

Ronald Reagan Presidential Library

Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Blackwell, Morton C.: Files
Folder Title: Letters to Morton Blackwell on Forced Busing
(4 of 5)
Box: 63

To see more digitized collections visit:
<https://www.reaganlibrary.gov/archives/digitized-textual-material>

To see all Ronald Reagan Presidential Library inventories visit:
<https://www.reaganlibrary.gov/archives/white-house-inventories>

Contact a reference archivist at: **reagan.library@nara.gov**

Citation Guidelines: <https://reaganlibrary.gov/archives/research-support/citation-guide>

National Archives Catalogue: <https://catalog.archives.gov/>

Feb 6, 1982

Mr Morton Blackwell
128 Executive Office Bldg
Washington DC 20501

Dear Mr Blackwell :

I urge you and President Reagan to actively support legislation curbing forced busing. I cannot believe that economic and foreign issues occupy all of this administrations time.

Your support could result in legislation desired by a majority of Americans and keep a promise made in 1980. Sincerely

William H McAlister mo
54 Middlesex
Brentwood MO 63144

~~copy~~

107 Morewood Dr.
Manchester, Mo. 63011
Dec. 6, 1981

President Ronald Reagan
White House
Washington, D.C. 20510

Dear President Reagan,

I know you are extremely busy with the budget & economy now, but housing among 4 countries is a pressing issue right now in the St. Louis area. I know you have a great influence with Congress & it is needed now before thousands more families are uprooted & education interrupted for the children.

Even if you can't lobby as hard. As for other issues, can't you work behind the scenes & at least direct the justice dept.?

Sincerely
Barbara Wade

THIS IS

NOVEMBER 1981

THE BOTTOM LINE

VOL. No. "UNITED WE STAND - DIVIDED WE BUS"



MARRIOTT MERRIMENT

We were all dressed up the evening of Monday, October 26, and did we have a place to go! About 50 representatives of all six NANS Eastern Missouri affiliates, all decked out in our "Stop Forced Busing" shirts, jackets, buttons and hats attended a Reagan Rally at the downtown Marriott Pