	<u>% Black</u>
1	29	1	30	1	36
2	25	2	21	2	24
5	17	5	16	5	11
6	16	4	15	6	11
7	16	7	14	3	9
3	15	3	12	4	9
4	14	6	12	7	7

PARAPROFESSIONALS

40% Black		70% Black		7% Black	
<u>District</u>	<u>% Black</u>	<u>District</u>	<u>% Black</u>	<u>District</u>	<u>% Black</u>
1	80	2	90	2	75
2	58	1	87	1	67
5	32	6	67	6	7
6	24	5	60	3	0
4	7	3	40	4	0
7	6	4	30	5	0
3	0	7	0	7	0

CLERICAL STAFF

16% Black		26% Black		7% Black	
<u>District</u>	<u>% Black</u>	<u>District</u>	<u>% Black</u>	<u>District</u>	<u>% Black</u>
1	73	1	56	1	80
2	32	2	50	2	40
5	6	6	19	4	3
6	5	5	15	5	3
3	0	4	11	3	0
4	0	3	0	6	0
7	0	7	0	7	0

*System-wide Black Per cent

TABLE C - Continued

FOOD SERVICE

<u>Elementary</u> 20% Black		<u>Junior and Middle</u> 27% Black		<u>Secondary</u> 10% Black	
<u>District</u>	<u>% Black</u>	<u>District</u>	<u>% Black</u>	<u>District</u>	<u>% Black</u>
1	75	2	48	2	53
2	36	1	43	1	40
6	13	6	18	7	5
4	18	5	9	3	4
5	5	3	5	4	2
7	5	4	0	5	2
3	1	7	0	6	2

CUSTODIAL STAFF

47% Black		57% Black		44% Black	
<u>District</u>	<u>% Black</u>	<u>District</u>	<u>% Black</u>	<u>District</u>	<u>% Black</u>
1	96	1	93	1	91
3	73	3	75	2	91
2	65	2	61	3	68
7	44	6	60	7	39
6	27	7	44	6	31
4	16	5	24	4	17
5	9	4	7	5	17

*System-wide Black percent

Source: Jefferson County Board of Education data, submitted for period ending November 1975. Certified teacher data current as of March 1976.

The segregated pattern continues at the junior/middle and secondary levels. Thirteen of the 15 black clerical workers in secondary schools (87 percent) are in districts 1 and 2, while the clerical staffs in every high school in districts 3, 6 and 7 remain totally white. The situation at the junior/middle level is little better, with 17 of 23 black clerical employees (74 percent) concentrated in districts 1 and 2.

In contrast, districts 3 and 7, in the eastern section of the county, have no black clerical employees in any school at any level.

The segregation pattern persists throughout the food service and custodial staffs at every level. In the elementary schools, where blacks comprise

20 percent of the food service employees, both districts 1 and 2 exceed this system-wide figure with 75 percent and 36 percent respectively; the other five districts range from only 1 percent to 18 percent black.

At the junior/middle level, blacks in districts 1 and 2 are again over-represented among food service employees--43 percent and 48 percent respectively--while blacks in districts 3 through 7 are in the extreme minority. In two districts, 4 and 7, there are no black food workers.

While only 10 percent of all food service employees in secondary schools are black, districts 1 and 2 show high black percentages of 40 and 53, which contrasts with the low number of blacks in similar jobs in the other districts. None of the other five districts exceeds 5 percent food service employees.

In every school level, districts 1 and 2, which together contain only about one-quarter of the schools in the county, have at least two-thirds of the black food service workers.

Custodial staffs throughout Jefferson County schools are slightly less segregated than other employe classifications, but there is a great amount of inequitable distribution. While district 1 still has the highest concentration of blacks at every level, district 2 falls to third place in the elementary and junior/middle schools, with district 3 moving into second spot.

The gaps between the districts with the highest and lowest concentration of black custodial workers are still extremely wide:

- At the elementary level, 96 percent of the custodial staff in district 1 is black, compared to a low of 9 percent in district 5. That is a range of 87 percentage points.
- At the junior/middle level, 93 percent of the custodial staff in district 1 is black, compared to 7 percent in district 4. That is a range of 86 percentage points.

- At the high school level, 91 percent of the custodial staffs in both districts 1 and 2 are black, compared to 17 percent in the low districts, 4 and 5.

Of all employe classifications discussed in this report (administrators, certified teachers, paraprofessionals, clerical workers, food service workers and custodial workers), the category with the highest system-wide percentage of black employes is custodial, with 48 percent. Paraprofessionals follow with 37 percent, food service 17 percent, teaching 16 percent, administrative 16 percent, and clerical 14 percent.

FORMER CITY, COUNTY SCHOOLS REMAIN DISTINCT

A significant amount of teacher redistribution has occurred throughout Jefferson County in the last year (See Table D), but that redistribution has softened rather than eliminated the vestiges of the dual systems that existed in the city and county.

The result of student and teacher assignments has been to keep a disproportionate number of black students and teachers within the old city system as if treating the two systems differently.

- The 11 elementary schools with the greatest number of black students are former city schools.
- Of the 25 elementary schools with the greatest number of black students, 19 were city schools.
- Of the 25 elementary schools with the fewest number of black students, only five were city schools.
- Of 60 elementary schools with black teacher staff below the system-wide average of 19, only 4 are former city schools. The remaining 56 were county schools.
- Of the 27 elementary schools with black teaching staffs above 21 percent, 23 were city schools and only four were county schools.

It remains apparent that those schools with the highest concentration of black students and staff in the past continue to be the schools with the highest concentrations of black teachers.

For example, in 1973, 11 elementary schools had black teacher percentages that exceeded 50 percent. Although all of these schools have experienced a drop, each continues to report black teacher percentages more than the present 19 percent system-wide figure. All show percentages of 20 or above; four report over 30 percent; and one, Perry Elementary, has a teaching staff that is 56 percent black.

Comparison of teacher assignment data from November 1975 with the most recent figures from March 1976 shows that segregation in heavily black schools is continuing to get worse rather than better. In November, the 10 elementary schools with the highest black teacher percentages had a total of 205 white teachers and 93 blacks. In spite of the need for more white teachers in these schools, the March 1976 data shows that they now have 3 fewer white teachers, while having added 3 black teachers.

This black teacher concentration in black schools contrasts with the 15 elementary schools that in 1973 had no black certified teachers. According to the 1976 data, none of the schools that were in this category have achieved the 19 percent system-wide figure; all fifteen have teaching staffs that range from only 12 percent to 17 percent black. Obviously, school officials have permitted a great deal of difference between those schools that were previously identifiably black and those that were predominantly, if not totally, white.

A real difference also remains between the black teacher percentages in the former city junior and middle schools and those in the former county system.

Of the 11 former city schools at this level only Southern, Barret, Highland and Meyzcek Junior Highs report black teacher percentages below the 12 percent system-wide figure. One, Iroquois, equals the system-wide average, while the other six report teacher assignments ranging from 7 percent to 34 percent black. On the other hand, only one of the 11 former county junior and middle schools, Williams, reports a black teacher percentage that exceeds the system-wide average (23 percent). The rest range from a low of 5 percent to a high of only 15 percent, four percentage points below the system-wide figure.

Teacher assignments in the county's high schools complete the pattern. Every former city high school presently has black teacher staffs that exceed the 12 percent system-wide figure, while among the former county high schools, only Thomas Jefferson (15 percent) has a concentration of black teachers that is not below the recommended 12 percent mark. At Jeffersontown High School, a formerly white school, only 3 out of 112, or 3 percent of the instructors are black.

What this means is that, although the gap has been narrowed somewhat, black teachers continue to be in the relative minority in those schools where this has always been the case, while being overrepresented in those schools where they were assigned in excess numbers in the past. There is still a very recognizable division in the newly-merged school system that perpetuates the concept of black and white schools despite the provisions of the court order that sought to eliminate such basic differences.

TABLE D

Location of Black Teachers: Showing Change in Percentage of Black Faculty Members for Each School, Jefferson County, 1971-76

<u>% of Black Faculty Members</u>				<u>% of Black Faculty Members</u>			
Schools	'71	'73	Mar. '76	Schools	'71	'73	Mar. '76
<u>Former City Elementary</u>				<u>Former City Junior & Middle</u>			
Atkinson	15	33	26	Barret	12	19	18
Belknap	18	23	12	DuValle	69	56	33
Bloom	12	23	24	Highland	13	21	14
Brandeis	76	54	26	Iroquois (formerly Gottschalk)	8	38	19
Bracklaridge	12	37	26	Meyzeek	80	61	17
Byck	57	50	31	Noe (formerly Manly)	30	NA	27
Cartar	72	56	38	Parkland	53	46	34
Cochran	11	33	25	Shawnee	47	49	27
Coleridge-Taylor	53	48	24	Southern	4	23	17
Englehard	23	35	24	Western	22	40	26
Field	24	36	14	Woerner	15	46	26
Foster	76	61	29				
Franklin	20	36	20				
Frayser	4	30	24				
Haselwood	3	36	19				
Jacob	10	21	24	<u>Former City Secondary</u>			
Sones	36	57	23	Ahrens	12	NA	20
Kennedy	81	64	26	Atherton	6	26	16
King	54	40	23	Central	68	56	27
Lincoln	8	33	28	Iroquois	4	23	18
Lowell	8	24	20	Manual	15	33	19
McFerran	44	59	31	Male	29	41	27
Parkland	61	56	31	Shawnee	40	58	35
Perry	68	55	56				
Portland	30	41	33				
Roosevelt	15	35	19				
Rutherford	8	22	14	<u>Former County Elementary</u>			
Sempie	13	21	21	Auburndale	0		13
Shawnee	54	47	27	Audubon	4		35
Sheiby	12	37	16	Bashford Manor	9		11
Strother	43	44	20	Bates	7		12
Wheatley	43	50	29	Blake	7		19
Young	59	56	28	Blue Lick		3	11
				Bowen		3	18

TABLE D - Continued

<u>% of Black Faculty Members</u>			<u>% of Black Faculty Members</u>		
<u>Schools</u>	<u>'73</u>	<u>Mar. '78</u>	<u>Schools</u>	<u>'73</u>	<u>Mar. '78</u>
<u>Former County Junior & Middle</u>			<u>Former County Secondary</u>		
Kammerer	3	8	Fairdale	1	10
Knight	3	13	Fern Creek	2	7
Lassiter	6	13	Thomas Jefferson	7	15
Myers	8	15	Jeffersontown	2	8
Newburg	**	15	Moore	2	7
Williams	**	22	Pleasure Ridge Park	1	7
<hr/>			Sevaca	3	7
<u>Former County Secondary</u>			Southern	4	8
Ballard	5	8	Stuart	2	10
Butler	4	11	Valley	2	7
Doss	3	9	Wagener	2	10
Durrett	1	10	Western	3	11
Eastern	3	8	Westport	4	10

*Source: Louisville School System Retreats to Segregation, Kentucky Commission on Human Rights, March 1973. '71 data available only for former city schools.

**Indicates school not in existence in 1973.

CONCLUSIONS

The facts of continued racial identity in Jefferson County schools show that the Jefferson County Board of Education has failed to fulfill its obligations under the desegregation order of July 1975 that says, in part:

"The certificated staff who work directly with students at schools will be assigned so that the racial composition of a specific school staff does not indicate that the individual school is intended exclusively for white students or black students. Principals, assistant principals, counselors, instructional coordinators and teachers will be assigned so that the ratio of whites to blacks within these categories in an individual school is roughly equivalent to the black-white staff composition of the school system."

Despite the clarity of that section of the order, too many schools can still be easily classified as white or black simply by noting the racial makeup of the staff in each category. Add the fact that one-fifth of all schools in the system are still outside the student enrollment guidelines, and it is obvious that desegregation in Jefferson County is myth rather than reality.

If fully adhered to, the July 1975 order is adequate. It details ways Jefferson County school officials could have eliminated the racial inequities that persist among schools--and are so obvious in the findings of this report. Thus, failure to carry out the existing plan, rather than any defect in the plan itself, must be considered the cause of continued racial identity in Jefferson County's schools.

Unless immediate steps are taken to correct these inequities before another school year begins, many of the problems associated with the first year of desegregation will cause even greater problems in the future:

- Students will continue to label the school to which they are assigned as white or black, and thus negate a key purpose of the plan.
- A large number of both black and white students who are transported to schools will continue to find a disproportionately small number of faculty and staff members of their own race, a factor that reinforces any apprehensions students have about the plan.

- Severe discipline problems (evident in the abnormally high suspension rates among black students as compared with white students recently reported by some schools) will continue to exist, primarily because of a lack of sufficient numbers of black personnel at these schools with whom the black student can identify and who can in turn provide guidance and counseling with an awareness of the special problems facing the black student in a predominantly white school system.

As just one example of stark racial identity, a school such as Carter Elementary in Louisville's west end still has:

- 100 percent black clerical, custodial, paraprofessional and food service staffs.
- 38 percent black teaching staff.

Such disparity--and it exists in too many schools--does not and cannot be considered a part of a unitary school system and does not create the image that is essential to stimulate attendance and cooperation of many white students and parents of suburban Jefferson County.

Students, shifted to other schools, who find that those working with them remain segregated, will justifiably feel that they are forced to bear the greatest burden of desegregation, and that no one will gain full benefit from desegregation objectives. Segregated student bodies were only a part of a segregated past, and so desegregating students only is but a part of the necessary solution.

Since the plan to transport more than 20,000 students each day has proven reasonably successful, school officials should be able to deal with the logistic problems of moving the smaller and more flexible numbers of faculty and staff.

In its May 1972 report entitled "Southern Cities--Except Louisville--Desegregate Schools," which was an analysis of the racial segregation which then existed in the city school system, this Commission stated, "(we) can only conclude that the Louisville Board of Education has failed to take effective action to desegregate students and that the

Louisville Board of Education is following a plan for teacher assignments that is not achieving the goals clearly laid down by the federal courts and HEW." Now, almost four years later, despite merger of the former city and county systems and implementation of a county-wide desegregation plan, vestiges of this past segregated situation are still very much in evidence.

It is clear that the Jefferson County Board of Education has failed to achieve the high goals of the desegregation plan with the methods presently being utilized. Until more comprehensive steps are taken to require equitable distribution of faculty and staff, as well as students, we can be sure Jefferson County will perpetuate racial identity of its schools.

RECOMMENDATIONS

1. The Jefferson County school system should fully implement all provisions of the July 1975 federal court order so that complete school desegregation will be achieved and maintained.
2. In implementing the school plan, the school administrators should be guided by a goal of achieving maximum student, faculty and staff desegregation, rather than accepting the court minimums as goals.
3. Assignment of black teachers, administrators, paraprofessionals, clerical workers, lunchroom workers and custodial personnel should reflect system-wide averages in every school. If, during a short transition period, slight statistical deviation in staff assignment is permitted, the higher black percentages should be in formerly white schools, the higher white percentages in formerly black schools, rather than the current pattern in which ten formerly black schools still have black teacher percentages exceeding 30 percent.

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- Clerical Staffs (November 18, 1975), 7 p.
- Custodial Staffs (November 18, 1975), 7 p.
- Food Service Staffs (November 17, 1975), 7 p.

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APPENDIX A

Classified Personnel for Jefferson County Schools, by District, November 1975¹

School	Administrative Staff				Certified Teachers				Paraprofessionals				Clericals				Custodial				Luncheon			
	White	Black	% Black	Gap	W	B	% B	Gap	W	B	% B	Gap	W	B	% B	Gap	W	B	% B	Gap	W	B	% B	Gap
DISTRICT 1, Elementary																								
<u>Adkinson</u>	1	1	50	-	31	11	26	-3	3	3	50	-1	2	0	0	-	0	4	100	-2	4	0	0	+1
<u>Brands</u> ²	1	1	50	-	23	8	26	-2	0	6	100	-4	0	3	100	-2	0	4	100	-2	0	8	100	-4
<u>Byck</u>	2	0	0	-	22	10	31	-1	9	2	18	+2	0	2	100	-	0	3	100	-2	0	3	100	-4
<u>Carlier</u>	2	0	0	-	20	12	28	-6	0	18	100	-10	0	2	100	-	0	4	100	-2	0	8	100	-4
<u>Foster</u>	1	0	0	-	17	7	29	-2	0	0	0	-	0	2	100	-	0	3	100	-2	1	3	75	-2
<u>J. F. Kennedy</u>	1	1	50	-	28	10	26	-3	0	2	100	-5	0	2	100	-	0	2	100	-2	0	7	100	-2
<u>King</u>	2	1	23	-	23	7	23	-1	0	8	100	-4	0	2	100	-	0	4	100	-2	1	4	80	-2
<u>McVerran</u>	2	0	0	-	24	11	31	-4	1	8	86	-3	2	0	0	-	0	4	100	-2	1	4	80	-3
<u>Parkland</u>	1	1	50	-	18	8	31	-3	0	7	100	-4	0	2	100	-	0	4	100	-2	0	8	100	-4
<u>Perry</u>	1	0	0	-	12	15	36	-10	1	15	-	-9	0	2	100	-	0	2	100	-1	1	5	83	-4
<u>Portland</u>	1	0	0	-	18	9	33	-3	0	0	0	-	2	0	0	-	2	1	33	-	2	2	50	-1
<u>Roosevelt</u>	2	0	0	-	25	8	19	-	8	8	50	-2	1	1	50	-	0	4	100	-2	3	2	40	-1
<u>Shawnee</u>	1	1	50	-	24	9	27	-3	1	4	80	-2	1	1	50	-	0	4	100	-2	5	1	17	-
<u>Brother</u>	1	0	0	-	20	8	20	-	0	8	100	-4	1	1	50	-	0	3	100	-2	2	2	50	-1
<u>Wheatley</u>	2	0	0	-	20	8	28	-2	0	3	100	-2	0	2	100	-	0	4	100	-2	0	6	100	-6
<u>Young</u>	2	0	0	-	26	10	28	-3	0	1	100	-2	0	2	100	-	0	4	100	-2	0	2	100	-4
<u>Totals</u>	24	6	20	-1	349	165	29	-50	23	94	80	-50	9	24	72	-2	2	55	98	-29	20	81	75	-45
DISTRICT 1, Jr. and Middle																								
<u>DeVelle</u>	2	2	50	-1	33	16	33	7	0	3	100	-1	0	4	100	-3	0	7	100	-3	0	8	100	-5
<u>Parkland</u>	2	1	25	-	37	19	34	-8	0	3	100	-1	2	1	33	-	0	8	100	-3	0	8	100	-6
<u>Shawnee</u>	1	1	50	-	40	15	27	5	0	3	100	-1	2	2	60	-2	1	6	86	-3	3	6	67	-4
<u>Western</u>	1	1	50	-	43	15	26	-4	2	1	67	-	2	1	23	-	1	7	87	-2	2	9	0	+5
<u>Totals</u>	6	5	28	-1	153	65	30	24	2	13	87	-3	7	8	46	-5	2	26	93	-11	24	18	13	-9
DISTRICT 1, Secondary																								
<u>Shawnee</u>	1	6	17	-	31	17	35	-11	1	2	67	-1	1	1	80	-1	1	10	91	-5	0	4	40	-2
<u>Total</u>								11				1			-3				-5					1

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¹Certified teacher data current as of March 1974.
²Underlining indicates a formerly black school (student enrollments over 50 per cent black).

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APPENDIX A (Continued)

School	Administrative Staff			Certified Teachers				Paraprofessionals				Clericals				Custodial				Lunchroom				
	White	Black	Black-Gap	W	B	B	Gap	W	B	B	Gap	W	B	B	Gap	W	B	B	Gap	W	B	B	Gap	
DISTRICT 2: Elementary																								
Archibald	1	0	0	20	11	13	-1	1	0	0	1	0	0	0	1	0	0	0	0	4	4	29	-	
Bloom	1	0	0	13	1	24	-1	1	0	0	1	0	0	0	0	4	100	2	2	1	33	-		
McCain	1	0	0	29	10	26	-3	7	13	72	0	0	0	0	1	3	75	-1	2	4	07	-3		
Cochran	1	0	0	21	7	25	-1	2	1	67	-2	0	0	0	2	1	33	-	1	1	20	-		
Edwards-Taylor	1	1	0	32	16	24	-2	0	8	100	-3	0	2	100	0	1	100	-2	2	1	60	-2		
Finchland	2	0	0	23	8	21	2	13	6	17	2	1	30	0	1	100	-2	1	2	33	-1			
Franklin	1	0	0	20	5	20	-1	3	3	50	-1	0	1	100	1	1	50	-	3	0	0	-1		
Green	0	1	100	20	0	23	-1	1	2	67	-1	0	2	100	0	3	100	-2	1	0	0	-1		
Lindsay	1	1	0	26	10	28	-1	2	4	67	-2	2	0	0	2	1	33	-	3	2	40	-1		
Shelby	1	0	0	26	5	16	-1	0	0	0	0	2	0	0	2	1	33	-	2	2	60	-2		
Totals	10	3	23	0	232	76	27	-18	31	42	58	-11	13	6	32	0	11	20	95	-8	30	17	36	-7
DISTRICT 2: Jr. and Middle																								
Highland	2	1	25	36	6	11	-2	0	0	0	0	2	1	33	0	2	40	-1	3	3	37	-1		
Moravick	3	2	40	-1	41	8	17	-1	0	0	0	2	2	50	-1	0	8	100	-3	3	6	67	-4	
Nor	3	1	25	0	38	11	27	-1	1	6	86	-1	2	3	60	-2	2	3	60	3	4	57	-3	
Wormsley	3	1	43	0	31	12	20	-2	0	3	100	-1	2	2	50	-	4	17	20	2	2	22	-	
Totals	12	5	29	1	132	31	21	-1	1	9	90	2	8	8	50	-3	9	12	61	0	10	15	18	-7
DISTRICT 2: Secondary																								
Andrew	6	1	14	59	20	25	-11	0	0	0	0	1	17	0	7	17	0	2	2	50	-1			
Conant	3	1	17	49	18	27	-10	0	2	100	-1	0	6	100	-3	0	11	100	6	1	10	91	-9	
Male	3	1	17	41	15	27	-8	0	0	0	0	1	2	33	-1	0	9	100	-5	4	2	33	-1	
Manual	8	1	11	75	18	19	-7	1	1	60	-	8	0	0	-1	3	10	77	-1	10	3	33	-3	
Totals	24	4	14	0	224	71	24	-36	1	3	75	-1	17	9	35	-5	11	37	77	-13	17	19	53	-11

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APPENDIX A (Continued)

School	Administrative Staff				Certified Teachers				Paraprofessionals				Clericals				Custodial				Lunchroom			
	White	Black	Black	Gap	W	B	B	Gap	W	R	T	B	Gap	W	B	T	B	Gap	W	B	T	B	Gap	
<u>DISTRICT I: Elementary</u>																								
Dixon	2	0	0	-	23	5	14	+1	4	0	0	+2	6	0	0	+1	0	3	100	-2	4	0	0	+1
Chesworth	2	0	0	-	16	0	16	+1	3	0	0	-1	2	0	0	-	1	2	67	-1	5	0	0	+1
Dunn	2	0	0	-	24	4	18	+2	2	0	0	-1	2	0	0	-	1	2	67	-1	5	0	0	+1
Nicht	0	1	100	-	16	3	14	+1	0	0	0	-	1	0	0	-	2	1	33	-	2	1	39	-
Waldhouse	1	0	0	-	18	3	13	+1	1	0	0	-1	2	0	0	-	1	2	67	-1	5	0	0	+1
Orle	2	0	0	-	28	1	12	+2	5	0	0	+2	2	0	0	-	1	2	67	-1	6	0	0	+1
Alex Kennels	2	0	0	-	21	6	10	-	0	0	0	-	2	0	0	-	0	3	100	-2	6	0	0	+1
Low	2	0	0	-	11	1	14	+1	3	0	0	-1	2	0	0	-	0	3	100	-2	5	0	0	+1
Middletown	1	1	50	-	27	1	10	+2	0	0	0	-	2	0	0	-	1	2	67	-1	5	0	0	+1
Norton	2	0	0	-	29	6	17	+1	4	0	0	+2	3	0	0	+1	1	2	67	-1	7	0	0	+1
St. Matthews	2	0	0	-	21	4	16	+1	0	0	0	-	2	0	0	-	3	0	0	+1	4	0	0	+1
Shryock	1	1	50	-	20	2	9	+2	0	0	0	-	2	0	0	-	0	3	100	-2	5	0	0	+1
Shivers	2	0	0	-	14	2	13	+1	1	0	0	-	2	0	0	-	0	3	100	-2	4	0	0	+1
Zachary Taylor	1	1	50	-	24	4	14	+2	3	0	0	+1	2	0	0	-	1	2	67	-1	6	0	0	+1
Wilber	1	1	50	-	21	4	16	+1	0	0	0	-	2	0	0	-	0	3	100	-2	6	0	0	+1
Totals	23	5	18	0	339	54	15	+10	28	0	0	+11	34	0	0	+2	12	33	73	-18	74	1	1	+14

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DISTRICT II: Jr. and Middle

Eastern																								
Narret	2	1	33	-	included in Senior High data				2	1	100	-	3	0	0	+1	2	4	67	-1	3	1	25	-
Crosby		1	33	-	30	5	14	+2	2	0	0	-1	3	0	0	+1	2	3	60	-	7	0	0	+2
Kammerer	2	1	33	-	35	2	5	+3	1	1	50	-	5	0	0	+1	0	5	100	-2	8	0	0	+2
Waggoner					included in Senior High data																			
Totals	0	3	33	0	93	13	12	+7	3	2	10	-1	11	0	0	+3	4	12	75	-3	18	1	5	+4

DISTRICT III: Secondary

Ballard	8	1	11	-	89	5	8	+4	1	0	0	-1	10	0	0	+1	0	11	100	-6	9	0	0	+1
Eastern	7	0	0	+1	68	6	8	+3	1	0	0	+1	6	0	0	+1	5	7	58	-2	10	2	17	-1
Waggoner	5	1	11	-	87	10	10	+2	3	0	0	+1	10	0	0	+1	3	8	50	-1	14	0	0	+1
Waspport	7	1	14	-	91	10	10	+2	6	0	0	+1	9	0	0	+1	5	0	55	-1	12	0	0	+1
Totals	30	3	9	+1	335	24	9	+17	17	0	0	+4	35	0	0	+4	15	29	66	-10	44	2	4	+3

APPENDIX A (Continued)

School	Administrative Staff				Certified Teachers				Paraprofessionals				Clerical				Custodial				Lunchroom				
	White	Black	% Black	Gap	W	B	% B	Gap	W	B	% B	Gap	W	B	% B	Gap	W	B	% B	Gap					
<u>DISTRICT 41: Elementary</u>																									
Cane Run	2	0	0	-	19	4	17	-	4	1	20	+1	2	0	0	-	2	2	50	-	7	9	0	+1	
Cross Lane	3	0	0	-	19	3	14	+1	6	1	14	+2	2	0	0	-	2	1	33	-	5	0	0	+1	
Dixie	1	1	50	-	23	6	21	-	2	0	0	+1	2	0	0	-	3	0	0	-1	7	0	0	+1	
Elmhower	2	0	0	-	27	4	13	-2	3	0	0	+1	2	0	0	-	3	0	0	+1	5	1	17	-	
Greenwood	1	1	50	-	24	4	16	+1	2	0	0	+1	2	0	0	-	3	0	0	+1	5	0	0	+1	
Osborn	2	0	0	-	24	1	11	-2	3	0	0	+1	2	0	0	-	3	0	0	+1	6	0	0	+1	
Johnstown Road	2	0	0	-	24	4	14	-1	8	1	11	+2	2	0	0	-	1	0	0	-	6	0	0	+1	
Kerrick	2	0	0	-	22	3	12	-2	0	0	0	-	2	0	0	-	3	0	0	+1	3	0	0	+1	
Mill Creek	2	0	0	-	29	5	15	-1	5	0	0	+2	3	0	0	-1	1	2	47	-1	7	0	0	+1	
Sanders	2	0	0	-	25	4	17	+1	3	0	0	+2	2	0	0	-	3	0	0	+1	7	0	0	+1	
Schaffner	2	0	0	-	23	4	15	+1	0	0	0	-	2	0	0	-	3	0	0	-1	0	6	100	-5	
Shacklette	2	0	0	-	21	1	18	-1	3	0	0	+1	2	0	0	-	3	0	0	+1	5	0	0	+1	
Walton Lane	2	0	0	-	22	3	8	+4	5	1	17	+1	2	0	0	-	3	1	25	+1	7	0	0	+1	
Wellington	2	0	0	-	22	1	15	-1	2	0	0	+1	2	0	0	-	3	0	0	+1	6	0	0	+1	
Wilkinson	2	0	0	-	20	2	8	+2	5	0	0	+2	2	0	0	-	2	1	25	-	5	0	0	+1	
Totals	29	2	7	9	356	58	14	+20	63	4	7	+19	31	0	0	+1	38	7	18	+9	81	7	8	+8	
<u>DISTRICT 41: Jr. and Middle</u>																									
Conroy	3	0	0	+1	32	5	14	+2	1	0	0	-	3	0	0	+1	3	0	0	+3	10	0	0	+2	
Frost	3	0	0	+1	28	3	10	+3	0	0	0	-	1	1	50	-	6	0	0	+3	6	0	0	+1	
Pleasure Ridge Park					Included in Senior High data																				
Williams	2	1	33	-	30	1	22	-1	1	1	30	-	1	0	0	+1	3	1	25	+1	0	0	0	+1	
Totals	8	1	11	+2	80	14	18	+4	2	1	33	0	8	1	11	+2	14	1	7	+7	22	0	0	+4	
<u>DISTRICT 41: Secondary</u>																									
Builer	8	1	11	-	94	12	11	+1	0	0	0	-	9	0	0	+1	4	3	27	+2	16	1	6	+1	
Pleasure Ridge Park	8	1	10	-	88	7	7	+8	4	0	0	-1	11	0	0	+1	11	1	8	+4	8	0	0	+1	
Valley	8	0	0	+1	99	7	3	+3	5	0	0	+1	9	1	10	-	10	2	17	+3	8	0	0	+1	
Western	8	1	11	-	88	11	11	+1	0	0	0	+1	10	0	0	+1	10	2	17	+2	12	0	0	+1	
Totals	33	3	9	+1	369	37	9	+12	15	0	0	+3	39	1	3	+3	39	8	17	+13	42	1	2	+4	

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APPENDIX A (Continued)

School	Administrative Staff				Certified Teachers				Paraprofessionals				Clericals				Custodial				Lunchroom				
	White	Black	% Black	Gap	W	B	% B	Gap	W	B	% B	Gap	W	B	% B	Gap	W	B	% B	Gap	W	B	% B	Gap	
DISTRICT 5: Elementary																									
Ashburwick	2	0	0	-	28	4	13	+2	2	2	40	-	2	0	0	-	2	0	0	+1	7	0	0	+1	
Coral Ridge	2	0	0	-	21	4	19	+1	2	1	33	-	2	0	0	-	2	0	0	+1	8	0	0	+1	
Fairdale	2	0	0	-	20	5	20	-	7	3	30	+1	2	0	0	-	2	0	0	+1	9	0	0	+1	
Frayer	1	0	0	-	22	7	34	-1	0	3	100	-2	1	1	50	-	2	2	50	-	1	0	0	-	
Hazelwood	1	0	0	-	24	8	33	-	0	2	100	-1	2	0	0	-	2	2	48	-	7	1	12	+1	
Jacob	0	1	100	-	22	7	34	-1	3	1	25	+1	1	1	50	-	1	0	0	+1	5	1	25	-	
Kennwood	1	1	50	-	22	2	12	+2	1	0	0	-	2	0	0	-	2	1	33	-	5	0	0	+1	
Layne	2	0	0	-	22	4	15	+1	3	0	0	+1	2	0	0	-	3	0	0	+1	7	0	0	+1	
Modern	1	1	50	-	27	4	13	+2	3	0	0	+1	2	0	0	-	3	0	0	+1	6	0	0	+1	
Northwood	2	0	0	-	20	5	25	+2	0	0	0	-	2	0	0	-	4	0	0	+2	4	1	20	-	
Orange	2	0	0	-	22	8	31	-1	0	1	100	-	2	0	0	-	4	0	0	+2	3	1	25	-	
South Park	2	0	0	-	22	8	31	-	2	2	18	+2	2	0	0	-	3	0	0	+1	5	0	0	+1	
Stonecroft	2	0	0	-	24	3	11	+2	2	3	60	-1	2	0	0	-	2	0	0	+1	5	0	0	+1	
Trammel	2	0	0	-	27	4	13	+2	3	0	0	+1	2	0	0	-	1	0	0	+1	8	0	0	+2	
Valley	1	1	50	-	28	4	13	+2	5	3	37	-	2	0	0	-	2	0	0	+1	8	0	0	+1	
Waller	1	1	50	-	19	6	27	-1	4	0	0	+2	2	0	0	-	2	0	0	+1	2	0	0	+1	
Total	24	3	17	0	287	60	17	+12	45	21	33	+5	50	2	6	0	48	5	9	+15	62	4	5	+13	
DISTRICT 5: Jr. and Middle																									
Fairdale					Included in Senior High Data																				
Irquoise	2	1	33	-	29	7	19	-	1	0	0	-	2	2	50	-1	4	1	20	+2	5	1	17	-	
Lansley	2	1	33	-	42	8	13	+3	1	3	75	-	5	0	0	+1	5	0	0	+3	8	0	0	+2	
Southern	2	2	40	-1	49	10	17	+1	0	0	0	-	4	2	0	+1	4	2	42	+1	7	1	12	+1	
Total	7	4	36	-1	120	23	18	+4	2	3	60	0	11	2	15	+1	13	4	24	+6	20	2	9	+3	
DISTRICT 5: Secondary																									
Dove	2	1	11	-	28	9	9	+2	4	0	0	+1	9	0	0	+1	2	2	27	+2	15	0	0	+1	
Fairdale	2	1	10	-	100	11	10	+8	5	0	0	+1	11	0	0	+1	10	1	9	+4	21	0	0	+2	
Irquoise	4	2	33	-1	56	12	18	-4	1	0	0	-	8	1	14	-	7	1	13	+3	5	1	17	-	
Summit	2	1	10	-	21	10	10	+2	2	2	0	+1	10	0	0	+1	2	2	18	+3	12	0	0	+1	
Total	10	5	14	-1	325	42	11	+2	12	0	0	+2	38	1	3	+3	34	7	17	+12	53	1	2	+4	

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APPENDIX A (Continued)

School	Administrative Staff				Certified Teachers				Paraprofessionals				Clericals				Custodial				Miscellaneous				
	White	Black	F	Gap	W	B	F	Gap	W	B	F	Gap	W	B	F	Gap	W	B	F	Gap	W	B	F	Gap	
DISTRICT 5: Elementary																									
Blackford Manor	2	0	0		23	3	11	+2	1	0	0		2	0	0		1	2	07	-1	0	0	0		+1
Blake	2	0	0		26	6	10		2	0	0	+3	2	0	0		1	2	07	-1	7	0	0	0	+1
Miss Leah	1	1	50		25	3	11	+2	3	2	40		0	0	0		3	0	0		7	0	0	0	+1
Camp Taylor	2	0	0		26	5	16	-1	5	2	737		0	0	0		3	0	0		7	0	0	0	+1
Filmon	2	0	0		23	3	12	+2	0	0	0		2	0	0		2	1	33		6	0	0	0	+1
Glennville Lane	2	0	0		24	5	17	-1	5	0	0	+2	2	0	0		3	0	0	+1	5	0	0	0	+1
Hartford	2	0	0		27	3	13	+1	2	0	0	+1	2	0	0		3	0	0		7	0	0	0	+1
Indian Trail	1	1	30		25	3	7	-1	2	0	0	+1	2	0	0		0	3	100	-2	4	0	0	0	+1
Islehurst	2	0	0		29	0	19		3	0	0	+1	2	0	0		3	0	0		7	0	0	0	+1
Lowell	1	0	0		23	7	20		3	2	40		1	0	0		4	0	0	+2	3	0	0	0	+1
Minors Lane	2	0	0		26	0	19		8	2	26	+2	3	0	0	+1	3	0	0	+1	0	0	100	0	+1
Onions	2	0	0		21	5	17	+2	5	1	17	+1	2	0	0		2	1	33		0	0	0	0	+1
Princeton	2	0	0		23	4	17	+2	5	1	17	+1	3	0	0	+1	2	1	33		4	0	0	0	+1
Price	1	1	30		23	5	18		3	0	54	-2	0	2	100		2	1	33		4	0	0	0	+1
Randolph	2	0	0		24	2	19	+3	4	1	20	+1	2	0	0		1	2	07	-1	7	1	12	0	+1
Slaughter	2	0	0		21	3	13	+2	3	2	40		2	0	0		2	1	33		8	1	14	0	
Will	1	1	30		20	7	25	-2	2	0	0	+1	2	0	0		2	0	0		7	0	0	0	+1
Totals	29	6	12	0	419	80	16	+13	55	20	24	+10	38	7	5	+3	38	14	27	+4	90	13	13	0	+6
DISTRICT 6: Jr. and Middle																									
Arwe	2	1	33		40	3	7	+6	1	1	50		5	1	17	+1	3	2	40		11	0	0	0	+2
Knight	2	1	33		39	6	13	+3	0	1	100		5	0	0	+1	3	2	40		11	0	0	0	+2
Newburg	2	1	32		40	7	15	+2	0	0	0		2	2	40	-1	0	0	100	-2	1	2	52	0	-1
Totals	4	3	32	0	119	16	12	+10	1	2	67	0	12	3	19	+1	6	9	60	0	23	5	18	0	0
DISTRICT 4: Secondary																									
Durrell	0	1	11		88	10	10	+2	4	0	0	+1	9	0	0	+1	8	3	27	+2	17	0	0	0	+2
Southern	0	1	10		110	10	8	+4	7	1	12		11	0	0	+1	10	2	17	+3	10	0	0	0	+1
Thomas Jefferson	1	1	12		67	12	13	+3	3	0	0	+1	6	0	0	+1	7	5	46		14	1	7	0	
Totals	1	3	11	0	265	30	11	+4	14	1	7	+2	26	0	0	+2	25	11	31	+5	41	1	7	0	+3

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APPENDIX A (Continued)

School	Administrative Staff			Certified Teachers				Paraprofessionals				Clerical				Custodial				Lunchroom			
	White	Black	Gap	W	B	% B	Gap	W	B	% B	Gap	W	B	% B	Gap	W	B	% B	Gap	W	B	% B	Gap
<u>DISTRICT 7: Elementary</u>																							
Bates	2	0	0	29	4	12	+2	0	0	0	-	2	0	0	-	3	0	0	+1	7	0	0	+1
Beckup	2	0	0	15	2	12	+1	1	0	0	-	2	0	0	-	2	0	0	+1	2	1	33	-1
Cochran	2	0	0	20	5	20	-	3	0	0	+1	2	0	0	-	0	3	100	-2	6	0	0	-1
Fern Creek	1	1	50	27	4	18	-	0	0	0	+2	2	0	0	-	2	1	33	-	7	0	0	+1
Goldsmith	1	0	0	28	1	12	+2	0	0	0	-	2	0	0	-	0	3	100	-2				
Hawthorne	1	1	50	15	2	10	+2	4	1	20	+1	2	0	0	-	0	3	100	-2	3	0	0	+1
Jeffersonville	2	0	0	24	7	29	-1	13	0	0	+5	2	0	0	-	2	2	50	-	6	0	0	+1
Klimbke Lane	3	0	0	20	3	17	+1	3	0	0	+1	2	0	0	-	2	1	33	-	7	1	52	+1
Lake	2	0	0	27	0	18	-	0	0	0	-	2	0	0	-	3	0	0	+1	5	0	0	+1
Mayfield	2	0	0	30	1	9	+3	0	0	0	-	2	0	0	-	3	0	0	+1	6	0	0	+1
Waltham	1	1	50	24	1	20	-	4	1	20	+1	2	0	0	-	1	2	67	-1	5	1	17	-
Wheeler	2	0	0	25	1	14	+2	1	0	0	-	2	0	0	-	2	1	33	-	3	0	0	+1
Totals	21	3	12	247	23	18	+12	34	7	6	+11	24	0	0	0	20	16	44	-3	59	3	3	+9
<u>DISTRICT 7: Jr. and Middle</u>																							
Carrithers	3	0	0	33	5	13	+2	0	0	0	-	4	0	0	+1	3	1	25	+1	11	0	0	+2
Myers	3	0	0	25	4	15	+2	2	0	0	+1	4	0	0	+1	2	1	50	-	8	0	0	+2
Totals	6	0	0	58	11	14	+4	2	0	0	+1	8	0	0	-2	5	4	44	+1	19	0	0	+4
<u>DISTRICT 7: Secondary</u>																							
Alberton	5	1	17	47	9	18	-2	0	0	0	-	6	0	0	+1	5	1	17	+2	3	4	57	-3
Fern Creek	6	2	35	95	7	7	+5	4	0	0	+1	9	0	0	+1	7	5	42	-	15	0	0	+1
Jeffersonville	10	1	8	109	3	3	+18	0	0	0	-	10	0	0	+1	4	0	0	-3	19	0	0	+2
Moore	9	1	10	109	8	7	+6	3	0	0	+1	10	0	0	+1	11	0	0	+5	21	0	0	+2
Seneca	8	1	11	78	9	7	+4	3	0	0	+1	12	0	0	+1	6	7	54	-1	12	0	0	+1
Totals	38	6	14	436	33	7	+23	18	0	0	+3	47	0	0	+5	35	21	39	+5	70	4	5	+3

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COMMONWEALTH OF KENTUCKY
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Under the Kentucky Civil Rights Act of 1986, KRS 344.190 (11), the Commission has the duty "to make studies appropriate to effectuate the purpose and policies of this chapter and to make the results thereof available to the public."

This report was prepared by Ray Foushee with the assistance of Douglas Hamilton, both of the Commission staff

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**More Housing Segregation
Than Ever...
In Louisville And Jefferson County**

COMMISSION ON HUMAN RIGHTS
COMMONWEALTH OF KENTUCKY
828 Capital Plaza Tower
Frankfort, Kentucky 40601

HIGHLIGHTS

1. In 1970, the black and white residents of Louisville and Jefferson County were more segregated than ever and residential segregation has increased steadily with the growing population.
2. In 1970, 82 per cent of the black population of the Louisville Jefferson County area lived in just 30 of the 149 census tracts in Louisville and Jefferson County.
3. In 1960, 23.2 per cent of Louisville's black population lived in central and western Louisville, but in 1970, 80.6 per cent of Louisville's black population lived in the 24 census tracts that make up Louisville's inner city ghetto.
4. Jefferson County has failed to provide public housing in Jefferson County and thus speed economic and racial desegregation. Jefferson County's reluctance to build low income housing resulted in the loss of \$5.6 million in federal funds.
5. In 1970, over 95 per cent of the black population of Jefferson County lived in just six of the 55 census tracts that lie totally or partially in Jefferson County. In 1960, 65 per cent of the black population of Jefferson County were concentrated in these tracts.
6. In 1970, over 4,900 black families in the Louisville Jefferson County area had incomes in excess of \$10,000 per year. These families, by virtue of their incomes, are capable of living in any area of Louisville and Jefferson County.
7. The black population of Louisville increased from 17.9 per cent of Louisville's total population in 1960 to 21.9 per cent in 1970.
8. The number of white residents in Louisville declined from 320,564 in 1960 to 274,511 in 1970. The number of black residents, however, increased from 70,075 in 1960 to 86,040 in 1970.
9. The percentage of black students enrolled in the Jefferson County school system declined from 4.1 per cent of the total enrollment in 1966 to 3.9 per cent in 1972. Black students attending school in Louisville, however, increased to over 80 per cent of the total school enrollment in the 1972-73 school year.
10. In 1970, the number of white residents living in Jefferson County had increased to 325,148 from 211,493 in 1960. The number of black residents grew from 8,815 in 1960 to 9,353 in 1970.
11. The black population of Jefferson County declined from 4.0 per cent of the total population in 1960 to 2.8 per cent in 1970.

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More Segregated Than Ever...

Louisville and Jefferson County entered the decade of the '70s with more housing segregation than ever. Five years after the passage of open housing laws, the predicament known as the "white noose", where black residents living in the inner city are totally segregated from the white residents of the surrounding suburbs, has intensified in the Louisville Jefferson County metropolitan area.

An analysis of data reported in the U.S. Census for 1960 and 1970 clearly shows that the residents of Louisville and Jefferson County live in segregated communities. And the segregation of black and white residents has increased since 1960.

In spite of Kentucky's Fair Housing Act of 1968, and continual efforts to destroy myths that perpetuate racial separation, the black and white residents of Louisville and Jefferson County live in separate communities.

Population Increased Reflects Growing Segregation

As the black and white populations of Louisville and Jefferson County have grown, black residents of the area have become "urbanized," living mainly in Louisville's west end, and white residents "suburbanized," with more white residents living in Jefferson County than within Louisville's city limits (see Map 1). These trends show that Kentucky's largest metropolitan area is becoming two separate communities, one black, one white.

Table 1 shows that the number of white residents in the city of Louisville reached an all-time high of 320,564 in 1960, and declined to 274,511 in 1970, a decline of 14.4 per cent.

In contrast, the number of black residents in Louisville increased from 70,075 in 1960 to 86,040 in 1970, an increase of 22.8 per cent.

A look at the corresponding percentages is even more revealing. Black residents made up 17.9 per cent of the population of Louisville in 1960. By 1970, the percentage of blacks living in Louisville had increased to 23.9 per cent of the city population.

The trend is reversed in the Jefferson County area surrounding the city of Louisville (table 1). The number of white residents in Jefferson County had increased to 211,493 in 1960. By 1970, the number of white residents in the county totaled 325,148, an increase of 54 per cent over the 1960 total.

The number of blacks living outside Louisville in Jefferson County increased from 8,815 in 1960 to 9,353 in 1970, an increase of just six per cent.

But despite the numerical increase of blacks living in Jefferson County outside Louisville, the percentage of black residents actually declined in the county suburbs because of the enormous increases in the number of white residents living in the county.

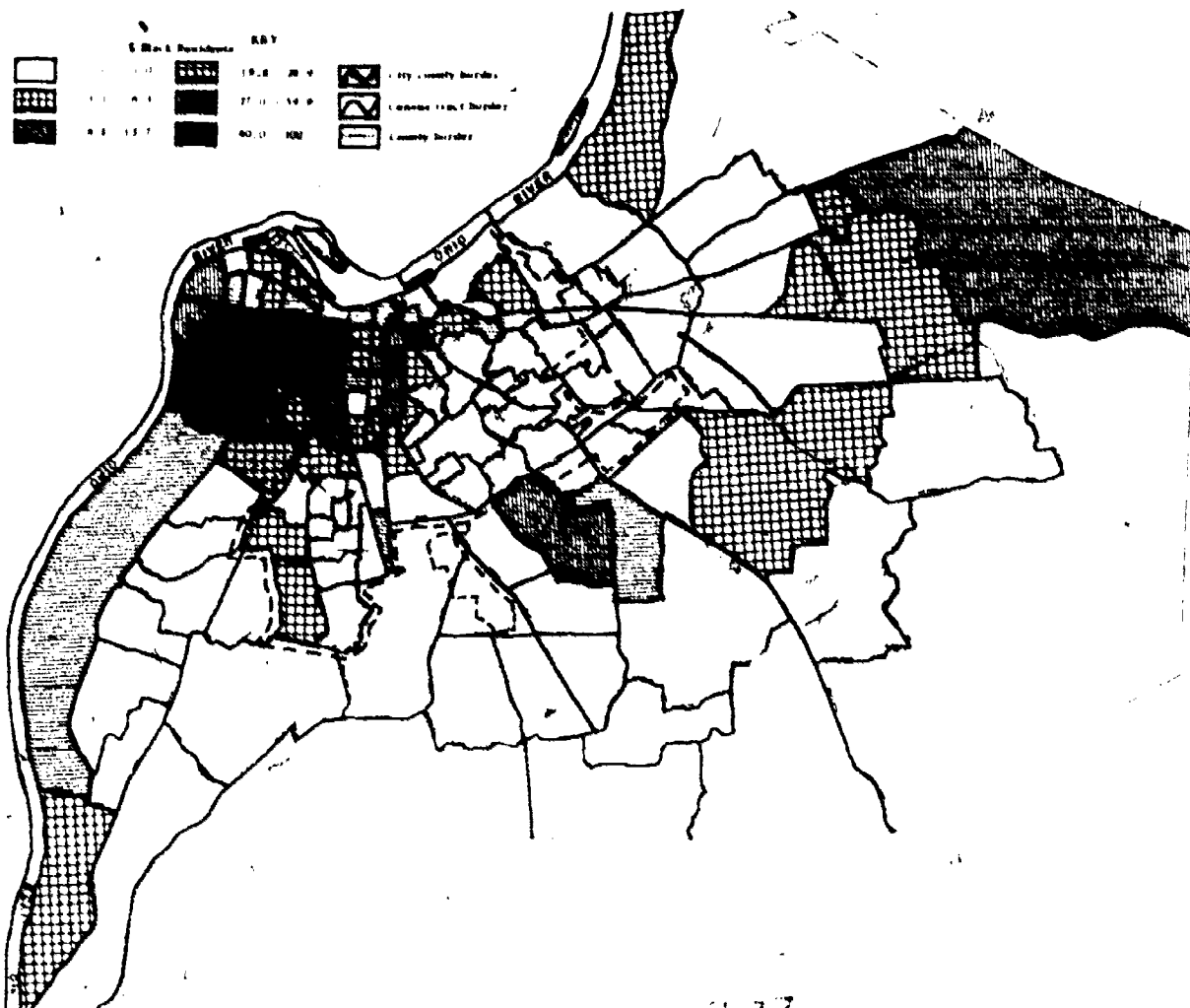
In 1960, 4.0 per cent of the people living outside Louisville in Jefferson County were black, but in 1970, the percentage had declined to 2.8 per cent, the lowest percentage in the past 40 years.

The result of these urban and suburban changes has been the increasing separation of black and white

Table 1

POPULATION CHANGES IN THE CITY AND COUNTY SINCE 1940

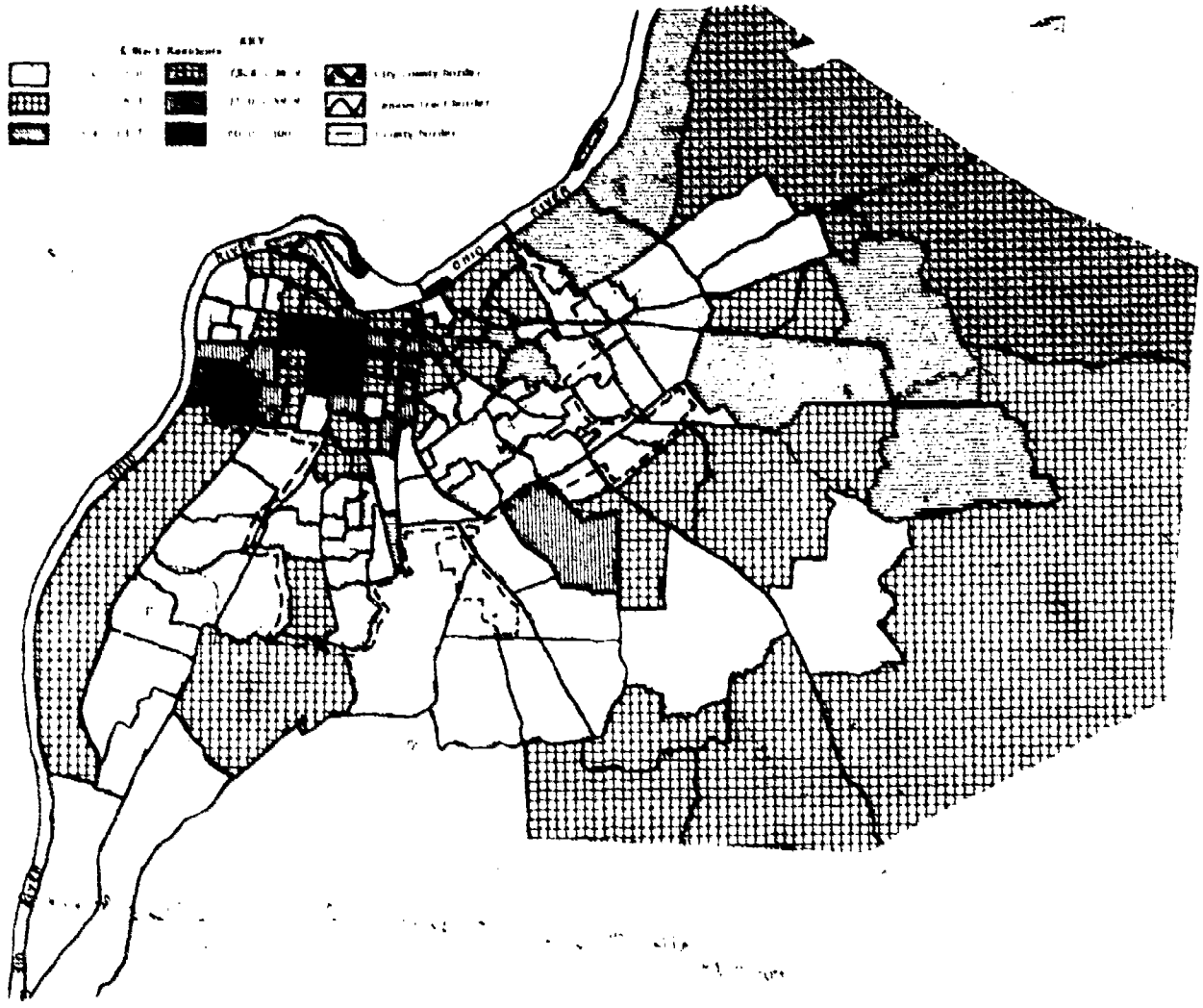
Year	City			County		
	White	Black	% Black	White	Black	% Black
1940	280,358	47,354	15.4	84,992	3,714	3.8
1950	271,867	47,158	14.8	113,525	4,008	3.4
1960	320,564	70,075	17.9	211,493	8,815	4.0
1970	274,511	86,040	23.9	325,148	9,353	2.8



Census Tract Boundary
 City-County Border
 County Boundary
 MAP 1

630

337



MAP II

TABLE 1

Jefferson County Total Population					Segregation Index for the Louisville Jefferson County Metropolitan Area	
Year	Total	White	Total Black	% Black	Year	Segregation Index
1940	408,418	355,350	53,068	12.8	1940	N.A.
1940	430,354	385,392	44,962	11.7	1940	81.7
1950	484,015	421,805	62,210	12.9	1950	86.0
1960	610,947	532,057	78,890	12.9	1960	89.2
1970	695,052	599,659	95,393	13.7	1970	90.9

N.A. = Not Available

0 = Complete Desegregation
100 = Total Segregation

communities. In 1970, though black residents made up 13.7 per cent of the Louisville Jefferson County metropolitan area, over 90 per cent of the black population of the metropolitan area lived within the city while 54 per cent of the white residents of the area lived in the suburbs outside Louisville.

In spite of federal, state and local fair housing laws, residential segregation is more prevalent than ever. If these trends continue, Louisville and Jefferson County will find itself in the same predicament as other large cities in the United States—a black inner city surrounded by white suburbs, a situation that breeds discrimination in employment, housing and in the schools.

Segregation Continues to Increase

In 1970, black and white residents of Louisville and Jefferson County were more segregated than ever—more segregated than before fair housing laws, more segregated than before the Civil Rights Act of 1964, more segregated than before the civil rights movement of the 1950 and 1960 decades.

The segregation of black and white residents can be measured by noting the racial composition of each residential block in Louisville and Jefferson County and computing the variation of each from the racial composition of the metropolitan area as a whole. The computation yields a number reflecting the extent of residential segregation between zero, or no segregation, and 100 which means total segregation.

This index shows that segregation, prevalent in the metropolitan area throughout the century, had increased to 89.2 in 1960 (table 2).

In 1970, at 90.9, the segregation of black and white residents reached an all-time high and the Louisville Jefferson County metropolitan area continued to approach total segregation.

An examination of the tracts used by the Bureau of the Census shows increased segregation as 82 per cent of the black population lived in just 30 of the 149 census tracts in Louisville and Jefferson County. Just 28 per cent of the black population of the metropolitan area were concentrated in these 30 tracts in 1960.

Over 80 per cent of the black population of the city of Louisville resided in 24 of the 112 census tracts that lie totally or partially within the Louisville city limits in 1970. 15 of these tracts had between 90 per cent and 100 per cent black residents.

Increased segregation is shown in the fact that only six census tracts in this area had a percentage of black residents greater than 90 per cent in 1960.

The black population of these 24 census tracts in Louisville's ghetto jumped from 55,906 in 1960 to 69,374 in 1970 (see Map 1). Black residents made up 57.9 per cent of the total population of these census tracts in central and western Louisville in 1960, and 84.7 per cent of the total population of these tracts in 1970.

Comparing Map 1 and Map 2, which show the percentage of black residents in each census tract in Louisville and Jefferson County for 1960 and 1970, it is clear that Louisville's ghetto has experienced a dramatic growth while the county suburbs show the same trend toward the segregation of black and white neighborhoods.

Though more blacks lived in Jefferson County outside Louisville in 1970 than ever before, census tract figures show that the black residents were more segregated in 1970 than in 1960.

In 1960, 65 per cent of the black population of Jefferson County lived in six of the 55 census tracts that lie totally or partially outside the Louisville city limits. In 1970, 95 per cent of the black residents of the county lived in these six census tracts. Of the remaining census tracts in the county, 35 had fewer than one per cent black residents in 1970.

• Comparing the population distribution in 1970

with 1960 shows the black urbanization and white suburbanization trends that intensify residential segregation (Maps 1 and 2).

These trends mean greater isolation for the black and white residents of Louisville and Jefferson County. While the number of Louisville black population living in the western and central city ghetto grew from 55,906 in 1960 to 69,374 in 1970, the number of black residents declined in most areas of the county until 1970, 49 census tracts had no black residents—only 13 census tracts had no black residents in 1960.

Schools Reflect Growing Housing Segregation

The increasing segregation of black and white neighborhoods is also seen in the student enrollments of the county and city schools. School desegregation is not taking place in the Louisville-Jefferson County metropolitan area because residential segregation continues to increase.

The percentage of all black students attending school in Jefferson County declined from 3.9 per cent of the total county school enrollment in 1966 to 3.7 per cent of the total county enrollment in the 1972-73 school year reflecting the decline in the percentage of black residents in Jefferson County since 1960.

The 71 black elementary students that attended

Jefferson County schools in 1956 made up 2.1 per cent of the total elementary school enrollment (table 3). By 1966, school enrollments began to reflect the moves of small numbers of black families into the county and the number of black elementary students in the county had increased to 1,839 or 4.7 per cent of the total elementary school enrollment.

Since 1966, only a few elementary schools in the county had an increase of black students. Price Elementary, which serves the Newburg area, and Cane Run Elementary in the west end showed significant increases. But in the vast housing growth area in the east end, and throughout the county in general, the number of black children in elementary schools declined.

Table 3
STUDENT ENROLLMENT IN JEFFERSON COUNTY, 1956-1973

Year	Elementary		Percent Black	Secondary		Percent Black	Total		Percent Black
	Year	Black		Year	Black		Year	Black	
1956	1956	1,100	2.1	1956	1,100	2.1	1956	2,200	2.1
1960	1960	2,100	3.7	1960	2,100	3.7	1960	4,200	3.7
1966	1966	19,200	4.7	1966	8,700	4.7	1966	27,900	4.7
1967	1967	21,600	4.4	1967	9,800	4.8	1967	31,400	4.6
1968	1968	25,000	3.8	1968	10,500	4.1	1968	35,500	3.8
1969	1969	24,100	3.6	1969	10,600	4.1	1969	34,700	3.6
1970	1970	23,800	3.5	1970	11,500	4.1	1970	35,300	3.5
1971	1971	23,000	3.4	1971	11,800	4.3	1971	34,800	3.4
1972	1972	22,800	3.2	1972	11,900	4.3	1972	34,700	3.2

Table 4

TOTAL SCHOOL ENROLLMENT IN LOUISVILLE 1956-1973

Year	Black	Other	Per cent black
1956	5,630	28,123	16.6
1960	11,278	28,138	28.6
1966	23,725	25,502	48.1
1967	25,277	30,537	45.2
1968	25,470	25,551	49.9
1970	23,615	25,818	47.7
1971	23,346	24,561	48.6
1972	22,933	22,637	50.3

In the 1972-73 school year, along with the decreases in black families moving into the county, the number of black elementary school students fell below the 1966 level of 1,839 to 1,757 or 3.7 per cent of the total county elementary school enrollment.

In the county high schools, the number and percentage of black students grew slowly with the black population in Jefferson County (table 3). From 149 or 1.5 per cent of the county high school enrollment in 1956, the number of black students increased to 872 or 3.2 per cent of the total county high school enrollment in 1966. In the 1972-73 school year the number of black high school students increased to 1,637 or 3.8 per cent.

The black urbanization white suburbanization shown in the population figures is seen in the school enrollment of the Louisville and Jefferson County

school systems. While the percentage of black students attending Jefferson County schools declined to 3.7, the percentage of black students attending Louisville schools increased to over 50 per cent of the city school enrollment in the 1972-73 school year (table 4).

Because most of the black and white residents of Louisville and Jefferson County live in separate communities, most black and white school children attend separate schools. In the 1972-73 school year, 87 per cent of all black students attended city schools and 81 per cent of all white students attended county schools.

Fair Housing Laws, having failed to affect residential segregation patterns have, in turn, failed to lessen the separation of black and white school students.

A History of Failure

County Retreats From Low Income Housing

Building low income housing in Jefferson County could be a start toward achieving residential desegregation in the metropolitan area, but since 1967, Jefferson County has failed in at least eight efforts to provide low income housing outside the city of Louisville.

Because of its failure to follow through on proposals for a rent subsidized leased housing program, Jefferson County allowed a \$5.6 million grant from the Department of Housing and Urban Development to revert to the federal government without producing one apartment unit. This tragic loss of federal money has in turn delayed construction of a \$4.8 million plan to build 300 low income single family units.

Organized in 1967

In March 1969, the Jefferson County Housing Authority, which was organized in 1967 to provide low income housing in Jefferson County, embarked on a \$4.8 million plan to develop 300 single family low and moderate income housing units. The plan specified that the houses would be scattered throughout the county suburbs and be indistinguishable from other privately owned single family dwellings.

The first 50 units were to be built in the Newburg Urban Renewal area and construction was to begin in the summer of 1969.

Before construction of the first 50 units in Newburg could begin, it would be necessary to raze substandard housing on the proposed site and find suitable housing for families displaced from homes designated for removal.

Similarly, suitable housing must be found before the City County Health Department can raze, or order to be vacated any substandard dwellings in the County.

The Jefferson County Housing Authority sought to meet the housing needs of displaced families by beginning a county leased housing program and obtained a grant from the Department of Housing and Urban Development (HUD). A grant for \$283,000 a year for five years with an option to renew for another 15 years, a total of over \$5.6 million, was approved to subsidize rents for those

moved by the Urban Renewal Project in Newburg.

By obtaining the \$5.6 million for the leased housing program, the Jefferson County Housing Authority was ready to proceed on the \$4.8 million plan to build 300 single family dwellings.

The county Housing Authority now had the funds and cooperation of federal officials to begin providing low income housing in Jefferson County and speed economic and racial desegregation.

All that needed to be done was locate apartments and obtain the cooperation of Jefferson County Fiscal Court and Jefferson County could pioneer a much needed effort to provide low income single family housing outside of the typical impacted inner city "projects."

Unfortunately, neither the cooperation from Fiscal Court, nor the apartments were forthcoming.

Seven Failures Cost \$5.6 Million

1. The County Housing Authority first tried to lease a 195 unit apartment complex at the intersection of Poplar Level Road and Indian Trail. But the Housing Authority could not meet the price requested by the developer of the apartment complex.

2. The Jefferson County Housing Authority then tried to lease apartments in existing private apartment complexes around the county. This plan was not successful because the Jefferson County Housing Authority failed to find a sufficient number of apartment units.

3. A plan to provide relocation for the Newburg Urban Renewal Project proceeded in September 1969. The County Housing Authority leased the 216 unit French Quarter apartment complex. As units became vacant, they would be rented to low and moderate income families on the rent subsidy leased housing program.

Immediately after this plan was announced, residents of the French Quarter Apartments, residents of the area surrounding the complex and store owners of the area unleashed a loud and bitter protest over the plan. Erroneous myths and stereotypes of low income and minority group families were used to incite further opposition to the plan.

¹ The Louisville Times, May 13, 1969; Section A, page 13.

² Ibid. May 13, 1969; Section A, page 13.

³ The Courier Journal, September 4, 1969; Section A, page 1.

Two days after the plan was publicly announced, the County Judge yielded to the bitter emotional reaction and requested that the County Housing Authority withdraw the plan they had unanimously approved.⁴

4 and 5 In April 1970, two new plans were proposed to house low income families displaced by the Newburg Urban Renewal Project. A developer offered to build and lease apartments to the County Housing Authority on two county sites: a six acre tract on Rangeland Road near Newburg and a seven acre tract in the predominantly black Berrytown area east of Anchorage.

In May, the Jefferson County Housing Authority held public hearings near each of the proposed sites. But neither the Housing Authority nor other public officials explained the need for low income housing or provided information on how the housing would fit into the surrounding community's roads, schools and related services.

On May 18, both sites were dropped when the County Housing Authority found the same public reactions and lack of encouragement from Fiscal Court experienced following the announcement of the French Quarter contract.⁵

6 The County Housing Authority was aware that the \$5.6 million grant from HUD that was to back the leased housing program would not last indefinitely and decided to again try to lease scattered apartments in existing private apartment complexes around the county.

The Chairman of the Housing Authority stated that several apartment owners had expressed an interest in leasing small numbers of units to the Housing Authority.⁶

But this plan, announced when the Berrytown and Rangeland Road sites were rejected, was never heard of again.

7 In November 1970 with the imminent threat of losing the \$5.6 million grant from HUD, the Jefferson County Housing Authority attempted to salvage the leased housing program by concentrating on housing for the elderly.

Three sites were proposed for the 90 to 100 units of housing on Cane Run Road near Campground Road, on Poplar Level Road north of Indian Trail, and on Shepherdsville Road near Miles Lane. The Housing Authority awaited HUD's approval.

Once again the County Judge vetoed the proposal because of "more than 150 phone calls of protest and the leased housing program ended without producing one unit."⁷

The \$5.6 million grant from HUD for the leased housing program was withdrawn.⁸

Not only did this tragedy stall the Newburg Urban Renewal Project, but there was still no relocation housing that would aid the Health Department in stepping up the demolition of substandard housing. The number of substandard or deteriorating housing units in Jefferson County had soared to 5,400 in 1969; five per cent of all white households and 16 per cent of all black households in Jefferson County were substandard in 1970.

Meanwhile, the \$4.8 million plan to build 300 scattered site single family dwellings remained on the drawing board.

At first because of the failure to provide relocation housing through the leased housing program, and then because of legal tangles over who would develop the homes in the Newburg area, construction didn't actually begin on these homes until May 1972.

In pursuing the scattered site single family dwelling plan outside Newburg, the Jefferson County Housing Authority continued to encounter problems:

8 In August 1972, two sites for 64 single family low income dwellings were proposed, a 25 acre tract on Urton Lane or a 16 acre tract on Manslick Road.

Two days after this plan was announced, when these sites met protest by the area residents, the sites were dropped because the Housing Authority said the subsurface limestone shelves made building costs prohibitive.⁹

Falling Farther Behind, Faster

As of November 5, 1973, the only success the County Housing Authority has had in meeting the needs of low and moderate income persons is in constructing 42 single family units in Newburg, a traditionally black residential area segregated from the surrounding suburbs. Under construction are 29 single family units in Newburg. The Jefferson County Housing Authority is sponsoring the construction of a low income housing project for the elderly on Dixie Highway and another project for the elderly on

⁴ The Courier Journal, September 9, 1969, Section A, page 1.

⁵ The Courier Journal, May 19, 1970, Section A, page 1.

⁶ Ibid, May 19, 1970, Section A, page 1.

⁷ The Louisville Times, November 11, 1970, Section B, page 3.

⁸ The Courier Journal, November 30, 1970, Section B, page 1.

⁹ The Louisville Times, August 8, 1972, Section B, page 8.

Bishops Lane is in the planning stage.

But the construction in Newburg will not hinder the growing segregation now with the projects for the elderly. These plans for constructing low income family housing resemble too closely the example set by the Housing Authority of Louisville in the development of huge, segregated, impacted housing "projects."

The need for scattered site, single family dwellings on a desegregated basis is shown by the segregation found in the low income housing projects built by the Housing Authority of Louisville. Of the 13 projects built by the City Housing Authority, five have over 98 per cent black residents; one has over 81 per cent black residents, three have over 92 per cent white residents, and only four have substantial numbers of black and white residents living side by side.

When the segregation index used to compute residential segregation is applied to the projects owned by the Housing Authority of Louisville, they receive a very high segregation rating of 80 (where 100 equals total segregation).

And the need for low income housing on a desegregated basis remains. A housing study released by the Louisville and Jefferson County Planning and Zoning Commission in 1970 projected the total need for new housing in Jefferson County at 84,000 units between 1970 and 1980.

The study recommended that 5,260 of these new units be constructed under public housing and federal rent supplement programs for those needing low rent housing units.

Yet a study released early in 1973 by the Department of Housing and Urban Development and the history of the Jefferson County Housing Authority show that Jefferson County is falling far short of meeting the housing demand. Although private developers of federally subsidized units have been meeting the areas needs for middle income families, construction of public housing for low income families is almost at a standstill.

The poor have traditionally obtained housing via the "trickle down" system that's when the least desirable housing gradually becomes available as upwardly mobile families move into newer and better housing. The housing which becomes available to the poor by this process is usually in the inner city, is usually old and run down and is usually over priced.

Federal programs, principally through Urban Renewal and the Department of Housing and Urban Development (HUD), have made it possible for communities such as Jefferson County to begin to provide decent housing for the poor. But federal money is not enough to help those in direct need, to

improve the appearance of our communities, and to speed racial and economic desegregation in our neighborhoods.

Communities need affirmative leadership if these goals are to be reached, for the lack of affirmative leadership brings painful results as the history of the Jefferson County Housing Authority illustrates.

There is little chance of producing more public housing units until the 18 month looking moratorium ends. But, even then, the Jefferson County Housing Authority cannot produce low income housing without the affirmative cooperation and support from Fiscal Court.

For Blacks, Money Doesn't Buy Fair Housing

Providing low income housing in Jefferson County is not the only solution to residential segregation in Louisville and Jefferson County, though it is needed as a beginning step. Many black families can afford better housing and neither need nor want low income housing.

In 1970, there were over 4,900 black families in the Louisville Jefferson County area with incomes in excess of \$10,000 a year. These families, by virtue of their incomes, are capable of living in any area of Louisville or Jefferson County (see Appendix B).

The fact that the percentage of black families that own their own homes in Louisville and Jefferson County increased from 40.2 per cent in 1960 to 46.6 per cent in 1970 shows that more and more black families are able to enjoy the benefits of home ownership.

But analysis shows that the concept of fair housing has had little meaning for these families. While the number of black households in Jefferson County, outside Louisville, increased from 1,866 in 1960 to 2,366 in 1970, the percentage of black households in Jefferson County fell from 3.1 per cent in 1960 to 2.4 per cent in 1970.

These figures point, once again, to the increasing segregation in Louisville and Jefferson County.

For most black families interested in buying or renting a home in Louisville or Jefferson County, fair housing laws have meant fair consideration in already black neighborhoods only.

More Discrimination Found in the County

Since the passage of the Kentucky Fair Housing Act in June 1968, the State Commission on Human Rights has received and investigated over 150 complaints of discrimination in housing from all over the state. More than one third of these complaints, 55 in all, concerned houses or apartments in Louisville and Jefferson County.

In 100 of these complaints, the Kentucky Commission on Human Rights found reason to believe that discrimination did occur. Of these 39 complaints, 20 involved housing discrimination in the county outside Louisville—nearly all involved incidents where blacks sought housing in areas where there had traditionally been few or no blacks.

A complaint filed with the Commission on Human Rights in 1971 involved a developer of section 235 houses, a government subsidized home ownership plan. Investigation showed that the developer was "steering" black buyers away from a subdivision in southern Jefferson County. Of the 181 houses the developer sold in the subdivision in 1970, only one was sold to a black buyer while over one-third of the

houses in another subdivision were sold to blacks.

Another complaint filed in 1972 involved a black couple who encountered discrimination when they tried to rent a house in an all white residential area. Though blacks lived across the street from the vacant house for rent, the street was viewed by white residents as a "boundary line" between black and white neighborhoods.

Blacks have traditionally encountered housing discrimination in Louisville and Jefferson County. Incidents of discrimination such as these perpetuate reluctance among blacks to move into areas where there are few or no black residents and thus perpetuate the growing residential segregation in the Louisville Jefferson County metropolitan area.

CONCLUSIONS

Though fair housing laws were designed to make the entire housing market open to all families and individuals, there is little evidence that these laws have unlocked the doors of residential segregation. The latest census data, school enrollment figures and the complaints of housing discrimination received by the Kentucky Commission on Human Rights all point to the segregation of black and white residents in Louisville and Jefferson County.

Segregation has increased continuously in the Louisville Jefferson County metropolitan area with the growing population and the black urbanization white suburbanization trends.

The growing black population of Louisville and the small numerical increases of black residents in Jefferson County outside Louisville have not contributed to residential desegregation because of the large numbers of whites moving into the county suburbs in the decade between 1960 and 1970.

In the past decade, the black population of Louisville experienced the largest increase of this century, and in 1970 these increases and the suburbanization of white residents intensified the growth of Louisville's ghetto. In 1970, the ghetto bounded on the west by the river, on the north by Market Street, on the south by Algonquin Parkway and Demaby Ave., and roughly bounded on the east by 7th Street, had 57.9 per cent black residents—but in 1970, black residents made up 84.7 per cent of the total population in central and western Louisville.

Any explanation of the rapid growth of Louisville's ghetto must include discrimination by builders, developers, lending institutions and real estate agents who "steer" blacks seeking homes into certain areas and away from others. And many white home owners, who later realized that they lost their shirts in the process, engaged in panic selling because of beliefs and myths that have repeatedly been proven untrue.

Despite efforts to destroy these myths, and provide laws to enforce equal housing opportunity, the Louisville Jefferson County metropolitan area continues to approach total residential segregation.

The argument is often heard that residential segregation is a result of economics and not discrimination by whites. But Appendix B clearly shows that if blacks and whites found homes in Louisville and Jefferson County solely on their ability to pay, blacks and whites would live side by side throughout the metropolitan area.

And the extreme residential segregation is teaching the young that they must learn in separate institutions in a city where people should be learning to live together.

Any mention of the widespread segregation of black and white school students in Louisville and Jefferson County brings forth the argument that residential desegregation will bring school desegregation. But neither is happening in our metropolitan area and the antiquated concept of the "neighborhood school" continues to mean segregation, discrimination and unequal school facilities for blacks and the poor.

The extreme residential segregation of Louisville and Jefferson County benefits no one and harms many. The growing segregation of our neighborhoods means continued inequality—and poor quality—in our schools.

From 1959 to 1967, 83 per cent of all the new jobs created in the nation were located outside city areas. The location of the new Ford plant in the east end of Jefferson County typifies this national trend toward locating new plants and businesses in suburban areas rather than in the central city. In the Louisville Jefferson County metropolitan area, this trend means built-in job discrimination for the many blacks that live in western and central Louisville.

And Jefferson County Fiscal Court's reluctance to accept low cost housing proposals in the county only

adds to increasing segregation while stalling Urban Renewal and efforts to raze substandard dwellings in Jefferson County.

Beginning with the French Quarter debacle in September of 1969, the Jefferson County Housing Authority announced and Jefferson County Fiscal Court retreated from a whole series of proposed low income housing plans. Instead of building or leasing low income housing, Jefferson County allowed \$5.6 million to revert to the federal government.

There is little chance of providing low cost housing in Jefferson County without affirmative leadership and cooperation from Fiscal Court.

The absence of affirmative leadership by Fiscal Court has contributed to the increasing residential segregation of Louisville and Jefferson County by resisting low income housing plans that would bring black families into county neighborhoods on a non-segregated basis.

The lack of farsighted leadership contributes to the separation of black and white students in Jefferson County and Louisville schools.

And the past actions of Fiscal Court thwart efforts to encourage black families, who don't need or want low income housing, to move to the county suburbs by creating an UN Welcome image - an image that is rejected by fair housing laws.

Within the last few months the first families have occupied housing provided by the Jefferson County Housing Authority in Newburg, a traditionally black community segregated from the surrounding suburbs. It is good that some housing has been provided by Jefferson County, but that area is oversaturated with segregated housing.

The projects for the elderly and the construction of single family units in Newburg only continue the trend started by the Housing Authority of Louisville in constructing segregated, impacted "projects". The

need is great for desegregated housing on a scattered site basis.

It is time for Jefferson County to follow the examples set by Miami, Ohio and Washington, D.C., and San Bernadine, California which call on the suburbs to meet the needs of low income citizens rather than the usually impacted city areas.

Louisville and Jefferson County entered the decade of the 70s more segregated than ever. The predicament known as the "white noose", where black residents living in the inner city are totally segregated from the white residents in the surrounding suburbs, is fast becoming a reality in Louisville and Jefferson County. It is clear that fair housing opportunity exists only on paper in Louisville and Jefferson County and fair housing laws alone cannot halt increasing residential segregation.

Though the segregation of black and white residents in the Louisville-Jefferson County metropolitan area is extreme and is increasing, the trend can, in time, be reversed if those who take part in the process of building, selling and renting housing do their part to insure fair housing opportunity for all citizens.

Local government, real estate agents, apartment managers, builders, developers, lending institutions, neighborhood associations and all who have even a small role in the housing market, can make Louisville and Jefferson County a better place to live by taking the initiative in providing equal opportunity in housing.

Each and every individual, private enterprise and local government must strive to maintain the freedoms that benefit all individuals and families. We must renew the spirit of open housing in Louisville and Jefferson County and work to insure fair housing opportunity for all.

RECOMMENDATIONS

1. The Jefferson County Housing Authority should seek to renew the leased housing program by renting ~~initial~~ numbers of apartments in many of the large apartment complexes in Jefferson County as soon as rent subsidy grants are available from HUD.
2. The Jefferson County Housing Authority should aggressively seek new sites in incorporated and unincorporated areas in Jefferson County, to continue and step-up the construction of scattered site single family units.
3. The Jefferson County Fiscal Court should take affirmative leadership in securing federal funds, locating sites and cooperating with the Jefferson County Housing Authority to provide low income housing on a non segregated basis in Jefferson County.
4. Apartment owners, real estate firms, builders and developers throughout Jefferson County should contact the Jefferson County Housing Authority now and volunteer to enter into contracts to lease apartment units for the leased housing program. There is some indication that federal agencies will provide cash incentives to builders and owners of existing housing units who provide units for low income housing and the Jefferson County Housing Authority should be ready to begin this program as soon as cash incentives are available.
5. When the housing moratorium is lifted, builders and developers of federally assisted housing units must pursue affirmative marketing plans to insure equal opportunity to all potential buyers and renters.
6. An official with the United States Commission on Civil Rights has said that "HUD has...leverage to persuade Jefferson County that they should cease blocking low income housing...in the form of conditioning the provision of funds under the water, sewer, open space, and other desirable programs on the provision of lower income housing." If Jefferson County continues to fail to construct low income housing, HUD should hold up water, sewer and open space funds until plans for constructing low income housing are developed.
7. If HUD fails to prevent the flow of federal funds which allow the county to avoid providing low income housing while using millions of federal aid to provide sewers, roads, planning, etc., to enable other income groups to live in segregated housing, then black and white residents of Louisville and Jefferson County should join with local civil rights groups in a suit to halt federal funds which contribute to residential segregation and force Jefferson County to build low income housing.
8. New apartment complexes seeking residents should undertake affirmative marketing steps including the use of local black media and the advertisement of apartments as "equal opportunity housing".
9. All home owners, apartment managers and real estate firms should use the "Equal Housing Opportunity" symbol when advertising property for sale or rent.
10. All apartment managers and real estate firms must display the "Equal Housing Opportunity" Poster in a conspicuous place in their place of business. Those who do not have this poster should contact the Kentucky Commission on Human Rights to obtain one.
11. Neighborhood associations and other citizen groups should see that equal housing opportunity is a fact in their neighborhoods and welcome potential black buyers and renters.
12. The Kentucky Housing Corporation should assist in Jefferson County only those projects that will contribute to housing desegregation when making low interest development and construction loans and purchasing low income FHA insured mortgages.
13. Black families and individuals who believe they have experienced housing discrimination should file a complaint with the Kentucky Commission on Human Rights, 828 Plaza Tower, Frankfort, Kentucky 40601.

APPENDIX A
 Population of Louisville and Jefferson County by Census Tract
 1960 and 1970

Census Tract	1960		1970		Census Tract	1960		1970		Census Tract	1960		1970	
	Total Pop.	% Non-White	Total Pop.	% Non-White		Total Pop.	% Non-White	Total Pop.	% Non-White		Total Pop.	% Non-White	Total Pop.	% Non-White
1	1710	1.2	1133	4.0	56	4819	.0	4548	.0	102	1028	17.5	884	18.0
2	1712	2.8	2815	4.0	57	3398	5.5	1785	7.0	103	4109	20.3	.....	.....
3	2854	.0	2099	10.0	58	1481	22.4	173	20.0	103.01	.....	.....	4280	1.0
4	5475	.0	5598	27.0	59	8554	35.4	4195	49.0	103.02	.....	.....	1403	43.0
5	2617	.2	2150	1.0	60	3299	42.2	2007	67.0	104	5519	8.8	7185	5.0
6	4248	23.0	3501	77.0	61	2104	23.5	1082	27.0	105	3514	.4	4803	.0
7	6320	.0	4154	76.0	62	5321	90.1	3531	69.0	106	4450	.3	4986	.0
8	2949	.0	2807	70.0	63	5488	2.9	4499	8.0	107	4722	6.5	7431	.0
9	1226	0.1	5540	88.0	64	8270	3.7	2981	.0	108	3144	.06	3875	.0
10	9752	57.0	4718	96.0	65	3024	18.5	2612	31.0	109	11492	.08	.....	.....
11	5516	42.1	5378	93.0	66	6815	3.7	4803	9.0	109.01	.....	.....	6217	31.0
12	2680	87.2	3001	95.0	67	2319	37.0	1708	37.0	109.02	.....	.....	6106	.0
13	3063	96.4	1305	100.0	68	3554	5.0	3155	5.0	110.01	9348	5.6	.....	.....
14	7407	63.7	6319	99.0	69	3341	.02	2898	.0	110.02	.....	.....	14412	1.0
15	5096	28.8	5873	86.0	70	3322	.02	2780	.0	110.03	.....	.....	3978	9.0
16	6874	3.3	5095	61.0	71	5576	.1	4765	2.0	111	8768	5.8	17365	3.0
17	3892	43.1	4111	92.0	72	2271	26.4	297	19.0	112	2125	.1	4352	1.0
18	3608	26.9	3370	89.0	73	1474	.4	785	.0	113	7896	51.0	12053	42.0
19	5121	86.2	2708	96.0	74	3925	4.1	3323	3.0	114	9077	.8	.....	.....
20	4335	82.2	1243	83.0	75	5645	7.1	.....	.....	114.01	.....	.....	6240	0.0
21	5547	8.9	4771	6.0	75.01	.....	.....	4227	.0	114.02	.....	.....	9683	1.0
22	4702	1.7	2739	14.0	75.02	.....	.....	3073	3.0	115	7082	.....	.....	.....
23	6333	2.9	5234	12.0	76	5521	6.7	8846	4.0	115.01	.....	.....	14711	.0
24	5648	90.7	2655	96.0	77	5321	.5	3107	1.0	115.02	.....	.....	4596	.0
25	5931	68.7	3798	93.0	78	4692	.04	4479	.0	116	3332	4.7	8644	4.1
26	3591	60.8	2249	80.0	79	2346	.04	2288	.0	117	6672	1.1	.....	.....
27	5316	72.1	4397	94.0	80	1454	7.4	1260	8.0	117.01	.....	.....	6785	1.0
28	2611	5.8	2869	15.0	81	4615	2.9	3604	2.0	117.02	.....	.....	8905	.0
29	1559	42.1	283	54.0	82	5094	1.3	5213	1.0	117.03	.....	.....	2454	.0
30	4718	94.7	1861	89.0	83	3437	.3	3388	.0	118	6619	.02	7370	.0
31	1824	95.8	588	97.0	84	4148	.08	3950	.0	119	11408	.02	.....	.....
32	1390	87.1	719	99.0	85	2564	.2	2528	.0	119.01	.....	.....	5079	.0
33	2890	65.7	1753	92.0	86	721	8.3	540	1.0	119.02	.....	.....	7855	.0
34	2036	43.3	1463	38.0	87	.....	.....	3953	0.0	119.03	.....	.....	9132	.0
35	4807	2.8	3184	56.0	87 A	3115	.8	.....	.....	120	10196	.1	11351	.0
36	4198	3.8	7052	3.0	87 B	2304	.04	.....	.....	121	17230	.8	.....	.....
37	1440	15.1	9007	16.0	88	3921	.5	3767	.0	121.01	.....	.....	9663	2.0
38	4598	.02	1962	.0	89	4680	.9	4642	1.0	121.02	.....	.....	13987	.0
39	5851	0.08	5417	.0	90	8472	.01	8180	.01	122	5851	.3	11568	.0
40	1507	.02	2253	.0	91	8151	.9	10349	.4	123	3466	.0	4696	.0
41	3479	.0	3178	.0	92	5035	.04	4110	.02	124	12920	.....	.....	.....
42	2626	.0	2013	.0	93	5293	.2	5850	.09	124.01	.....	.....	9494	.0
43	7813	.3	6413	2.0	94	4593	.09	4621	.0	124.02	.....	.....	13085	.0
44	4650	.2	6012	.0	95	906	.0	1070	.02	124.03	.....	.....	8911	.0
45	4792	3.1	6604	7.0	96	3262	.5	5444	.3	125	9299	.02	13465	.0
46	1781	.0	4476	.0	97	1366	.03	3041	.03	126	14825	.....	.....	.....
47	1180	21.8	295	10.0	98	4047	.02	4089	.02	126.01	.....	.....	9178	.0
48	445	17.6	122	8.0	99	3676	.04	3548	.0	126.02	.....	.....	10083	.0
49	1607	21.5	1504	20.0	100	10252	.6	.....	.5	127	8252	1.1	12840	7.0
50	4886	14.7	2239	14.0	100.01	.....	.....	4505	.....	128	7047	.07	6609	17.0
51	4655	3.7	3442	7.0	100.02	.....	.....	5168	.....	129	949	.0	829	.0
52	5568	0.2	4699	1.0	100.03	.....	.....	9117	.....	130	1867	.0	1862	.0
53	3029	2.0	1455	4.0	101	5887	1.6	1.6	131	2697	.01	2667	1.0
54	582	.0	101.01	1062	132	804	.01	727	.0
55	1726	12.7	1019	11.0	101.02	1344

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APPENDIX B
Color Blind Housing Market

By showing the would be distribution of black and white residents of Louisville and Jefferson County if a "color blind" housing market existed in the metropolitan area, Map 3 shows yet another measure of residential segregation.

In a true "color blind" housing market—one in which all individuals have an equal chance to acquire vacant housing for rent or sale—housing patterns would be determined by each individual's ability to pay for housing. If a color blind housing market existed in Louisville and Jefferson County, where blacks made up 13.7 per cent of the total population in 1970, blacks and whites would live as neighbors in every area of the city and county.

Map 3 shows the imaginary situation where blacks and whites reside on the basis of their incomes in a color blind housing market. If finding a home in Louisville and Jefferson County was a matter of finding a residence that one could afford and skin color played no part in the acquisition of a home, the distribution of black and white residents in the metropolitan area would look very much like this.

Map 3 contrasts sharply with Map 1 which shows the actual distribution of black and white residents in 1970. It is clear by viewing these two maps that income differences are not responsible for the growing residential segregation in the Louisville Jefferson County metropolitan area.

Instead, in 1970, the metropolitan area was more segregated than ever and neighborhoods were identified by skin color rather than income.

If housing patterns were determined by income rather than by skin color, no census tract would have a percentage of blacks greater than 26.9 per cent, and no census tract would have a percentage of blacks lower than 6.4 per cent.

In 1970, 35 census tracts had a percentage of blacks greater than 26.9 and 95 census tracts had a percentage of blacks lower than 6.4 per cent, resulting in the extreme residential segregation in the metropolitan area.

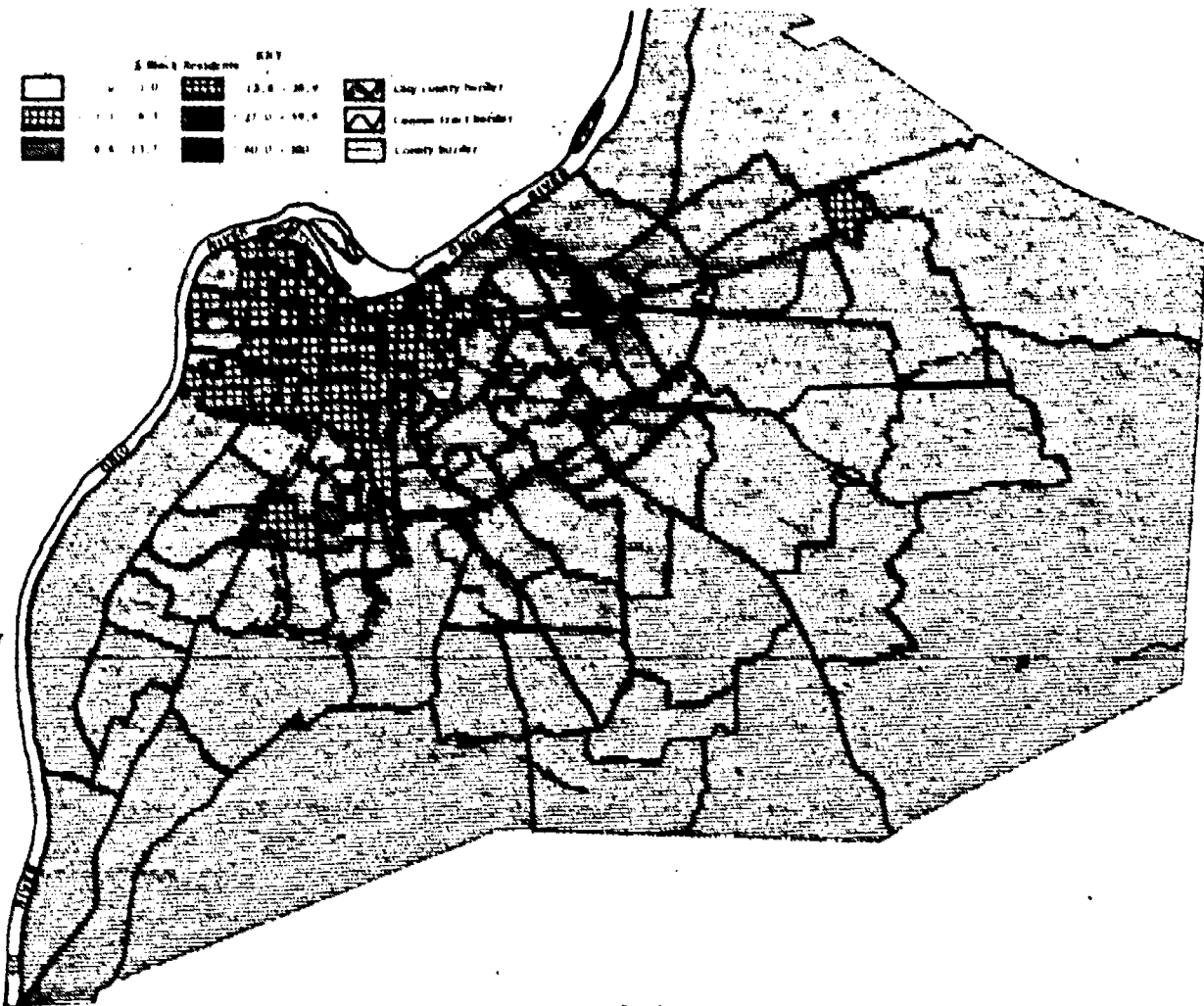
Map 3 shows that in a color blind housing market, 90 of the 149 census tracts in Louisville and Jefferson County would have a percentage of black residents between 6.4 and 13.7 per cent.

59 census tracts would have a percentage of black residents between 13.8 and 26.9.

No census tract in Louisville or Jefferson County would be without black residents or without white residents in a color blind housing market.

If income and the ability to pay were the only basis by which blacks and whites found housing, blacks and whites would live side by side throughout the metropolitan area.

MAP III
Percentage of Black Residents in Louisiana and Jefferson County in a Cross-Blind Housing Market



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ACKNOWLEDGEMENTS

This State Commission report is designed to document the extent and persistence of residential segregation in Louisville and Jefferson County. The purpose is to help prepare the way for renewed open housing efforts in our community including the construction of desegregated low income housing in suburban areas.

The three sectioned analysis with conclusions and recommendations is based on the following U.S. Bureau of the Census reports: Census of Population: General Population Characteristics, Kentucky, 1970; Census of Housing, Block Statistics, Louisville, Kentucky, Indiana, Urbanized Area, 1970, 1960; Housing Characteristics for States, Cities and Counties, Kentucky, 1970; Census of Population and Housing, Census Tracts, Louisville, Kentucky, Indiana, S.M.S.A., 1970, 1960, 1950; U.S. Department of Commerce.

School enrollment data is based on statistical data supplied by the boards of education of Louisville and Jefferson County for the years 1958 through 1971, the individual school campus reports for the 1972-73 school year required under Title VI of the Civil Rights Act of 1964; and Racial Integration in the Public Schools of Kentucky, Kentucky State Board of Education, 1968.

The segregation index used to measure the residential segregation in Louisville and Jefferson County was based on Measures in Cities, by Karl F. Taeuber and Alma F. Taeuber, Aldine Publishing Company, Chicago, 1965.

The State Commission wishes to thank the Center for Urban Studies, the University of Chicago and the co-authors of Open from the Square, particularly Katherine B. Smith for assistance in computing the Color Blind Housing Market which appears in Appendix B.

The State Commission also wishes to thank the Louisville and Jefferson County Planning and Zoning Commission for supplying the Commission staff with population data for 1930 and 1940, and the Louisville Chamber of Commerce for providing base maps of the Louisville Metropolitan area.

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Under the Kentucky Civil Rights Act of 1966, KRS 344.190 (11), the Commission has the duty "to make studies appropriate to effectuate the purposes and policies of this chapter and to make the results thereof available to the public."

This report was prepared by Douglas Hamilton of the Commission staff.

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LOUISVILLE STILL AMONG MOST SEGREGATED CITIES

**Information regarding Louisville from the
Council on Municipal Performance Report**

Kentucky Commission on Human Rights

701 West Walnut

Louisville, Kentucky 40203

November 7, 1974

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Housing segregation in Louisville is more severe than in 79 other major U. S. cities, according to a study of housing patterns released last month by the Council on Metropolitan Performance.

By ranking cities according to the amount of population shift required to desegregate residential areas, the study also found that 88.9 per cent of Louisville's non-white population -- and a like number of white residents -- would need to change neighborhoods to fully desegregate all areas of the city.

Louisville's ranking of 80th place in the recent housing study of 109 cities puts it among the one-third "most segregated" cities -- a complete turnabout from 1940 when Louisville was among the one-third "least segregated" cities with a ranking of 32.

Table A below shows the percentage of non-white residents who would have to move for each decade since 1940 and the ranking of Louisville and Covington in 1940 and 1970.

TABLE A

Increasing Segregation Since 1940

"How Many Non-Whites
Would Have to Move?"

City	1940	Rank	1950	1960	1970	Rank
	%		%	%	%	
Louisville	81.7	32	86.0	89.2	88.9	80
Covington	80.6	22	85.0	87.8	86.9	70

Eight of the thirteen largest U. S. cities had more extensive segregation than Louisville. In the remaining cities included in the study, the severity of residential segregation tended to reflect geographic location. Western and Northern cities generally had less segregation than Kentucky's cities while southern cities tended to be more segregated.

Other cities ranked in the one-third "most segregated" by the Municipal Performance Council's study of Census data from the past three decades include Birmingham, Savannah, Dallas, Atlanta, Chicago, Los Angeles and Richmond, Virginia. More than three out of every four non-white residents would need to change neighborhoods in order to bring about housing desegregation.

Table B compares the extent of housing segregation in Louisville and Covington with that of eight cities of regional proximity to Kentucky. The ten cities are ranked from the least segregated to the most segregated.

Table B

City	Louisville Compared to Sister Cities "How Many Non-Whites Would Have To Move?" - % - 1970		Rank of 109 Cities	
	1970	1970	1940	
Charlestown, W. V.	74.3	23	21	
Cincinnati	83.1	54	91	
Columbus	84.1	59	67	
<u>Covington</u>	86.9	70	22	
Indianapolis	88.3	75	89	
<u>Louisville</u>	88.9	80	32	
Nashville	89.0	81	60	
St. Louis	89.3	83	98	
Knoxville	89.6	85	79	
Memphis	91.3	100	16	

Louisville compares unfavorably with sister cities and even deep southern cities when the rate of change toward housing desegregation is examined for the past three decades. Since 1960, Louisville has shown little movement toward desegregation and when 109 U. S. cities are ranked according to the extent of change, Kentucky's largest city received a very poor rank of 98.

Table C compares Louisville and Covington with their sister cities. Louisville and Memphis showed the least trend toward desegregation and Cincinnati showed the greatest trend toward desegregation.

Table C

Louisville Ranked Ninth in Desegregation Trends

City	"How Many Non-Whites Would Have To Move?"		Change 1960-1970	Rank of 109 Cities by Chan- 1960-1970
	% 1960	% 1970		
Cincinnati	89.0	83.1	-5.9	38
Charlestown, W. V.	79.0	74.3	-4.7	46
Indianapolis	91.6	88.3	-3.3	65
Nashville	91.7	89.0	-2.7	69
Columbus	85.3	84.1	-1.2	89
St. Louis	90.5	89.3	-1.2	89
Knoxville	90.7	89.6	-1.1	92
Covington	87.8	86.9	-0.9	95
<u>Louisville</u>	89.2	88.9	-0.3	98
Memphis	92.0	91.8	-0.2	99

Louisville's apparent resistance to residential desegregation places it among the 11 major American cities showing the least housing desegregation since 1960 including Little Rock, Shreveport, Macon, Charleston, S. C., as well as two New Jersey cities - Newark and Elizabeth, and Canton, Ohio and Bridgeport, Connecticut.

In general, the survey of major U. S. cities confirmed the dismal housing picture painted by the Kentucky Commission on Human Rights last December when it released a report showing that Louisville and Jefferson County were 90 per cent segregated.

That report entitled "More Housing Segregation than Ever . . . In Louisville and Jefferson County" documented increasing segregation of black and white residents since 1940 and described Kentucky's largest Metropolitan area as a "white noose" situation where black inner-city residents are totally excluded from the increasing numbers of better jobs and quality housing in suburban areas.

Citing the failure of county officials to utilize federal money to implement a scattered-site low income housing program, the State Human Rights Agency also attributed the causes of increasing segregation to real estate dealers who "steer" prospective customers to segregated housing and cited 39 instances of housing discrimination in Louisville and Jefferson County since 1971.

Using data from the 1970 Census, the report strengthened these arguments by showing that black families have the income to pay for housing throughout the metropolitan area.

Citing a decline in the percentage of black suburban residents, the Kentucky Commission on Human Rights concluded that because most residents in the metropolitan area live in segregated communities, most school pupils attend racially segregated schools.

For release on presentation September 22, 1975

FAIR HOUSING: A BETTER ANSWER THAN BUSING
A PLAN FOR LOUISVILLE AND JEFFERSON COUNTY

The Louisville and Jefferson County community has an unusual opportunity to decrease housing segregation and thereby lessen the need for future transportation of students to achieve school desegregation.

A broad-based community effort to desegregate housing can be particularly effective at this time because of the new incentives for "desegregated moves" provided to families with children by the provisions of Judge Gordon's school desegregation plan.

Unless community leaders take full advantage of their present opportunities to desegregate housing patterns through voluntary actions, it is likely that the community will continue its long-term trend toward increased housing segregation. Ignoring this opportunity for voluntary desegregation of housing also makes it more likely that remedies for housing segregation may be sought through court action, just as school desegregation was sought through court suit when pleas for voluntary desegregation efforts were ignored.

National news media reporters who gathered information about Louisville's school desegregation this fall have pointedly asked, "How could a community make such an impressive beginning of school desegregation in 1956, yet later develop the extensive school segregation which resulted in the 1975 desegregation plan?"

Surely, the clearest statistical answer is the greatly increased housing segregation which evolved between 1956 and 1975. In 1940, Louisville was among the one-third "least segregated" cities in the United States, but by 1970 it ranked with the one-third "most segregated" cities, according to a report from the Council on Metropolitan Performance.

As housing segregation increased, the schools reflected this fact in their increasingly segregated enrollments. However, that pattern in the schools has now been reversed by Louisville's successful implementation of the new desegregation plan.

In recent years, Louisville blacks have also made modest but measurable gains in obtaining equal employment opportunities. However, housing segregation in Louisville has become progressively worse. Although laws prohibiting housing discrimination have been adopted during the past decade by local, state and federal governments, it has become obvious that these fair housing laws have been and will be inadequate to overcome all of the institutional practices which support housing segregation.

It is time for this community to redirect its attention and its energies to changing the many institutional policies which have served to increase and reinforce housing segregation. Such policies are to blame for the current situation, rather than Judge Gordon. But there is nothing to be gained by dwelling on past actions of these institutions and agencies which contributed to housing segregation and thereby increased

the need for student transportation. There are many changes which they can now make in housing practices which can lessen student travel in other school years. Only a broad community effort can achieve the results needed.

The Kentucky Commission on Human Rights calls on all housing-related institutions and agencies in the Louisville-Jefferson County community to reevaluate their policies and practices and to adopt new procedures that will reverse, rather than perpetuate, the current trend toward increased housing segregation.

Certain governmental bodies and community groups have a special responsibility.

1. OPPORTUNITY IN SECTION 8 HOUSING ASSISTANCE

The Section 8 Housing Assistance Programs of Louisville and Jefferson County provide the most immediate opportunity to accomplish housing desegregation. The city has approval for 500 units, and the county has approval for an additional 800 units. This new housing program, designed for people who might otherwise be residents of public housing, provides for Section 8 units to be located on a scattered site basis throughout the city and county.

A look at the pattern of segregation which already exists in the public housing projects of both the city and county clearly illustrates why strong affirmative action must be taken to see that Section 8 funds are not allowed to be used to reinforce this pattern. In five of the city projects, blacks

make up more than 98% of the tenants. Three other projects report 36.7, 65.7 and 87.2% black occupancy. In only three is the black occupancy rate less than 14%. All 81 family units in Jefferson County public housing are located in Newburg, and they are 93.8% black.

Even though many of the legal barriers to open housing have been removed by recent legislation, such instances of institutionalized segregation which continue to exist can only serve to reinforce the belief of many that it would be a wasted effort to attempt to secure housing outside their present segregated situation. Mere proclamations of equal housing opportunity under Section 8 will not be enough to overcome such psychological barriers which have been constantly reinforced by past governmental actions.

Rather, based on the segregation record and careful examination of fair housing laws and court cases, we conclude that a clear written policy should be adopted by both the city and county to ensure that the desired result of desegregation is achieved. Beginning weeks ago when the Commission staff first learned that there were serious fair housing problems in both of the programs, numerous suggestions were made and some were adopted by the agencies. Most of the suggestions were not adopted, and the basic policies most likely to perpetuate segregation were not changed. For these reasons, we renew the following five specific recommendations as part of an Affirmative Action Plan for the Section 8 program:

a. The Louisville and the Jefferson County Housing Authorities should each adopt a written public policy saying essentially the following:

IN VIEW OF THE SCHOOL DESEGREGATION PLAN, THE AUTHORITY BELIEVES IT WOULD BE A DISSERVICE FOR ANY OF THE SECTION 8 UNITS IN OUR ALLOCATION TO BE LOCATED AND OCCUPIED SO THAT THEY INCREASE THE NUMBER OF CHILDREN TO BE BUSED UNDER THE SCHOOL DESEGREGATION PLAN. WE WILL EXERCISE THE FULL EXTENT OF EVERY LAWFUL MEANS WE HAVE CONSISTENT WITH THE STATUTES AND REGULATIONS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND FEDERAL AND STATE FAIR HOUSING LAWS TO ENCOURAGE HOUSING DESEGREGATION RATHER THAN SEGREGATION. TO OBTAIN THESE OBJECTIVES WE REQUEST THE HUD ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY TO ADVISE US OF EVERY FEASIBLE STEP WE CAN TAKE TO ACHIEVE DESEGREGATION IN THE SECTION 8 PROGRAM.

Adoption of such a policy statement by the two authorities would tell the tenant applicants, the landlords and the community of the authorities' intentions. The agencies could proceed with those affirmative desegregation steps which are obviously authorized under the statutes and case law, and they could obtain legal interpretations from HUD about those other actions which are questioned.

b. Both governmental units should adopt a policy of giving preference to applicants for Section 8 housing who will make "desegregated" moves. To anyone who might object to such a policy on the basis that it interferes with the applicant's "freedom of choice," we point out that the overwhelming majority of blacks in this area have never, in any sense of the word, been "free" to choose where they will live.

For the city and county to say they are now "color blind" in administering the Section 8 program, after having previously engaged in such extensive segregation, would be to ignore their responsibility to rectify the effects of past injustices which, if left uncorrected, will only further perpetuate segregation in this community. Such measures are legally supported by cases which held that, where segregation exists, as in both Louisville and Jefferson County public housing, the remedy can include a preference for those who would overcome the segregation. Since Section 8 units are available in many sections of the community, such a policy would provide an incentive for tenants to select units which would result in housing desegregation and would, in turn, foster school desegregation without increased transportation.

c. Neither the county nor the city should approve any Section 8 units in existing apartment buildings located in areas with a high concentration of minority group residents. The extensive segregation of family public housing units in the city and the Newburg area of the county easily justifies the declaration of a moratorium on further housing segregation by

both governmental units. The new Section 8 program was not conceived to promote housing segregation and must not be used as a vehicle to this end.

It is extremely relevant to note that Federal District Judge S. Hugh Dillin of Indianapolis has enjoined the Indianapolis Housing Authority from renovating or building any more public housing in the city of Indianapolis. In so doing, the judge pointed out that past actions of the Indianapolis Housing Authority had been a major influence in keeping black students in the city schools, while at the same time keeping the suburban school systems virtually all white. His action, like that in many other federal courts, was designed to halt the practice of adding more public housing in racially-impacted areas, because the result would be to require more transportation of students to overcome extensive school segregation. Such legal action should not be necessary with regard to Jefferson County if local authorities and area HUD officials take care to ensure that this area's 1300 new units will be located in such a way as to reduce, rather than increase, the number of students who are to be transported for school desegregation.

d. The two local housing authorities should proceed toward combining their Section 8 programs. Separate offices and procedures are bound to convey the message to applicant families that city families should stay in the city, and county applicants should stay in the county. This will reinforce and perpetuate current housing segregation. An unjustifiable barrier is presented so long as a family needing housing must

obtain separate certifications, one for the city at 8th and Walnut, and a second for the county in the old Louisville Trust Building at 5th and Market, in order to have access to all their Section 8 housing opportunities. If it is impossible to legally combine these programs at this time, they should at least be located side-by-side for the convenience of the applicants and the housing owners until they can be joined by the time of the next round of HUD approvals and funding. As the entire county is presently served by a single school system and single park, sewer, water, social services, and planning and zoning agencies, it is inconsistent to believe that the maintenance of two separate Section 8 programs which create artificial barriers to equal housing, rather than bridging them, is necessary or desirable.

e. The county plan as presented provides that 40 of its housing units be available for city residents, and the city plan provides that 40 of its city units be available for county residents. This is a patently inadequate remedy for the current situation in which the county is overwhelmingly white and the city is increasingly black. This situation has been described as "the white noose," and such numerical quotas only serve to tighten that "noose." Restrictions on the movement of black people from the city to the county should be removed, and those restrictions in the plans should be dropped forthwith, to be replaced with a statement that all policies or procedural barriers which restrict the free movement of people between the city and county will be eliminated, and that a preference will be given to applicants who will make moves which will promote desegregation.

2. FAIR SHARE PLAN NEEDED

This community needs a "yardstick," or measuring standard, to use in the location of new housing. Much of the publicly-assisted housing built in recent years has been located in sections of town where it further increased housing segregation and thereby increased school segregation. A few years ago, local planners, including the Louisville-Jefferson County Planning Commission and the Falls of the Ohio Metropolitan Council of Governments, Inc., began work on a FAIR SHARE PLAN for housing planning. Such a plan has proved useful in the area around Dayton, Ohio. Although such plans may have their limitations, they are far better than no plan at all, which, unfortunately, represents the current standard in this community.

The Commission requests the Louisville-Jefferson County Planning Commission and the Kentuckiana Regional Planning and Development Agency to rededicate themselves to the development of such a set of principles for Louisville and Jefferson County. There is an urgent need for such guidelines, and there is no reason why their development for this county should await the development of a plan for location of housing in each county of the region. Both of the local planning agencies ought to make a specific allocation of their resources and personnel to the promotion of housing desegregation in this area.

It must be noted that both of these agencies are required, under federal regulations, to include a component for promoting fair housing in their work program. However, neither agency has ever adequately incorporated such a component; yet, both have

obtained approval by the Housing and Urban Development office located in Louisville despite that omission.

3. HUD LEADERSHIP NEEDED

The Commission urges the Department of Housing and Urban Development and the Kentucky Area office in Louisville to exercise its full authority and influence to promote housing desegregation in all of the programs it approves within Jefferson County. It is unfair to the people of this community to allow HUD to support different forms of housing which are segregated, while other branches of the federal government require desegregation of schools.

The HUD area office should carefully review every application for federal assistance for new housing to ensure that it will not be located in areas where it will promote segregation. HUD cannot justify its sanction of segregation by site selection. Instead, the HUD office should use its influence to persuade builders and developers to locate housing where it will most effectively promote housing desegregation.

The HUD area office should exercise its full influence to combine the separate Section 8 programs for Louisville and Jefferson County at the earliest possible time. No further HUD funds should be approved for separate programs because they lend themselves to perpetuating separate and segregated housing markets for the city and areas of the county outside the city.

HUD should not approve any further funding for the local planning agencies unless, and until, they accept their proper leadership role in the effort to desegregate housing. HUD's allocation to the Louisville-Jefferson County Planning Commission for the July 1975-June 1976 fiscal year is \$125,000, and the Kentuckiana Regional Planning and Development Agency is slated to receive HUD funds in excess of \$370,000 for this same period. For that half million dollars HUD should require more positive fair housing leadership.

4. RESPONSIBILITY OF HOUSING LENDERS

The Commission on Human Rights calls on all lending institutions which are involved in the housing industry to examine all their lending practices to ensure that they are not contributing to housing segregation. A recent national survey by the Federal Home Loan Bank Board showed that out of 54,000 loan applications in five cities, loan applications by whites were accepted 85% of the time, while lenders approved loans to blacks in 77% of the cases and rejected 18%. We are concerned that the findings of this report suggest that such a pattern of discriminatory lending practices may exist in Jefferson County as well.

Reports to this Commission over a long period of time have indicated that it is easier for blacks to obtain home loans in the western section of Louisville and in Newburg than it is in predominantly white areas. Local lenders need not wait for a local survey to prove that the national situation applies here.

rather they should begin immediately to examine every aspect of their procedures to ensure that blacks can obtain housing loans without discrimination for housing in all sections of this county.

5. KENTUCKY HOUSING CORPORATION POLICY

With its bonding authority of \$200 million dollars, the Kentucky Housing Corporation is a potentially strong source of Affirmative Action toward housing desegregation in this community. However, we were disappointed to learn that the KHC had purchased mortgages for two housing projects at separate sites in Jefferson County, both of which are in heavily segregated neighborhoods. Such an action is not in keeping with the high purposes for which the KHC was created. After decades of HUD-administered federal aid to segregation in housing, we were distressed at the thought of state aid also contributing to segregation.

We are pleased to note, however, that in February 1975, the KHC adopted a policy which strongly commits them to a goal of encouraging desegregated housing opportunities. It is our hope that this policy will be implemented in such a way as to ensure that they will not finance any loans whatsoever in Jefferson County that would have the effect of increasing the number of children to be bused under the school desegregation plan.

6. SUPPORT OF BUSINESS AND INDUSTRY ESSENTIAL

The Louisville Chamber of Commerce and other business leadership should apply the same outstanding talent and resources to promoting housing desegregation as they have recently to promoting law and order as the schools were desegregated.

Louisville's business community has a vital interest in housing desegregation, which it may not, as yet, have recognized. Any one who examines the problem of downtown abandonment in major cities throughout this country can only conclude that the crisis in the inner city is a direct result of segregation. Too many cities have, in one way or another, confined blacks to their core, allowed the inner-city to deteriorate from neglect, and then pumped public and private funds into last-minute efforts to save downtown businesses.

There is still time to save downtown Louisville if business and community leaders will recognize that their interest is intimately tied in with county-wide desegregation. Business and government have contributed to the problem by using the urban renewal program to rebuild segregated housing just west of downtown. Clearly, no more such housing should be so located. But this is not enough. Alternative housing must be provided throughout the county at the same time increased efforts are made to attract more people back to the downtown area to new and renovated housing on a segregated basis.

Industry, as well as business, should also be aware of its responsibilities in this area. Since lack of access to suitable housing inhibits recruitment efforts and employment of qualified

minorities by firms which have located in predominantly white suburban areas, we call upon all such industries to exert their considerable community influence in support of fair housing practices in their respective areas. Those companies which provide a service of securing housing for employees recently transferred to this area could extend this same service to present and future minority employees who reside in heavily segregated areas in Jefferson County. Such action would serve to provide a great number of black employees with the opportunity to live near their place of employment, a right which has always been enjoyed by their white counterparts. It would also provide a much-needed boost to the Affirmative Action programs of many firms whose major stumbling block in minority hiring has been the low percentage of blacks living within easy access to the company.

7. UNIFORM REAL ESTATE PROCEDURES NEEDED

The Commission urges all real estate professionals in Jefferson County to provide strong leadership in developing an open housing market. Progress has been made in the offering of more expensive homes in eastern Jefferson County to black home-seekers, but much remains to be done in other portions of the market and other sections of the community.

We ask the Louisville Board of Realtors to adopt a written uniform set of procedures which will be followed by all their members and all responsible real estate practitioners in this area to ensure that a uniform standard procedure is followed in

dealing with every client and that no difference whatsoever is made in handling applications because of race, color, religion or national origin.

Similar uniform standards have been adopted by the real estate profession in other areas, notably Pennsylvania, San Diego and Dallas. The adoption of such uniform procedures will reassure black housing seekers that they are being treated fairly and will serve to protect real estate practitioners from charges of discrimination.

We ask the Louisville Board of Realtors, the Kentucky Real Estate Commission and the Real Estate profession generally to provide vigorous new leadership to ensure that no real estate licensee does anything to encourage white families to move from their neighborhood as black families move in. From several sections of this community we have received undocumented reports that real estate licensees work door-to-door after black families move in, asking whites if they might like to list their house for sale, and making subtle or not-so-subtle references to having sold a house in that neighborhood to a black family. Such practices are a violation of the Kentucky Fair Housing Law. They are, likewise, a violation of the standards of the Board of Realtors and the statutes and regulations of the State Real Estate Commission.

8. CITIZEN SUPPORT

The Commission calls on a wide-range of citizen groups to rededicate themselves to support fair housing and to welcome new residents to their neighborhood. The possibilities for effective action are wide open to many diverse groups, including churches, neighborhood associations, PTAs and others. Certainly, the people of good will who have repeatedly said that they are opposed to busing as a method of achieving school desegregation could turn the enormous energy to day-to-day work in behalf of housing desegregation, which would have the effect of reducing the number of students to be bused. The provisions of the Jefferson County desegregation plan make such citizen efforts effective in reducing transportation of students. Every time a black family with children moves into a predominantly white school attendance district, it increases the likelihood that the school will contain the number of black students which should exempt it from transportation in future years. Black families attending schools in white neighborhoods should be invited to consider moving closer to that school, since desegregated housing patterns in all neighborhoods will result in school desegregation without busing.

Some community groups are already organizing to welcome blacks to their neighborhoods. For example, the Eastern Area Council has prepared a leaflet welcoming new residents to Eastern Jefferson County. This leaflet is being distributed widely through churches and neighborhood groups and points out that this area offers a variety of opportunities in housing, employment, excellent schools and recreational facilities.

Every step that is taken to lessen housing discrimination can reduce the necessity for busing under the school desegregation order. * Some of the schools in the eastern area have black enrollments which are close to the percentage which could exempt them from future busing. For example, Middletown Elementary School, which already has an enrollment of 9% black, could be later exempted from busing under the school desegregation plan if its black enrollment were increased to 12%. This goal could be attained by the addition of only twenty-five (25) new black students in the attendance area. Another borderline school, Fern Creek High, could be exempted with forty (40) additional black students in the attendance zone.

9. VOLUNTARY COOPERATION PREFERABLE TO COURT ACTION

Although many of the necessary steps in this fair housing plan can be compelled through court action, the Commission hopes this will not be necessary and urges all Jefferson County governmental units and housing institutions to participate voluntarily in this plan. Suits to compel housing desegregation have been all too common against local housing authorities, HUD area offices, planning and zoning agencies, lending institutions, realty boards, builders and developers and the owners of housing. Those who abhor the legal action by local civil rights groups to achieve school desegregation should be reminded that this community had ample opportunity between 1956 and 1972 to move forward with school desegregation on a voluntary basis and did not do so. Many groups urged voluntary action, and this

commission itself requested development of voluntary school desegregation plans in 1971 and in March 1972, well before the merger and desegregation suits were filed in June of 1972.

Likewise, housing segregation is not a new problem which is just surfacing. It should be recalled that this commission in December 1973 issued a report entitled "More Housing Segregation Than Ever... In Louisville and Jefferson County," which made twelve recommendations to voluntarily lessen housing discrimination. This was followed in November 1974 by another report entitled, "Louisville Still Among Most Segregated Cities," which provided information regarding Louisville from a report by the Council on Municipal Performance.

While local civil rights groups finally found it necessary to bring the school desegregation issue into the courts, it is the Commission's continuing hope that housing desegregation can be accomplished in this community through the voluntary cooperation of all concerned, thereby avoiding a court suit.

Kentucky Commission on Human Rights
701 W. Walnut Street
Louisville, Kentucky 40203

585-3363

September 22, 1975

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Exhibit No. 27

This exhibit is on file at the U.S.
Commission on Civil Rights

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670

Exhibit No. 27a

The
A to Z
History and Present Work
of the

INTERFAITH TASK FORCE

ON

SCHOOL INTEGRATION

in the
Jefferson County Public Schools
Kentucky

850 South Fourth Street
Louisville, Kentucky 40203
(502) 585-4076

A Related Ministry of the
Louisville Area Interchurch Organization for Service

Thomas H. Quigley, Coordinator

INTERFAITH TASK FORCE ON SCHOOL INTEGRATION

- A. The Task Force was convened by LAIOS on March 4, 1974 in response to a federal court order to desegregate the Louisville and Jefferson County Schools. It was to be the primary vehicle through which the local religious community could work cooperatively on the problems and opportunities brought about by the court order.
- B. September 17, 1974, an Interfaith Network on School Integration was formed as a means of sharing resources and building support for local congregations and clergy to act. Members paid \$5.00 to join and agreed to write up their own experiences to share by mail through the Network. There were 50 members.
- C. A Speakers Bureau is available to church groups, providing resource persons to discuss the ethical implications of desegregation, to share information, and to help groups voice their concerns and frustrations.
- D. Assistance was given in the formation of the Task Force for Peaceful Desegregation to link the religious community efforts with those of other agencies and organizations. Most Interfaith Task Force sponsoring groups have agreed to join the wider Task Force as well. Msgr. Alfred Horrigan, executive of the Archdiocesan Commission on Peace and Justice, was the Interfaith Task Force representative and serves as Co-Chairman of the Task Force for Peaceful Desegregation. (Mrs. Alma Lee Haragan, his successor is now the representative).
- E. A Workshop on School Integration was co-sponsored by the Task Force and the Presbyterian Seminary in April, 1975. It brought together teams of 3 to 6 persons from each of twenty-six congregations.
- F. An Interfaith Consultation for Religious Leaders was held May 15-16, 1975. Sponsored and funded by the School System, the planning was done by a committee of school personnel and Interfaith Task Force members. 107 religious leaders attended the

- 24 hour event. The program consisted of sharing information, identifying problems, and beginning strategies for addressing the problems. Resource persons included Rev. Spencer Wren (Denver Division, Colorado Council of Churches), Rev. Henry Sparks (AME minister in Memphis), and Rev. Richard Smith (Southern Baptist minister in Nashville). Two follow-up meetings were held; one to present a summary report to the participants and one to brief denominational executives.
- G. Tom Quigley and Jeff Lewis did the initial groundwork for putting together the Interagency Staff Team. Each spent nearly 50% of their time in team activities in August and September 1975. The Team continues to meet into 1976.
- H. A county-wide clergy "update" was planned for September 8 to brief clergy after the first two days of school and to consider specific actions which could be taken.
- I. A major conference was held September 26 and 27, entitled "School Desegregation: Chaos, Order or Justice?" Planned for 150 participants (specifically invited administrators, teachers, parents, youth, board members, etc.) the Conference centered on four issues.
 - (1) Plans for the maintenance of order.
 - (2) Dealing with the effects of racism.
 - (3) Compensation for past inequities.
 - (4) Roles of semi-public agencies.

The Conference was funded with a \$5,100 grant from the Kentucky Humanities Council.
- J. Members of the Interfaith Task Force are participating regularly in the Task Force for Peaceful Desegregation.
- K. Interviews were held October 6, 1975 for the position of Community Organization Specialist to work with the Interfaith Task Force on School Integration. The position is funded by the city of Louisville under CETA Title VI. Mrs. M. Jenelyn (Jen) Wessler was hired and began work on October 13, 1975. Jeff Lewis will be working 15 hours a week and Jen Wessler will work a 40 hour week.
- L. At its October 23 meeting, the Interfaith Task Force agreed to form two new committees to carry on its unique work with the religious community. Jen Wessler will staff a committee dealing with developing small support groups of clergy and laity who want to support

each other in their stands regarding integrated education. Jeff Lewis will organize a committee to plan future "workshop" events for groups within the religious community.

M. Statement of Purpose

On October 23 the Interfaith Task Force adopted the following statement of purpose to guide its activities from now through December 31, 1976:

THE INTERFAITH TASK FORCE ON SCHOOL INTEGRATION CONTINUES TO BELIEVE THAT THE RELIGIOUS COMMUNITY MUST ASSUME SOME OF THE RESPONSIBILITY IN BRINGING ABOUT QUALITY INTEGRATED PUBLIC EDUCATION. THE TASK FORCE BELIEVES THAT EQUALITY OF EDUCATIONAL OPPORTUNITY AND QUALITY EDUCATION BELONG TOGETHER AND THEREFORE IS DEDICATED TO THE TASK OF MAKING QUALITY INTEGRATED PUBLIC EDUCATION AVAILABLE TO ALL STUDENTS OF JEFFERSON COUNTY.

N. On November 10, 1975, the Rev. William Schiphorst, a member of the steering committee for the Interfaith Task Force, gave a statement before the School Board of Jefferson County. The statement made on behalf of the Interfaith Task Force affirmed its willingness to work with the School Board and the Administration as we continue to move through the process of school integration by representation at all future board meetings and being available to the school staff to identify ways that the community could work together to provide quality integrated education for all the students of our community.

O. In order to keep the channels of communication open to public officials, the steering committee directed the chairman and staff to meet with the Mayor's Law Department representative at his offer to discuss the Mayor's proposal for a Quality Education Commission and the Mayor's position regarding school desegregation.

P. The staff maintained a contact with Judge Hollenbach's office through Mr. Bill Belanger before the conference on "Alternatives" as well as attending the conference and evaluating the results with Mr. Belanger.

- Q. Nine target areas have been contacted for the Small Group Support System and either have begun work or have plans for the next months.
- R. One Workshop has already been held in January 1976 bringing together a group of members from a church in the S. E. area of the County and the West area of Louisville. They heard a presentation of the way in which we have moved towards more segregated living patterns since 1960 and a further explanation of our particular desegregation plan. They then divided into small groups-- $\frac{1}{2}$ from each church and discussed the problems and possible ways to reach more community reconciliation.
- S. Regular workshops to build bridges of reconciliation and to stimulate and inform participants in taking constructive steps in assisting the schools in desegregation, (as described in R. above) will be held each month.
- T. A sub-committee has been formed by the Interfaith Task Force to investigate legislation involving public school education in Kentucky and disseminate the information to the Task Force members.
- U. A small selection of audio-visuals with discussion guides is being chosen to recommend to churches for use with groups of Youth and/or Adults. These will be chosen for their effectiveness in reconciliation and constructive input for our community--now in the process of integration and change--.
- V. Staff and members of the Interfaith Task Force worked together with members of the Interagency Staff Team in forming an Advisory Committee and putting together a Grant Proposal for ESAA funding. The Grant was submitted February 11, 1976 by LAIOS with the name Coalition for Quality Integrated Education.
- W. Mailings of ALERT published by the Task Force for Peaceful Desegregation have been sent to over 200 persons (including the former Network list) by the Interfaith Task Force. This publication

contains articles of information submitted by I.T.F. and other member organizations about activities and concerns involving the schools.

- X. Plans will be made during the spring of 1976 to hold a seminar providing resources for Pastors and Youth Group Leaders on the subject "How Do I Minister in Such Times of Crisis Change?"
- X. In February 1976, Ms. Anne Buttrick, a Presbyterian Seminary student, joined the staff. She will work 15 hours a week to facilitate tutoring in the public schools by church and civic organization volunteers and to procure the wide distribution of a school curriculum explanation brochure for the Quality Education Committee of the Task Force for Peaceful Desegregation.
- Z. March 11, 1976 there will be a meeting by invitation arranged by the Interfaith Task Force, with the Director, Donald R. Shire, of the National Center for Quality Integrated Education. This will be an information sharing session, a part of the process of the Center for preparation of resource materials.

MEMBER ORGANIZATIONS
OF THE
INTERFAITH TASK FORCE ON SCHOOL INTEGRATION

Eighteen organizations have come together to sponsor the Task Force and have named their representatives:

Archdiocese of Louisville
 Christian Church Commission of Jefferson County
 Church Women United
 Eastern Area Council
 Episcopal Diocese of Kentucky
 Friends Meeting House
 Highlands Community Ministries
 Jewish Community Federation
 Kentuckiana Association of United Church of
 Christ
 Louisville Congregations of CME Church
 Louisville LCA District
 Louisville North District of UMC
 Louisville Presbyterian Seminary Council
 NAACP Ministerial Coalition
 Presbytery of Louisville
 Shawnee Community Ministry
 Temple Adath Israel
 United Crescent Hill Ministries

We are speaking as a group of 17 ministers from South and Southwest Jefferson County. In light of the current situation in Louisville and Jefferson County, we want to make the following statement:

Recognizing the tension, frustration and honest differences of opinion of citizens regarding court-ordered busing for desegregation of Jefferson County Schools, which has resulted in injury to persons, destruction of property and disruption of the orderly beginning of the school year, this group of ministers, speaking as individual Christians, appeals to all citizens:

- 1) to keep children and youth off the streets and away from protesting groups where their safety is in danger and their lack of maturity subjects them to the influence of those who would commit violent acts,
- 2) to support the principals and teachers of our local schools as they endeavor to implement our educational program,
- 3) to cooperate with law enforcement officers as they carry out their sworn duty to uphold the law,
- 4) should it be desired, to express opposition in a law abiding manner which does not inflict injury on others or their property, or interfere with the rights of or intimidate those who desire to participate in the school program,
- 5) to remember that our Christian heritage requires us to act in love toward all people, especially those with whom we disagree.

Fr. Chris Ryan --- St. Rita Roman Catholic

Fr. Joseph Fowler --- St. Rita Roman Catholic

Thomas A. Meadows --- St. John's Episcopal

Robert G. Deven --- Ridgewood Baptist

Walter Stitt --- Messiah Lutheran

Howard Humphress --- Walker Memorial United Methodist

William E. Morris - - - Cooper Memorial United Methodist

Clay Carter --- Beechland Baptist

Avery Wheat --- Mt. Holly United Methodist

Carl E. Mills ----- Baulah Presbyterian

W. Arvil Allen --- Fern Creek United Methodist

Orion H. Bell, III --- Minors Lane Baptist

C. Thomas French --- Bethany United Church of Christ

John Weber --- Summit Heights United Methodist

Bill Young --- First Baptist, Fairdale

Wallace Thomas --- Shively United Methodist

Charles L. Stanford, Jr. --- Okolona Presbyterian

The above statement was issued at 3:30 P.M., Sunday, September 7, 1975, at Okolona Presbyterian Church.

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Bishop David Reed's Involvement In
Preparations For Louisville's Court Ordered Desegregation

- Feb. 25, 1974 - Wrote 4 religious leaders asking if interested in making a statement.
- Mar. 21, 1974 - Sent letter to 6 persons to "discuss school desegregation"
- Mar. 29, 1974 - Breakfast meeting, put together points for Statement
- April 4, 1974 - TORNADO
- April 10, 1974 - Met to discuss proposed statement
Too strong--later judged to be too weak
- #1 April 17, 1974 - Issued my own pastoral letter to diocese which appeared in the press April 21--4 points
- #2 June 25, 1974 - Proposed Executive Council adopt a slightly edited version of Task Force Statement
- Jan. 17, 1975 - Moderated press conference for group, with papers on desegregation--LFP Library at request of Blanche Cooper, Terry Davis and (?) (NAACP)
- Jan. 30, 1975 - Attended organizing-Committee Task Force on Peaceful Desegregation--City Hall and endorsed a central official body to give leadership
- Jan. 31, 1975 - Proposed a kind of public forum to air opposing views--responding to Lowell Hughes.
- May 16, 1975 - Participated in Religious Leaders Workshop at King Center sponsored by Jefferson County School Board
- July 23, 1975 - Wrote Judge Gordon support & encouragement in his task.
- Aug. 1, 1975 - Signed "A Call to Peace and Justice" with 8 other religious leaders and had it published in diocesan publication "The Bishop's Letter"
- June 23, 30, July 12 and August 18 - chaired committee preparing for "Clergy updated on Moral Issues Facing Our Community" and invited episcopal clergy participation
- #3 Aug 18, 1975 - Wrote leadership of 19 local ministerial groups with specific suggestions on how to prepare for 1st weeks of school "Self appointed committee of one"
- Sept. 2, 1975 - Helped receive children at Dunn School at request of principal Barbara Smith
- Sept. 7, 1975 - Met with Blanche Cooper, Bill Clemmons and Caroline Krebs upon returning from out of town to discuss wider community participation in clergy up date. Unilaterally approved change in format

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Sept. 8, 1975 - Tried to line up some significant community figures to simply attend last hour of program

Jim Miller--U of I } Did attend.
 Julius Price-Mammoth Life }
 A Bank executive } declined because of corporate
 An Industrial leader } counsel
 Maury Johnson) Out of town
 Barry Bingham)

Tried to line up 6 leaders to speak to group "with confidence and hope in the community". Representatives of Labor, Chamber of Commerce, Industrial employer, & Save Our Community Schools (Joyce Spord) all declined--One specifically after consulting corporate counsel.

Sept. 8, 1975 - PM Moderated meeting for about 300 clergy with last hour open to press and community leadership. Highly polarized group but there was a presentation of varied points of view

Dot Ridings - League of Women Voters
 Rev. Jonathan Robinson - Black Community
 David Odegard - CALM
 Rev. Ben Binkley - conservative clergyman

Sept. 15, 1975 - Declined to sign statement "A call to the Religious Community and All Citizens" because I felt it contributed to a rapidly accelerating polarization

Sept. 11, 1975 - October 24 was out of town 22 days in this period.

#4 October 24 - Wrote Todd Hollenbach my disapproval of his letter to Senate Judiciary Committee

DIOCESE OF KENTUCKY

421 South Second Street • Louisville, Kentucky 40202 • 502/584-7148

The Rt. Rev. David B. Reed, D.D.
Bishop

The Rt. Rev. David B. Reed, D.D.
Bishop

April 17, 1974

Dear Clergy:

The enclosed letter is sent for you to use as you see fit. Some of you, particularly in Jefferson County, may choose to read it or print it in its entirety. Others may excerpt it or quote it in your own sermon. Some may use it as a basis for dialogue to disagree with it (At least I hope you will let my position be clear when it is all over). And of course some may prefer not to use it at all. The Cathedral is the only Church where I do ask that it be read in its entirety to the congregation on I Easter.

Copies of this will be given to the press, so even though those outside Jefferson County may feel this message is not applicable to their situation, I want to make sure that all of you have it in hand before you read it in the paper.

While trying to touch three themes of significance—Easter, tornado and school desegregation—it is basically a statement of my views on the last. I hope it may be helpful and useful as we responsibly deal with the social problems that persist after so many decades of racial discrimination. While it is directly before the Louisville area community the underlying factors persist throughout the diocese and affect all of us.

Sincerely,

(Rt. Rev.) David B. Reed

DBR/rs

A PASTORAL LETTER
on

New Life born out of Despair

The stage was really set for Christians in Louisville to appreciate the true meaning of Easter this year. The joy of the first Easter came with an awareness of new life and hope when the followers of Jesus were filled with gloom, consternation, pessimism and despair after the tragedy of Good Friday. The pattern of new life and hope born through the Cross is an eternal one, but seldom have the conditions preceding the celebration of Easter Day been as dramatic for us as they are this year.

We might go all the way back to the infamous Watergate to document a growing pessimism and disillusionment in our entire national life. Added to this have been the spiralling costs in what feels like run-away inflation which we neither understand nor seem to have any control over. And then there are two very local phenomena that have created a deepening sense of despair and frustration--the incredibly destructive tornado and the announcement at last of what school desegregation is going to involve. All of these items have contributed to a general community sense of helplessness, discouragement and even despair. At such a time we gather in church to sing: "The Strife is o'er, the battle done, the Victory of life is won. The Song of triumph has begun, Alleluia." Are these empty words or do they really reflect a faith in new life?

I use this pastoral message to express my deepest sympathy to those who were directly affected by the devastation of April 3rd. It is distressing that for certain legal purposes such a tragedy is sometimes called, "an act of God". Certainly the God of Love that I know would never have wilfully destroyed your homes, scattered your heirlooms over the countryside and caused death to your neighbors and mine. While the loss is being borne by a relative few, all of us are deeply concerned; we care. The Church, not as an institution but as a community of concerned people, is anxious to help wherever we can.

Although certainly not in the same class as the terrible tornado, it has been the announcement of a plan for school desegregation that has upset many people at this time. While the actual fact of this plan is still months away and may not even operate as was announced last week, the potential impact on the whole community is such that it becomes a matter for major concern in the community. For some people it is terribly disturbing and contributes to their general unhappiness coming into this Easter season. Because of the timeliness and the import of the school boards' announced plan and because it is distressing so many people I would like to make four observations about this particular subject, so that you will at least know where your bishop stands.

First, there is an obvious advantage in a thoroughly integrated school system. When we consider that education is for life, and not simply for the pursuit of academic subjects, we recognize that in a pluralistic and completely open society such as ours segregated education is inadequate, uneven and unfair. Advantaged as well as economically disadvantaged children are now missing out on important dimensions of a full educational experience. Also quality education in the American society must be available equally to all and this cannot be achieved when races, economic classes and cultures are separated from each other.

p. 2 Pastoral Letter

Secondly, however, I am not happy with massive busing as a means to accomplish this goal. While trying to solve one problem it seems to create more—particularly when a child from the West End spends nine years of his life adjusting to continually changing, artificially contrived school communities which are out of touch with his family and his own particular sub-culture of American life. The social and human cost in terms of social dislocation may well be greater than the progress towards quality education for all persons. If immediate desegregation must be accomplished so quickly, this plan may well be the best way to do it, but as a means to achieve a desirable end, it does so at great cost, particularly to black children who already bear so much of the burden for our social and economic inequities.

Thirdly, despite what I've just said, I will support the school boards in their program. I am committed to a society governed by laws and will work with the system of courts and legislation as we seek collectively to end the inequities and failures in our society.

And fourthly, I would observe that the attitude of parents, teachers and community leaders can radically affect the way Louisville meets the challenge before it. We can bring disaster on our community by approaching the next school year with fear, resentment and a lack of cooperation. On the other hand, a creative, helpful and optimistic attitude, with a vision for a better Louisville can make our schools stronger and better than ever next year, even under the stress of some severe social dislocation. In the last analysis we the people will make the difference in our society and its educational opportunities.

"The Strife is o'er, the battle done, The Victory of life is won." The Easter message which we celebrate at this season is a timeless and eternal truth for those who have found real life through the Cross. Whether your cross is the tornado, Watergate, inflation, or the consequences of desegregation you can know that in dying to some things in our lives, we, who live by faith in God through Christ, are constantly being reborn to new opportunities, new strength and new life. The Easter message is especially good news to us who live in Louisville this year.

The Strife is o'er the battle done
The song of triumph has begun
Alleluia.

Statement by the Interfaith Task Force on School Integration to be considered at June 25th, Executive Council Meeting. #2

The Louisville-Jefferson County community and other communities in this state face court ordered desegregation in their (its) schools this fall. This prospect has already created tension within these (communities); its implementation could heighten the tension. In such times the religious community is called to a ministry of reconciliation. We hear such a call (in Louisville) now. As we respond to it, we are sensitive to the many real concerns held by people, but we also recognize that our religious principles bear on this issue.

Our Judeo-Christian heritage leads us to understand that regardless of race, color, or economic status we are all children of one heavenly father, equal in his sight, brothers and sisters, those we know and those we do not know, even those we regard as our enemies. We are called to do justice and love mercy, anointed to preach good news to the poor, to proclaim release to captives, and to set at liberty those who are oppressed.

God's reconciling love breaks down all dividing walls of hostility that separate brothers and sisters. We calls and enables the human family to live together in love and harmony, and to promote the good of all. God our Father is equally concerned for all his children. We cannot remain unconcerned while some are deprived of benefits which others enjoy.

As believers in brotherhood and equality, we are called to practice them in our present society. This society greatly needs a ministry of reconciliation. We remain to a great extent two societies, one black and one white, separate and unequal. Segregation as a pattern of life fosters a separatist attitude, which views differences as inferiorities and ordinary contacts as undesirable. Segregation leads to unconcern and hence callousness for the needs or deprivations of some of our brothers and sisters. While separation prevails, inequality prevails. Equality and brotherhood are fostered in an integrated society. Reconciliation and justice can only be achieved in an integrated society.

In our history segregation has prevailed in our schools and has created inequality and allowed insensitivity to the cultural contributions of various American groups. We affirm that, at this point, integration is a moral as well as legal imperative, the only path to equality of educational opportunity. In a multi-racial society, without integration, no child receives a quality education.

As members of the religious community, we recognize (welcome) the court order as an incentive and a help toward the practical application of our belief in brotherhood.

We recognize that because of existing residential segregation (in Louisville), school integration will necessitate some pupil transportation. We acknowledge the value of the neighborhood school but affirm the need to widen our concept of who is our neighbor. We also recognize that pupil transportation can cause fears, confusion, inconvenience, or resistance and so we affirm the need of a ministry of reconciliation through constructive, compassionate, affirmative action.

As believers in brotherhood, we are called to instill in ourselves, our children and associates positive attitudes toward people of other races and toward integration, so that it may be a further step toward our greater goals of justice, love and reconciliation.

DIOCESE OF KENTUCKY #3

421 South Second Street • Louisville, Kentucky 40202 • 502/584-7148

August 18, 1975

Dear Brothers:

The next few weeks are going to be times for us all to work and pray together for the strength and health of our community. After discussing the idea with several other people I am a self appointed committee of one to urge a special period of prayer between Sunday the 31st and the day public schools open. I firmly believe that neighborhood ministerial associations are the proper bases for such special prayer events and write you with several specific suggestions which I hope will stimulate further ideas locally:

Ask one neighborhood minister to host & organize (Pick a church that might realistically be comfortably full not a great big one where a small group might feel insignificant).

Set a date. (Plan an evening event which might coincide with a prayer group/meeting already scheduled.)

Advise all clergy in the neighborhood (including those who do not belong to the ministerial group) and ask that the service be announced at Sunday Morning Services the 24th and 31st of August.

Put up a poster, include it in weekly bulletin or newsletter, have it announced on the radio (i.e. community bulletin board).

Emphasize Peace, Harmony, Safety of children and teachers, strengthening the bonds of public officials and the value of a good school system for the community. Don't talk specifically of "busing" or "desegregation" or "court Orders".

Make sure that there is at least one representative of both black & white communities involved in the program, preferably parents of children in the school system.

In regard to the last of these I will be glad to serve as a clearing house for a predominantly black church or a white church that would like to invite someone from the other community but doesn't know who to invite. Let me know the night, time and place and a phone number where I can advise you of someone who would like to come and pray with you that night.

This is indeed a time of testing for our community. We stand to be purified in the fire of testing if we keep Faith with each other and "Take it to the Lord in Prayer". Let me know if I can help you.

Yours in Christ,

(The Rt. Rev.) David B. Reed
Bishop of Kentucky

DER/rs

October 24, 1975

The Honorable L. J. Hollenbach, III
Office of the Judge
Jefferson County Court House
Louisville, Kentucky 40202

Dear Todd:

I find it hard to sign the petition that you sent around for support in the community, preparatory to your testimony before the United States Senate. At this point I doubt if you really want to know what others think who do not agree with the petition, but I will just give you some bits of my thinking anyway.

While not at all happy with the burden that busing places on children and the community, I cannot be as emphatic against it as your first statement would require. We have not given it much of a chance in Jefferson County. I heartily endorse "searching for alternatives".

I would agree that opposition to busing is not entirely a racial issue but I do not think that we can categorically state that it is not one at all. Racial overtones in varying degrees permeate our atmosphere when we deal with this issue. It is just as unrealistic to say that there is nothing racial about the way that people feel about busing as it is for those who blame it all on racism.

I seriously question whether a Constitutional Amendment is the way the American people should deal with such a complex social issue. In a way, it is like trying to legislate morals, which some people attempted during Prohibition.

I certainly hope that we can find a way to work through the problems for both blacks and whites that have plagued us and many other communities around this issue. I would like to work with you and other responsible civic officials in the process. However, I cannot support your petition.

Sincerely,

(The Rt. Rev.) David B. Reed
Bishop of Kentucky

DHR/jla

Exhibit No. 27b

TASK FORCE FOR PEACEFUL DESSEGREGATION

Steering Committee
Sept. 9, 1975

The meeting was called to order at 3:35 p.m. in the Human Relations Commission offices, by co-chairman Msgr. Alfred F. Horrigan. Present were Rev. Terrence Davis, Mr. Gordon Dabney, Mrs. Nancy Jones, co-chairman Dr. Lois Cronholm, Mr. Arthur Walters, Mrs. Nancy DeMartra, secretary Dr. Martin Perley and project coordinator Terry Murphy.

Msgr. Horrigan introduced to the committee a reporter from Charlotte, N.C., who listened to a portion of the meeting. Msgr. Horrigan told the steering committee that in addition to considering the agenda for the Sept. 16 meeting of the Task Force for Peaceful Desegregation, the committee needed to focus on the economic boycott occurring in Louisville. He said businesses are pulling away from the Community Pledge that previously appeared in local newspapers. He specifically referred to A&P's withdrawal.

Msgr. Horrigan said since the Task Force represents a variety of groups, including business-oriented ones, there may be ways to offer moral support and express sympathy or concern to the businesses threatened with boycott. He called upon steering committee member Mr. Dabney to speak from the position of the Chamber of Commerce.

Mr. Dabney said he did not have a specific answer, but that the issue was discussed at a recent meeting of the chamber's executive committee and will be considered at a chamber board meeting later this week. He expressed belief that the problems of the threatened businesses are understandable ones and that it will be difficult to get anything but a continued weakening in the Community Pledge stance. He said the problems involve not only the businesses that deal directly with buses, but is a concerted effort in economic boycotting. Mr. Dabney told the committee that the business community has to move slowly and that there is no clear-cut position the business community can take at this time.

Dr. Cronholm asked if it is possible to apprehend the people carrying out the threats. Mr. Dabney said the businessmen are threatened with both property damage and actual physical harm. Mrs. Jones suggested calling for police protection of the people threatened. Msgr. Horrigan, who met recently with federal judge James Gordon, said he feels that everything possible is being done to ensure physical protection. Mrs. Jones said some of the businessmen may not be aware of what they can do or the avenues that are available for protection.

Dr. Cronholm said she fears the next step will be direct threats and harassment of children. Msgr. Horrigan suggested that moral

support is a role that cannot be filled by police. Mr. Dabney said he feels if the chamber or another element encouraged the boycotted businesses to stand strong that there would be additional threats and pressures which would result in resignations from the Chamber and an impact on businesses not in the geographic areas where pressure originated.

Dr. Cronholm said she feels the initial school boycott is not working, since attendance figures are rising each day. She said she feels the economic boycott will not work, that people will not go out of their way to keep a boycott. She said a statement of support could do more harm to the businesses.

She suggested the possibility of relaying a quiet message to the businessmen rather than publicizing it and that a group of businesses might make a statement to Gov. Julian Carroll pointing out the consequences of his support of the economic boycott.

Mr. Dabney said he would contact Dr. Perley after the Sept. 11 board meeting of the Chamber if there are specific ways the steering committee or the Task Force can help.

Msgr. Horrigan, Rev. Davis and Art Walters agreed that silence is not the answer, and Dr. Cronholm suggested that any statement be made in a carefully prepared way so as not to inflame the situation, thereby avoiding a confrontation.

Rev. Davis said a well-worded statement by the Task Force is needed, calling for peace, encouraging the use of legal means to fight busing, if desired, and urging parents to send their children to school. The statement, he said, should encourage people to look for positive elements during the school year.

Dr. Cronholm and Msgr. Horrigan agreed to meet with Dr. Perley and Ms. Murphy before Sept. 12 to plan an agenda and to draft a statement for the Task Force's consideration. They said they felt that the full Task Force meeting should include a reaffirmation of the original goal and a clear report of the activities of the project coordinator. They said the programs that have been implemented because of the group's catalytic function should be explained, and specific suggestions should be made regarding things member organizations can do. Mr. Walters said he feels the Task Force has served an important function by opening lines of communication.

The meeting was adjourned at 5:30 p.m. by Msgr. Horrigan.

TASK FORCE FOR PEACEFUL DESEGREGATION Meeting Minutes, 8/16/75

The meeting of the full Task Force for Peaceful Desegregation was called to order at 3:30 p.m. by presiding co-chairman Dr. Lois Cronholm. Present were co-chairman Mgr. Alfred F. Horrigan, Secretary Martin M. Perley, project coordinator Torry Murphy, advisory committee members Loretta O'Brien, Barbara Smith, Dr. Samuel Robinson, Rev. Terrence H. Davis, Nancy Jones, Arthur Walters, Darrell Moore, Amy Meadows, steering committee member Carolyn Neustadt and representatives of member organizations: Rev. C. William Schiphorst, Jeff Lewis, Jane Sawyer, Lyman T. Johnson, Suzy Post, Kate Cunningham, Sister Patricia Ruitt, Anita Nelam, Jackie Garrett, Rev. Thomas H. Quigley, E. Edward Henry, Rev. Charles E. Kirby, Rev. David Allen, Susan Farris, V.T. Bros by for Sister Marx Ellen Doyle, Robert Erickson and Rev. Leonardo Kaufman. Guests were Sharbh Sizemore, Lois Gratz, Jim Segrest, Wilbur Reed, Blanche Cooper, Ernest Jones and members of the press.

During her opening remarks Dr. Cronholm said the meeting was different from previous ones because the plan is known and the community's reaction is known. She said in some ways the job of the Task Force is easier, that no guesswork is involved, and that the situation will remain flexible. She said a project appropriate for one day may have to be changed within 48 hours.

Dr. Perley presented a brief history of the Task Force. He said on Jan. 30 representatives from 25 organizations were invited to discuss the possibility of creating a rallying point. He said a statement of purposes was drawn up and presented to the Task Force at a February meeting, when a statement of concerns was completed. The steering committee was charged with implementing these concerns. In the weeks thereafter, he explained, the Louisville and Jefferson County Human Relations Commission applied for a grant under the Emergency School Aid Act. Four priorities were listed in the application: coordination of programs, a program of visitation to the schools, a central rumor control system and a media campaign.

Dr. Perley said the grant was issued for \$10,787. An executive secretary was hired in early August by the Task Force personnel committee. Since that time the job title has been changed to project coordinator.

Ms. Murphy gave the project coordinator's report. She said she has been meeting each weekday morning with the Interagency Resource Team, a group of staff people representing eight organizations from the religious and private sectors. The team has activated several projects, she explained, including the "Alert" newsletter and field response teams. She said reaction to both projects has been positive.

Mr. Johnson told the group that it is time the supportive white people should step out and be counted. Dr. Cronholm said that regardless of how many people do not believe in busing that it has been the belief of the Task Force all along that the majority of citizens would abide by the law.

Task Force representatives adopted a statement as read by Mgr. Horrigan (see attached).

Rev. Davis said the image of the majority of the community, those for peace, needs to be changed. He said it is time to be heard, to exert a positive voice in the community.

Suzy Post said part of the responsibility for the silence lies with the Task Force. She said the media covers those who make the most noise and made the following suggestions for affecting the climate of the community:

- monthly meetings of the Task Force
- coordinated letters-to-the-editor campaign
- informal neighborhood visits with merchants who have not posted anti-busing signs, to lend support
- program for increased Task Force membership
- investigation of school complaint process and other in-school problems
- encourage parents to join their local PTA's

Rev. Kirby said most of the problems stem from political representatives. He suggested that the Task Force issue a statement criticizing the actions of the public officials. continued--

Minutes, Page 2

Mr. Walters moved that the Task Force have monthly meetings, that prior to those meetings the steering committee formulate action plans based on the suggestions made at the Sep. 16 meeting, that the steering committee be sanctioned to act without consulting the full group and that meetings of the Task Force can be called when the steering committee deems it appropriate. The motion was seconded and carried without dissent.

Discussion followed concerning support of businesses threatened by the economic boycott. Rev. Davis moved that the steering committee arrange a meeting with law enforcement officials to see what can be done to aid those physically threatened by economic boycott. The motion was seconded and carried without dissent.

The Task Force voted to ask member organizations to make merchants aware of the Task Force stance on the threatened boycott. Mr. Robinson moved that every member organization of the Task Force be urged to develop current strategies to deal with the problems of desegregation and merger. The motion was seconded and carried without dissent.

Mr. Walters moved to urge Task Force members to assist the steering committee in the development of areas in which additional Task Force involvement is possible. The motion was seconded and carried without dissent.

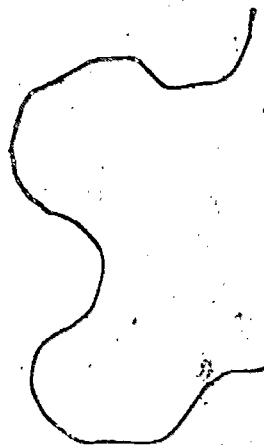
Susy Post moved that the Task Force urge the community to support those businesses which have not been coerced into publicly displaying anti-busing materials. The motion was seconded and carried without dissent.

The meeting was adjourned at 5:45 p.m.

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Exhibit No. 28

This exhibit is on file at the U.S.
Commission on Civil Rights.



698

692

Exhibits No. 29 and 30

This exhibit is on file at the U.S.
Commission on Civil Rights.

699

693

Exhibit No. 31

This exhibit is on file at the U.S.
Commission on Civil Rights.

700

Exhibit No. 32

12
 Rabbi [Name] of the Louisville Board of
 members of this organiza-
 tion and is published out of the conviction that Judaism should pro-
 vide some guidance and direction in crucial social issues.

During recent weeks Louisville and Jefferson County residents
 have been challenged to understand and react to the problems of our
 public schools. Unfortunately, much of the reaction has reflected
 more spontaneous, emotional qualities than considered, informed, eval-
 uation of fact.

With the situation as fluid as it is at present and with basic
 legal issues yet to be definitively settled, it is premature, in our
 judgment, to attempt to anticipate the specifics of any change in the
 school structure.

We are convinced, however, that certain principles fundamental to
 Judaism have relevance in this situation:

1. We knew that the safety, security, and well-being of all citizen
 is dependent upon respect for the law and compliance with it.
 The question of "busing" is under court review and no one at this
 time can anticipate whether the Supreme Court will review the
 Court of Appeals decision, and if it does, what conclusion it
 will reach. It is therefore extremely unfortunate that children
 and parents have been exposed to influences which can only en-
 gender fear, resentment and hostility.
2. Judaism has never sought the redress of social injustice by
 penalizing the more fortunate in order to provide more equitable
 opportunity for the disadvantaged. However, from the Torah,
 through the prophets, and emanating from the totality of our
 tradition has been the recognition that no one element of society
 can be comfortable and complacent while others are deprived and

dispensed. It is our hope that whatever decision is rendered and whatever structure for public education ultimately evolves in our area, there will be the minimum dislocation and the maximum achievement of quality education for all the children of our community. Since the Court Decision of 1954, it has been established that "separate but equal" is not an acceptable approach to public education in the United States. We agree that the achievement of equality in education, psychologically as well as academically, requires integrated schools. We are especially mindful of the role the public schools of America have played in creating the open society and contributing to the mutual acceptance and respect of persons of different traditions and identities for each other where these objectives have been attained. We are aware of the dangers inherent in "the two societies" referred to in the Report of the National Commission on Crime. Therefore, out of our spiritual heritage, and our commitment to the highest concepts of the American ideal, we associate ourselves with those who are dedicated to the achievement of an expanded opportunity for "the pursuit of happiness" by all Americans.

3. It is apparent from the experience in communities throughout the United States that the attitude of the citizens has been the most decisive factor in determining the success or failure, the constructive movement forward, or the disruptive and futile effort to resist imposed changes in public school systems. We hope that the members of the Louisville Jewish community, exercising their individual judgment and choice, will help contribute to an atmosphere that is constructive and will redound to the benefit of all. ~~COMMUNITY RESPONSIBILITY~~

Exhibit No. 33

Statement on School desegregation published in Bishop's Letter, a Diocesan publication, May, 1977 by the Rt. Rev. David B. Reed.

A PASTORAL LETTER

on

New Life born out of Despair

The stage was really set for Christians in Louisville to appreciate the true meaning of Easter this year. The joy of the first Easter came with an awareness of new life and hope when the followers of Jesus were filled with gloom, consternation, pessimism and despair after the tragedy of Good Friday. The pattern of new life and hope born through the Cross is an eternal one, but seldom have the conditions preceding the celebration of Easter Day been as dramatic for us as they are this year.

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p. 2 Pastoral Letter

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The Strife is O'er the battle done
The song of triumph has begun
Alleluia.

David B. Boyd

Exhibit No. 88a

February 27, 1974

A Statement On School Integration

by Archbishop Thomas J. McDonough

On December 28, 1973, the Sixth U.S. Circuit Court of Appeals ordered a desegregation plan prepared for the Louisville, Jefferson County, and Anchorage School Districts to go into effect at the beginning of the 1974-1975 school year.

This order presents a set of opportunities and problems to which all elements of our community are obliged to respond. I offer this statement on behalf of the Archdiocese of Louisville and the Catholic schools within the Archdiocese. I do so after consultation with the Archdiocesan School Board, the religious teaching orders who staff many of our Catholic schools, and representatives of various Archdiocesan agencies and commissions concerned with community issues.

As a background for my statement I cite the basic principle defined by the U. S. Supreme Court 20 years ago in one of the most momentous decisions in our national history: "Separate educational facilities are inherently unequal." (Brown v. Topeka, May 17, 1954.) It is in the light of this principle that one must consider the following points which are contained in the text of the December 28 opinion of the Sixth U. S. Circuit Court of Appeals:

1. The Jefferson County School District has 96,000 students, approximately four per cent of whom are black. Sixty-five per cent of all students are bused to school.
2. Between 1956-1957 and 1972-1973, the percentage of black students in the Louisville School District increased from 26.4 to 50.3. Over 80 per cent of the schools in the Louisville School District are racially identifiable.
3. The Supreme Court has ruled that a school district must "eliminate from the public schools all vestiges of state-imposed segregation." A large number of racially identifiable schools in a school district that formerly practiced segregation by law gives rise to a presumption that this purpose has not been fulfilled.
4. A school board is required to take affirmative action to bar future discrimination and to see that no additional schools become "racially identifiable." It cannot be "neutral" in respect to student assignments.

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6. The Court does not require use of any particular method nor approve in advance any particular device to eliminate all vestiges of state-imposed segregation in Jefferson County.

As one studies the Court order and notes with misgivings the controversy which it has sparked, it is impossible not to recall that in 1956 our community basked in the national limelight for its leadership in efficient and orderly public school desegregation. Eighteen years later, we must humbly and candidly ask the painful question: What has gone wrong?

The first thing that must be said in reply is that the issue which confronts us is not simply a "school problem." It is a community problem. It is a problem for whose creation and solution everyone in the community must accept a share of responsibility.

Attempts to fix blame "after the fact" are usually neither pleasant nor profitable exercises. But in the present situation we must reflect on the missed opportunities during the past 18 years to deal constructively as a community with the problem which now confronts us. One thinks of the rejection of promising plans of school merger, of invariable resistance to efforts to provide better distribution for low-cost housing throughout the metropolitan area, of a decaying public transportation system, of mere lip service given to fair employment and open-housing laws.

We have excellent reason to be proud of the progress our community has made in many areas in recent years. We have done well in terms of brick and mortar, but have our priorities been at fault? To borrow a word from the Circuit Court's decision have we been "neutral" about facing up to our most pressing human and social problems?

The present Court order for the desegregation of the public schools presents serious questions for our local Catholic schools, comprising as they do the largest private school system in the area. To deal with some of these questions in a concrete fashion, the Archdiocesan School Board has recommended, and I have approved, the following statement of principles and applications in respect to admission practices for our Catholic schools:

I. Principles

- A. The basic purpose of Catholic schools is to assure that Catholic truths and values are fully integrated with the student's life and academic program. Students should not apply unless they desire and intend to participate fully in the religious program of the school.

- B. Catholic schools must not become havens for those trying to escape integrated public schools.
- C. Catholic schools should emphasize the broadening and enriching educational opportunities afforded in culturally and racially mixed school situations.
- D. Catholic schools should continue and intensify their efforts actively to recruit teachers and enroll students to achieve racial integration.
- E. No staff or program expansion, nor the addition of classrooms, will be permitted without explicit permission of the School Office.
- F. Criteria for available student aid, work programs, grants, and scholarships shall continue to feature first consideration to students from low-income families. (Applicable to high schools only.)

II. Application of Principles

A. Priorities for Elementary Schools

In the admission of students to elementary schools, the order of priority shall be as follows. Within each classification, first consideration shall be given to the objective of furthering racial integration.

1. Children of active parishioners:
 - a. children from families with children already enrolled
 - b. children now reaching school age
 - c. children from families newly moved into the parish whose children have been in Catholic schools where such were available.
2. Children from nonparish families with students already enrolled in the school.
3. Transfer students from other Catholic schools:
 - a. from parish schools that are closing
 - b. from parishes not offering full program, 1-8.
4. Children of other parishioners, may be admitted only if on the basis of personal interview the designated parish authority judges the intent and motivation to be in accord with the highest ideals of Catholic education, and with the explicit permission of the School Office.

5. Other students (Catholics from other areas, non-Catholic transfers) may be admitted only if on the basis of personal interview the designated parish authority judges the intent and motivation to be in accord with the highest ideals of Catholic education, and with the explicit permission of the School Office.

In accepting transfer students, classes may be filled but must not exceed State regulations.

B. Priorities for High Schools

In the admission of students to high schools, the order of priority shall be as follows. Within each classification, first consideration shall be given to the objective of furthering racial integration.

1. Brothers and sisters of students already enrolled.
2. Transfer students from Flaget High School.
3. Ninth grade students who are registered and active members of area parishes (perennial "feeder" schools).
4. Students from Catholic families relocating from other localities, who have been in Catholic schools where such were available.
5. Other Catholic students from area parishes may be admitted only if, on the basis of personal interview, the principal judges the intent and motivation to be in accord with the highest ideals of Catholic education.
6. Other students (Catholics from other areas, non-Catholic transfers) may be admitted only if, on the basis of personal interview, the principal judges the intent and motivation to be in accord with the highest ideals of Catholic education.

In announcing these guidelines, I emphasize the philosophy within which they have been formulated. I reaffirm the basic moral judgment concerning racial discrimination which was proclaimed by the Catholic Bishops of the United States in 1943, 1958, and 1963:

We insist that the heart of the race question is moral and religious. It concerns the rights of man and our attitude toward our fellow man. . . . Discrimination based on the accidental fact of race or color, and as such injurious to human rights, regardless of personal qualities or achievements, cannot be reconciled with the truth that God has created all men with equal rights and equal dignity.

We reaffirm that segregation implies that people of one race are not fit to associate with another by sole fact of race and regardless of individual qualities. . . . We cannot reconcile such a judgment with the Christian view of man's nature and rights.

In view of the gravity of the moral principle at issue, it will not be enough for our Catholic parishes and schools to decline to serve as havens for those trying to escape integrated schools or simply to refrain from staff or program expansion.

I wholeheartedly approve as official Archdiocesan policy the School Board's directive that Catholic schools actively should recruit teachers and enroll students to achieve racial integration, and that they should emphasize the enriching educational opportunities afforded in culturally and racially mixed school situations.

Furthermore, I remind the pastors and people of the Archdiocese that if Catholic school integration is to be more than mere paternalism or tokenism, racial integration must occur within the larger parish structure. Our parishes and their various organizations should make positive attempts to bring about neighborhood racial integration through effective open-housing policies. We should develop more effective "outreach" programs to serve disadvantaged minority groups.

I direct the Office of Catholic Schools and the Archdiocesan School Board to offer their service to all the schools of the Archdiocese to assist them in carrying out the policies stated above. I request that by September 1, 1974, these agencies submit to me a comprehensive report on the progress which has been made by the schools.

Similarly, I direct the Archdiocesan Commission on Peace and Justice to offer its services to our parishes in working towards the broader objectives of parish integration. I request a progress report by September 1, 1974.

The Archdiocese of Louisville, its schools, and its agencies stand ready to work with all other groups in the community in finding the best solutions to the challenge presented to us by the recent Sixth U. S. Circuit Court decision. By resolutely putting aside any temptations to an evasive "neutrality" in the face of the great social and moral issues of our time, we will prove worthy of the heritage of our faith and best serve the interest of our total community.

2/12/75

RACIAL JUSTICE, SCHOOL DESEGREGATION, AND
RECONCILIATION

A Statement by Archbishop Thomas J. McDonough

On February 27, 1974, on behalf of the Archdiocese of Louisville and its schools, I issued a statement on school desegregation in Louisville and Jefferson County. A complex series of legal developments since that date leaves uncertain the exact nature and timing of further actions to remove from the public schools "all vestiges of state-imposed segregation." This temporary uncertainty, however, must not distract us from our continuing grave moral responsibility in respect to racial justice and school desegregation.

I again reaffirm my full support of repeated statements of the Catholic Bishops of the United States that segregation implies that members of one race are not fit for free association with others by the sole fact of race and regardless of individual qualities. Such a judgment cannot be reconciled with the Christian view of man's nature and rights. (Cf. statements of Catholic Bishops of the United States of 1943, 1958, and 1963.)

As our schools are now involved in preregistration and program-planning for the next school year, I reemphasize the basic principles of last year's statement and reaffirm as Archdiocesan policy the guidelines for admission to Catholic schools. A summary of these guidelines is being sent to all pastors and school administrators in the Archdiocese.

Because of their importance, I wish to recall here three principles contained in last year's statement:

1. Catholic schools must not become havens for those trying to escape integrated public schools.
2. Catholic schools actively should recruit teachers and students to achieve racial integration.
3. Racial integration should be promoted not only in schools, but within parishes as a whole through neighborhood racial integration, the development of "outreach" service programs, and all other available means.

From reports which I have received, I judge that most of our Catholic schools have applied conscientiously and effectively the admissions guidelines established last year. I commend them for their efforts and ask their continuing commitment. In a few cases there may have been some confusion and inconsistency in interpreting the guidelines. I expect that every effort will be made to eliminate these problems so that in the coming year our Catholic schools will offer an uncompromising witness to the standards established by the Archdiocese.

I also wish to commend various positive efforts which have been made by the schools to promote racial integration and understanding; for example, the student exchange programs and the pilot program in black studies now being developed by the Office of Catholic Schools and a group of parochial schools. Also worthy of citation is the joint recruitment program undertaken by the Catholic high schools to increase enrollment of black students.

I renew my appeal for the pursuit of racial justice not just in terms of school desegregation, but in every aspect of social and economic life. This Holy Year calls us as Catholics to the ministry of reconciliation. In the history of our country, no group has suffered under such general and such cruel discrimination as our black citizens. The call to reconciliation, therefore, compels us to unite in eliminating the many forms of blatant discrimination against black people which still exist in housing, employment, and many areas of economic life.

In my Holy Year pastoral letter last December I called upon the parishes in the Archdiocese to inaugurate programs of prayer, study, and action in respect to the social teaching of the Church. To assist the parishes in carrying out this mandate, the Archdiocesan Commission on Peace and Justice will present during Lent a series of workshops for parish leaders in various parts of the Archdiocese. Major emphasis will be placed upon the Church's teaching on racial justice. I ask participation in the workshops and application of their results at the parish level.

The courts which must make the decision as to the precise means to be used to "eliminate from the public schools all vestiges of state-imposed segregation" have a very difficult task. They are dealing with the accumulated evils of generations of discrimination and segregation in every area of community life.

History and common sense tell us there can be no easy and comfortable solutions to such deep-rooted problems. Our resolve at this point must be that when the final court decisions are handed down, we shall see to it that they are carried out in an orderly and peaceful fashion without disruption of community life or harm to the schools and their pupils.

I appeal to all members of the Archdiocese of Louisville and to our fellow citizens of every religious persuasion to make the cause of racial justice one of the highest priorities in the community life we share. In this effort let us join both in work and in prayer.

(Feb. 12, 1975)

Guidelines for Admissions to Catholic SchoolsARCHDIOCESE OF LOUISVILLE

(revised, 1975)

To assist Catholic School administrators in selecting students according to the objectives of this statement, the following principles and priorities regarding school admissions are outlined.

I. Principles

- A. The basic purpose of Catholic schools is to assure that Catholic truths and values are fully integrated with the student's life and academic program. Students should not apply unless they desire and intend to participate fully in the religious program of the school.
- B. Catholic schools must not become havens for those trying to escape integrated public schools.
- C. Catholic schools should emphasize the broadening and enriching educational opportunities afforded in culturally and racially mixed school situations.
- D. Catholic schools should continue and intensify their efforts to recruit teachers and enroll students to achieve racial integration.
- E. No staff or program expansion, nor the addition of classrooms, will be permitted without explicit permission of the School Office.
- F. Criteria for available student aid, work programs, grants, and scholarships shall continue to feature first consideration to students from low-income families. (Applicable to high schools only.)

II. Application of PrinciplesA. Priorities for Elementary Schools

In the admission of students to elementary schools, the order of priority shall be as follows. Note: Parish school administrators are authorized to make discretionary exception to these priorities in favor of furthering racial desegregation.

1. Children of active parishioners:
 - a. children from families with children already enrolled
 - b. children now reaching school age
 - c. children from families newly moved into the parish whose children have been in Catholic schools where such were available.
2. Children from nonparish families with students already enrolled in the school.

3. Transfer students from other Catholic schools:
 - a. from parish schools that are closing
 - b. from parishes not offering full programs, 1-8.
4. Children of other parishioners, may be admitted only if on the basis of personal interview the designated parish authority judges the intent and motivation to be in accord with the highest ideals of Catholic education, and with the explicit permission of the School Office.
5. Other students (Catholics from other areas, non-Catholic transfers) may be admitted only if on the basis of personal interview the designated parish authority judges the intent and motivation to be in accord with the highest ideals of Catholic education, and with the explicit permission of the School Office.

In accepting transfer students, classes may be filled but must not exceed State regulations.

B. Priorities for High Schools

In the admission of students to high schools, the order of priority shall be as follows. Note: High School Principals are authorized to make discretionary exception to these priorities in favor of furthering racial desegregation.

1. Incoming ninth graders as follows:
 - a. applicants whose brothers and sisters are already enrolled in or graduated from Catholic High Schools;
 - b. other graduates of parish elementary schools;
 - c. applicants from parishes without an 8th grade, whose families have traditionally chosen Catholic schools.
2. Students from Catholic families relocating from other communities, who have been attending Catholic schools.
3. Other Catholic students from area parishes may be admitted only if, on the basis of personal interview, the principal judges the intent and motivation to be in accord with the highest ideals of Catholic education.
4. Other students (Catholics from other areas, non-Catholic transfers) may be admitted only if, on the basis of personal interview, the principal judges the intent and motivation to be in accord with the highest ideals of Catholic education.

A STATEMENT CONCERNING SCHOOL
DESEGREGATION IN JEFFERSON COUNTY

I wish to join those who have made public pleas for the orderly and peaceful desegregation of the schools. Approximately one-half of the Catholic children of school-age in Jefferson County are enrolled in public schools. The safety, welfare and peace of mind of all children are our overriding obligations.

Differences of opinion do exist concerning busing as a means of achieving the racial balance in the schools required by the Courts. In spite of this we have a serious duty to uphold the court order and urge others to do likewise.

I will now speak again of our Catholic schools in relation to public school desegregation. The Archdiocese of Louisville since its establishment in 1863 has operated schools. In spite of the severe financial challenge the other fifty percent of our children are in Catholic schools and the Archdiocese maintains unchanged its commitment to preserve and improve these schools to the limit of its capacity. At the same time it shall be our concern to see that these schools place no impediment in the way of the court order.

In February 1974, and again in February of this year I issued statements directing that "Catholic schools must not become havens for those trying to escape integrated public schools," and that racial integration should be promoted "within parishes as a whole." I now wish to reaffirm these statements.

Furthermore, I strongly commend the efforts made last year to develop and implement programs to give children in Catholic schools the opportunity for fruitful contacts with children of other economic and racial backgrounds. Programs of this type have been planned for the coming school year. I urge that participation in such programs be increased as much as possible.

Another matter that concerns me is the serious problem of the orderly and safe transportation of thousands of private and parochial school students who have relied

A STATEMENT CONCERNING SCHOOL DESEGREGATION IN JEFFERSON COUNTY
Page Two

on County school buses. If the final plan for desegregation designed by the Court totally exhausts the current transportation facilities of the Jefferson County School Board, other means of transportation will be needed for non-public school children.

No one can be indifferent to the safety of thousands of school children in the community. For some 30 years county government has provided transportation for children attending private and parochial schools in the areas where this service was necessary for their safety. Greatly increased traffic and the absence of sidewalks in some sections of the county make this service more necessary than ever before.

For this reason Jefferson County Government has budgeted funds to subsidize transportation for non-public school children during the coming year. If, as may be the case, this service cannot be provided through the use of the county school transportation facilities we think that other legal means of transportation must be explored to keep these children off the highways.

Money has been budgeted for this purpose and in the name of these children and their parents I ask the county government to resist all pressures to use this money for other purposes. It has been our desire to make representations to the county government concerning this matter but we have not yet had the opportunity to do so.

On August 31, the Sunday preceding the opening of the new school year I am requesting that special prayers be offered in all the Catholic churches and chapels of the Archdiocese asking God's blessings upon all our schools, public and private.

May God bless and support all of us in meeting the responsibilities which are now placed upon us under God's Providence.

Thomas J. McDonough
Archbishop of Louisville.

CATHOLIC SCHOOL ENROLLMENT, JEFFERSON COUNTY1970-1975

	<u>1970-71</u>	<u>1971-72</u>	<u>1972-73</u>	<u>1973-74</u>	<u>1974-75</u>	<u>1975-76</u>
Elementary	21,137	19,509	18,012	16,903	18,340	18,350
High School	<u>7,169</u>	<u>6,946</u>	<u>6,649</u>	<u>6,675</u>	<u>6,925</u>	<u>7,264</u>
Total	28,306	26,455	24,661	23,578	25,265	25,614

*Exhibit No. 84*G. Allen West
June 11 1975

In the summer of 1975 the community was emotionally tense over the probability of the school merger and of the possibility of a Court order from the Federal Court ordering massive busing for purposes of school desegregation.

The State Legislature had approved the merger. The Louisville Board of Education had asked for merger and in the few weeks of the summer the merger became a fact. Then the Court order was handed down for the desegregation of the schools which called for a large and comprehensive busing operation.

Either one of the two operations was enough to create problems requiring the wisdom of Solomon and the patience of Job, but when they were undertaken at the same time and under the order of the Court the problems kept mounting one upon another.

The community became polarized, threats were made, accusations by association were the order of the day and some violence and vandalism took place. Various groups met over a period of months seeking ways and means to alleviate and to conciliate the tense situation.

There has been no question concerning the matter of busing children in order to transport them from their home to a school. This has been done over a period of 50 years and is a universal and accepted means of transportation for the children. But when busing was ordered for the desegregation of the schools in order to achieve a specific percentage of black children to white children the problems were magnified.

Several basic tenets should be stated:

1. The very best education possible for all the children.
2. Improved school facilities for the children.
3. Provide the finest equipment for all schools.
4. Provide the best teachers available for the children.

It is still too early to get a complete picture of the problems which have arisen over what has been called "forced busing"; this will probably take another five to ten years or longer. It is apparent, however, from various reports of educators, parents, and children that the overall quality of education has deteriorated during the past year.

Moreover, this school problem is directly related to housing and to quality education. In order to alleviate the situation and bring about better understanding and improved educational standards for all the children, I believe that we should insist upon the development of greatly improved housing and educational facilities in the inner city and throughout the entire school system. Too little has been done in these two areas during the past 30 years. All of this is tied in with the economic factor which has been related to the very heart of the problem from the beginning.

The entire gamut of emotional strain has been brought into the picture, racial and cultural prejudice, fear and distrust, half-truth and groundless rumor, - all have added fuel to the fires that have stirred this community so deeply.

The Courts have had an extremely difficult task and ought not be blamed for all of the problems that have grown out of the situation.

The solution to the problem is not to be found in attacking the symptoms, but rather in defining and understanding the problem and moving steadily to remove the causes.

It will require a working together by the leaders of the community. It can be solved by good people when they make up their minds to become part of the solution rather than part of the problem itself.

Above all, it must be recognized that this is an extremely complicated problem and will require time, patience, trial and error to solve. There is no simplistic answer; but there are solutions. We must believe that and work to find them.

Since the courts have based their decisions for desegregation of the schools on the belief, evidently, that the children of the Inner City had been treated unjustly and inequitably, I believe that by meeting the two major needs as referred to above (improved housing and schools), would help remove the basic causes for the decision of the Courts.

I am strongly in favor of doing everything possible to improve the housing, the educational facilities and processes, and the cultural opportunities for all children throughout the Louisville and Jefferson County Area.

G. Allen West

Exhibit No. 35

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

NO. _____

UNITED STATES OF AMERICA

PLAINTIFF

vs.

A P P I D A V I T

JAMES LUCKETT, Recording Secretary,
Local 761, International Union of
Electrical, Radio, and Machine Workers,
5153 Poplar Level Road
Louisville Kentucky

DEFENDANT

Now comes Arthur S. Fleming, Chairman of the United States Commission on Civil Rights and declares as follows:

1. At 9:00 a.m., Monday, June 14, 1976, pursuant to its statute, the United States Commission on Civil Rights (hereafter referred to as "the Commission") convened its hearing on school desegregation in Louisville and Jefferson County in Strickler Hall, Belknap Campus, University of Louisville, Louisville, Kentucky.

2. Among witnesses subpoenaed to attend were James Lockett, Recording Secretary, Local 761, International Union of Electrical, Radio and Machine Workers.

3. Mr. Lockett appeared at the Commission's hearing on June 14, 1976, but refused to be sworn and refused to submit to questioning by the Commission.

4. At no time has Mr. Lockett or his counsel contested the validity of the subpoena or the service of said subpoena requiring his appearance and testimony.

On the afternoon of June 15, 1976, the Chairman of the Commission found Mr. Lockett guilty of contumacy or refusal to obey a subpoena and directed that the matter be turned over to the United States Attorney acting for and on behalf of the Attorney General of the United States under the provisions of 42 U.S.C.A. 1975(d)(g).

Counsel further advises the Court that all prerequisites of the statute, 42 U.S.C.A. 1975, and the Commission rules and regulations, have been complied with by the Commission in holding its present hearings. (Attached hereto are summaries of the cases of In re Wallace, 180 F.Supp. 63 (M.D.Ala., 1959) and Hannah v. Larche, 363 U.S. 420 (1960), the only reported cases involving the United States Commission on Civil Rights.)

WHEREFORE, the United States moves the Court under the provisions of 42 U.S.C.A. 1975(d)(g) to issue to Mr. Lockett an Order requiring him to appear before the Commission or a subcommittee thereof, be sworn and submit to questioning on subject matters and give testimony touching the matter under investigation on Wednesday, June 16, 1976, at 1:30 P.M.

Respectfully submitted,

/s/
George J. Long
United States Attorney

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion and Order were served on James Lockett, 5153 Poplar Level Road, Louisville, Kentucky, and William L. Hoge, III, Attorney at Law, Suite 1112, Kentucky Home Life Building, Louisville, Kentucky 40202, by mailing same to him or delivering a copy to them personally this 16 day of June, 1976.

/s/
George J. Long
United States Attorney

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

NO. C 76-0273 L(A)

UNITED STATES OF AMERICA

PLAINTIFF

vs.

M O T I O N

JAMES LUCKETT, Recording Secretary,
Local 761, International Union of
Electrical Workers
5153 Poplar Level Road
Louisville, Kentucky

DEFENDANT

Comes the Attorney General of the United States by and through the United States Attorney, George J. Long, and advises the Court that pursuant to 42 U.S.C.A. 1975(d)(f) the United States Commission on Civil Rights, an agency of the Federal Government established pursuant to 42 U.S.C. 1975 et seq. caused to be issued a subpoena on the above-named James Lockett commanding him to appear on June 14, 1976, at 9:00 A.M. in Stricker Hall, Belknap Campus, University of Louisville, Louisville, Kentucky. (Copy of subpoena attached hereto as Exhibit A)

Counsel further advises the Court that on the 14th day of June, 1976, Mr. Lockett did appear at the Commission hearing but refused to be sworn and submit to any questioning by the Commission.

James Lockett, by counsel, William L. Hoge, III, filed a Notice, Motion and Order before the Commission to quash the subpoena based upon various and sundry reasons. The Commission in session heard the reasons advanced by counsel and by Mr. Lockett. Mr. Lockett, through counsel, has at no time contested the validity of the subpoena. Reasons advanced by counsel for Mr. Lockett have addressed themselves exclusively to the substance and scope of the questioning. The Commission on the morning of June 15, 1976, after deliberation denied the Motion to Quash and ordered Mr. Lockett to be sworn to submit to questioning and give testimony before the Commission.

Counsel advises the Court that at this time Mr. Lockett still refused to be sworn and submit to questioning by the Commission.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

NO. _____

UNITED STATES OF AMERICA

PLAINTIFF

vs.

O R D E R

JAMES LUCKETT, Recording Secretary,
Local 761, International Union of
Electrical Workers

DEFENDANT

This matter coming on before the Court on motion of the United States and the Court being sufficiently advised,

It is hereby ORDERED and ADJUDGED that the said James Lockett, Recording Secretary, Local 761 of the International Union of Electrical Workers, shall appear before the United States Commission on Civil Rights or a subcommittee thereof, be sworn, submit to questioning and give testimony touching the matter under investigation, on Wednesday, June 16, 1976, at 1:30 P.M. at Strickler Hall, Belknap Campus, University of Louisville, Louisville, Kentucky.

Dated this 16 day of June, 1976.

(51)
Honorable JUDGE UNITED STATES DISTRICT COURT

Allen

Copy to:

United States Attorney

United States Commission on
Civil Rights

Counsel for defendant

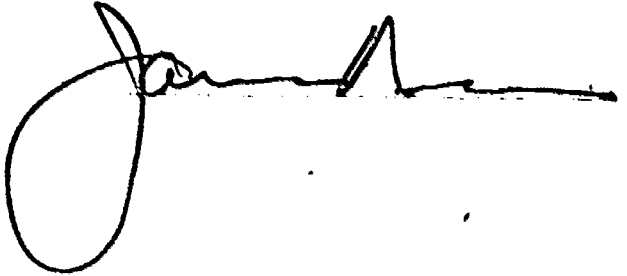
UNITED STATES OF AMERICA
COMMISSION ON CIVIL RIGHTS

RETURN ON SERVICE

[To be completed by person serving the subpoena]

On June 9, 1976 at 5153 Poplar Level Rd.
Louisville, Ky, IUE Hq (date) (place)
I served the original of this
subpoena on the within named JAMES LUCKETT

by delivering a copy of the said subpoena, together with a copy of the Notice of Hearing published
in the Federal Register on MAY 14, 1976 at page 20009, and tendering to
him the fee for mileage allowed by law. Privacy Act (5 USC 552a) Form attached.



Mileage Fees Tendered

Travel (at 10¢ per mile) \$

Subscribed and sworn to before me, a

this day of , 19

SKC 105

CIVIL RIGHTS ACT OF 1957

(f) The Commission, or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpoenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 102 (j) and (k) of this Act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman. The holding of hearings by the Commission, or the appointment of a subcommittee to hold hearings pursuant to this subparagraph, must be approved by a majority of the Commission, or by a majority of the members present at a meeting at which at least a quorum of four members is present

(g) In case of contumacy or refusal to obey a subpoena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce pertinent, relevant and nonprivileged evidence if so ordered, or there to give testimony touching the matter under investigation, and any failure to obey such order of the court may be punished by said court as a contempt thereof

724

UNITED STATES OF AMERICA
 COMMISSION ON CIVIL RIGHTS

FLA

SUBPENA

To James Luckett, Recording Secretary
 at IUE Local 761, 5153 Poplar Level Road, Louisville, Ky

GREETINGS:

PURSUANT to the authority of Public Law 85-315, as amended, 42 U.S.C. 1975 et seq. and Notice of Hearing having been duly published in the Federal Register on May 14, 1976 at page 20009 a copy of which is attached hereto.

YOU ARE HEREBY COMMANDED to be and appear before the United States Commission on Civil Rights, or a duly appointed Subcommittee thereof, at a Hearing/Session for return of subpoenaed documents on June 14, 1976 at 9:00 o'clock, a m., at: Suite 109, Strickler Hall, Belknap Campus, University of Louisville, Louisville, Kentucky

then and there to testify with respect to what you may know relative to subject matters of inquiry committed by law to the consideration of said Commission, and not to depart without leave of said Commission, and

YOU ARE HEREBY COMMANDED FURTHER to bring with you and produce before said Commission, or a duly authorized Subcommittee thereof, the following:

HEREOF FAIL NOT, as you will answer your default under the pains and penalties in such cases made and provided in Sections 103(f) and 103(g) of the Civil Rights Act of 1957, as amended (42 U.S.C. 1975d(f) and 1975d(g)), reproduced herein.

PURSUANT to the Rules on Hearings of the United States Commission on Civil Rights, a copy of which is attached hereto, an office has been established at: 510 W Broadway
Suite 708, Louisville, Kentucky (502) 582-5814

for the receipt of requests authorized under the Rules and for the receipt of other communications to the Commission with respect to the Hearing and this subpoena.

Issued by the United States Commission on Civil Rights, and

Given under my hand this 28 day of May 1976

Arthur J. Hill
 Chairman

I declare the foregoing to be a true and accurate account.

JAMES ARISMAN, Equal Opportunity
Specialist
U.S. Commission on Civil Rights

SUBSCRIBED AND SWORN to before me this _____ day of
June, 1976, by James Arisman.

My Commission Expires:

NOTARY PUBLIC,
KENTUCKY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

A F F I D A V I T

Comes James Arisman, after being duly sworn and states as follows:

1. That affiant did, on June 9, 1976, at 5153 Poplar Level Road, Louisville, Kentucky, personally serve the original of a United States Commission on Civil Rights subpoena in the name of James Lockett, Recording Secretary of IUE (International Union of Electrical, Radio and Machine Workers) Local 761, on the aforesaid James Lockett at the aforesaid address by delivering a copy of the said subpoena, together with a copy of the Notice of Hearing published in the Federal Register on May 14, 1976, at page 20009 (as amended May 20, 1976 at page 20734), a copy of the United States Commission on Civil Rights Rules on Hearings (45 C.F.R. Part 702), and a copy of a United States Commission on Civil Rights form (CCR Form 181; February 1976) relating information as required under the Privacy Act (5 U.S.C. 552a).

2. That copies of the documents referred to under paragraph 1, herein are attached hereto and incorporated by reference.

3. That the acts by affiant referred to under paragraph 1, herein effecting service were done pursuant to and in compliance with 42 U.S.C. sec. 1975d (f) and 45 C.F.R. Part 702.

5. Mr. Lockett through counsel on June 14, 1976 moved the Commission to quash the subpoena raising arguments concerned exclusively with the substance and scope of questions he anticipated would be asked by the Commission.

6. That motion was denied by the Commission on Tuesday, June 15, 1976 after deliberation.

7. Mr. Lockett continued to refuse to be sworn and submit to questioning.

8. On Tuesday, June 15, 1976, the Commission through its Acting General Counsel declared as follows:

"...Mr. Lockett's conduct constitutes a refusal to obey the Commission's subpoena and is contumacious and that pursuant to statute, this matter will be referred to the United States Attorney for this District who will be requested to seek an order from the Federal District Court requiring Mr. Lockett to appear before the Commission and to testify, without waiving his constitutional right to refuse to answer any specific question."

I declare the foregoing to be a true and accurate account.

(S)

 ARTHUR S. FLEMMING, Chairman
 U.S. Commission on Civil Rights

SUBSCRIBED AND SWORN to before me this 16 day of June, 1976, by Arthur S. Fleming.

My Commission Expires:

(S)

 NOTARY PUBLIC,
 KENTUCKY

UNITED STATES COMMISSION ON CIVIL RIGHTS

HEARING ON SCHOOL DESEGREGATION) Excerpts of Evidence
 IN LOUISVILLE-JEFFERSON COUNTY.) June 15, 1976

(Appearances as heretofore noted.)

CHAIRMAN FLEMMING: The hearing will be in order.

Counsel will call the first witnesses,

MR. GLICK: Mr. Chairman, as agreed upon yesterday afternoon, we are going to call this morning as the first witness Mr. James Lockett.

Mr. Lockett.

MR. JONES: Mr. Chairman, I am Foster Jones, attorney, associated with Mr. Bill Hoge, who is running late today.

As you are aware we filed a motion to quash the subpoena. I believe it's within Mr. Lockett's rights to refuse to testify; he does refuse to testify; we respectfully request that you withdraw your subpoena. He will not be sworn in; he will not testify.

CHAIRMAN FLEMMING: Your name is?

MR. JONES: Foster Jones, attorney, associated with Mr. Hoge, who appeared with him yesterday.

CHAIRMAN FLEMMING: I assume Mr. Hoge informed you of the fact that the Commission would take the motion that was made yesterday under advisement and would render a decision today.

MR. JONES: Yes, sir.

CHAIRMAN FLEMMING: We are now prepared to render that decision.

MR. JONES: Yes, sir.

CHAIRMAN FLEMMING: If you would just join your client.

James Lockett has requested that the U. S. Commission on Civil Rights quash the subpoena served on him on June third, 1976. He does not claim that the subpoena was improperly served. The subpoena was served upon him in accordance with 42 USC, Section 1975(a), which gives the Commission the power to subpoena witnesses for attendance and testimony at hearings.

Mr. Lockett, in his motion and affidavit, sets forth several reasons for requesting the Commission to quash his subpoena. He further states that he is the defendant in a lawsuit with both civil and criminal liability, and that to testify at the hearing would prejudice all defendants.

This claim is irrelevant to the issue of responding to the subpoena. The subpoena is a command to appear. The proper procedure for objecting to a subpoena is to comply with its command and to object to specific questions. Responding to a subpoena does not constitute a waiver of any Constitutional rights, and those rights can be raised at any time during the questioning.

Furthermore, both counsel for the Commission and the members of the Commission have assured Mr. Lockett at yesterday's public hearing that no questions will be asked which would relate in any way to the pending lawsuit. If a question were asked Mr. Lockett or counsel felt related to the pending lawsuit, objection could be made to the asking of the question and that objection would be considered by the Commission.

Mr. Lockett further states that there are others who are as capable or better able to testify, that his testimony may be

cumulative, and that he has already furnished documents to the Commission. These reasons for quashing the subpoena are not valid. The statute under which we operate gives the Commission discretion as to whom to call as witnesses for its hearing. The fact that Mr. Luckett has complied with Commission requests up to now is only testimony to his good faith.

Mr. Luckett's last argument to the Commission is that the subpoena does not sufficiently designate the possible areas of examination, so he is unable to properly prepare for his testimony and it therefore constitutes a denial of due process.

First, as mentioned above, subpoenas are a command to appear and by compliance the witness does not waive any Constitutional rights which he may claim at any time during his questioning.

Secondly, the fact the Commission Staff has interviewed Mr. Luckett and he has answered and has even provided documents to the Commission has acquainted him with the issues of this hearing.

Finally, the Commission's statute allows a broad scope for Commission investigation. The only limitation expressed in the statute is that hearings be held and subpoenas issue, quote, for the purpose of carrying out the provisions of this Act, close quote. The subpoena was served in accordance with statutory authority and should be complied with by Mr. Luckett. He may, of course, bring counsel, who may advise him not to answer certain questions or raise any other objection to questions that he desires to raise.

In view of the foregoing, the Commission has determined to deny Mr. Lockett's motion and quash its subpoena and has determined to require him to testify.

If a subpoenaed person refuses to comply with the Commission's subpoena, the U. S. Attorney is authorized pursuant to Section 1975(g) to apply to the District Court for an enforcement order. If the Court issues such an order and the subpoenaed person fails to obey, she or he may be punished by said court for Contempt.

I would like to stress particularly the fact that the Commission has weighed very carefully the argument in the motion relative to a possible conflict between the testimony given at this hearing and the pending lawsuit where Mr. Lockett is a defendant. As indicated in the statement that I have just read, Mr. Lockett, either personally or through his attorney, can object to any question which in his judgment relates to the pending lawsuit. Both counsel for the Commission and members of the Commission, yesterday and again today, have given assurance that they have no intention of asking any question which would bear in any way on the pending lawsuit.

Now, if Mr. Lockett or his attorneys would like to ask any questions relative to our ruling, they are certainly--it's certainly appropriate for them to do so, either right now, or to do so in consultation with our attorneys. And I would be very glad to spend this part of the hearing to provide Mr. Lockett and his attorneys with the opportunity of consulting further with our

counsel before they react to the ruling that the Commission has made.

MR. JONES: We would like five minutes to talk with your counsel.

CHAIRMAN FLEMING: Pardon me?

MR. JONES: We would like five minutes to talk with your counsel. It won't be any longer than that.

CHAIRMAN FLEMING: All right. We will proceed with the hearing, and when that consultation is finished we can resume this part of the hearing.

MR. HOGE: I would suggest that we need to talk to the General Counsel, because we have got to determine what the next step is going to be. If other counsel knows, that's fine.

CHAIRMAN FLEMING: Mr. Glick is questioning the next panel. Mr. Hartog is prepared to represent him. But if you still want to confer with him, why, we can do that a little later, after we have finished with this panel.

Counsel will call the next witnesses.

* * * * *

CHAIRMAN FLEMMING: Prior to calling the next witness, I would like to have counsel present a matter.

MR. GLICK: Mr. Chairman, Yesterday at the Commission hearing Mr. James Lockett, Recording Secretary for IUE Local 761, a witness who had been properly subpoenaed by the U. S. Commission on Civil Rights, presented through counsel a motion to quash the subpoena and refused to be sworn and to testify. Thereupon, the Commission took the motion under advisement and with the statement that the subpoena was still in force, required Mr. Lockett to return to the hearing this morning, June 15, 1976, to be advised of the Commission's decision.

At nine o'clock this morning, the Commission announced that it had rejected Mr. Lockett's motion and again requested Mr. Lockett to be sworn and to testify. Mr. Lockett again refused.

Subsequently, through his counsel, Mr. Lockett was offered the opportunity to appear before the Commission in a closed executive session. This offer was also refused.

Therefore, the United States Commission on Civil Rights has determined and instructed me to announce that Mr. Lockett's conduct constitutes a refusal to obey the Commission's subpoena and is contumacious and that pursuant to statute, this matter will be referred to the United States Attorney for this District who will be requested to seek an order from the Federal District Court requiring Mr. Lockett to appear before the Commission and

to testify without waiving his Constitutional right to refuse to answer any specific question.

* * * * *

I, CRAIG L. KNOWLES, Notary Public in and for the District of Columbia, and the Official Reporter in this matter before the United States Commission on Civil Rights, certify that the foregoing excerpts of evidence are a full, true and complete transcript of the testimony and statements so made.


Craig L. Knowles, CSR

My Commission expires
August 14, 1979.

Exhibit No. 36

1-14-76

At the time ULAB was formed, Local 761 had taken a position on our educational system over 1 1/2 years before (February 10, 1974).

That position was presented in the form of a resolution that was meant to contain 4 things:

1. Upgrade the school systems in Jefferson County so that "all" schools would be modern.
2. Hire teachers of the highest caliber for all schools alike.
3. To be against busing, the forced kind, because that would not correct anything.
4. It was drafted by a black male and white female so it wasn't intended to be a racial issue at any time.

That is still the position of Local 761.

At the time ULAB was formed that was the position of Local 761. It still is our position and will continue to be as long as I am President.

At the time ULAB was formed, there were many leaders and many organizations that we could have met with and backed, if I felt a labor organization should join, be a part of or flirt with. Since we had had a running gun battle with one outside organization, who wanted to represent one race of our members, I felt that there was no way to support or join with another outside organization, and do things under their rules.

So the conclusion I came up with was that Local 761 would not join or associate with any group. For an example, while I was in Toronto, Canada attending a GE-IUE Conference Board Meeting, Local 761 wanted to demonstrate and did by using the parade permit of a Reverend Hughes. I saw the results of that on TV, where Mr. Hughes could have gotten us in trouble (with our International and also our Membership). But still, I knew that in numbers there was strength. It was decided that, if we couldn't or didn't go it alone, we, as a Local, had two choices:

1. Try to find enough Union Locals who could join hands and fight our battles for a better community or
2. We could just drop the whole issue and allow our members to hunt other organizations to get rid of their anger with.

We tried #1 and it was successful. Now I feel that at this time ULAB is about to become a stick of dynamite. To be very honest with you, I will not play with dynamite. As all other human beings, I have a tendency to

protect myself. That is the reason for my requesting this meeting. I would like to voice my opinion of what I feel is necessary to protect myself and my Local's Membership.

1. ULAB must act separately and independently and in no way be affiliated with, work with, be a party to or have any connection with any group outside organized Labor.
2. All recommendations and decisions must be made by members of ULAB (Members of Local Unions).
3. An attorney must be contacted and consulted as to ULAB rights and especially in the field of finance.
4. All officers in ULAB must not be a member of any outside organization regardless of how good or how bad that organization. This excludes Fraternal (such as Knights of Columbus or Masons) religions (not including Reverend Hughes or Southern Christians, etc) or political (not including communist) organizations.
5. ULAB must not be a discriminatory organization either in words or actions. This includes race, sex, national origin, martial status, religion or political belief. (Again excluding Communist.)
6. ULAB must file all papers of any nature, including finance, that are required by our Federal, State or Local Government.
7. The dues for ULAB must be left up to each local as to how they are collected. I strongly recommend, to each Local, that it be on a voluntary basis.
8. Until further change in ULAB, I recommend that dues only be collected as needed.
9. Until ULAB changes its name, it will stick strictly to the issue it was formed for, and make recommendations to the proper people, a solution to the problem. In other words, I strongly recommend that ULAB insist that the children of our Community have a quality education, through bettering and equalizing all schools. This includes buildings, facilities and if necessary, teachers.
10. In the future I can see ULAB changing its name and becoming O.L.B.C.C. (as a 1st suggestion). OLBCC would stand for Organized Labor for the Betterment of our Communities and Country.
11. ULAB must be a non violent organization. It's fights must be through demonstrations, marches, politics, etc, not planned violence of any kind.

12. ULAB must be a two party organization at least. In other words, it must put the blame on the correct politicians, regardless of party, or the closeness of that party. Each politician must be judged by his or her actions, not what they say they have done.
13. All Local Union Presidents should be on a recommendation committee. If the officers of ULAB feel that any of these rules or the constitution must be changed, since the Local Presidents are the ones who have to face their membership and answer to their respective International, they can protect ULAB.
14. ULAB must work within the rules of the House of Labor as the Local Presidents interpret those rules.
15. ULAB will consist of any or all Local unions that bargain for employees and are recognized by the NLRB, regardless of whether they are AFL-CIO or not. Each new Local entering will be investigated as to their validity, by a screening committee.
16. All ULAB Meetings must be open to the press so long as the press reports the facts. It cannot be a secret organization.
17. ULAB must have a fact finding committee, appointed by ULAB officers, that are honest and cannot be swayed. (Trials Committee).

These places where I have used the words will or must, mean that these particular parts have to be met to clear Local 761. In the places I have used "should" or other words like it, mean that I only suggest this.

I would like to repeat what I said at the time ULAB was being formed. Neither Local 761 or myself desires to dictate to ULAB. We do not desire any more public attention than we already get as being a Local. I, along with most of our officers, have a very full time job.

But I should say to you in all fairness, the reason for these rules are to protect me and my Local. That is a poor choice of words, but I should have said to protect me as President of Local 761 and the other officers and Membership of Local 761.

Thanks for your time and attention, but in this case I felt this was necessary and also it would give the officers of ULAB guidelines or rules to live by and protect them instead of having to go at business hap-hazardly.

Kenneth G. Cassady

P.S. Other rules and regulations or things added to a Constitution can be added, but repeat - repeat - repeat- I want protection.

January 16, 1976

Jack Shore, Chairman
 Union Labor Against Busing
 2902 7th Street Road
 Louisville, Kentucky

Dear Jack:

I am writing this letter after receiving a familiarization of what took place last night, January 15, 1976, in your meeting at the Union Hall of U.A.W., Local 1336.

I wish to explain to you two things.

First of all, it has been brought to my attention from our officers as to what has happened at all U.L.A.B. Meetings. It was and is my flat, firm position that U.L.A.B. was formed so that Unions could get involved, united together, so we could, as Locals, fight this unfair, unreasonable and deplorable condition of Forced Busing. It was my position that we were not violating any Constitution of either our Local, our International, nor the AFL-CIO, as long as we ran our business in Union Locals by Union Members. It has, as you very well know, not been my position, nor our Local's position, to say "we are big and will run U.L.A.B." "You know this because when I suggested that we form an organization of Unions and officers were voted on, that you and I were nominated and I refused the nomination stating that: #1 I had enough work already and; #2 I felt we (U.L.A.B.), would be better off with a chairman from another Local so that more Locals would join, knowing that Local 761 wasn't trying to be the 'big dog'." My position is still the same as it was at the time U.L.A.B. was formed, and that position is "that U.L.A.B. has to act or run the meetings and programs formed without any outside organization telling the Union organization what to do." That includes good organizations as well as "No-No" organizations such as the K.K.K., the John Birch Society, the Black Coalition, or the Black Panthers.

Jack Shore
 January 16, 1976
 Page 2

If, in my opinion, we could affiliate with other good organizations or support them as a Local Union, then I would have suggested that we pick one of the good ones and join or support that group. It is not Local 761's position that we are trying to tear up or break down any of the organizations that are "labeled" as bad organizations, such as the K.K.K. or the Black Panther's. As far as I am concerned, any of our members can join any organization they choose. I personally think every American has a right to join whatever organization they choose as long as it is legal. I think I have my rights also, and I do belong to such organizations, such as the Masonic Lodge, Moose Lodge, etc. But my interpretation of our Constitution and Resolutions adopted by Unions at conventions, is that this busing issue is legal as long as we don't make it a black-white issue, but an educational issue.

The Resolution adopted by the Membership of Local 761 was an educational resolution, not a resolution involving integration. So my argument with our International, the IUE, is that we are as legal as hell and I can continue to fight for quality education through the building of schools, the re-modeling of out-dated schools, and by hiring more qualified teachers if that is a problem.

Since that has been and still is my position, I, as President of Local 761, was forced to withdraw from U.L.A.B. due to U.L.A.B. officer or officers meeting and negotiating with people who promote violence (the elimination of the black man), instead of peaceful demonstrations to stop Forced Busing, as that does not upgrade, but degrades education.

The second part I wish to explain is that my delegates to U.L.A.B. have assured me that the officers of U.L.A.B. have now, finally, taken a stand that U.L.A.B. is an organization separate and aside from any other organization and that the officers of U.L.A.B. have taken a stand that they will run U.L.A.B. and will not affiliate with or allow other organizations to dictate to or run U.L.A.B. We are hereby re-joining our good Union Locals of our community in U.L.A.B. and will continue to support and be very active in that organization.

However, I strongly recommend that a constitution be written or a set of rules be put into writing so that it will be plain to everyone that U.L.A.B. is a separate organization and that U.L.A.B. stands for equality and will not discriminate or participate in any form of discrimination because of race, color, sex, creed, marital status, age, or national origin.

Jack Shore
January 16, 1976
Page 3

If U.L.A.B. needs any assistance or anything from Local 761, please do not hesitate to call upon us. If you have any questions concerning any position I have taken in the past or my position now, please feel free to call or come see me.

Fraternally,

Kenneth G. Cassidy
President
Local 761, IUS

KGC/es
oeiue 741

cc: L. Sexton

Exhibit No. 37

January 21, 1976

Jack Shore, Chairman
Union Labor Against Busing
Sheet Metal Workers, Local 110
2902 Seventh Street Road
Louisville, Kentucky 40216

Dear Jack:

This letter is to officially notify you, the officers and members of ULAB that I, Kenneth Cassady, President of Local 761, IUE, AFL-CIO-CLC, am officially withdrawing our great Local from an organization that we, as officers of Local 761, worked hard to create.

As you know, I withdrew Local 761 officially from ULAB about two weeks ago. I understood that you were going to clean house and run ULAB as it was intended to be run. We, or should I say I, sent you a letter, due to the position you took that ULAB would be as the name indicated, saying we were rejoining.

However, due to your inability or reluctance to run ULAB as a Labor organization only, I am again for the last time officially withdrawing Local 761, IUE from ULAB since:

1. After I withdrew you didn't live up to the standards we needed.
2. Again on 1-17-76 ULAB had a representative in a meeting with twenty to twenty-five outside organizations, in a closed door meeting, such as the KKK would have. Mr. Louis Sexton said your representative was there.
3. Mr. Sexton and Mr. Armstrong had a meeting with me on 1-18-76, before and after our (Local 761, IUE) Special Leadership meeting, and I made my thoughts clear to them.

Jack Shore
 Page 2
 January 24, 1976

4. On Monday 1-19-76 I sent you a letter by Ronald Risinger* as to the needs of Local 761 and made certain things a "must" and some were strong suggestions. Regarding this letter you nor anyone from ULAB saw fit to meet with me and work something out, but took a head-strong position that other groups, such as Reverend Fisher, Sue Conner's group and the foreman's group, were more important than Local 761. Maybe you are correct, but we will see.
5. At your meeting on Thursday, January 22, 1976, you "invited" all other outside groups present to join ULAB on Saturday, January 24, 1976 to help in the demonstration you held in Indian Hills.
6. After demonstrating from Cox Park through Indian Hills and back to Cox Park, I saw where ULAB didn't have the quality speakers to run the show, but relied on outsiders to speak, such as Sue Conners, who said something to this effect, (We can be effective if you continue to follow your "leaders".) To me this means the secret meetings were for all groups to join each other's group when demonstrating.
7. As per our conversation on Friday morning, January 23, 1976, when I talked to you personally and again re-iterated my position about outside groups, whether they be good or bad, that we couldn't even flirt with them and asked you to retract your statement that was made the night before. To this you told me that you would contact Louie Sexton and get back with me with an answer. I saw you, along with two other officers of ULAB, at Local 761 on Friday night and you gave no indication that you had an answer for me.
8. Then on Saturday, January 24, 1976, Mrs. Sue Conners had to wrap up the event for you by calling for unity in each group and follow each leader.

So since ULAB is labeled the same as all other groups against "forced bus-ing" and is really not fighting for all union members, black and white alike, but using fancy words to indicate black are welcome, I am again repeating that Local 761 as a Local will not officially be a part of ULAB now and there is nothing to indicate to me that we will ever be again. Since you do not go for verbal rules, I see no reason that ULAB would go by (as I have requested) written rules or a constitution.

As always, our Members at Local 761 have a right to join anything so long as they do not indicate or represent Local 761. Since I am the

Jack Shore
Page 3
January 26, 1976

one who interprets our Local International Constitution and Resolutions passed by our Local - District - International, plus our International Conventions, I have to tell you that ULAB is in violation of some of those Constitutions and Resolutions.

To you will be delivered this letter along with a copy to each ULAB Board Members.

"After" you have received this, it is my intention to call a news conference and release the complete history of ULAB and explain the reason for having to take the action I am now taking.

I want to repeat to you again, Local 761, IUE will "continue to fight forced busing" the way the resolution, made on 2-10-74 at our Regular Meeting, was intended.

Thank you and I am,

Sincerely yours,

Kenneth G. Cassady
President
Local 761, IUE

KGC/kh
ccine 741

January 30, 1976

Local 761 voted on February 10, 1974, to be against forced busing. The Resolution was and still is that for quality education for all three things have to be done:

1. All schools must be made first-class schools by either rebuilding the old or building new or whatever is necessary to have the finest quality education for all.
2. If necessary, money should be provided so all schools will have the best qualified teachers available.
3. That forced busing is not the way to get quality education and that we be against forced busing and the money be used to upgrade our schools and if needed, to obtain qualified teachers.

Local 761 still stands by that Membership action and we will continue to work against forced busing and do everything in our power that is legal to see that all children get the best education possible, without riding buses.

Even though Local 761 was forced out of ULAB, after many letters and many hours of trying to communicate to them, Local 761 could not live with the way ULAB was operating and still keep from violating Constitutions and Resolutions of our International.

However, as I have said before, Local 761, IUE will continue as a Local trying our best to get the best quality education for all, without forced busing.

PAGE SIX

13. RESOLUTION: Local 761, IUE, goes on record against busing school children for the purpose of equalizing education. We feel the responsibility of the Board of Education was not executed correctly at the start of intergration. They were suppose to equalize all schools with accredited teachers and supply provisions for the children of our State. We also feel we are losing our constitutional rights as we have already lost a lot of them. We do not want to lose the right of free choice. Ask Mr. Van Hoose and his associates why has our tax dollars gone to the East End instead of the Southwestern part of the County, where desperately needed.
Nancy McKinley Walt Teasley
14. M/S/C - That this Resolution be adopted by Local 761.
N. McKinley B. Duke
15. M/S/C - That Local 761 endorse Les Holson for State Representative of the 58th District in Indiana.
W. Teasley A. Newton
- 16. M/S/C - That we bring up Article IX of the Membership Meeting Minutes of January 13, 1974.
R. Mitchell B. Duke
17. M/S/C - To adjourn.
J. Phelps B. Duke

Respectfully submitted,

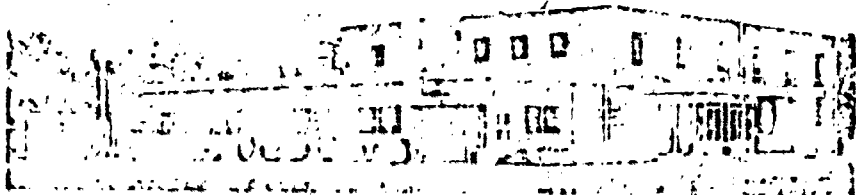
Jim Luckett, Recording Secretary

Approved after membership vote,


 Kenneth G. Cassady, President
 


International Union of Electrical, Radio and Machine Workers

LOCAL 761, IUE



Office Phone
909-4461

5153 POPLAR LEVEL ROAD

LOUISVILLE, KENTUCKY 40219

September 2, 1975

David Fitzmaurice
Secretary-Treasurer
International Union, IUE
1126 Sixteenth Street, N.W.
Washington, D. C.

Dear Sir:

Our Executive Board of Local 761 has voted to support the message I had left for you and that has been communicated to Brother Bill Bainter, President of District #7.

I finally did receive your Night Letter on Friday. At the time I called the District and was telling President Bainter that I was not hiding from him, you, or anyone else. In fact when I got word that I was possibly hiding from you, I called you immediately to let you know different and also called President Bainter to show him that I was not avoiding any calls or talking to anyone.

I felt and our complete Executive Board feels that there is no use meeting with anyone concerning our position that we have taken against "forced busing" as a means to equalize education.

The facts are that there were two (2) school systems here. One was the Louisville School Board and District, the other was the Jefferson County School Board and District.

The complaint in the lawsuit was that the City system did not have the quality of schools nor the quality of teachers that the County system has. Within the City system or district there were black areas and white areas. It should be noted that the City School Board received equal money per capita as the County system. This lawsuit has resulted in the closing of the City School Board and District and it has been combined with the Jefferson County School Board and District.

David Fitzaurice
September 2, 1975
Page 2

So what started this lawsuit wasn't to integrate but to get the same quality education for all children.

Local 761 fully agreed that all children should be offered the best quality education possible.

Local 761 believes that since both systems have had to merge that our tax dollars are wasted on "forced busing" and should be more wisely spent on correcting the problem in a manner that would produce better quality education for all by correcting inadequate schools or outdated schools and by using the money to pay teachers to encourage more qualified teachers to apply for jobs.

Since the lawsuit was based on two problems, we feel the problems should be corrected.

Our Executive Board's position has never had anything to do concerning integration or segregation, nor does it have anything to do concerning race whatsoever, except in our discussions we have brought up the fact that plan "X" which the Judge ordered does discriminate against black children. Plan "X" forces black children to be bused at least eight of their twelve years in school, while white children will not be bused over two of their twelve years in school.

Local 761 feels that our District #7, our International Union, and all Unions are discriminating against Blacks by either backing plan "X" or by keeping quiet on the subject. We also feel that our District and our International are violating our Constitution and action taken at conventions by not coming out openly and fighting for a better quality education for "all," Black and White, Male and Female, Catholics, Protestants, Jews, and other minority groups.

We feel that anyone with common sense at all and who knows what the issues are, cannot disagree with Local 761 when we say "put the money where it belongs to get quality education because riding a bus will not correct inadequate schools and riding a bus will not make a teacher any more qualified."

Sure we agree with you that riding a bus will equalize education. But we strongly feel that equalization is not the issue and that the issue should be resolved by allowing all people (children) to have a better quality education. Forcing some children to these inadequate schools and to unqualified teachers does not help all children to have equal and quality education both.

If you can convince and prove to us that riding a bus will reconstruct buildings that are beyond repair and that children riding a bus will make a teacher have more smarts or that riding a bus makes our children have more smarts, then I can assure you that Local 761 not only will change our position but we will ride buses also because our houses need repair and we need to have more smarts.

David Fitzmaurice
 September 2, 1975
 Page 3

If all our outsiders knew what the facts are here and if you knew what our position "really is," we do not feel you would be talking so freely about what we are violating. In fact, our local newspaper that is owned and run by anti-union people will possibly be sued on Tuesday or Wednesday, September 2nd or 3rd, for twisting around news releases, that have been issued to them, to put Local 761 in a bad spot. The news quotes part of what we released, then adds after the quote, that our position is against integration, which is a flat out lie.

We feel so strongly in our position, that it is a correct position, that we are ready to go to court (against you), to prove that our position more clearly follows our Constitution of our great union and all action taken at conventions, than our International follows.

So again let me repeat, that even though I have tried to be a nice, calm person and work closely with our International Officers and District Officers, that neither I, or our Executive Board is one bit bashful and that neither I or the Executive Board of Local 761 is afraid of anyone. We do not hide and we will take positions and we will fight G.E., the politicians, and our International Union as long as we feel we are correct and not violating anything. As far as being afraid, I am not afraid of anyone, any company, any group or anyone including you. I have knots, scars, and can prove that statement. My personal thinking is (as long as it is legal), the same as Jim Carey's, who said, "You can do anything you think you are big enough to do." I feel with the backing of our members of our great Local, Local 761, that I am pretty damn big.

Of course there are various means our International can take to remove Kenneth Cassidy as an International Board Member, as a negotiator for the IUE-GE Conference Board, as a Vice-President of District #7, and "possibly" as President of Local 761. None of these scare me one bit. When I said possibly as President of Local 761, I meant exactly that. You may dream up or drum up a charge but I can and will assure you that I am on home ground here in Louisville. This is not a threat but a promise that "I" have done everything in my power to see that they (our members) get everything I can get for them, and I would not hesitate to ask for their support for me and/or the Local 761 Executive Board and I have full confidence in them, to believe they will stick with me to no end.

This letter is only intended to correct any rumors that I hide because I'm scared and also to let you know that we feel very strongly that we are right in the position we have taken. Also to let you know that we feel our International does not have the intestinal fortitude to take a stand for all the people (Black and White), but allows themselves to be pushed around by extremist groups who only want to

David Fitzmaurice
September 2, 1975
Page 4

burn cities, make personal names for themselves, wear sheets to keep their identity hidden, and others. It is about time our International represented all its members and quit taking orders from the Black Panthers, the Ku Klux Klan, and the Black Coalition.

If you are afraid to take correct position, Local 761 will be glad to protect you.

So you have our position. If we need your help, I'll ask for it. If you want me off the positions I hold then kick me off. If you don't like our position on the "forced busing" issue then either take over our Local or just stop bothering us.

Fraternally,

Kenneth G. Cassidy
President
Local 761, IUE

KGC/es
ccine 741

CC: Paul Jennings
John Shambo
William Bainter
Ed Fires

LOCAL 761



DEAR MEMBERS OF LOCAL 761:

BE SURE TO READ THIS, REGARDLESS OF WHAT YOUR PERSONAL OPINION IS. IF YOU DON'T READ THIS, DO NOT COME BACK AT A LATER DATE AND SAY, "I DID NOT UNDERSTAND THE POSITION OF THE EXECUTIVE BOARD OR THE MOTION THAT WAS PASSED BY THE MEMBERSHIP ON 2-10-74."

The motion that was brought up on the Membership Floor on 2-10-74 was very simple. The motion had nothing to do with intergration or segregation. The motion was - That the Membership of Local 761 go on record as being against forced busing as a means of equalizing education, or, upgrading education.

Since busing is a hot issue in Jefferson County (and it will spread to other counties) the Executive Board felt if we were to be leaders we should not pass the buck or side-step a position. We took a position on August 18, 1975. That position was that we, as officers, did not feel that the problem of quality education could be resolved by busing. Evidently our school buildings and their facilities are not equal throughout the City and County. Evidently we have educators (teachers) some of whom are not qualified to teach. So if our schools in the poor areas are not up-to-date and we have teachers who are teaching, who can't perform, then our feeling is that busing can't correct the buildings nor the teachers.

Does it solve a problem just by moving a teacher from one school to another? Does it solve a problem by busing different children to these outdated schools? We feel that busing for either one of these reasons does not resolve the problem. The problem cannot be resolved as long as there are outdated schools and outdated teachers. The position taken does not have anything whatsoever to do with race, sex, religion or any other reason other than what is stated in this bulletin.

It should be clearly understood that Local 761, IS NOT A PART OF "ANY" outside group, such as the Black Coalition or the KKK. Your Union Hall will not be used by any of these groups.

Three things prompted the officers of Local 761 to take a position:

1. We do not feel it is fair for the "politicians" to punish the children, who can't help themselves, by herding them around in buses. These politicians can fool part of the people part of the time but not all of the people all of the time. So we feel that it is time that all members of Local 761 joined hands against the politicians and force them through political power to pass laws that will stop busing. We feel that most whites see that they are being pacified by only sending little white children on buses for only two years. We feel that most blacks can see through the politicians because little black children

have to ride a bus at least 8 years. The Officers of Local 761 will not discriminate against anyone, but we feel our politicians in the Federal Government do.

2. Our Federal Government has lowered our speed limits on super highways to 55 MPH to save energy. They ask us not to heat or cool our homes to suit ourselves, but to save on energy. We may even run out of jobs but what do they do? Fill up the school buses and burn up what we save.
3. What pays for the buses, drivers, gas, etc.? Our taxes, yours and ours. Do we need more taxes? NO, over 20% of our hard earned money goes for taxes already. What do they want, another Boston Tea Party? Our ancestors, before 1776, thought they were taxed, they should see us now just two hundred years later. We need more take home pay, not less.

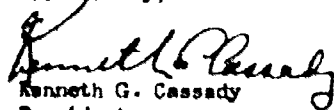
Now, let's get down to facts. Judge Gordon was ordered to do what he did by a higher court. In our opinion the Supreme Court would have ruled the same, because they carry out the laws passed by the politicians. The way we see it as a Board, is that our Congressmen, Senators and the President of our Great United States, are playing politics with children and especially our black children. In our opinion it is time we all united and let the politicians know that we are all united and want equal and first-class education in all schools and we are tired of having a jackass made out of us by using the busing issue as a cover-up.

POLITICIANS - if you want our vote then pass a law to stop busing to equalize education. If there is an energy shortage, then save gas. If you are interested in our take home pay then cut taxes, don't raise them.

Our last request -- Our Executive Board recommends two things. "if" you stay home from work to protest busing:

1. If you stay home from work do not go on GE property.
2. If you stay home we highly recommend that you stay home and don't get involved around schools - buses - or areas where there is a chance of a riot. We feel your day could be of more use if you stay home by writing your Congressmen and Senators and demand that they introduce and push the issue to stop forced busing, through legislation.

Fraternally,


Kenneth G. Cassidy
President
Local 761, IUE

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LOCAL 761



DEAR MEMBERS OF LOCAL 761:

On Monday night, August 25, 1975, I prepared a leaflet that you received yesterday. Its purpose was to show what is happening and why the Local 761 Executive Board took the stand it has concerning busing.

I want you to know that I happened to be born white. I could have been born black and if I had, my position would have been the same. I was born and raised out in the country in Metcalfe County. The only close neighbor we had was a black family who lived as close to us as possible with only a gravel road separating us. There was a boy the same age as myself and a girl a couple of years younger. We played together, stayed with each other and ate together. At that time of my life there was no such thing as blacks, niggers or whites.

I am now 47 years old, as of August 28, 1975. I do not like to talk in terms of Blacks or Whites. I have been forced into this by some Blacks here at Local 761. I do not like it one bit because I prefer to talk about a "person" and discuss the problems as Local 761 matters, not a Black person or a White person.

This past week has been one of the most trying weeks of my life due to the facts that some Blacks coming to your Union Hall and saying, "I have contacted a number of Blacks and they have signed a petition that they are getting out of the Union because Local 761 is against Blacks." I have been told by a Black that, "You stopped a meeting and refused to continue it with 35 Blacks and 2 Whites." I asked that person if he heard about a meeting with about nine whites and one black and did the same thing because it got out of control and when one white mouthed off, I threw my glasses off and told him that his kind of talk would not be tolerated, especially in front of the secretaries. His answer to me was that he hadn't heard about that. I am sure he had not, but it happened with a group of members from the foundry who were fighting against seniority. They didn't have enough service to hold their jobs so they used excuses to try to keep their jobs while members with more service who were on layoff, for lack of work, wanted the jobs.

So I am telling you here and now that I have taken all the threats and abuse from any member or group of members that I intend to take. I did not run for this office to be a kicking post for someone who doesn't know what they are talking about.

About the Board's position on forced busing, I want it clearly understood that race, sex or religion has nothing to do with our decision. It should be understood that Local 761 has never asked any member to boycott work, and we won't ask. It is true however, that many members will take off that day regardless of what we say. If we flat told them to work, it wouldn't change one person from doing what that person wants. Again, we did not tell anyone what to do, but if we had taken a position, it would have been not to work. The officers of Local 761 do not see where it's to the children's benefit to bus. It takes our taxes to pay for buses, drivers, gasoline (and our government says there is a shortage of it) plus hire people to ride buses to monitor the busing. Our position is that the money used for "forced busing" would or could be better used by repairing or building schools and paying teachers higher wages so that quality teachers could be found, if that is what the problem is reported to be.

Furthermore, we feel the Black children who have to ride a bus for at least 8 years are being discriminated against. Now if the Black members like for their children to be discriminated against and have to ride a bus for 8 years, I strongly recommend that you report to work to show that you want to be treated differently and do not realize when you are getting the shaft, in our opinion. Any white who feels that their children should be bused to an outdated school and you don't really care about the quality of teaching should above all report to work.

Those of you who have your own mind and do not intend to work under any condition on September 4, 1975 in support of what you believe, then I strongly recommend that you do not get on or go near GE property. Your job could be at stake and GE doesn't have one thing to do about forced busing. As I have said before, or will say now, this "forced busing" was not caused by GE, Judge Gordon, nor even the Supreme Court of the United States. These judges only follow orders or laws passed by the politicians.

The Republicans and the Democrats, are the people to put the blame on. I mean the US Congressmen, Senators and President of the United States. If you have a complaint, write and voice your opinion. If you are for "forced busing" as a means for better education, then tell them so and to hold tight or they won't get your vote. If you are against "forced busing" for that same reason, then write them and tell them to introduce a bill and fight for it or they won't get your vote. Be sure to explain that you will not be passified by an answer like "if" it comes to a vote how they will vote. Politicians are smart and slick and lead you to believe they say things they are not saying.

Now again, back to threats. I, along with the Board, can't and won't be blackmailed by any individual or group. In fact, that will turn us off very quickly. The way to get your point across is not by blackmail. If you intend to drop out of the union, telling us about it won't stop you. In fact, telling us and dropping out is the incorrect way to get what you want because it could lead us to believe that, "There is one person that would have voted against me, but I don't have to worry any more, that person can't vote."

A couple of last questions for our Black and Catholic Members:

1. Why did Roosevelt Roberts, who is an alleged leader in the Black Community, take one of his children, who was to be bused, and send her to a Catholic school to avoid busing?
2. Why did the Catholic Leaders of our Great Community say whites could not change to Catholic Schools to avoid busing and then turn around and let a Black Leader use their school as a tool?

I am asking all members of Local 761 to wise up and look at the facts. The children are the ones hurt by forced busing. In our opinion, forced busing is used by some to create racial unrest when there should be no problem between races, but races should stick together and get the problem corrected. You have to remember the cause of the problem. The cause is, "there are politicians in the woodpile," hiding, dancing and to be just plain frank, they are afraid to do the job they were elected to do. (These are our Federal Government politicians.)

Fraternally,

September 3, 1975

Kenneth G. Cassidy
Kenneth G. Cassidy
President

Local 761, IUE

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For Immediate Release

IUE News

The following statement was issued this morning in Washington by President Paul Jennings and Secretary-Treasurer David Fitzmaurice of the International Union of Electrical, Radio and Machine Workers, AFL-CIO:

The IUE International Union supports compliance with court-ordered busing in Louisville and has so notified its Louisville Local 761. In a telegram sent to President Kenneth G. Cassady and other local offices on Thursday, August 28, 1975, International President Jennings and Secretary-Treasurer Fitzmaurice said in part:

"The AFL-CIO and IUE have long stood and fought for the elimination of all forms of race, sex, national origin, ethnic, age and all other kinds of discrimination. Local 761 has supported these positions at IUE National and District Conventions, where positions on various Civil Rights aimed at eliminating discrimination have been adopted unanimously by the IUE Delegation.

"The AFL-CIO and IUE do not advocate that busing always be used to eliminate school segregation; however, the AFL-CIO and the IUE conventions have unanimously resolved to support the determination of the United States Supreme Court and other Federal Courts. These Courts have held in certain cases that in order to end segregation it may be necessary for some students to be bused.

"It is regretable that 'right to work' organizations and reactionary politicians have used children as pawns to deliberately create and enflame the busing issue. These are the same persons who generally oppose everything that Labor stands for and has as their objective the total destruction of trade unions. We must not join hands with our real enemy.

"The actual figures indicate that this issue has been deliberately and maliciously blown out of proportion by these enemies of the working people. The facts are that of the 40% of the Nations Students being bused only 3%, a majority of whom are black, are being bused for the purpose of desegregation.

"We urge that Local 761 make clear that it is not supporting any demonstration against busing. . .

"At this time the officers of the International Union again call upon Local 761, its officers and its individual members to refuse to lead, encourage or support any action or demonstration in opposition to court-ordered busing. Instead, regardless of anyone's personal views and however difficult the issue, we urge them to set an example of obedience to the law and US Constitution. There can be no question that that is the position of this entire union and the proper trade union position. We underline that part for the individual members of Local 761 because they also are members of the International Union and a part of the AFL-CIO.

"As always, we offer our assistance to Local 761 in playing a constructive role in its Community."

NEWS RELEASE

Given to Lyana Anderson
September 5, 1975 4:45 P.M.

I have a strong feedback from our officers that I was incorrect in my estimate of employees who would work for General Electric, yesterday and today. I predicted 70 to 75% Thursday and expected some back to work today. Yesterday over 90% were absent and today around 95%.

I feel that there will be many protests over this weekend, but I am asking our members to report to work Sunday night or whatever their normal starting time is.

I feel that our members should be at work for two reasons. (1) GE has nothing to do with forced busing and the money we earn could be of better use to feed our family and pay our bills. (2) If protesting is still needed then it could be done in shifts. I feel that if you keep your children out of school for being afraid for their safety then I don't oppose it. Everyone has their rights to do as they please, but we have to buy food, make payments, etc, plus you can still protest outside working hours.

I have been informed that there will be a meeting held here at the Local 761 Union Hall Monday night, September 8 at 6:00 P.M. to organize a political slate to oppose the County officials that are for Forced Busing.

LOCAL 761

Dear Members:

There is something important that I feel that you should know about. On Friday, August 29, 1975, I received a call from a member of our International who told me that the top officials of our International had tried to get in touch with me and were unable to, and it was taken for granted, by me, that these people from our International felt that I was hiding from them.

I immediately called our International in Washington, D. C., and asked to talk to the one who I understood had called me, who was Dave Fitzmaurice, our International Secretary-Treasurer. Mr. Fitzmaurice was not in. I left Mr. Fitzmaurice a message and it told him that we had taken a position at Local 761 and that we were not violating our Constitution, the International Constitution, or any type of action taken at any convention. I was told by Mr. Fitzmaurice's secretary that Bill Bainter, from our District, had placed a call and that evidently is where someone got all messed up. So I immediately called Bill Bainter, from our District, and took a strong, firm position with him and told him that neither I nor any member of the Local 761 Executive Board was hiding from him or anyone else. Since Bill and I are friends, Bill told me that he would smooth it over with the International. I informed Bill that I did not want anything smoothed over. We had taken a position and our position was going to stand and if Mr. Fitzmaurice wanted to talk to me, I would talk to him.

That same afternoon on August 29, 1975, we had an Executive Board Meeting and actions were taken in the Executive Board Meeting. The Executive Board backed me up and the message that I had left for our International.

We also received on Friday, August 29, 1975, a night letter from our International signed by our President Paul Jennings and Dave Fitzmaurice, who is the Secretary-Treasurer, and it took the position that they didn't feel we were correct in the positions that Local 761 was taking. In that night letter they asked for a meeting with myself and the Executive Board to discuss the situation. Since this was a long holiday weekend I was not able to get in touch with anyone until Sunday night, August 31st at approximately 7:00 P.M., when I contacted Mr. Fitzmaurice at his home in Cleveland. I talked to Mr. Fitzmaurice for approximately 20 to 30 minutes and explained our position and at the end of that conversation I was told by Mr. Fitzmaurice that there was no problem. I asked if a meeting was needed between myself and them and he said that a meeting was not necessary. This conversation between Mr. Fitzmaurice and myself was heard by Jim Luckett and Norman Mitchell and they heard what Mr. Fitzmaurice said, that we had no problem at Local 761.

On Tuesday, September 2, 1975, we held another Executive Board Meeting. Prior to the phone conversation with Dave Fitzmaurice I had a letter drafted to send to our International and it was read to the Executive Board, and even though there was suppose to have been no problem with our International, it was suggested and voted on that the letter be sent.

On Wednesday, September 3, 1975, we received a news release from our International. Now remember there was no conversation other than the conversation that was held by myself and Secretary-Treasurer Fitzmaurice, yet they put out a news release to our newspapers in our area. I feel that they do not like the Officials of Local 761. I feel that we have very poor leadership in Washington heading our International if they are the type of people who have to do their fighting through the newspaper. I feel that if we had good leadership in our International and they had something to say to us at Local 761, that the proper way to perform their job would have been to have called us or to send a telegram to Local 761 stating what they felt we were doing wrong.

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Since they did not have the intestinal fortitude to stand up and talk to us in person or to me in person, or by making a telephone call, I will have to apologise to all members of Local 761 because I was a party to and voted for them the last term that they ran. I felt that they were good, strong leaders, but now I have changed my mind completely. They are gutless and do not and should not be in the positions that they hold to have to fight the giant companies that we have to fight, such as General Electric, White, Westinghouse, RCA, Sperry-Rand and others. I did not feel that our problems should be aired in public because in my letter to them it clearly stated that Local 761 was not going to change their position. It did state, however, that we had done nothing wrong. It also stated that they could probably drum up some type of a charge against me and could probably kick me off of the International Executive Board where I am a Board Member, and off of the Negotiating Committee for the GE-IUE Conference Board where I am one of the negotiators, and could also kick me off as District Vice-President, and might even possibly remove me as President of Local 761. I assured them that if they came to Louisville to remove me as President of Local 761 that I felt I was on home ground and that I felt I had done all I could possibly do for the members of our local. I also explained to them that I would not hesitate one minute to ask the members of Local 761 to go to bat for me because I do not feel that the members of Local 761 have to be put in dictatorship like we were before.

As of the time of writing this letter, which is Thursday night, September 4, 1975, I still have not heard directly from our International. I do not know if they intend to take action or they do not intend to take action, but again, and I am telling all members, or rather I am asking all members, that if help is needed I hope that the members of Local 761 will stand behind the Executive Board and myself because the actions that we have taken have been what we think are to the best interest of everyone in Local 761.

This leaflet is not intended whatsoever to be a hate leaflet, nor is it intended to be used by anyone else except members of Local 761. If this letter or leaflet is used by any other person or group besides its purpose to be distributed as it is on the date of this leaflet, without permission from Local 761, the person who uses this leaflet without permission will be prosecuted to the fullest extent by Local 761.

As I have said before or indicated before, this leaflet's intention is not to create unrest between Local 761 and our International, but it is to let you know ahead of time what is happening so if your help is needed you will know exactly what has gone on and what is going on.

Thank you very much.

Fraternally,

Kenneth G. Cassidy
Kenneth G. Cassidy
President
Local 761, IUE

September 8, 1975

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9/11/75

News Release

Any of our members who are off from work due to being told it was in protest of busing or anything else, needs to know this:

Local 761 is not backing any type of actions today and we do not know what caused this action. What the Company will do, I don't know, but I strongly recommend that everyone report to work on all shifts.

Local 761 will continue to fight forced busing in an organized manner. As of now we are seriously considering calling other locals to discuss and maybe form a march to protest at the correct place which is Washington, D.C.

LOCAL 761

For All Members of Local 761:

This is the third and final time that I have started this informative bulletin. I think this bulletin should be read by all because we have a very serious problem concerning all of us, either directly or indirectly.

First I would like to write about a decision the Executive Board has made. Next I want to say something about our present and past politicians and "Our Great Preamble and Constitution of the United States." Last I want to tell you what our plans are that we will suggest for the future.

For the first thing, we have heard rumors and seen articles where outsiders are asking all workers to "Boycott Work" on October 1, 1975. OUR EXECUTIVE BOARD STRONGLY RECOMMENDS THAT ALL OUR MEMBERS WORK THAT DAY. It seems as though almost all of the organizations that are formed or being formed are interested in making great leaders of themselves and are expanding or trying to expand throughout the United States. Since Local Unions in this area are uniting, and at this time seem very interested in banning together to fight our common problems the same way, which is the correct way, this is the reason why we are not backing or taking part in this boycott. The reasons will be explained at the end of this bulletin.

Like most of you I have a set of encyclopedias, so I looked in one of the books to see what Our Constitution of our Country really says and tried to interpret its real meaning. This was my first time to really read it to see what it really says and what it means to me. I do know that July 4th is Independence Day. I understood that in 1776, on July 4th, that we gained or won our independence from Great Britain (England). I took it for granted that our supposedly great forefathers, such as George Washington, James Madison, George Mason, Governor Morris of Pennsylvania and Roger Sherman, just sat down right then and drew up this great document that we call our Constitution. I had heard it was one of the greatest documents that has ever been drawn up. Now that I have read what actually happened according to the "Britannica Junior Encyclopedia," I have a different opinion from what I had been told.

First of all, what I write is my own personal opinion and this could be incorrect, so anything I write here, "YOU" should check it out. Our first Government of the United States was the "Articles of Confederation." They were adopted in 1777 and by the end of 1781 all 13 states had ratified this form of government and law. Federal taxes were left out of this government. Commerce troubles led to a meeting in Annapolis in 1786. This group asked states to send representatives to Philadelphia in May, 1787. This Philadelphia meeting was held and it was all "secret." This new constitution provided a way to amend it, "but they did not make it easy." An amendment may be proposed by a two-thirds majority of both houses of Congress. Under this new form of government no one branch of the Central Government was supposed to be able to control by itself the affairs of the nation. One branch consisted of Congress (the Legislative Branch), another was the President (Executive Branch), but one of the most important that we tend to overlook is the Federal Courts (the Judicial Branch). The Judicial Branch of our government is supposed to interpret and apply the provisions of the "Constitution." These Federal Judges have a right to rule laws unconstitutional if it finds they do not agree with the provisions of our Constitution.

This new form of government went into effect in March of 1789. It consists of a Preamble and seven (7) articles. Remember this, the Preamble starts off as saying, "We the people of the United States." It also says "promote the General Welfare," yet in Article 1, Section 2, paragraph 3, it says "which shall be determined by adding to the whole number of 'free persons', including those bound to serve for a term of years, and excluding Indians not taxed, THREE FIFTHS OF ALL OTHER PERSONS." You have to remember that in those days there were slaves, therefore in order to get this new form of government, it was agreed that the whites could buy foreign slaves (blacks) from the blacks until 1808.

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Now let's get to the Amendments to the Constitution of the United States. The first ten (10) are called the Bill of Rights passed December 15, 1791. Next, the Eleventh, was ratified in 1795. The Twelfth was ratified in 1804. The Thirteenth (Civil Rights Amendment), Fourteenth and Fifteenth were passed in 1865, 1868, and 1870. Even these three amendments excluded Indians not taxed and FEMALES. FEMALES finally got rights in the 19th Amendment in the year of 1920. Amendment #24, and the last, was ratified in 1964.

The point I am getting at and the sole purpose of all this part of this bulletin is to try to point out what kind of politicians we have had in the past. For such a perfect document that was written in 1788, there sure has been a lot of snow jobs on voters about "we got what." With all the "Amendments" that have been passed since 1789 until now, there is not too much that is very clear. There is, in my opinion, a need for Amendment #25 to really clarify the Preamble, the Seven Articles, and the Twenty-Four Amendments. In my opinion, the Fourteenth Amendment should be clarified more specifically, because that article was ratified in 1868 and at that time, to the best of my knowledge, there were no school buses.

As for our present federal politicians that are in office today, they have the same rights as others have had in the past, to pass an amendment and correct our school systems properly by seeing that all schools and teachers are as equal as possible and spend money to make both of a better quality than we presently have (Kentucky is 50th, I think, in Education). Then they could stop working hardships on the parents who work for a living and stop discriminating against the blacks by forcing little black children to be bused for at least eight (8) of their twelve years of school, and little white children no more than two (2) years. In my opinion, everyone, regardless of race, should want their children protected as much as possible and should not want them worn out riding a bus for one, two, or three hours extra each day.

So, our Executive Board is not going along with a "Boycott" of work on October 1, 1975. The most effective way for all of us to combat this unfair burden placed upon us by the judicial part of our federal government is a march on Washington, D.C. at a date to be announced later. This march is being formed by Local Unions in this community. We have had one meeting already (last Friday, September 19th), and all Locals present (12) felt this was the best idea and were very much enthused. So as you can see, you can help get EQUAL RIGHTS for everyone (both blacks and whites), by using that day's pay to sponsor you or another member for that march on Washington, D.C. The cost per person on a union bus is around \$12.00. Therefore, as you can see, your money for working on October 1st can be put to a better use for the Union's (Locals in this area) march to help children, help working parents, help correct the real problems, and put the tax dollars where they belong, such as in schools and to teachers, instead of taking more of your money to pay for buses - drivers - gasoline - maintenance - insurance, and have the politicians of today giving us (black and white), the same old "snow job" that we have had since 1789.

Fraternally,

Kenneth G. Cassidy
Kenneth G. Cassidy
President
Local 761, IUE

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ISSUED BY LOCAL 761, IUE

SEPTEMBER 25, 1975



January 16, 1976

Jack Shore, Chairman
Union Labor Against Busing
2902 7th Street Road
Louisville, Kentucky

Dear Jack:

I am writing this letter after receiving a familiarization of what took place last night, January 15, 1976, in your meeting at the Union Hall of U.A.W., Local 1336.

I wish to explain to you two things.

First of all, it has been brought to my attention from our officers as to what has happened at all U.L.A.B. Meetings. It was and is my flat, firm position that U.L.A.B. was formed so that Unions could get involved, united together, so we could, as Locals, fight this unfair, unreasonable and deplorable condition of Forced Busing. It was my position that we were not violating any Constitution of either our Local, our International, nor the AFL-CIO, as long as we ran our business as Union Locals by Union Members. It has, as you very well know, not been my position, nor our Local's position, to say "we are big and will run U.L.A.B." "You know this because when I suggested that we form an organization of Unions and officers were voted on, that you and I were nominated and I refused the nomination stating that; #1 I had enough work already and; #2 I felt we (U.L.A.B.), would be better off with a chairman from another Local so that more Locals would join, knowing that Local 761 wasn't trying to be the 'big dog'." My position is still the same as it was at the time U.L.A.B. was formed, and that position is "that U.L.A.B. has to act or run the meetings and programs formed without any outside organization telling the Union organization what to do." That includes good organizations as well as "No-No" organizations such as the K.K.K., the John Birch Society, the Black Coalition, or the Black Panthers.

Jack Shore
 January 16, 1976
 Page 2

If, in my opinion, we could affiliate with other good organizations or support them as a Local Union, then I would have suggested that we pick one of the good ones and join or support that group. It is not Local 761's position that we are trying to tear up or break down any of the organizations that are "labeled" as bad organizations, such as the K.K.K. or the Black Panthers. As far as I am concerned, any of our members can join any organization they choose. I personally think every American has a right to join whatever organization they choose as long as it is legal. I think I have my rights also, and I do belong to such organizations, such as the Masonic Lodge, Moose Lodge, etc. But my interpretation of our Constitution and Resolutions adopted by Unions at conventions, is that this busing issue is legal as long as we don't make it a black-white issue, but an educational issue.

The Resolution adopted by the Membership of Local 761 was an educational resolution, not a resolution involving integration. So my argument with our International, the IUE, is that we are as legal as hell and I can continue to fight for quality education through the building of schools, the re-modeling of out-dated schools, and by hiring more qualified teachers if that is a problem.

Since that has been and still is my position, I, as President of Local 761, was forced to withdraw from U.L.A.B. due to U.L.A.B. officer or officers meeting and negotiating with people who promote violence (the elimination of the black man), instead of peaceful demonstrations to stop Forced Busing, as that does not upgrade, but degrades education.

The second part I wish to explain is that my delegates to U.L.A.B. have assured me that the officers of U.L.A.B. have now, finally, taken a stand that U.L.A.B. is an organization separate and aside from any other organization and that the officers of U.L.A.B. have taken a stand that they will run U.L.A.B. and will not affiliate with or allow other organizations to dictate to or run U.L.A.B. We are hereby re-joining our good Union Locals of our community in U.L.A.B. and will continue to support and be very active in that organization.

However, I strongly recommend that a constitution be written or a set of rules be put into writing so that it will be plain to everyone that U.L.A.B. is a separate organization and that U.L.A.B. stands for equality and will not discriminate or participate in any form of discrimination because of race, color, sex, creed, marital status, age, or national origin.

• Jack Shore
January 16, 1976
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If U.L.A.B. needs any assistance or anything from Local 761, please do not hesitate to call upon us. If you have any questions concerning any position I have taken in the past or my position now, please feel free to call or come see me.

Fraternally,

Kenneth O. Cassady
President
Local 761, IUE

KCC/es
oeiue 741

cc: L. Sexton

1-19-76

At the time ULAB was formed, Local 761 had taken a position on our educational system over 1½ years before (February 10, 1974).

That position was presented in the form of a resolution that was meant to contain 4 things:

1. Upgrade the school systems in Jefferson County so that "all" schools would be modern.
2. Hire teachers of the highest caliber for all schools alike.
3. To be against busing, the forced kind, because that would not correct anything.
4. It was drafted by a black male and white female so it wasn't intended to be a racial issue at any time.

That is still the position of Local 761.

At the time ULAB was formed that was the position of Local 761. It still is our position and will continue to be as long as I am President.

At the time ULAB was formed, there were many leaders and many organizations that we could have met with and backed, if I felt a labor organization should join, be a part of or flirt with. Since we had had a running gun battle with one outside organization, who wanted to represent one race of our members, I felt that there was no way to support or join with another outside organization, and do things under their rules.

So the conclusion I came up with was that Local 761 would not join or associate with any group. For an example, while I was in Toronto, Canada attending a GE-IUE Conference Board Meeting, Local 761 wanted to demonstrate and did by using the parade permit of a Reverend Hughes. I saw the results of that on TV, where Mr. Hughes could have gotten us in trouble (with our International and also our Membership). But still, I knew that in numbers there was strength. It was decided that, if we couldn't or didn't go it alone, we, as a Local, had two choices:

1. Try to find enough Union Locals who could join hands and fight our battles for a better community or
2. We could just drop the whole issue and allow our members to hunt other organizations to get rid of their anger with.

We tried #1 and it was successful. Now I feel that at this time ULAB is about to become a stick of dynamite. To be very honest with you, I will not play with dynamite. As all other human beings, I have a tendency to

protect myself. That is the reason for my requesting this meeting. I would like to voice my opinion of what I feel is necessary to protect myself and my Local's Membership.

1. ULAB must act separately and independently and in no way be affiliated with, work with, be a party to or have any connection with any group outside organized Labor.
2. All recommendations and decisions must be made by members of ULAB (Members of Local Unions).
3. An attorney must be contacted and consulted as to ULAB rights and especially in the field of finance.
4. All officers in ULAB must not be a member of any outside organization regardless of how good or how bad that organization. This excludes Fraternal (such as Knights of Columbus or Masons) religions (not including Reverend Hughes or Southern Christians, etc) or political (not including communist) organizations.
5. ULAB must not be a discriminatory organization either in words or actions. This includes race, sex, national origin, martial status, religion or political belief. (Again excluding Communist.)
6. ULAB must file all papers of any nature, including finance, that are required by our Federal, State or Local Government.
7. The dues for ULAB must be left up to each local as to how they are collected. I strongly recommend, to each Local, that it be on a voluntary basis.
8. Until further change in ULAB, I recommend that dues only be collected as needed.
9. Until ULAB changes its name, it will stick strictly to the ~~issue~~ it was formed for, and make recommendations to the proper people, a solution to the problem. In other words, I strongly recommend that ULAB insist that the children of our Community have a quality education, through bettering and equalizing all schools. This includes buildings, facilities and if necessary, teachers.
10. In the future I can see ULAB changing its name and becoming O.L.B.C.C. (as a 1st suggestion). OLBCC would stand for Organized Labor for the Betterment of our Communities and Country.
11. ULAB must be a non violent organization. It's fights must be through demonstrations, marches, politics, etc, not planned violence of any kind.

12. ULAB must be a two party organization at least. In other words, it must put the blame on the correct politicians, regardless of party, or the closeness of that party. Each politician must be judged by his or her actions, not what they say they have done.
13. All Local Union Presidents should be on a recommendation committee. If the officers of ULAB feel that any of these rules or the constitution must be changed, since the Local Presidents are the ones who have to face their membership and answer to their respective International, they can protect ULAB.
14. ULAB must work within the rules of the House of Labor as the Local Presidents interpret those rules.
15. ULAB will consist of any or all Local unions that bargain for employees and are recognized by the NLRB, regardless of whether they are AFL-CIO or not. Each new Local entering will be investigated as to their validity, by a screening committee.
16. All ULAB Meetings must be open to the press so long as the press reports the facts. It cannot be a secret organization.
17. ULAB must have a fact finding committee, appointed by ULAB officers, that are honest and cannot be swayed. (Trials Committee).

These places where I have used the words will or must, mean that these particular parts have to be met to clear Local 761. In the places I have used "should" or other words like it, mean that I only suggest this.

I would like to repeat what I said at the time ULAB was being formed. Neither Local 761 or myself desires to dictate to ULAB. We do not desire any more public attention than we already get as being a Local. I, along with most of our officers, have a very full time job.

But I should say to you in all fairness, the reason for these rules are to protect me and my Local. That is a poor choice of words, but I should have said to protect me as President of Local 761 and the other officers and Membership of Local 761.

Thanks for your time and attention, but in this case I felt this was necessary and also it would give the officers of ULAB guidelines or rules to live by and protect them instead of having to go at business hap-hazardly.

Kenneth G. Cassidy

P.S. Other rules and regulations or things added to a Constitution can be added, but repeat - repeat - repeat- I want protection.

January 26, 1976

Jack Shore, Chairman
 Union Labor Against Busing
 Sheet Metal Workers, Local 110
 2902 Seventh Street Road
 Louisville, Kentucky 40216

Dear Jack:

This letter is to officially notify you, the officers and members of ULAB, that I, Kenneth Cassady, President of Local 761, IUE, AFL-CIO-CIO, am officially withdrawing our great Local from an organization that we, as officers of Local 761, worked hard to create.

As you know, I withdrew Local 761 officially from ULAB about two weeks ago. I understood that you were going to clean house and run ULAB as it was intended to be run. We, or should I say I, sent you a letter, due to the position you took that ULAB would be as the name indicated, saying we were rejoining.

However, due to your inability or reluctance to run ULAB as a Labor organization only, I am again for the last time officially withdrawing Local 761, IUE from ULAB since:

1. After I withdrew you didn't live up to the standards we needed.
2. Again on 1-17-76 ULAB had a representative in a meeting with twenty to twenty-five outside organizations, in a closed door meeting, such as the KKK would have. Mr. Louis Sexton said your representative was there.
3. Mr. Sexton and Mr. Armstrong had a meeting with me on 1-18-76, before and after our (Local 761, IUE) Special Membership meeting, and I made my thoughts clear to them.

Jack Shore

Page 2

January 26, 1976

4. On Monday 1-19-76 I sent you a letter by Ronald Risinger as to the needs of Local 761 and made certain things a "must" and some were strong suggestions. Regarding this letter you nor anyone from ULAB saw fit to meet with me and work something out, but took a head-strong position that other groups, such as Reverend Hughes, Sue Conner's group and the foreman's group were more important than Local 761. Maybe you are correct, but we will see.
5. At your meeting on Thursday, January 22, 1976, you "invited" all other outside groups present to join ULAB on Saturday, January 24, 1976 to help in the demonstration you held in Indian Hills.
6. After demonstrating from Cox Park through Indian Hills and back to Cox Park, I saw where ULAB didn't have the quality speakers to run the show, but relied on outsiders to speak, such as Sue Conners, who said something to this effect, (We can be effective if you continue to follow your "leaders".) To me this means the secret meetings were for all groups to join each other's group when demonstrating.
7. As per our conversation on Friday morning, January 23, 1976, when I talked to you personally and again re-iterated my position about outside groups, whether they be good or bad, that we couldn't even flirt with them and asked you to retract your statement that was made the night before. To this you told me that you would contact Louie Sexton and get back with me with an answer. I saw you, along with two other officers of ULAB, at Local 761 on Friday night and you gave no indication that you had an answer for me.
8. Then on Saturday, January 24, 1976, Mrs. Sue Conners had to wrap up the event for you by calling for unity in each group and follow each leader.

So since ULAB is labled the same as all other groups against "forced bus-ing" and is really not fighting for all union members, black and white alike, but using fancy words to indicate black are welcome, I am again repeating that Local 761 as a Local will not officially be a part of ULAB now and there is nothing to indicate to me that we will ever be again. Since you do not go for verbal rules, I see no reason that ULAB would go by (as I have requested) written rules or a constitution.

As always, our Members at Local 761 have a right to join anything so long as they do not indicate or represent Local 761. Since I am the

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Jack Shore
Page 3
January 26, 1976

one who interprets our Local International Constitution and Resolutions passed by our Local - District - International, plus our International Conventions, I have to tell you that ULAB is in violation of some of those Constitutions and Resolutions.

So you will be delivered this letter along with a copy to each ULAB Board Members.

"After" you have received this, it is my intention to call a news conference and release the complete history of ULAB and explain the reason for having to take the action I am now taking.

I want to repeat to you again, Local 761, IUE will "continue to fight forced bussing" the way the resolution, made on 2-10-74, at our Regular Meeting, was intended.

Thank you and I am,

Sincerely yours,

Kenneth G. Cassady
President
Local 761, IUE

KGC/kh
cc: 741

January 30, 1974

Local 761 voted on February 10, 1974 to be against forced busing. The Resolution was and still is that for quality education for all three things have to be done:

1. All schools must be made first-class schools by either rebuilding the old or building new or whatever is necessary to have the finest quality education for all.
2. If necessary, money should be provided so all schools will have the best qualified teachers available.
3. That forced busing is not the way to get quality education and that we be against forced busing and the money be used to upgrade our schools and if needed, to obtain qualified teachers.

Local 761 still stands by that Membership action and we will continue to work against forced busing and do everything in our power that is legal to see that all children get the best education possible, without riding buses.

Even though Local 761 was forced out of ULAB, after many letters and many hours of trying to communicate to them, Local 761 could not live with the way ULAB was operating and still keep from violating Constitutions and Resolutions of our International.

However, as I have said before, Local 761, IUE will continue as a Local trying our best to get the best quality education for all, without forced busing.

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Exhibit No. 38

June 17, 1976

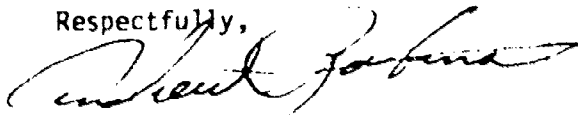
Attorney Buddy Blakely
U.S. Commission on Civil Rights
1112 Vermont Avenue
Room 410
Washington, D.C. 20425

Dear Mr. Blakely:

If you can recall on Wednesday, June 16 during the Commission hearings, I presented to you a written testimony that was to become a part of the hearing proceedings. As you can ascertain from the appearance of the written statement I presented you can tell that it was done in a hurried fashion in the press room. The statement has since been retyped and suitable, in terms of appearance, to become a part of the written report that is to be developed by your office. Please substitute the statement attached for the one initially presented.

Thank you.

Respectfully,



Andrew Robinson
Associate Director

tdl

Enclosure

June 16, 1976

The following testimony is presented to clarify procedures surrounding the development of the Student Concerns Project as prepared by the Jefferson County Education Consortium and the University of Kentucky.

Early in January 1976, I, Andrew Robinson, Associate Director of the Jefferson County Education Consortium (Assistant Professor at the University of Kentucky) and other Consortium staff members, met with school officials, Mr. J.C. Cartrell among them, to inform and outline procedures governing the Special Project funds available through the ESAA office of HEW.

At the initial stage of the meeting with school officials, it was clearly indicated that the funds were primarily for research and related activities. It was the intent of the federal legislation that such activities occur de-emphasizing direct services, thereby providing meaningful and realistic solutions to problems occurring in recently desegregated school districts. Those school officials in attendance at this meeting (as mentioned above) consistently disregarded the regulations and focused on the specific needs of individual schools which was easily translated into personnel to respond to or attend to specific discipline problems.

On several occasions, I specifically stated that the funds could not be used primarily for personnel, but must focus on the development of positive, long-range strategies and solutions that could be applied to the remediation of serious problem(s) of discipline and suspensions. Invariably, school officials continued to focus on personnel needs for each of the 15 schools with serious discipline problems.


It became apparent that additional personnel was a key factor in the school system's acceptance of this grant. This led to actually writing 15 positions in the program and budget to accommodate the school system's concern. The major thrust and focus of the program from the Consortium/University of Kentucky perspective was the research and parent, teacher, student training activities that would occur as a result of research findings. On March 5, 1976 a proposal, endorsed by the Superintendent, was submitted to the ESAA office in Washington, requesting some \$520,000. It should be noted that of the total amount requested, approximately \$270,000 was earmarked to employ 15 school counselors for eventual assignments to schools with the highest incidence of suspensions. The remaining \$250,000 was left to carry out research, the development of training materials, and for parent, teacher, student oriented workshops.

Early in April, Ms. Dorethea Perkins, Program Officer from the ESAA office met with Consortium staff to conduct a preliminary review of the budget. At that time Ms. Perkins again stated the intent of the special ESAA Student Concerns funds, according to the regulations, was to support research directed toward the resolution of problems of school discipline and suspensions. She further stated that the 15 people, as described in the proposal, would be viewed by the Office of Education as a form of supplanting and was, therefore, not an allowable or fundable item in this instance. In addition, it was revealed that, because of limited funds and the need to assist many school districts confronted with similar problems, it was necessary to limit the amount of money available to the Jefferson County System to \$225,000.

This information was shared with school officials along with the expressed need to modify and adjust the program to fit the allowable dollar allocation. The revised program was then reviewed by J.C. Cantrell

and his staff, who in turn informed the Jefferson County Education Consortium that the school system, because of the loss of the 15 staff positions, would no longer support the Student Concerns Project.

Contrary to the testimony presented by Mr. J.C. Cantrell, Deputy Superintendent for Instruction, there was never a change in the regulations. The problem appears to be related more to the system's attempt to circumvent the regulations and guidelines in an effort to implement a plan of action regarding suspensions which is not necessarily indicated by available data.


Andrew Robinson, Ph.D.
Associate Director, Jefferson
County Education Consortium
Assistant Professor, University
of Kentucky

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Exhibit No. 39

A
DESCRIPTION

OF THE
LOUISVILLE DIVISION OF
POLICE

RESPONSE TO
COURT-ORDERED BUSING
FOR
SCHOOL DESEGREGATION
1975

PREPARED FOR

JOHN H. NEVIN
CHIEF OF POLICE

BY

DAVID F. SMYDRA
ASSOC. CHIEF OF POLICE

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ABSTRACT

This provides a description and analysis of the activities by the Louisville Division of Police as it dealt with community reaction to court-ordered busing. It is designed to be utilized as a resource tool for future planning as well as to provide a historical statement of police activities resulting from court-ordered busing. Questionnaires and interviews were used to compile the information contained in this description.

I. INTRODUCTION

A. PURPOSE

The primary purpose of this report is to serve as a resource document to aid in the police planning process for major community disturbances in the future. One of the primary weaknesses of all police agencies in the past has been that they have failed to assess the nature and type of their response to major community events. Consequently, police agencies have been plagued with inadequate planning, and their responses to community events has often been confused, fragmented and disorganized. By utilizing proper planning, these problems can be all but eliminated.

The secondary purpose is to provide a brief historical statement of events, as seen from the police perspective, surrounding the implementation of court-ordered busing for school desegregation in Louisville. Such a statement should prove to be of great value in the development of a more professional police organization.

B. METHODOLOGY

This report is not a restatement of the tactics and methods utilized by the Division of Police during court-ordered busing activities. Rather, it is an analysis of the effectiveness of tactics and strategies utilized in the manual. An extensive planning manual was prepared prior to the busing event, and this report is designed to complement that manual.

A brief questionnaire was distributed to a sample of 25 officers from throughout the Division as the primary means for gathering the evaluation material. In addition, interviews were conducted with selected personnel from the leadership ranks as a means of complementing the questionnaire data. This information was gathered by personnel from the Planning and Research Section of the Division.

Since the questionnaire was of the open-ended type, it was necessary to transfer the general statements and comments into a format suitable for brief, yet accurate, presentation. Thus, it was necessary to delete some of the redundant comments contained on many of the questionnaires.

C. VALUE OF REPORT

Most evaluations of police responses to massive community events, have come from civilian investigative agencies outside the Police Department, (Chicago, Detroit, Los Angeles). Such outside evaluations were necessary due largely to the inadequacies of the police response, as well as to the inability and unwillingness of the police agencies to evaluate themselves. This report is an attempt at demonstrating that police agencies are not only capable of evaluating themselves, but that they can improve themselves as a result of their own criticism.

For the non-police officer, this report should provide a statement of how the Louisville Division of Police was utilized as a community resource in helping to attain a community objective - namely, the orderly implementation of the law.

II BACKGROUND INFORMATION

A. SCHOOL MERGER

On April 1, 1975, the City and County school districts were combined into one general school district for all of Jefferson County. This merger was an issue of some controversy throughout the City and the County, and marked the beginning of community debate on court ordered school desegregation. Since this merger was one of the first to occur in the "South", it attracted some national attention.

B. LEGAL ACTION

On July 30, 1975, U. S. District Judge James F. Gordon, ordered the desegregation of all Jefferson County Schools by means of busing students. Judge Gordon's order provided that at least 22,600 students would have to be bused in order to assure that all schools contained a black population of between 10 and 40 percent. With the issuance of this order, it became abundantly clear to the Louisville Division of Police that they would have to make extensive preparations in order to assure the peaceful and orderly implementation of the desegregation order.

C. COMMUNITY RESPONSE

While there was disenchantment, frustration and hostility expressed by some areas of the community to the desegregation order, it was difficult to discern any uniform attitude or feeling throughout the community. In terms of police planning this presented a problem for it was difficult to prepare a proper response. Since it was so difficult to predict what would happen when school opened, the Chief of Police decided to adopt an approach of "prepare for the worst and hope for the best." Consequently, an extensive planning program was initiated.

D. PRELIMINARY PLANNING

The planning process was initiated in January, 1975 when the Chief of Police began to hold discussions with his staff regarding busing implementation. Attempts were made very early to hold discussions with County Police personnel but the meetings, when held, were of little value. Since it became evident early that input from the County would be very limited, the City decided to pursue its planning activity as best it could alone.

From January to July, 1975, a number of preliminary meetings were held at the City and County level to assess the impact of court-ordered busing. The primary purposes of these sessions were to identify key personnel and agencies in the area who would be involved in implementing the court order, and to develop liaisons and working relationships between the personnel and agencies. It was a result of these meetings that key operational and planning personnel from the school district, city government, and the city police first began working together toward a common purpose. These initial meetings were a critical part of the total planning process.

Information regarding plans utilized in other cities were also collected during this initial phase. This information, although limited, was utilized during later stages in the planning process.

III. PREPARATION ACTIVITIES

A. PLANNING

The planning effort that went into this operation was the most extensive ever utilized by the Division of Police. The primary emphasis of this planning was on tactics and organization.

Strategic. Most of the strategic planning that ensued was informal and done in the context of meetings. It was decided that a high priority would be placed on maintaining as much normalcy as possible within the city. This meant that demonstrations were to be kept orderly, and that activities in the schools were to be closely monitored. The response of the Louisville Division of Police to any violence or threatened violence was to be immediate and of such strength as to immediately quell the disturbance.

Since the Division was unable to discern where the majority of problems would occur, i.e., in the streets or in the schools, it was decided that the Division should prepare its tactical organization such that it was capable of responding to both.

The strategy that was actually followed by the Division of Police often was a result of an on-the-scene decision made by the Mayor, Safety Director, Law Director and Chief of Police. This is particularly true for the major demonstrations that occurred on Thursday, September 4, and Friday, September 5.

Tactical. Virtually all the planning that went into the busing operation could be characterized as tactical or organizational in nature. This tactical planning stage was initiated in mid-July when a Lieutenant from the Traffic section and an Officer from the Planning & Research section were assigned full time to develop a tactical plan for the Division. On August 1, a Lieutenant Colonel was placed in charge of the total planning operation and given the responsibility for establishing a command center. At the same time, another Lieutenant Colonel was assigned the task of establishing a communication center as well as setting up a mass booking process. A third Lieutenant Colonel was assigned the task of directing normal police operations while the Task Force was to be operational.

An extensive planning manual was developed during this planning stage and was distributed to all command officers throughout the Division approximately a week prior to the opening of school. This manual provided a detailed description of both policies and procedures to be followed by all personnel during the operation of the Task Force.

On Friday, August 29, the set up of the field command post was initiated, and by Wednesday, September 3, was fully operational. Likewise, the communication center and the field booking stations were completely operational by Wednesday, September 3.

On-Going Planning. Since virtually all the tactical problems were directed at a daytime operation, it became necessary very soon to alter the original plans and maintain an on-going planning capability. Thus, as the activity tended to develop on the streets within the city and around the schools in the county, it was necessary to adjust the tactical plan to meet these developments.

Limitations.

1. The utilization of district personnel in the planning phase would have aided in the implementation of the plans.

2. The lack of a contingency plan to provide for a 24-hour operation caused a delay when it became necessary to go to a 24-hour operation.

3. A thorough re-call procedure would have assisted in the re-activation of the Task Force as well as aided in the rapid deployment of personnel to trouble spots.

4. Concern for the creature comforts of Task Force members while stationed at the command post could have received higher priority. Particularly as the Task Force operation was prolonged, these creature comforts became increasingly important to the operational personnel.

B. TRAINING

Command. On September 2, all command officers assigned to the Task Force were provided with a day of training. This consisted of four hours of review of the Task Force plan, and four hours of review of crowd control tactics. In addition, during the week prior to the opening of school, meetings were held throughout the districts regarding Task Force operations and the responsibility of district personnel while the Task Force was operational.

Operational. On Wednesday, September 3, all members of the Task Force were assembled at Churchill Downs for a day's training in crowd control. Riot gear was distributed at this training session, and all personnel were given their squad and team assignments.

Limitations. The primary limitations of the training was that it was too short in duration.

C. COMMUNICATIONS

A communications center was established at Police Headquarters through which all forms of communication were to be processed. Directives from the communications center were to have priority and greater credibility than communications received from any other source. Present at the Communications center were representatives from the National Guard, County Police Department, and the Louisville Fire Department. It was originally designed that the Chief of Police would be located at the communications center.

Limitations. Some confusion developed as to the role of the field command post in issuing field directives. There were occasions when directives were not processed through the communications center and this resulted in occasional confusion among Task Force personnel. Also, since it was necessary for the Chief of Police to often be at the scene of a disturbance, the role of the communications center as the source for command decisions was diminished.

Additional training for dispatchers would have eliminated some of the communication problems experienced on September 4, and September 5.

D. INTELLIGENCE

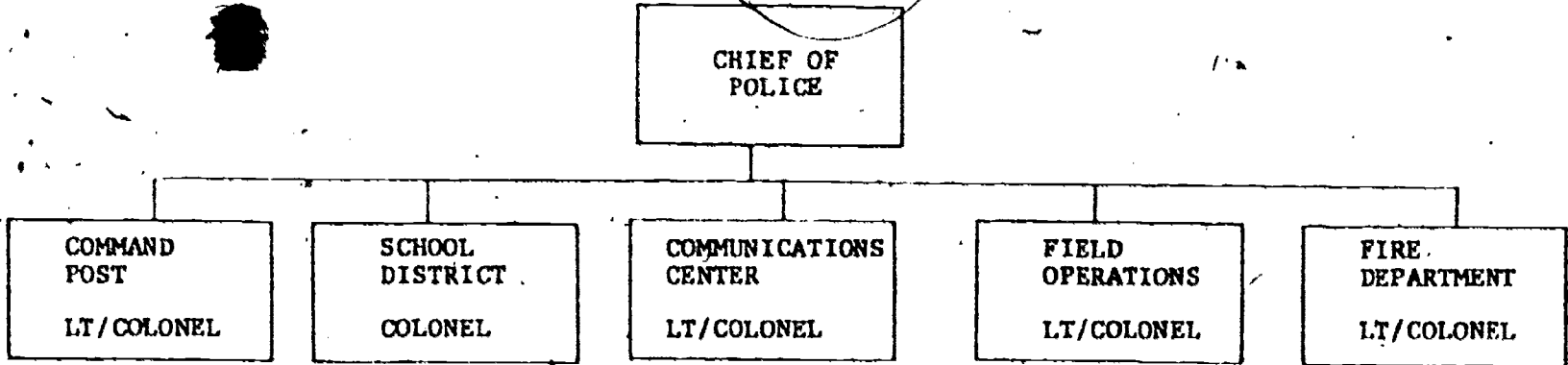
Intelligence information was of very little use to the Chief of Police or to the planning process prior to the implementation of the Task Force. Due to the excessive number of rumors that occur during a disturbance such as busing, and due to the inability of intelligence personnel to adequately screen this information, the credibility of information received from the intelligence unit quickly became suspect. Virtually all personnel connected with the command or planning operations of the Task Force agreed that the intelligence function was the least successful of the entire operation. Infiltration tactics were used extensively by intelligence personnel, but there were to many instances of unsubstantiated rumors being passed on as reliable information to make this tactic completely successful.

IV. ORGANIZATIONAL ASPECTS

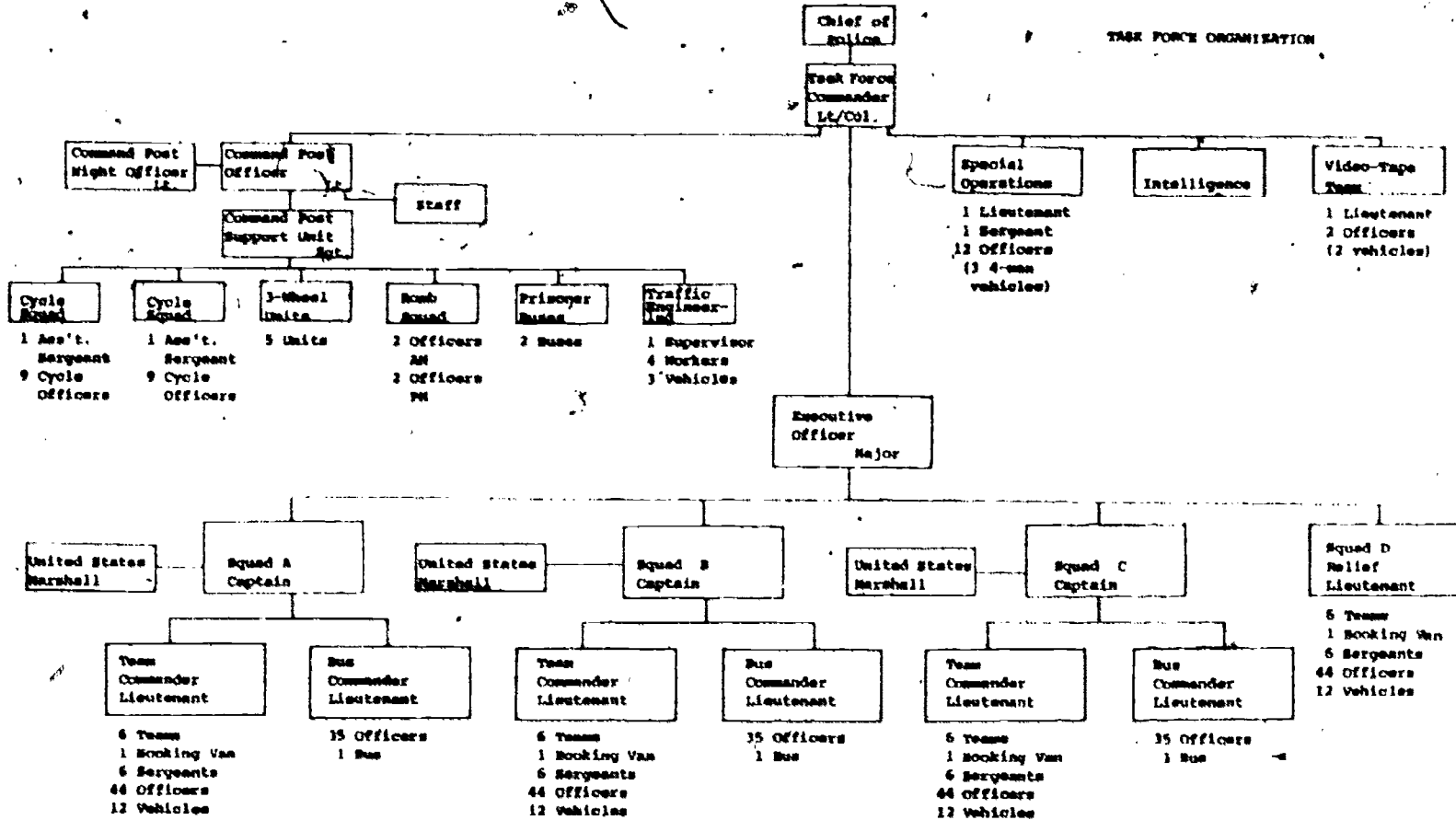
The following table of organizational charts provide information pertaining to the basic allocation of personnel for the Task Force operation. The first chart provides an indication of the manner in which top staff officers were utilized, while the second chart provides personnel and organizational information regarding the Task Force.

This organizational information is designed to supplement the material contained in the tactical manual.

COMMAND STAFF ASSIGNMENTS



TASK FORCE ORGANIZATION



V. NARRATIVE OF EVENTS

The following pages contain a narrative description of all the busing activities from September 4, 1975, through December 31, 1975, which required police action. Three separate means are utilized to present this information.

The first chart is a "calendar of events" which provides a visual overview of the planning, training, and operational activities of the Police Department, as well as the dates of all major demonstrations that occurred within the city. This chart is particularly useful in relating one series of events to another series of events according to time frame.

The second document is a listing of all busing demonstrations that occurred within the City of Louisville that is organized according to date, day, organization, route, and number of members.

Third, a narrative description of the actual events is provided chronologically by date. In the cases of the major demonstrations, this narrative takes the form of a radio log so that the events can be followed on a time sequence basis.

CALENDAR OF EVENTS
APRIL 1, 1975 - DECEMBER 31, 1975

EVENT	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
PLANNING:	1-6-75								
Preliminary	←			→ 15					
Tactical (Manual) Communications				15 ←	→ 4	→ 4			
Booking/Processing				→ 4	→ 4	→ 4			
TRAINING:									
Command					25 ←	→ 4			
Operational					2	→ 4			
OPERATIONS:									
Task Force Operational						3 ←	→ 14		
Command Post Operational						3 ←	→ 14		
Field Booking Operational						4 ←	→ 19		
DEMONSTRATIONS:									
City Only					23 ← 30	4, 6, 7, 10, 15 20, 24, 25, 27	11, 14, 18	1, 5, 17 20, 22	→ 6
EVALUATION							14 ←		→ 31

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BUSING DEMONSTRATIONS

<u>DATE</u>	<u>DAY</u>	<u>ORGANIZATION</u>	<u>ROUTE</u>	<u>NUMBER OF MARCHERS</u>
8/23/75	Saturday	Parents for Freedom Rev. Hughes Various Unions	4th and Broadway, in 5th to Courthouse On sidewalk	Application stated 500 Best police estimate 1,500
8/30/75	Saturday	People United	Shawnee Prk., up Broadway to 5th, in 5th to Court- house On sidewalk	100-150 at best
9/4/75	Thursday	Concerned Parents (This parade was cancelled by CP, only Conners walked)		1
9/4/75	Thursday	(DEMONSTRATED WITHOUT PERMIT)	Floyd & Broadway -all over downtown area with concentration at Federal Bldg. and City Hall at various times On Street	6,000 approx.
9/6/75	Saturday	Concerned Parents (CANCELLED BY ORDER OF THE MAYOR)	Floyd to Federal Bldg.	
9/7/75	Sunday	People United (CANCELLED BY ORDER OF THE MAYOR)	Shawnee Park to Courthouse	
9/10/75	Wednesday	Committee of 101 (TURNED DOWN FOR NON-COMPLIANCE WITH JUDGE GORDON'S ORDER)	Federal Place	
9/15/75	Monday	Independent Taxpayers & Parents	Walked around Courthouse assembled in Fed. Plaze Or sidewalk	100

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<u>DATE</u>	<u>DAY</u>	<u>ORGANIZATION</u>	<u>ROUTE</u>	<u>NUMBER OF MARCHERS</u>
9/20/75	Saturday	Ind. Tax payers	Floyd & Broadway to Fed. Bldg. & return to Floyd on sidewalk 12:00-2:00	400-500
9/20/75	Saturday	Voters Against Bussing (sic)	Brook and Broadway up Broadway to Registration office 10:00 - 11:00 a.m. On sidewalk	200 - 300
9/24/75	Wednesday	Mothers for Children's Freedom	Around Federal Bldg. On Sidewalk	20-30 at best
9/27/75	Saturday	Concerned Parents	7th & Broadway to Brook back down Broadway to Federal Place In Street	8,000-10,000
9/25/75	Thursday	Citizens Against Busing	Around Y.M.C.A. 604 S. 3rd St. On sidewalk	20-30
10/11/75	Saturday	Portland-Westend Parents	26th and Griffith around Portland area and back to 26th and Griffith On Sidewalk	100 - at best
10/11/75	Saturday	Progress In Education	4th & Kentucky to Broadway-Broadway to 5th to Courthouse On sidewalk	500-600

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<u>DATE</u>	<u>DAY</u>	<u>ORGANIZATION</u>	<u>ROUTE</u>	<u>NUMBER OF MARCHERS</u>
10/14/75	Tuesday	East-enders against Forced Busing	Clifton around Crescent Hill On sidewalk	150
10/18/75	Saturday	West-enders against Forced Busing	25th & Main to Broadway east on Broadway to Fed. Plaza On sidewalk	100-
11/1/75	Saturday	Kingston Against Forced Busing	30th & Portland around Portland area On sidewalk	Under 100
11/5/75	Wednesday	Crescent Hill Residents Against	Clifton Area On sidewalk	150
11/17/75	Monday	Let Our Children In (NOT ISSUED - CONFLICT WITH JUDGE GORDON'S RULE)	South-end	
11/20/75	Thursday	South-end Parents for Freedom	Taylor & Bicknell around South-end area On sidewalk	50
11/22/75	Saturday	United Black Union Workers 9:00 - 12:00	15th & Chestnut east on Chestnut to 5th to Courthouse (In street to 5th on sidewalk to Courthouse)	150
11/22/75	Saturday	Union Labor Against Busing	7th to 1st on Broadway - turn south on 1st - back to Broadway down Broadway to Courthouse and Louisville Gardens	5,000 - 6,000
12/6/75	Saturday	Okalona Merchants Association	7th to 1st on Broadway and 1st	500 to 600

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THURSDAY, SEPTEMBER 4, 1975

Roll call was held at the Field Command Post at 0415 hours, one hour earlier than was scheduled for the remainder of the detail because it was the first day and rough spots needed to be ironed out early. All personnel were present or accounted for. Personnel were given their assignments and instructions that were not given out at the training session the preceding day.

The headquarters command center was manned and operating by 0500 hours. Intelligence Units in the field were active and calling in information of rumors and confirmed information on the low band radio to the command center. The HOT LINE phones were tested at all locations and information and problems were transmitted by these lines.

By 0800 hours information was beginning to be received concerning a slow build up of people (demonstrators) in the downtown area, although no mass gathering of these people had yet been seen. Intelligence Units were at Floyd Street and Broadway, awaiting the arrival of Mr. Conners, who was scheduled to make a lone protest walk since the mass demonstration had been prohibited by Judge Gordon.

At 0830 hours, Chief Nevin left the command center and proceeded to Floyd and Broadway to see for himself just what was taking place. By this time, larger groups of people were being accounted for, not only downtown, but also at the union hall of the International Brotherhood of Electrical Workers on Preston Street and at the Kentucky State Fairgrounds. There seemed to be evidence that there was an organized move underway for all of these groups to get together somewhere for a demonstration.

0900 hours - Mr. Conners started his lone protest march from Floyd and Broadway.

0910 hours - Intelligence units and Captain Swartz reported from Second Street and Broadway that the protesters, mostly union workers from General Electric and Ford Motor Company congregating in front of Stouffers Inn.

0915 hours - Chief Nevin moved to Second and Broadway and ordered Delta Squad and SOS to move from the command post to Second and Broadway and to Seventh and Broadway respectively. All regular shift traffic officers were ordered to move to channel four to assist with the march that was about to take place. At this time, the crowd was at about two to three hundred and building in size rapidly.

0919 hours - After being addressed by Captain Swartz, the crowd at Second and Broadway started moving north across Broadway and west on the North sidewalk from Broadway. At this time, Chief Nevin called for Alpha Squad and Bravo Squad to stage at the rear of headquarters and the old city tow lot on Magazine and stand by.

0922 hours - Chief Nevin ordered the Traffic Units to keep the march on the sidewalk. There were about 500 persons in the demonstration by this time.

0931 hours - The marchers were arriving at the New Federal Building.

0936 hours - Car 60 (Lt. Roy Nail) advised Chief Nevin that the crowd was pressing against the windows in front of the Federal Building - Chief Nevin ordered Bravo ninety (35 man bus) formed up by Bravo One and marched to the New Federal Building to protect the front of the Federal Building.

0939 hours - Protesters left the front of the Federal Building, proceeded south on Seventh Street and east through the parking lot in the rear of the Post Office Building. At this time T-10 (SOS) was dispatched to protect the doors of the Post Office Building.

0944 Hours - In order to eliminate the possibility of injury, Chief Nevin ordered traffic cut off of Seventh Street at Broadway, and Sixth Street at Chestnut Street.

0950 hours - After circling the Federal Building, the crowd moved south on Seventh Street and went east on Broadway. Chief Nevin ordered traffic restored on the streets that had been cut off. Delta Squad was ordered to move up to Sixth Street and Broadway.

0957 hours - Crowd stopped at Armory Place and Broadway momentarily and then the majority of them went north on Armory Place. A small group split off and continued east on Broadway. The main body continued north on Armory Place and then turned west on Chestnut Street. At Sixth and Chestnut Streets, the crowd turned south momentarily and then changed direction and went north.

1001 hours - Intelligence Officers reported that there was a crowd of about two hundred people gathered at the Fairgrounds. This crowd reportedly moved from the Fairgrounds and headed for the downtown area.

1002 hours - Marchers moved into Sixth Street blocking the entire street; still headed north. They went north on Sixth Street to Congress Alley, east to Fifth and South to Walnut. During this time the crowd doubled in size to about 1500 or 2,000 people.

1018 hours - Crowd now westbound on Walnut from Sixth Street.

1020 hours - Crowd northbound on Seventh Street approaching Liberty. Chief Nevin ordered the Echo Motorcycles to secure the doors at Police Headquarters.

1022 hours - Crowd at Seventh St. Northbound passing Liberty Street.

1026 hours - Crowd passing Seventh and Market.

1028 hours - Crowd turned east on Main Street from Seventh Street.

1031 hours - Crowd approaching Fifth and Main.

1034 hours - Crowd turned south on Fourth Street from Main, reportedly heading for the River City Mall. The Charlie Team that was still at the Field Command Post was ordered to Fourth and Liberty.

1040 hours - Crowd arrived at Fourth and Liberty. Echo motorcycles arrived and set up a skirmish line across Fourth Street but did not have enough personnel to completely block the entire street. Alpha Squad was ordered to Fourth and Liberty, code three, as well as Tom Team (SOS). The crowd made an assault on the police line and because of the lack of personnel, a breach of the line was accomplished by some one hundred and fifty to two hundred demonstrators. These people started south on the River City Mall but when they saw that the main body of the crowd had not accomplished a breach of the line, they returned and attached the rear of the police line in an attempt to get the main body of demonstrators through. Alpha Squad arrived from City Hall and fortified the police line which eliminated any further breach. Chief Nevin ordered the entire Task Force to Fourth and Liberty with the exception of Bravo Squad who were ordered to Fourth and Walnut to come in behind the police line and clear the protesters out who had breached the line. Because of radio confusion and the heat of the incident, the message never did reach Bravo One as to exactly what he was to do. The heavy traffic created downtown caused Bravo Squad a great deal of delay in arriving at Fourth and Walnut, and by this time things were in hand at Fourth and Liberty.

During the heat of the confrontation at Fourth and Liberty, Chief Nevin asked that a U. S. Marshall be sent to the scene, and this was done.

1045 hours - A booking van was called for at Fourth and Liberty.

1046 hours - Charlie Squad arrived at Fourth and Liberty. The teams that were in vehicles rushed in and further fortified the policeline. Charlie bus (c-90) formed up just north of Fourth and Liberty and did not move. This resulted in a lot of confusion because no one knew who the unit was and they failed to identify themselves when asked several times to do so.

1055 hours - The crowd behind the policeline started dispersing south along the Mall and the main body of the crowd started moving west on Liberty Street.

1056 hours - Again Chief Nevin called for the number of the unit in formation north of Fourth and Liberty. Some confusion resulted

when Bravo One identified this as his unit (in fact it was C-90). As a result of this mix-up, Bravo One was told to move his people to Third and Chestnut in case the crowd tried to gain entrance to the Mall from that direction. Just prior to this Bravo One had been ordered to Fifth and Walnut for the same purpose. This confusion resulted in a time delay in getting people in proper position.

After being called for by the name of the Lieutenant in charge of the team bus, C-90 finally identified themselves to car Three and were ordered to Third and Chestnut.

1100 hours - Main body of crowd completely dispersed from Fourth and Liberty and moved south on Fifth Street.

1104 hours - In answer to a question from Car Four, Chief Nevin ordered 25% of the patrol force to be assembled behind police headquarters and to stand by.

For the next thirty to forty minutes, reports were received from numerous locations that crowds of one to five hundred people were gathering. After the aforementioned time lapse, the main body of the crowd started gathering at Sixth Street and Broadway where they sat in the street and moved around in the street blocking traffic.

During this period, Chief Nevin took about two hundred officers and made a clean sweep of the River City Mall. He then met briefly with Chief McDaniels of the Jefferson County Police at Fifth and Chestnut. By this time it became apparent that the entire demonstration would be reassembled at Sixth and Broadway. During the split of the crowd into smaller groups of two to three hundred, our units were deployed all over the downtown area.

1133 hours - Chief Nevin ordered squads to regroup and get back to their mobile equipment. Delta Squad was intact and mobile, so they were sent immediately to Sixth and Broadway to control the situation there while regrouping took place. As the teams and squads reported that they were regrouped, they were sent by car Three to Sixth and Broadway.

Car 720 ordered traffic cuts eastbound on Broadway at Seventh Street.

1138 hours - Delta 10 requested the presence of a U. S. Marshall at Sixth and Broadway.

1141 hours - Major Tong (In copter) reported that all of the crowd had regrouped at Sixth and Broadway. Chief Nevin advised Car Three to send the entire Task Force to Sixth and Broadway.

1145 hours - All Echo cycles were ordered to start trying to bail out the traffic tie-ups in the downtown area.

1146 hours - Delta-ten reported that a dispersal order was read to the crowd, and that the crowd refused to move from the street. He further advised that he was going to clear the intersection and get traffic moving. Car One told Delta ten to make sure he had enough people before he tried.

1148 hours - Units at Sixth and Broadway called for help

745, Officer Jeff Moody was injured in a traffic accident while attempting to get in position to escort a booking wagon to the scene at Sixth and Broadway

1149 hours - Charlie Squad regrouped at Seventh and Broadway and reported ready for deployment. Car Three sent them to Sixth and Broadway to assist.

1153 hours - Bravo ninety reported regrouped and ready and were sent to Sixth and Broadway.

1157 hours - All units responding to Sixth and Broadway were told by Chief Nevin to make it as fast as they could.

1158 hours - Chief Nevin advised car Three to send the entire task force to Sixth and Broadway. (Holding nothing in reserve but the district patrol units that were grouping in the rear of police headquarters.)

Delta 10 called for the booking vans to move from Armory and Broadway to Sixth and Broadway to pick up prisoners. Because of the size of the crowd at that location, Delta 10 reconsidered and advised them to stand by between Armory Place and Fifth Streets instead.

1200 hours - After receiving some prisoners at Armory and Broadway, about four hundred of the demonstrators surrounded the booking van and refused to let it move. Officers on the scene called for back up, and then a few seconds later reported that the demonstrators were getting unruly and the mood of the crowd was nasty. Some ten seconds passed and the booking van called for all possible help at Armory and Broadway. At this time, considering the number of demonstrators involved and the changing mood of the crowd, Chief Nevin ordered that the District patrol force being held in reserve be dispatched immediately to Armory Place and Broadway. The time was 1202.

From this point on, most of the instructions for movement of personnel was done on the scene verbally instead of through the radio. Personnel from the entire Task Force were formed up in their respective units and five waves of officers, about one half block apart were sent down Broadway to move the crowd east toward their cars. At Fifth Street, several hundred broke off the main body and went north on Fifth Street. A bus team was reloaded onto their bus and sent to the New Federal Building to protect it. One Squad consisting of half of Charlie Squad was sent with the marchers to keep an eye on them as they marched. They did in fact return to the New Federal Building where they remained the rest of the day.

The main body of the crowd continued east on Broadway, with a pause for some fifteen minutes at Fourth and Broadway. The entire Alpha Squad was formed up between Fourth and Fifth on Broadway (On the sidewalk), and all police vehicles were removed from the street and Broadway was opened to moving traffic. This was accomplished by 1300 hours.

After standing by for some thirty minutes, it was evident that the major part of the crowd had completely dispersed. Bravo bus was left at the Federal Building, and Alpha Squad was moved to the rear of Police Headquarters. The remainder of the Task Force were sent back to the Field Command Post to eat and then to relieve the units downtown. This went smoothly and by 1430 hours, all personnel with the exception of Bravo Bus had been relieved for lunch. Bravo bus was relieved about 1500 hours and was not called back on the street for the remainder of the day. The bus team that relieved Bravo bus, remained at the Federal Building until about 1700 hours when they too were relieved and sent back to the Field Command Post.

800

FRIDAY, SEPTEMBER 5, 1975

Anticipating possible crowd problems on this day, after the turmoil the day before, the entire Task Force, with the exception of two teams from Charlie Squad, was deployed to staging areas in the core area of the City. After several hours, when it became apparent that no trouble was pending, all units were returned to the Field Command Post on standby status. The entire day, as far as city disturbance, was very quiet.

At about 2100 hours, the trouble in the County reached such a magnitude that it was anticipated city personnel might be needed to assist the Jefferson County Police. A recall was ordered by Lt. Col. Jack Kley, and all personnel were called at home and told to return to the Command Post, and they would probably be out all night. During this time, Chief Nevin had not been contacted due to a malfunction of the pager that he carries with him. After the Chief was contacted, he went directly to the Command Post where he met Mayor Sloane. From the point, Chief Nevin and Mayor Sloane went to the Kentucky State Police Command Post at the Fairgrounds, where they met with County Judge Hollenbach. After this meeting, Chief Nevin and the Mayor went to the VanHoose Center on Newburg Road to confer with officials of the School Board, County Government and City Officials. The Governor's Aide was present throughout the night. After extensive discussion a decision was made not to utilize city police personnel.

The recall went smoothly and within one hour, over three quarters of the Task Force had reported in and were equipped and sitting on buses awaiting deployment. At approximately 0200 hours, Chief Nevin sent word to the Task Force Commander, Lt. Col. Jack Kley, to get the people off the buses and bed them down for the night. It was reported back to Chief Nevin that the personnel remained on the buses until about 0330, even though they had been told they could get some sleep. This was the first time that this very high spirit of duty was shown, and it remained with the Task Force personnel throughout the entire operation.

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SATURDAY, SEPTEMBER 6, 1975

Reveille was held at 0530 hours for all personnel. As a result of some hurried, last minute preparations, a hot breakfast was served to all personnel. Immediately after breakfast, Chief Nevin addressed the Task Force personnel and told them of the events that took place at the VanHoose Center the night before. All personnel were concerned that the County officers would feel that City officers had not supported them. Chief Nevin advised all personnel that the County had not requested assistance, even though the City offered help on several occasions. The events of the day were discussed and the "game plan" for the day was laid out for all personnel.

At 0830 hours, the entire Task Force was moved to a staging area at Brook and Broadway. Shortly thereafter, a crowd gathering was reported at Seventh and Broadway, and the Tom (SOS) unit was dispatched to investigate. Chief Nevin also went to the scene and found a gathering on the White Castle parking lot at that location. Chief Nevin called for one of the bus squads and one of the Area Commanders to respond to Seventh and Broadway. Upon arrival of the bus squad and Major Dick Tong, Chief Nevin read a dispersal order to the crowd. The dispersal was given under the authority of an emergency order issued by Mayor Sloane, forbidding gatherings in the downtown area. This crowd dispersed slowly, and a couple of arrests were made. At this time, a report was received of a large crowd gathering at Floyd and Broadway. Chief Nevin advised Lt. Col. Kley to take appropriate action. Lt. Col. Jack Kley responded to the scene with the Charlie Bus Squad and read a dispersal order. This order was ignored, and after allowing ample time for dispersal, all who remained were arrested by the Officers of Charlie Bus. Two of the people arrested in this group were a demonstration leader and the self proclaimed grand dragon of the Kentucky Knights of the Klu Klux Klan.

At the time of the confrontation taking place at Floyd and Broadway, Chief Nevin received several reports of small crowd gatherings in numerous areas. In order to avoid depleting himself of personnel, Chief Nevin called for assistance of the Kentucky State Police and the Kentucky National Guard, who had been called in the night before because of the major troubles in the county. At the sight of our Task Force, the Kentucky State Police, and the National Guard, the remaining demonstrators in the downtown area went mobile and started driving around the downtown area. Mr. Burt Deutsch, Director of Law, advised Chief Nevin to have all persons displaying anti-busing signs, and having in their possession citizens band radios, arrested for conspiracy to violate the Mayor's emergency order. This order resulted in numerous arrests for that charge.

By noon the downtown area was quiet. At approximately 1300 hours, Chief Nevin released the National Guard and the Kentucky State Police. Shortly thereafter, all but a small force of City Police were relieved to return to the Command Post.

The remainder of that afternoon was uneventful, and the quiet was welcome.

Due to the troubles in the county the preceding night, and a renewed mutual aid agreement, all personnel were kept at the Command Post for the entire night. The County Police had problems during the night, but City police were not needed. There were a few arrests made on Preston Street by a team that was on patrol duty, but aside from this, the night was uneventful.

SUNDAY, SEPTEMBER 7, 1975

In the morning, the Task Force was mobilized and toured the downtown area. The force was staged at Floyd and Broadway for some time, after which they were brought back to the Command Post on Hess Lane via Poplar Level Road. This show of force was designed to let any potential protestors know that the police still were mobilized and ready to move at a moments notice..

During this show of force in the downtown area, Chief Nevin, Mayor Sloane and Director of Public Safety, Col. Allen Bryan were attending a meeting with the officials of the County, the School Board, and the U. S. Marshall, in the chambers of Judge Gordon. During this meeting the city police was ordered to supply one hundred and twenty police officers to ride school buses the next day serving as guards.

After the meeting, Chief Nevin, Mayor Sloane and Col. Bryan went to the Field Command Post and addressed the personnel of the Task Force. Mayor Sloane spoke first, thanking the personnel for a job well done. Col. Bryan then spoke to the Task Force, for the first time as Director of Public Safety (He had been on the job for four days). Chief Nevin then addressed the force and advised the force that he had to break up some of the teams because of the order from Judge Gordon to assign personnel to the school buses for the next day.

After the discussion, the entire Task Force went out on the lawn of the school and a group picture was made.

The remainder of the day was spent drawing up personnel assignments for the bus riding detail. At 1700 hours, all personnel were released to go home until the next day with the stand-by status still in effect for recall.

1900 hours - Reports were received by the Command Center that a small crowd of protesters was gathering at the Lowell Elementary School on Crittenden Drive at Phillips Lane. These demonstrators were for the most part orderly at this time.

2000 hours - With reports of the crowd at Lowell School building, Lt. Col. Hicks, Officer in charge of the Headquarters Command Center, discussed the situation by phone with Chief Nevin and Col. Bryan and Chief Nevin advised Lt. Col. Hicks to disperse this crowd before it reached a greater size. Lt. Col. Hicks in turn instructed the night Chief of Police, Major Silberisen, to go to the scene, gather a small force of District personnel and disperse the crowd. From this point on the facts are in dispute. The crowd was not dispersed and continued to build in size. At about 2130 hours, Mr. Burt Deutsch, Director of Law, requested on the police radio that a recall be initiated. Chief Nevin was called and advised of the request and the recall was implemented. Upon arrival at the Field Command Post, Chief Nevin ordered that the Delta Squad and the Bravo Squad be recalled. Through

some misunderstanding, the entire Task Force was recalled, including those personnel scheduled for the school bus detail the next morning. This incident was the reason for the recommendation that the Chief of Police be the one to initiate a recall (or in his absence a designated staff member.)

The incident at the Lowell School quieted down and the crowd dispersed before the recall was completed. The personnel who answered the recall stayed for the remainder of the night.

WEEK OF SEPTEMBER 8-13, 1975

There were no crowd confrontations in the City during this entire week. The mood of the community was still tense and the feeling prevailed that the people were awaiting the departure of the State Police and the National Guard before any renewed activities were undertaken. The bus riding detail went much smoother than was anticipated, and the City was allowed to scale down the number of personnel assigned each day, until by Friday, September 12, 1975, all personnel were removed from the buses.

Some off days were inserted into this week for many of the Task Force personnel, which was a welcome relief for all concerned.

The week was filled with meetings for Chief Nevin and his Staff. Almost daily, Judge Gordon called the officials of the City, Jefferson County, State Police, National Guard and the School Board together in his chambers for a meeting. The Chief made tours of the schools both in the City and in the County each day with Mayor Sloane, to try and ascertain the mood of the students and to see that students who were city residents were being afforded proper treatment in the schools outside the City. On one occasion, Mayor Sloane boarded a school bus at about 0700 hours in the west end of the City and rode it with the students to Fern Creek High School in Southeastern part of the county, to assure them they were being protected.

There were rumors that trouble would start after the football games on Friday, but these rumors did not become reality.

WEEK OF SEPTEMBER 14-20, 1975

There were no major crowd confrontations in the City during this week. While three marches were held, they were orderly and in each case had obtained the proper parade permit.

On Monday, September 15, 1975, a group calling itself the "Independent Taxpayers and Parents" staged a march of about 100 people in the area of the Courthouse and Federal Plaza.

At 10 a.m. on Saturday, September 20, 1975, two organizations staged marches. One group calling itself "Voters Against Busing" staged a march of 200 to 300 people along Broadway. At 12 o'clock noon, another group calling itself the "Independent Taxpayers" staged a march of 400 to 500 people on Broadway with some focus around the Federal Building.

WEEK OF SEPTEMBER 21-27, 1975

During this week various anti-busing groups continued to obtain permits and stage marches along Broadway and in the area of the Federal Building.

On Wednesday, September 24, 1975, the group calling itself "Mothers for Children's Freedom" held a demonstration of approximately 30 people in the area of the Federal Building.

On Thursday, September 25, 1975, a group calling itself "Citizens Against Busing" held a demonstration of approximately 30 people in the area of the YMCA on South Third Street.

On Friday evening, September 26, 1975, the County Police experienced a confrontation at the Bittersweet Shopping Center. A request was made for City Police personnel and 50 officers were sent to the scene. The crowd was dispersed prior to the arrival of the City officers, however, but the officers were used to help close businesses in the shopping center area.

On Saturday, September 27, 1975, the "Concerned Parents" organization staged a major demonstration of 8,000 to 10,000 people along Broadway. This march was held in the area between Seventh and Broadway and Brook Street and Broadway, and the only need for police personnel was to assist in traffic control.

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WEEK OF SEPTEMBER 28 - OCTOBER 4, 1975.

During this week there were no organized demonstrations, but several spontaneous incidents occurred in the south part of the city.

On Sunday, September 28, 1975, at about 6:15 p.m., a crowd began to gather in the Hazelwood Shopping Center at Taylor Boulevard and Bicknell. The crowd consisted of approximately 150 people, many of whom were teenagers and young people, who seemed more interested in making noise than in demonstrating against busing. One car was overturned, several small fires were lit, several windows were broken, and it was necessary to make several arrests. Due to the setting of fires, Chief Nevin requested the assistance of the Louisville Fire Department and they were dispatched to extinguish the fires. A total of 47 City police officers were used during this incident.

On Monday, September 28, 1975, at approximately 7 o'clock, a crowd again began to gather in the area of the Hazelwood Shopping Center. Once again, this crowd was composed mostly of young people who spent a great deal of their time making noise, driving their vehicles and blowing horns, and in general, milling around. A small fire was started on the east side of Taylor Boulevard, but the Fire Department was called and it was quickly extinguished. Colonel Nunn and Lt. Spaulding were present at the scene and at approximately 9:30 p.m. decided to utilize a show of force by police personnel to disperse the crowd. Personnel from SOS, Traffic Enforcement, and the 5th Platoon were utilized to disperse the crowd and clear Taylor Boulevard. The crowd moved to the area of Seventh and Berry, but police personnel also cleared this area. A total of 5 arrests were made in this area before the crowd was dispersed. By 11 o'clock p.m., a total of 11 arrests had been made and everything was back to normal. The 5th Platoon were sent back to their districts and police operations returned to normal.

On Tuesday, September 30, a student walk-out of approximately 100 students occurred at Iroquois High School. Many of the students moved into the street on Taylor Boulevard and began to block traffic, and 4th Platoon personnel were used to clear Taylor Boulevard. In the afternoon, a number of small incidents involving high school students were reported in the area of Iroquois High School, but no major confrontations occurred. By 2 o'clock p.m., the incidents were over and police operations returned to normal.

Since a major confrontation was anticipated for Wednesday, October 1, the Police Department decided to partially re-activate the Task Force.

The events of Wednesday, October 1, proceeded as follows:

- 1000 Intelligence reports a crowd of about 100 people in the 8000 block of Preston - Car 84 reports that Groves (KKK) is in the crowd.
- 1030 Car 84 reported that the demonstrators are going to the stores that are open and trying to coerce them to close.
- 1030 Received a call from County School board reporting information received that a large car caravan would form somewhere in the Southern/Fairdale area and stage protests etc. east until they get to Westport area - not sure if it will come into the city or not.
- 1130 School Board now says Iroquois High School is assembly point.
- 1800 Night duty Task Force consisting of 5th Platoon, Traffic Bureau 3rd Platoon and SOS assembled.
- 1830 All manpower sent to area of trouble from previous nights on Taylor Boulevard. Report of crowd building up at Taylor and Bicknel. Crowd estimated at 200.
- 1900 Lt. Col. Hicks reports a crowd of about 150 at shopping center at 2200 block of Brownsboro Road.
- South-end crowd set fires along Bicknel; Fire Dept. called. Traffic on Taylor Boulevard cut off, crowd dispersed. Task Force ordered to cite traffic violations.
- 1930 Crowd on Brownsboro Road still orderly but loud - some of the beat cars (2) and two Task Force cars from Charlie squad called in to cite traffic violations. Reports of heavy alcohol consumption in this crowd.
- 2000 South-end active but quiet. Brownsboro Road crowd up to 250 to 300 people.
- 2030 One of the Traffic units from Charlie squad made a traffic arrest in the parking lot of the Center, and were swamped by the crowd - all cars in the area, the remaining Charlie Squad car, the First District Lieutenant and Sergeant and Lt. Col. Hicks responded to the officers call for assistance. Lt. Col. Hicks ordered waiver of impounding the defendant's car, and all police units left the scene. This crowd showing heavy intoxication and hostilities. Several objects, and eggs were thrown at the police while there.
- 2100 Lt. Col. Hicks requested the Baker Squad be sent from

the South-end to stand by for possible crowd trouble-
Car #1. Chief Nevin, ordered them sent.

- 2145 Upon arrival of Baker Squad, the Squad was ordered into formation on Mt. Holly off Brownsboro, out of sight of the crowd. After they were in formation, Lt. Col. Hicks had Baker One march Baker Squad to the service station lot at Brownsboro Road and Jane, in sight of the crowd. Upon seeing Baker Squad (24) men about half the crowd left, leaving about 150 to 175 people. Lt. Col. Hicks ordered the First District Lieutenant to use his car p.a. system, and ordered dispersement of the crowd. Baker Squad was being hit by several rocks and some eggs. After the dispersal order was given, a few more people left but about 100 to 125 remained. Lt. Col. Hicks ordered Baker Squad back to their cars, and told them to assemble at Brownsboro Road and Lyndsie on the service station lot.
- 2220 After some twenty minutes passed since leaving the crowd, Lt. Col. Hicks sent Baker Squad (in cars) to ride past to let the crowd know the force was still there. As they passed the crowd, Baker Squad was bombarded by rocks and eggs. Baker Squad stopped and formed a skirmish line in front of the crowd, and called for Lt. Col. Hicks, who responded to the scene. Enroute to the scene, Lt. Col. Hicks asked Col. Nevin for more manpower. The South-end being quiet, the entire Task Force was sent. Upon arrival of Col. Nevin, a dispersal order was again given the crowd by Chief Nevin, and the crowd was given five minutes to disperse. At the end of the five minutes, the Task Force made a sweep of the parking lot clearing the crowd. During the five minute waiting period, three arrests were made for drunk and D.C.
- 2330 All quiet on Brownsboro, police Task Froce left the Kroger shopping center and rode the immediate area.
- 2430 A critique meeting was held in the Chief's office for all commanding officers.
- 0100 Task Force released to normal duty for remaining hour of the shift.

On Thursday, October 2, the Task Force was maintained as a continuation when the previous days activities were expected. During the day, schools were quiet and police operations were normal. At 6 o'clock p.m. roll call for the Task Force was held and by 6:30 p.m. small crowds had began to form at both the Hazelwood Shopping Center and in the shopping center at 2200 Brownsboro Road. The events for the evening of October 2 were as follows:

- 1800 Roll call for same Task Force as October 1, 1975.
- 1830 Small crowds at both Hazelwood and 2200 Brownsboro Road; both quiet.

1900 Beat car reported being egged at Brownsboro Road location- Lt. Col. Hicks responded and talked to the crowd. Lt. Col. Hicks told them that as long as they were orderly and did not throw rocks and eggs they would not be bothered by the police.

Alpha Squad stationed on Brownsboro and Baker, Charlie and SOS in South-end.

2200 Reports of crowd (200) throwing eggs at passing police cars.

2030 Lt. Col. Hicks met with Alpha One and requested the big wagon be sent from the South-end.

Lt. Col. Hicks drove past the crowd and was hit by several eggs and a couple of rocks.

2040 Lt. Col. Hicks advised Chief Nevin the crowd was disorderly and was going to be dispersed.

Chief Nevin sent all Charlie Squad units and SOS as back up.

2045 Lt. Col. Hicks ordered the crowd to disperse over the public address on one of the cars. Gave them five minutes to leave.

2050 Alpha Squad formed a single line east to west and swept north across the Kroger parking lot, clearing the remaining demonstrators from the lot. Only about 35 to 40 remained- as the sweep started Charlie Squad and half of the SOS Units (cycle men) arrived and joined in on the sweep. The demonstrators ran into the Jerry's Drive-in and stood on the porch. The Manager had locked the door temporarily cutting off access - the door was then opened allowing the demonstrators to enter.

2130 All quiet.

2145 A small crowd gathered at the Convenient Food Mart on Frankfort Avenue and Stoll Avenue. Alpha Squad cars responded and upon arrival in force, the crowd dispersed without being asked.

2330 All fifth platoon sent back to normal patrol for the remainder of the watch. SOS remained east and Charlie patrolled south.

On Friday, October 3, the day was again quiet but activity picked up in the evening. The Chief gave orders to the Task Force to issue traffic citations regarding noise and traffic violations, and this seemed to break up much of the crowd gathering. The Task Force was utilized for patrol in the area of Brownsboro Road, but no incidents occurred during the evening.

On Saturday, October 4, the city was quiet during the day and in the evening. A small group of approximately 50 people gathered along Brownsboro Road in the evening but they were orderly and quiet compared to previous evening.

The County police had to deal with a crowd of over 300 people in the area of Valley High School, and while city police were notified, their assistance was not requested.

WEEK OF OCTOBER 5-11, 1975

The only events to occur during this week were two scheduled marches. One was by a group calling itself the "Portland Westend Parents". This group staged a march of approximately 100 people who marched on the sidewalk in the area of 26th and Griffith in the Portland area.

The other march was conducted by a group calling itself "Progress and Education" which staged a march of 500 to 600 people along Broadway from Fifth Street to Kentucky Street. This march was orderly and traffic personnel were utilized to assist with traffic control.

WEEK OF OCTOBER 12-18, 1975

On Tuesday, October 14, an authorized demonstration by a group calling itself "Eastenders Against Forced Busing" staged a march of approximately 150 people in the Crescent Hill area.

On Saturday, October 18, a group calling itself "Westenders Against Forced Busing" staged an authorized demonstration of approximately 150 people on Broadway from 25th Street to the Federal Building.

Both of these demonstrations were orderly and a minimum of police personnel were needed at the scene.

OCTOBER 19, 1975, THROUGH OCTOBER 31, 1975

From Sunday, October 19, through Friday, October 31, 1975, there were no scheduled demonstrations nor were there any spontaneous incidents in the city or in the schools relating to busing.

NOVEMBER 1, 1975, THROUGH NOVEMBER 21, 1975

From Wednesday, November 1, through Friday, November 21, 1975, there were four authorized demonstrations within the city. Each of these demonstrations consisted of less than 100 demonstrators and did not require any appreciable police presence.

NOVEMBER 22, 1975, THROUGH NOVEMBER 30, 1975

On Saturday, November 22, while a national "Democratic Issues Forum" was being held at the Louisville Gardens downtown, two authorized demonstrations were held. One group calling itself "United Black Union Workers" staged a march of approximately 150 people from 15th and Jefferson to the Courthouse.

The other group, calling itself "Union Labor Against Busing" staged a demonstration of approximately 5,000 to 6,000 persons in the area of the Louisville Gardens. Due to the size of this demonstration, 350 police personnel were utilized for traffic control and to stand by in the event of confrontations or violence. The demonstration was orderly, however, and the confrontation did not occur.

During the week of November 23 through November 30, 1975, no activity occurred within the City.

MONTH OF DECEMBER, 1975

During the month of December, only two major demonstrations requiring the presence of police personnel occurred in the city or county.

On Saturday, December 6, a group of approximately 500 to 600 people calling itself "Okolona Merchants Association" held a march on Broadway between Seventh and First Streets. City police were utilized for traffic control and other than one arrest being made, no incidents occurred.

On Saturday, December 20, a major crowd gathered in the area of the Oxmoor Shopping Center and stopped traffic along Shelbyville Road. The County police handled this situation, and while traffic control was necessary no other incidents occurred. City police were not involved at the demonstration.

VI. EVALUATION OF POLICE ACTION

The information and data contained in the following pages was collected by means of questionnaires and interviews of personnel from throughout the Division of Police. Its purpose is to indicate how various levels of the Police Department felt about the adequacy of the police response to busing activities.

First, a series of charts are presented which depict the responses of patrol officers, command officers, staff officers, and executive officers regarding the categories of planning, training, team approach, command post location, equipment, recall procedures, and morale. These charts are particularly helpful in discerning differences and distinctions between the various ranks and levels. Such distinctions are very important in the development of plans for similar operations in the future.

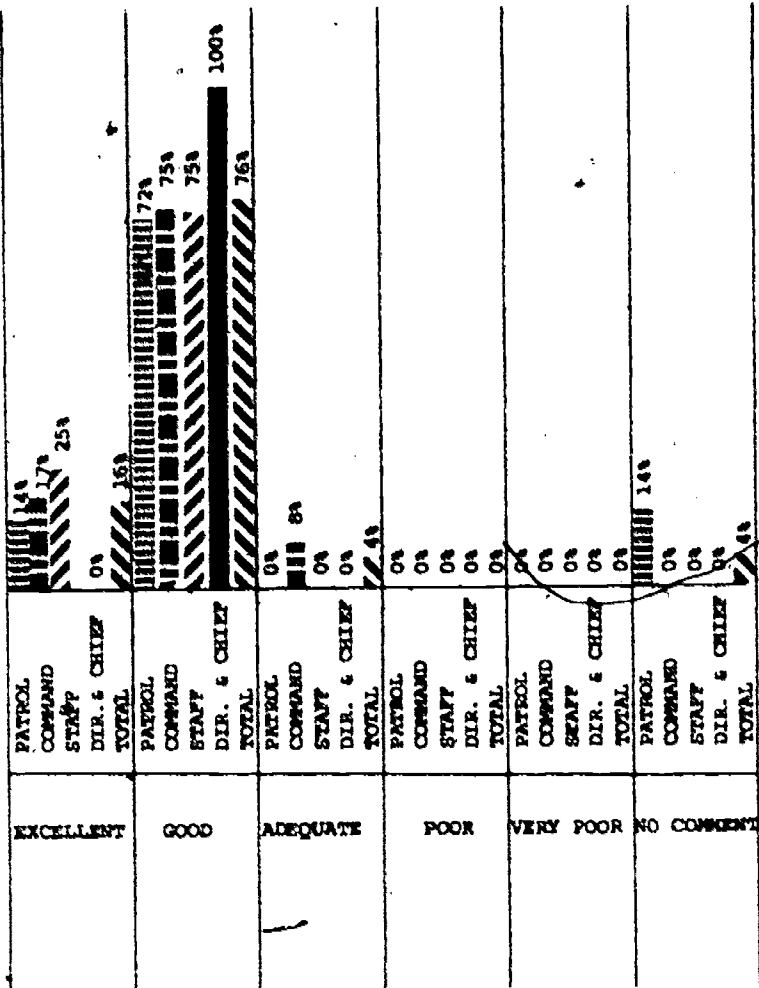
Secondly, a list of selected comments provided by personnel from throughout the Division of Police is provided in a non-edited format. This information is very important as it provides the direct reactions of people who were directly involved in the Task Force operation.

The data and comments contained in this section should be scrutinized very closely when developing strategic and tactical plans for a similar operation in the future. Past mistakes, as well as past successes, must be recognized in order to adequately prepare for major community disturbances.

PATROL N 7
 COMMAND N 12
 STAFF N 4
 IN-CHIEF N 2
 TOTAL N 25

PERCENT

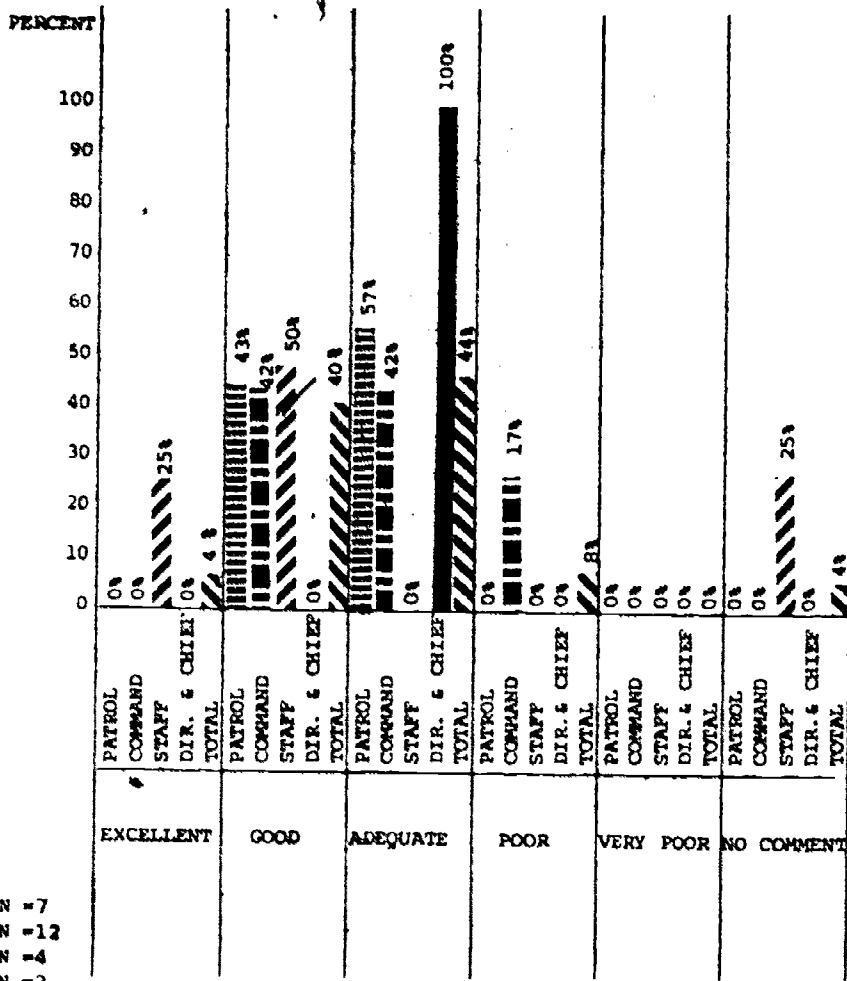
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PLANNING

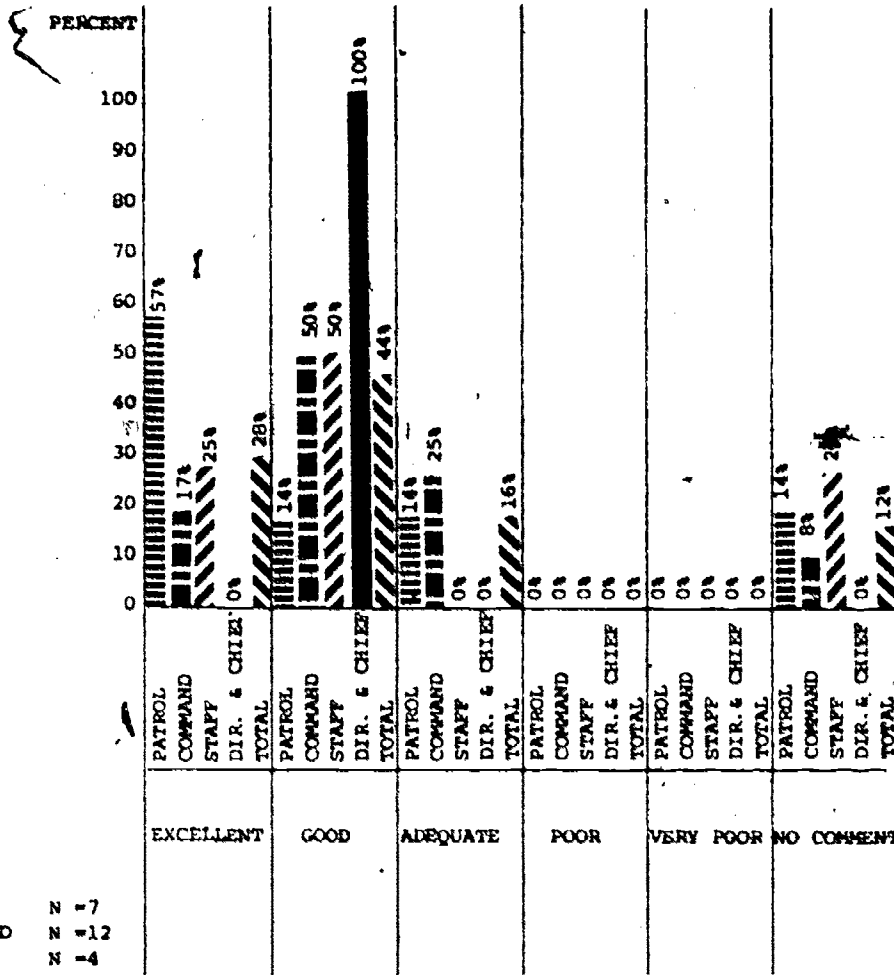
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 COMMAND N = 12
 STAFF N = 4
 DIR-CHIEF N = 2
 TOTAL N = 25



TRAINING

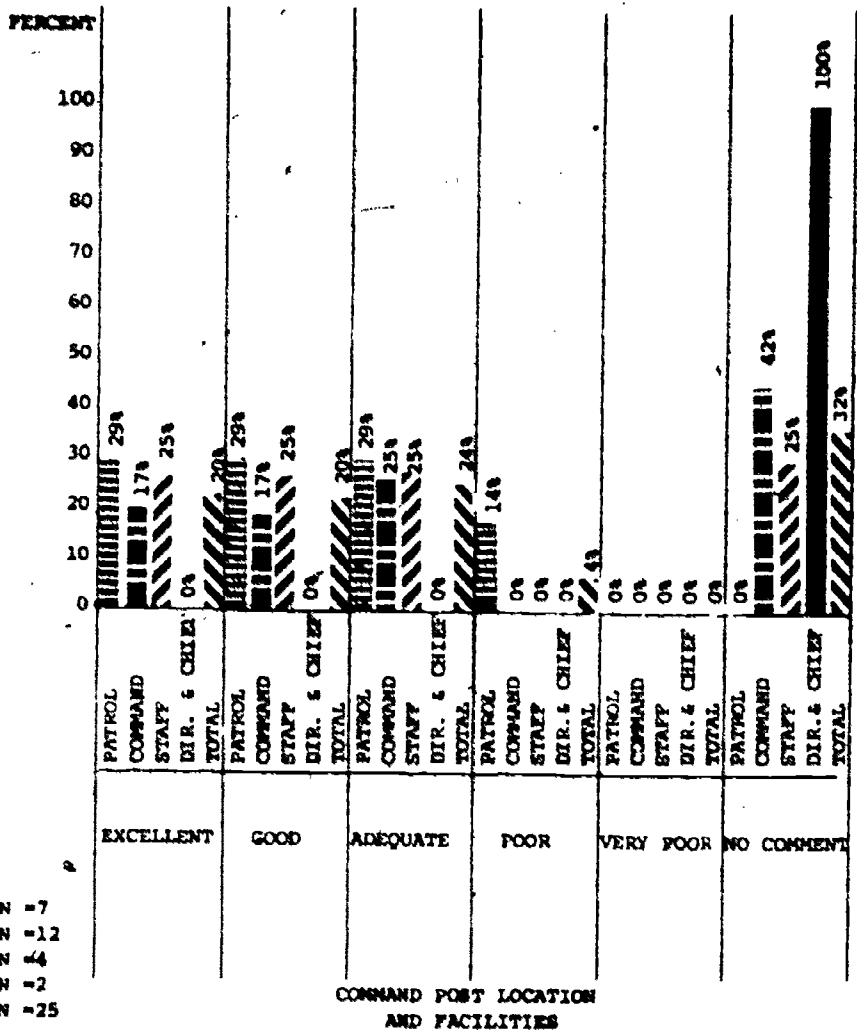
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 COMMAND N = 12
 STAFF N = 4
 DIR-CHIEF N = 2
 TOTAL N = 25



TEAM APPROACH

820

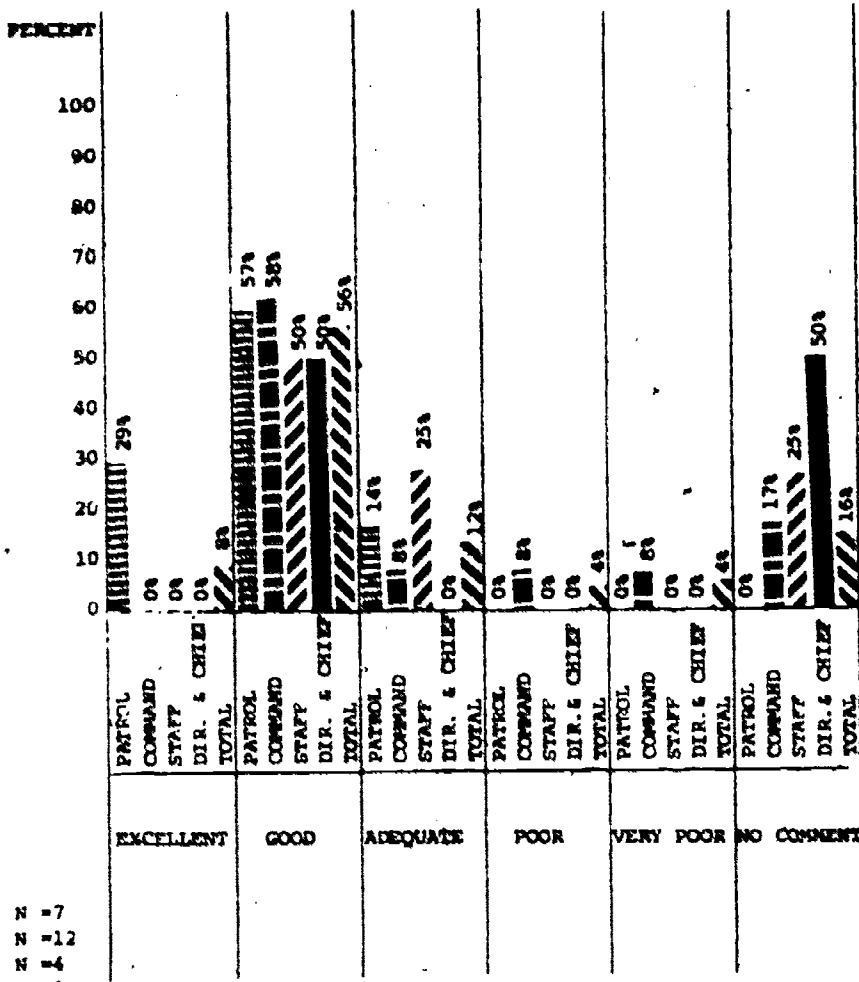
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 COMMAND N = 12
 STAFF N = 4
 DIR-CHIEF N = 2
 TOTAL N = 25



COMMAND POST LOCATION AND FACILITIES

821

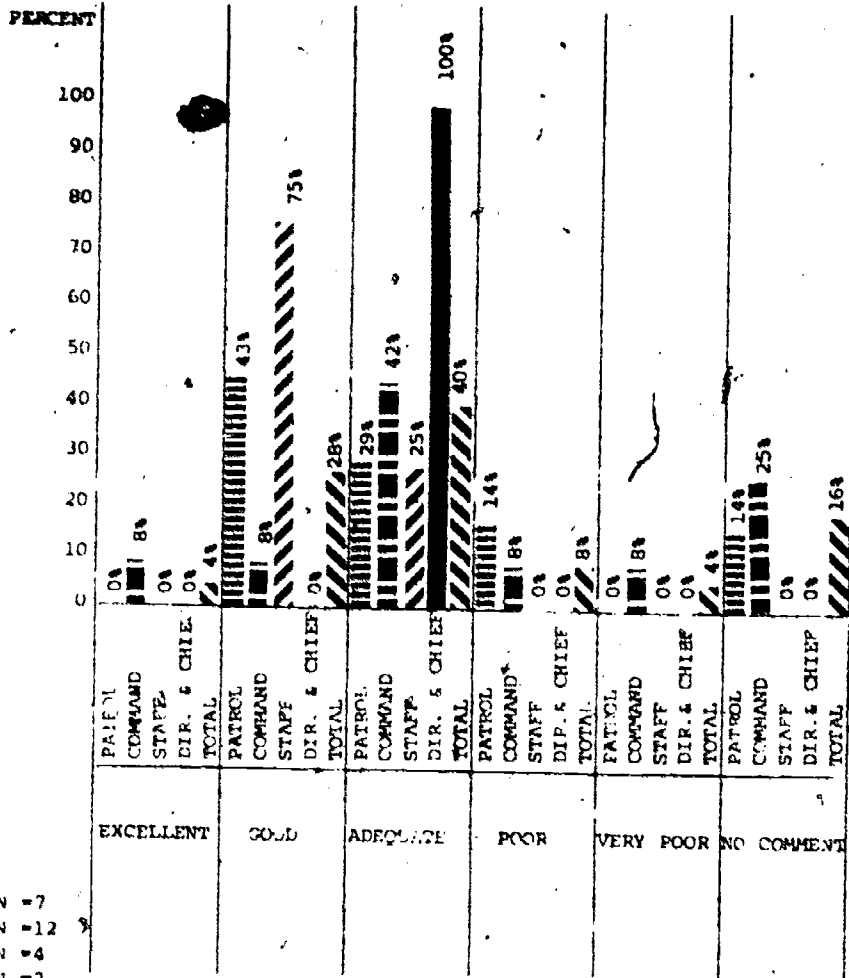
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 COMMAND N = 12
 STAFF N = 4
 DIR-CHIEF N = 2
 TOTAL N = 25



EQUIPMENT

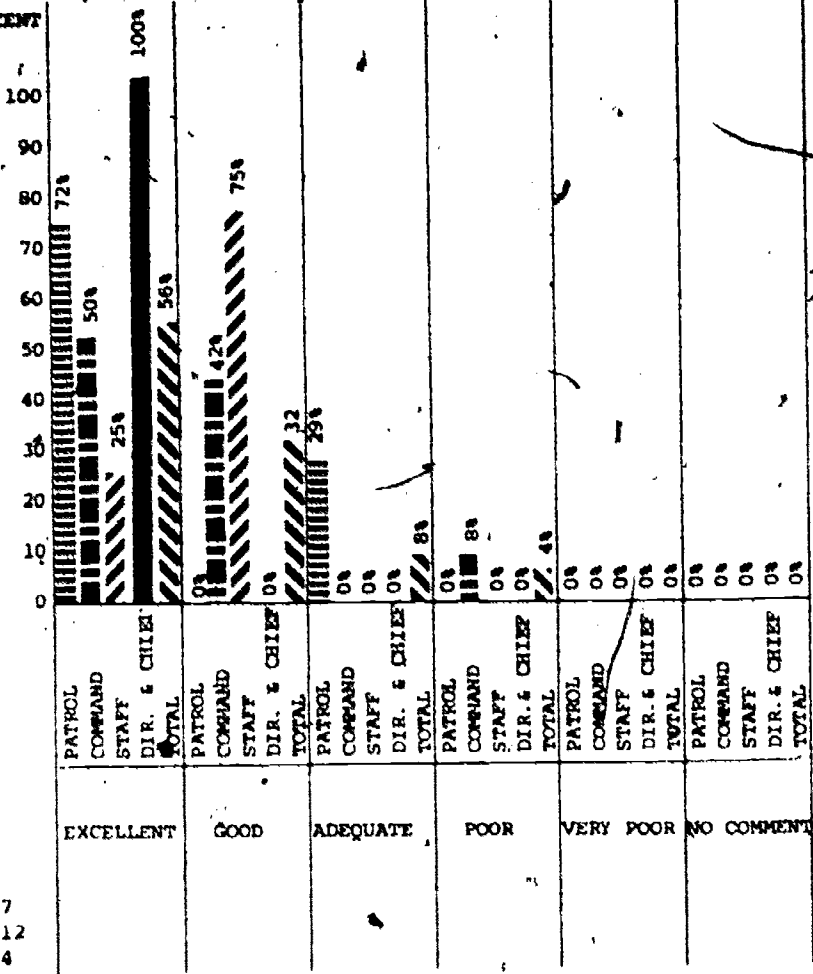
822

PATROL N = 7
 COMMAND N = 12
 STAFF N = 4
 DIR-CHIEF N = 2
 TOTAL N = 25



RECALL PROCEDURES

PERCENT



PATROL N = 7
 COMMAND N = 12
 STAFF N = 4
 DIR-CHIEF N = 2
 TOTAL N = 25

MORALE

SELECTED COMMENTS

PATROL OFFICERS

1. Planning
 - No Comments
2. Training
 - a. Marching and crowd control training should have been done with smaller units before large group training.
3. Team Approach
 - a. Small teams are inadequate for handling large crowds.
 - b. A mobile strike force utilizing solo motorcycles should have been created to assist Special Operations.
4. Command Post Location and Facilities
 - No comments
5. Equipment
 - a. One out of every five squads should have bull horn.
 - b. Some gas masks need replacing.
6. Recall Procedures
 - a. Tendency to recall people too early.
7. Morale
 - a. Men were impressed by leadership qualities of top command.
8. Communications
 - a. Need for better communications between Headquarters and Command Post.
9. Intelligence
 - No comments

325

SELECTED COMMENTS

COMMAND OFFICERS

1. Planning

- a. Planning should have included more district personnel rather than just two officers from the Traffic Section.
- b. Every commanding officer should have copy of planning book.
- c. Should have been some planning for transportation of violent or injured prisoners.
- d. More guidelines need regarding use of force in riot situation.

2. Training

- a. Need two to four days on squad formation and use of special equipment.
- b. Training in "keeping your cool" as important as squad formation.
- c. One day of refresher training not enough.
- d. Men were unclear as to expectations of their appearance - "were they to be "spit and polish unit"?"

3. Team Approach

- a. Need assistant commanders to act in absence of Lieutenant.
- b. Men performed better than expected.
- c. Team should consist of 12 men in 3 cars.
- d. Chief should have had more personal security.
- e. SOS unit should be maintained on instant recall status for smaller crowd control deployment.
- f. Booking vans should be held at a safe distance from the crowd and not called into the crowd.
- g. Placement of personnel on school buses destroyed team and squad concepts.

4. Command Post Location and Facilities

- a. Poor parking facilities.
- b. Location was excellent.
- c. Resting facilities could have been better - showers, sleeping arrangements, etc.

COMMAND OFFICERS

5. Equipment

- a. Distribution system very bad.
- b. Helicopter need for observation.
- c. Need more portable radios.
- d. New helmets excellent.
- e. Everyone should have a jump suit.

6. Recall Procedures

- a. Procedures sounded good but "breakdown" in practice.
- b. Procedures for "Bravo" squad best, Captain call Lieutenant, Lieutenant call team leader, team leader call men.
- c. Decisions for most of people to recall inconsistent.
- d. Decision to recall should be firm and not a "maybe".

7. Morale

- a. Needed better sleeping and recreational facilities.
- b. Morale was like see-saw depending on incidence.
- c. Men appreciated attention shown by Chief and-Deputy Chief.
- d. Address and appearance by Chief increased morale.
- e. Major factor in high morale was appearance of Chief.
- f. Morale high because top level command kept information flowing to men.

8. Communications

No comments

9. Intelligence

- a. "Very poor - got more off shithouse walls".

SELECTED COMMENTS

STAFF OFFICERS

1. Planning

- a. Public could see that we were better organized than other agencies.
- b. Planning that went into this operation was the best and most thorough the department has ever seen.
- c. The whole operation went very well.
- d. Type written log should have been maintained at the field command post.

2. Training

- a. The training prevented a reoccurrence of the mass confusion experienced in 1968.

3. Team Approach

- a. We had the same people working for and reporting to the same commanding officers all the time. This made it easier to work out reliefs and assignments, and also made it easier to work out a recall procedure.
- b. No glaring mistakes noted - only foul up was the school bus detail.
- c. Escorts for booking vans were not assigned.

4. Command Post Location and Facilities

- a. Given our limited choice, I don't think we could have made a better location selection.
- b. We were out of the main traffic flow and did not cause any traffic congestion and were near enough to primary streets that we could respond in any direction of the city or county in a reasonable length of time.

5. Equipment

- a. It was a wise choice in getting the city to purchase the helmets with the face shields as it was a morale factor to the men - especially after the county officer lost his eye.
- b. Numerous citizens told me that it looked like we were better prepared as they noticed on television that we had the face shields and the county police did not.
- c. Equipment and supplies were adequate.

6. Recall Procedures

- a. Evidently worked well.

STAFF OFFICERS

- b. I think we acted too quick on the second call-up (Sunday night at Lowell Elementary School) in that more people were called in than was necessary.
- c. We should list the squads in a call-up order and then call only what is needed to handle the situation instead of recalling the whole detail.
- d. Recall procedures were established in the Operation Bureau, but were not used as there was no need.

7. Morale

- a. I believe that the men assigned to the detail had their morale raised.
- b. Several appearances by the Mayor, City Officials, and Chief of Police at the command post helped morale.
- c. The morale remained high because the men were given information about the total operation and understood their role in the operation.

8. Communications

- a. The command center status board could not be kept accurate because street commanders were issuing voice orders and not notifying the command center of where people were being sent.
- b. If dispatching is to be a function of the command center, the field command post should not change every order given over the radio.

9. Intelligence

- a. Concerning the intelligence received, I found it to be more of a communications problem than anything else.
- b. The Operations Bureau received a minimal amount of information that was helpful to the Operations Bureau.
- c. Didn't get very much - what was received was inconclusive.
- d. The Girl Scouts could count the number of people at a gathering as well as was done by Intelligence.

SELECTED COMMENTS

CHIEF OF POLICE AND DIRECTOR OF SAFETY

1. Planning

- a. Extremely successful - pleasantly surprised at the level of discipline that was maintained.
- b. Jefferson County Police unit were extremely closed mouthed prior to busing.
- c. Cordination between the City and the County police was terrible until the last week of September.
- d. Particularly good - most points had been either written or discussed in advance.
- e. It became obvious that a 24 hour operation was needed early - we should have shifted to a 24 hour operation a little sooner.

2. Training

- a. This operation demonstrated that the crowd control training in recruit school is not as passe as some have indicated in the past, and therefore should be continued as a valuable tool.
- b. The refresher training time was possibly not enough, but money was a big factor - what about KLEC training?
- c. Recommend the continuance of refresher training in crowd control for line personnel and tactical exercises for staff personnel and captains.

3. Team Approach

- a. The set up of the Task Force was such that either small units or large deployment were done with ease.
- b. A major tactical error occurred at Lowell School by not putting the incident down earlier.
- c. The only major problem seemed to be mobile equipment. We had to draw vehicles from City Government and somewhat restrict regular patrol.
- d. The commanding officers demonstrated leadership and the ability to maintain team discipline and to these commanders go a large amount of credit for the high morale of the operation.
- e. The National Guard should have been utilized in manning the buses. Because officers on the buses were restricted by law regarding the amount of force they could use, and effect from this was minimal.

4. Command Post Location and Facilities

- a. No comments

CHIEF OF POLICE AND DIRECTOR OF SAFETY

5. Equipment

- a. The only thing about equipment was the money expended for protective head gear was well worth it, and more should be bought to equip everyone - especially gas masks.

6. Recall Procedures

- a. It was difficult to contact some of the top command at times.
- b. A Captain or Major should be present 24 hours a day. A standard should be established such that when it is recognized that a 24 hour operation is needed, the Chief and Deputy Chief can immediately shift to 12 hour days.

7. Morale

- a. Excellent overall - during down periods more patrol could have been used.
- b. The morale of the people through the operation remained high.
- c. On a winning team morale is always high. The police won all confrontations and increased their self-confidence and self-esteem through these successful deployments.

8. Communications

- a. Too much talk on the radio about unconfirmed rumors dealing with the operation.
- b. Unnecessary exposure of Federal Judge on Friday night with too much chatter on radio about it.
- c. Communications were not the weakest link in the operation but they did leave something to be desired.
- d. The school board had a breakdown in communications, resulting in our people having to use the police network to communicate for them.

9. Intelligence

- a. Intelligence was the weakest link in the entire operation.
- b. Intelligence personnel worked long hours, but the information received was not followed through to seek its accuracy - this resulted in decisions being made on the basis of raw intelligence and
- c. Intelligence was very poor. Most of what we received was next to useless.

ADDITIONAL COMMENTS

1. Better procedures needed for assignments.
2. Good to have Law Department at the scene of incidents.
3. The argument used by the Adjutant General regarding the cost effectiveness and danger of putting Guardsmen on buses was a poor argument. It was more expensive to utilize police officers, and given the task to perform, more additional training was required.
4. National Guard personnel should have been used to man the buses, as this would have allowed for increased police patrol on the bus routes.
5. This operation proved clearly that female officers can function capably in any situation. They did very well in the front lines during crowd confrontations and were especially successful in booking procedures.
6. Although pressed into mass booking on only 2 or 3 occasions, the system seemed to work well with the exception of the lack of cooperation from the court.
7. Saturday morning, September 6 - from the police standpoint was excellent; from the legal standpoint there are some questions.

VII. FINANCIAL INFORMATION

The following charts provide a complete breakdown of the financial cost incurred by the Louisville Division of Police during its response to busing related activities from September 4, 1975, through December 6, 1975.

Information pertaining to manpower allocation, amount of overtime, and daily cost are presented in the first chart. The second chart depicts the amount of expenses incurred for meals and equipment, and shows the total financial cost incurred by the Police Department.

**LOUISVILLE DIVISION OF POLICE
FINANCIAL COSTS
BUSING INCIDENTS**

DAY	NUMBER OF POLICE	HOURS OVERTIME	TOTAL HOURS OVERTIME	OVERTIME RATE (AVER.)	COST	SUB-TOTALS
9-4-75, Thursday	791	4	3164	\$8.10	\$25,628	\$25,628
9-5-75, Friday	188	19	3572	8.10	28,933	
	188	25	4700	8.10	38,070	107,341
	415	12	4990	8.10	40,338	
9-6-75, Saturday	188	19	3572	8.10	28,933	
	188	25	4700	8.10	38,070	
	415	12	4980	8.10	40,338	107,341
9-7-75, Sunday/	791	16	12656	8.10	102,513	102,513
9-10-75, Wednesday						
9-11-75, Thursday	415	4	1660	8.10	13,446	13,446
9-12-75, Friday	376	4	1504	8.10	12,182	
	415	12	4980	8.10	40,338	52,520
9-13-75, Saturday	791	12	9492	8.10	76,885	76,885
9-14-75, Sunday	791	4	3164	8.10	25,628	25,628
9-15-75, Monday	345	2	690	8.10	5,589	5,589
9-16-75, Tuesday/	415	2	830	8.10	6,723	
10-4-75, Saturday	127	6	762	8.10	6,172	
	21	4	84	8.10	6,804	
	15	20	300	8.10	2,430	22,129
SUBTOTAL	N/A	N/A	65790	N/A	539,020	
9-22-75, Saturday	353	8	2825	8.10	22,890	
12-6-75, Saturday	203	8	1583	8.10	12,822	
TOTALS	N/A	N/A	70198	N/A	\$574,732	\$574,732

827

834

OTHER COSTS

ITEM	COST
MEALS	\$11,600
EQUIPMENT	17,329
TOTAL	28,929
TOTAL COST OVERTIME + OTHER EXPENSES	\$603,661

VIII. ARREST CHARACTERISTICS

The following charts present arrest information for busing related offenses according to age and residency. In addition, non-Task Force arrests are depicted as a means of showing the impact of the Task Force operation on routine police operations. This information is very limited because separate arrest data was not maintained for busing activities.

ARREST CHARACTERISTICS

ARRESTS BY AGE

ADULTS	159
JUVENILES	41
TOTALS	200

BUSING-RELATED OFFENSES

ARRESTS BY RESIDENCY

RESIDENCE	ADULTS	JUVENILES
LOUISVILLE	83 (52%)	33 (80%)
JEFFERSON CO.	66 (42%)	8 (20%)
STATE	8 (5%)	0
UNKNOWN	2 (1%)	0
TOTALS	159 (80%)	41 (20%)

BUSING-RELATED OFFENSES

AGE RANGE: 9 YEARS TO 60 YEARS

NON-TASK FORCE ARRESTS

NORMAL	1974*	1975*	%CHANGE
ACTIVITY	3213	3098	-3.6%
ARRESTS			

*FOR PERIOD SEPTEMBER 4 THROUGH
OCTOBER 14

IX. RECOMMENDATIONS

The following recommendations were suggested by operational personnel directly involved in the Task Force operation. These recommendations should be closely considered when preparing for major community events in the future.

Planning

1. District and operational personnel should have input into the planning process. Planning should not be the sole responsibility of staff or planning personnel.
2. A clear distinction should be made between strategic plans and tactical plans. To develop tactical plans on the basis of vague strategy tends to render tactical plans ineffective.
3. Provide for a written "log of activities" to be maintained for the duration of the operation.
4. Provide a framework for maintaining data directly related to the operation while the operation is in effect. This eliminates the necessity to rely on memory and incomplete data.
5. Develop clear and well-defined recall procedures for all operational personnel. The responsibilities for recall should be clearly defined such that the recall process can be prompt.

Training

1. Training and crowd control tactics should be done in smaller units. The training should be directed at the size of the group actually used in operational situations.
2. Some training should be included in the area of conflict management. It is just as important that personnel know how to deal with the emotions of an event as it is for them to know how to deal with the mechanics of an event.
3. Provide a thorough briefing of operational strategies and tactics to all operational personnel. It is important that district personnel understand what is being done.
4. Tactical training should be included for all personnel above the rank of Captain.
5. An extra day of training would be beneficial.

Command Post

1. Improve the capabilities to provide for hot meals, sufficient rest, and adequate personal hygiene needs. These concerns become very important to operational personnel as their assignment to the Task Force is prolonged.
2. Greater concern should be given to parking facilities and for security of personal vehicles.

Equipment

1. Gas masks and helmets should be provided to all personnel.
2. More portable radios should be provided to personnel assigned to busing squads.
3. Bull-horns should be assigned to supervisory personnel who must give orders in crowd situations.

Communications

1. Clear lines of authority should be established between personnel in the command post and personnel in the communications center.
2. Rumor and speculative information should be kept off the radio.

Intelligence

1. Intelligence information should be an intricate part of the planning process.
2. A rumor control center should be established such that operational command staff can check on the reliability of information on an immediate basis.
3. Screening procedures should be established such that Intelligence data can be utilized for strategic and tactical decisions.

Team Approach

1. Team size should be expanded to 12 men assigned to 3 vehicles.
2. Acting squad and team leaders should be assigned to act in the absence of regular command staff.

X. APPENDICES

Appendix A

Appendix A is a portion of the Jefferson County Grand Jury report for the month of October, and is included because of the commentary regarding city and county police responses to busing activities.

Appendix B

Appendix B is a list of standards prepared by the "National Advisory Commission on Criminal Justice Standards and Goals" regarding police preparation for major community disturbances. It is useful to compare the response described in this report to the standards developed by the Commission. Also, the standards can be very useful in future planning for similar activities.

The following information is taken from a report issued by the October, 1975, Jefferson County Grand Jury. Because the Grand Jury spent considerable time and effort investigating the events surrounding busing demonstrations throughout Jefferson County, their conclusions are an important part of this description.

REPORT OF THE OCTOBER GRAND JURY

RIOT OCCURING ON SEPTEMBER 5, 1975, AT OR NEAR THE VALLEY HIGH SCHOOL IN SOUTHWEST JEFFERSON COUNTY, BETWEEN THE HOURS OF 8:30 P.M. AND 11:00 P.M.

I, J. B. Cooper, Foreman, after consultation and deliberation with my fellow members of the October 1975 Grand Jury, have been authorized to deliver the following as our report on the root causes for what has earlier been classified by previous grand juries as over-reaction on the part of the Jefferson County Police Department on September 5, 1975, in the vicinity of Valley High School in southwest Jefferson County.

At the outset, I think it must be stressed, that considering the circumstances, under which the "rank and file" officers and members of the Jefferson County Police Department found themselves on that dreadful evening, we can only conclude that they addressed themselves to the riotous mob in the only manner available to them considering the conditions which are hereafter enumerated.

If fault must be assigned to any group of persons for the destruction and injury occasioned to citizens and police officers of this community, it must rest with members of the high command of the Jefferson County Police Department.

The following conclusions therefore, have been assembled only after a very long and tedious investigation spanning a period in excess of one week and including the testimony of, in excess of eleven witnesses and, further, including visits to both city and county police headquarters which involved the listening to hours of official tapes of police radio transmissions.

Certain comparisons must necessarily be drawn between the city department and the county department, in that from our investigation, there can be no other conclusion than that the Louisville Police Department was extremely well prepared to cope with the situation and the ultimate confrontation. We sincerely hope that in any future reports relating to the Jefferson County Police Department that we will be able to make a similar statement with regard to its state of preparedness should it confront any future crisis of the magnitude of that to which we have addressed ourselves in this report.

It seems to us that the most elementary considerations which any police department must make in preparing for any eventuality, such as was faced by our local police in the wake of the busing order handed down by Federal Court are five-fold. That is, that the level of preparedness of any police department must maintain superiority in five general areas as follows:

1. A Superiority of Planning;
2. A Superiority of Manpower;
3. A Superiority of Fire-Power;
4. A Superiority of Mobilization;
5. A Superiority of Communication.

Contrasting the level of preparedness exhibited by the Louisville Police Department versus the Jefferson County Police Department, we must report to this community that while the city police maintained such a superiority in each of the above areas, that the level of preparedness of the county department did not approach minimum standards.

SUPERIORITY OF PLANNING

Testimony coming before this grand jury clearly brought up the fact that the high command of the city police department began planning, for such unruly crowds as ultimately evidenced themselves on or about the January 6, 1975 during the period of time that the school desegregation issue was in the courts. This city planning was conducted in an orderly and constant manner through and including the opening of school on September 4, 1975. The city plan included the preparation of a contingency program of nearly 100 pages which described in detail the plan of operation to be employed by the city in the event of disturbance. This plan on file with the Grand Jury, sets forth, in military precision, all of the facets of planning necessary to safely deal with the citizens of this community who might choose to go beyond the level of peaceful assembly guaranteed them by our constitution. Each member of the city's command from its Chief to every sergeant commanding a squad was in receipt of a copy of this plan. Additionally, drills were held by the city department to thoroughly familiarize each member of the city task force with each aspect of the plan so as to properly address themselves to an unruly crowd and to avoid undo injury to anyone, citizen or police officer, if a confrontation arose. This plan was formulated only after many, many hours of meetings, including meetings with high ranking commands of police agencies in cities outside of Kentucky which also have been affected by similar busing order and experiencing confrontations. The city did not rely upon the

assurance of any party to the then ongoing litigation in federal court, that our community would not have busing by the fall of 1975.

In contrast, the high command of the Jefferson County Police spoke in general terms about meetings which were held in the few remaining weeks and days before the busing order was put into effect. No meetings of visiting police departments were held, and no plan of contingency was formulated. No special training was held by the county staff so as to properly prepare each member of the department to deal with the kind of situation they were to confront on September 5, 1975. There was conflicting testimony as to whether there was even a training session in riot control held the day before September 5, 1975, in one of the counties' districts. One witness indicated a previous training session was held in the Dixie Highway area on September 5, 1975, another made reference to that training session being held on September 4, 1975, and still another witness who had been assigned to the area reported that to his knowledge there had been no such training exercise. We must, therefore, conclude that there is at best, an inconsistency in testimony among those county officers as to what, if any, riot training had been received prior to the blackened day of September 5, 1975. We must therefore, conclude that among the Jefferson County Police department there was no superiority of planning as was the case in the city.

SUPERIORITY OF MAN-POWER

Our investigation reveals that the Louisville Police Department had, on an immediate mobilization basis, a sufficient number of riot-equipped personnel to handle virtually any type of disturbance which might arise out of the emotions surrounding the implementation of the busing order. In fact, on the evening of September 5, 1975, there had been a general call-up of city personnel who, in full riot gear, were caused to sit in city police buses awaiting a request by the county for assistance. These stand-by ready troops numbered in excess of 300 strong. No high level request was forthcoming from the county for the services of these men despite repeated testimony of successive witnesses that the county had found itself badly out-numbered, and in some instances, routed by the crowd in the Valley Station area. The chief of the County Police admitted that he had called for assistance while at the Valley Station area, but did not himself, nor by his command, order one of his deputies to request that this city detachment be moved into position in order to more quickly and more peacefully resolve the confrontation in which his men found themselves. Clearly, the members of the Jefferson County Police, some of whom were crouching behind automobiles, and some of whom had retreated to the wall of Valley High School, were on the defensive. A call-up of these city officers would have been a relative easy matter.

County officers were called up on an ill-planned, willy-nilly basis. Other testimony was to the effect that there was a 100% commitment of county officers backed by a relatively small contingency force supplied by the Kentucky State Police, we must conclude that the 125 odd peace officers were but a pebble in the sea of some 10,000 plus demonstrators, rendering that small force, without proper preparation or training, insufficient to the task of controlling that large group.

SUPERIORITY OF FIRE-POWER

For weeks and months prior to the opening of school and, indeed, even before the court order regarding busing had been signed, the Louisville Police Department had properly equipped its tactical force with helmets, equipped with face shields, riot sticks, appropriate and sufficient amounts of tear gas and portable communication devices enabling the squad command to be in communication with virtually anyone within the department as well as the command post, and any other necessary equipment to achieve a total level of preparedness.

On balance, the county police department had only a small amount of rather inadequate riot gear, for the most part, left over from the open housing demonstrations in the late 1960's. Such equipment had little use and because over half of the Jefferson County Police Department is comprised of officers coming on duty subsequent to 1970 and unfamiliar with the tactics employed during the demonstrations of the 1960's.

Witness after witness concluded that the use of tear gas in disbursing crowds is the most humane manner of crowd control. Yet, during the evening hours of September 5, 1975, there was insufficient gas available to the men on the street and only two canisters were deployed during the entire evening at Valley High School and this, only after Officer Mike Doughty's terrible injury had occurred. One might say that this amounted to "too little... too late". We can well appreciate the county high command position with regard to going the extra second mile with those who desired to exercise their constitutionally guaranteed rights to free expression. Yet when such a crowd turns unruly and endangers life and limb, such a status as had been determined, according to some witnesses as early as 8:15 P.M., we feel that the deployment of gas at that earlier time may have given the county force, then on the scene, control of the mob, and no doubt would have prevented the severe injuries which resulted from the disorder.

Superiority of fire-power is having the appropriate equipment to accomplish a given job and does not necessarily mean the employment of deadly weapons. In this instance, such fire-power would

have included proper riot sticks, gas, gas masks, helmets with face shields, and any other protective devices which would have enabled the officers to move through the crowds with a minimum risk of injury to themselves and the citizens.

This Grand Jury takes notice of the fact that unusual restraint was exercised by the individual police officer in not drawing that first service revolver in light of the overwhelming danger he was, along with his comrades, then facing. To this extent we wish to praise the "rank and file" officer for he has our undying gratitude for exercising this restraint. It was the individual officer who was the true professional at this encounter.

SUPERIORITY OF MOBILIZATION

The Louisville Police Department had made provisions for the use of buses in transporting tactical squads of men to a given area of disturbance, but these buses would also serve to remove prisoners taken into custody at the scene. Such use of buses minimized the deployment of individual vehicles driven by one or more police officers and thus reduced the police profile by not having a multitude of police cruisers in evidence at a location of disturbance. Our investigation reveals that great damage was visited upon county police cars which were in great number at the scene of the Valley High School incident, in fact, it was during an attempt to rescue a police car which was about to be burned, that Officer Doughty received his eye injury. Perhaps Officer Doughty might today have his eye if there had been a proper mobilization of troops into the troubled area. The Louisville Police Department mobilization plan called for specific movement of men in squad formation while there was not similar plans in the county leaving each individual to, as it were, "fend for himself"

SUPERIORITY OF COMMUNICATIONS

The Louisville Police Department had for weeks prepared for, and had placed in existence, a communication center which was equipped to communicate with all personnel within the city police force, personnel within the county police force, personnel within the county school board, all national guard personnel which next may be deployed, and who, in fact, were called up. This command center was also in touch with the County Judge's office, the Mayor's office, the Van Hoose Education Center, representatives of the Marshall's office, and so on. While the county police, on the other hand, did not duplicate such a facility. There was a mere token force of one or two men representing the county in such a command facility, thus rendering the county police in an extremely inadequate position with regard to inter-agency and inter-department communications. The city has maintained they had taken steps to insure instant communication from command down to the squad level within its own ranks while the county was limited to those communication facilities within each police car plus a few portable

units, which for the most part, were deployed by intelligence officers dressed as demonstrators and working in the crowd.

We must therefore conclude that the county police as contrasted with the city police did not have the five basic superiorities referred to above. And that even though some command personnel insisted that there could have never been a way for them to have anticipated the disorder of September 5th, neither was there the type of intelligence collection which the city had in order to properly assess the situation before the fact. Further, the reliance of the county upon assurances by school board members that busing would not occur this fall should not have desuaded that force from beginning preparations for any eventualities based upon their communication with the court itself which, ultimately, had the responsibility of making the decision.

This Grand Jury wishes to commend the individual county police officers who showed, not only great restraint as maintained above, but who showed bravery and courage above and beyond the call of duty, as many of our witnesses stated a strong showing of force is much preferred over the actual use of force. Had the County Police Department the superiority as above mentioned, we believe that there would have been such a strong show of force that the later use of force would have been unnecessary.

RECOMMENDATIONS OF NATIONAL ADVISORY COMMISSION
ON CRIMINAL JUSTICE STANDARDS AND GOALS

STANDARD 7.1

COMMAND AND CONTROL PLANNING

The Chief executive of every municipality should have ultimate responsibility for developing plans for coordination of all government and private agencies involved in unusual occurrence control activities. Every police chief executive should develop plans immediately for the effective command and control of police resources during mass disorders and natural disasters. These plans should be developed and applied in cooperation with allied local, State, and Federal agencies and should be directed toward restoring normal conditions as rapidly as possible.

1. Every police agency should develop intra-agency command and control plans to activate the resources of the agency rapidly to control any unusual occurrence that may occur within its jurisdiction. These plans should provide for:
 - a. Liaison with other organizations to include the participation of those organizations in quickly restoring normal order;
 - b. Mutual assistance agreements with other local law enforcement agencies and with State and Federal authorities, where effective control resources may be limited by agency size; and
 - c. The participation of these government and private agencies.
2. Every police agency should furnish current copies of command and control plans to every organization likely to participate directly in the control effort.
3. Every police agency should insure that every employee is familiar with command and control plans that relate to any function the employee might be called upon to perform, or any function that might relate to his performance.

RECOMMENDATIONS OF NATIONAL ADVISORY COMMISSION
ON CRIMINAL JUSTICE STANDARDS AND GOALS

STANDARD 7.2

EXECUTIVE RESPONSIBILITY

Every police chief executive should be given responsibility immediately to command all police resources involved in controlling unusual occurrences within his jurisdiction. This authority should be preempted only when a state of emergency is declared by the Governor, local authority breaks down, or command authority is transferred by prior agreement. In carrying out this responsibility, the police chief executive should direct all police activities within the affected area, and he should insure that at least minimum services are provided to the remainder of the jurisdiction.

1. Every local government should provide by law that the police chief executive be responsible for all law enforcement resources used to control unusual occurrences within the jurisdiction. The police chief executive immediately should establish a system designating executive command in his absence.
 - a. A system of succession of command should be established; and
 - b. A senior officer should be designated the acting chief executive in the absence of the chief executive.
2. The chief executive or his delegate should be available to assume command without delay at all times. This individual should:
 - a. Assess the agency's needs in the involved area and in the remainder of the jurisdiction;
 - b. Make decisions based on available information, and issue appropriate instructions to the agency to insure coordinated and effective deployment of personnel and equipment for control of the occurrence and for effective minimum policing of the remainder of the agency's jurisdiction;
 - c. Insure that all actions taken by law enforcement personnel deployed in the affected area are supervised and directed; and
 - d. Apply control measures according to established command and control plans and predetermined strategies.

RECOMMENDATIONS OF NATIONAL ADVISORY COMMISSION
ON CRIMINAL JUSTICE STANDARDS AND GOALS

STANDARD 7.3

ORGANIZING FOR CONTROL

Every police agency should develop an interim unusual occurrence control organization. This organization should be capable of rapid and orderly activation, assembly, and deployment of all needed agency resources and should be flexible enough to permit incremental activation. It should provide the following services under the command of the police chief executive:

1. A control center should be established to act as the agency command post responsible for:
 - a. Coordinating all agency unusual occurrence control activities;
 - b. Obtaining all resources and assistance required for the field forces from agency and outside sources;
 - c. Maintaining chronological logs and preparing periodic reports concerning the unusual occurrence situations; and
 - d. Collecting and disseminating information from field forces, agency sources, and outside agencies.
2. An intelligence organization should be responsible for collecting, evaluating, and disseminating information. The intelligence function should be performed by:
 - a. Field units;
 - b. A coordinating unit located at the agency control center; and
 - c. Outside agencies contributing intelligence through the coordinating unit.
3. A personnel unit should be established to :
 - a. Activate a predetermined personnel call-up system;
 - b. Maintain current personnel availability information and a continuous accounting of all agency personnel;
 - c. Anticipate the personnel needs of the field forces and provide for them;
 - d. Advise the agency commanding officer of the availability of personnel when the number of officers committed to the unusual occurrence indicates the need for partial or total mobilization, or a request for mutual aid or military assistance; and
 - e. Make proper and timely notifications of deaths and injuries

of agency personnel.

4. A logistics unit should be established to:
 - a. Procure the needed vehicles, maintenance, supplies, and equipment;
 - b. Account for the disruption of all vehicles, supplies, and equipment deployed in the unusual occurrence;
 - c. Determine appropriate staging areas and maintain a current list of them;
 - d. Receive and safeguard evidence and property for the field forces; and
 - e. Provide for feeding of field forces, when necessary.
5. A field command post should be established and staffed with personnel to support the field commander. The field command post should be staffed and organized to enable the field commander to:
 - a. Direct the operations necessary to control the unusual occurrence;
 - b. Assemble and assign agency resources;
 - c. Collect, evaluate, and disseminate intelligence concerning the incident;
 - d. Communicate with concerned task force officers and units;
 - e. Apply the strategy and tactics necessary to accomplish the police mission;
 - f. Gather, record, and preserve evidence; and
 - g. Maintain appropriate records of field operations.
6. A casualty information center should be established and staffed with qualified personnel to:
 - a. Gather, record, and disseminate all information concerning dead, injured, missing, and lost persons;
 - b. Establish liaison with relief agencies to obtain information on evacuees and evacuation centers;
 - c. Establish liaison with the medical examiner or coroner;
 - d. Deploy personnel, as needed, to hospitals, first aid stations, and morgues; and
 - e. Prepare casualty statistical reports periodically for the agency commanding officer.

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RECOMMENDATIONS OF NATIONAL ADVISORY COMMISSION
ON CRIMINAL JUSTICE STANDARDS AND GOALS

STANDARD 7.4

MASS PROCESSING OF ARRESTEES

Every police agency should immediately develop a system for the arrest, processing, transportation, and detention of large numbers of persons. The agency should seek alternatives to mass arrests, but if it is determined that mass arrests are necessary, a system should be available to provide adequate security for prisoners and officers and to insure that the arresting officer is returned to his field assignment as quickly as possible. The system should facilitate the restoration of order by means of lawful arrest, and preservation of all available evidence.

1. The mass arrest system should insure that arrestees are processed as rapidly as possible. The system should provide:
 - a. A procedure for gathering and preserving available evidence to connect the arrestee to the crime he is to be charged with. The evidence may include photographs, recording, video-tape, statements of witnesses, or other evidence;
 - b. A procedure for receiving each prisoner from the arresting officer and facilitating the officer's return to his field assignment as soon as possible;
 - c. Positive identification of the arrestee and the arresting officer;
 - d. A procedure for receiving and maintaining continuity of evidence;
 - e. Rapid removal of arrestees from the affected area. Security should be provided en route to prevent attempts to free prisoners;
 - f. A secure detention area to prevent escape or attempts to free prisoners. The facility should be adequate to maintain custody of a number of prisoners in safety;
 - g. Prearranged interagency agreements to facilitate the assimilation of the arrestees into the jail system when the arresting agency is not the custodial agency;
 - h. Defense counsel visitations after processing. These visitations should not be permitted under field conditions or at temporary detention facilities unless adequate security is provided. Prisoners should be transported to a secure detention facility without delay, and
1. Liaison with local courts and prosecutors to determine procedures and temporary court sites for speedy arraignment of arrestees.

2. The mass arrest system should make the name and charge of persons arrested available to public inquiry as soon as possible after the arrestee has been processed. A current list of arrestees should be communicated to the agency command center as the information becomes available. Inquiries should be directed to one central location.

RECOMMENDATIONS OF NATIONAL ADVISORY COMMISSION
ON CRIMINAL JUSTICE STANDARDS AND GOALS

STANDARD 7.5

LEGAL CONSIDERATIONS

Every State and local government should immediately review existing law and consider new legislation to permit necessary action by all control agencies and afford each individual all his constitutional guarantees during an unusual occurrence.

1. Full-time protection should be afforded every community by permanent legislation to provide for:
 - a. Federal and State reimbursement of local law enforcement agencies required to react to Federal and State events, such as conventions, campaigns, or VIP visits, and extraordinary costs incurred in responding to mutual aid requests;
 - b. Mutual aid agreements between local, county, and State police, and the National Guard;
 - c. The prohibition of unnecessary force or violence in making arrests;
 - d. The prohibition of any sanctuary by providing police access to any area, public or private, within the jurisdiction or close enough to constitute an immediate threat to public order within the jurisdiction;
 - e. The prohibition of interference with or attacks upon firemen or other emergency personnel;
 - f. The prohibition against failure to disperse any unlawful assemblies;
 - g. Prohibition of impeding pedestrian or vehicular traffic;
 - h. Strict controls on the manufacture, possession, transportation, or distribution of incendiary or explosive devices; and
 - i. Permits for parades, assemblies, and public events and regulations of the size and material used in picket signs and sign handles or any other device used in a public demonstration.
2. Emergency statutes specifically designed to cope with unusual occurrences should be enacted to provide for:
 - a. The arrest powers of county and State police and National Guard forces when engaged with or without the local police agency's assistance in control operations within a local jurisdiction;
 - b. Emergency police authority enabling local police to maintain

public order by suspending due process where a clear and present danger exists that mob action will render ineffective any local police agency's ability to maintain order;

- c. Restrictions upon sales of gasoline, liquor, and weapons;
- d. The restriction of public access to certain geographic areas under specifically defined circumstances;
- e. Curfew, loitering, and other crowd control measures;
- f. The restriction of public use of schools, places of amusement, water, and private aircraft; and
- g. Control of the storage of firearms, firearms parts, and ammunition.

RECOMMENDATIONS OF NATIONAL ADVISORY COMMISSION
ON CRIMINAL JUSTICE STANDARDS AND GOALS

STANDARD 7.6

TRAINING FOR UNUSUAL OCCURRENCES

Every police chief executive should immediately establish formal training programs in unusual occurrence control administration, strategy, tactics, resources, and standard operating procedures. This training should be given to selected personnel at all levels within the agency, personnel from other agencies in the criminal justice system, and from other related public and private agencies. It should be given frequently enough to maintain proficiency between training sessions, and should be routinely scheduled during periods of peak personnel strength. Otherwise, it should be scheduled in advance of anticipated events.

An unusual occurrence control training program should include both formal instruction and practical exercise.

1. Formal instruction should be implemented through:
 - a. Frequent inservice training, such as roll-call training, to serve as a refresher course, to practice techniques, or to introduce new procedures;
 - b. Periodic agency-conducted schools to familiarize personnel with agency unusual occurrence control procedures and organizational structure;
 - c. Regional or Federal courses, particularly when agency size does not permit development of local schools; and
 - d. A regional training institute to train instructors for local agencies.
2. Practical exercises should be conducted periodically to develop proficiency and teamwork among personnel through:
 - a. Field exercises for operational personnel to practice tactics and procedures;
 - b. Command post exercises for formulating strategy and evaluating existing and new procedures;
 - c. Regional exercises for familiarizing command personnel with mutual aid procedures and developing coordination between other local control agencies and nonlaw enforcement agencies; and
 - d. Criminal justice system exercises to develop coordinated participation of all interrelated criminal justice and noncriminal justice agencies.

3. The training curriculum and the subjects for practice should be directed to:
- a. Administrative level personnel to familiarize them with agency and criminal justice system emergency organizational structure and procedures for requesting additional personnel and equipment from the military or through mutual aid; and
 - b. Operational personnel to familiarize them with strategy, tactics, and standard operating procedures. The emphasis should be placed on a coordinated effort rather than individual action; use of chemical agents, communications equipment and other specialized equipment; applicable laws; human relations training; and procedures for procuring logistical support.

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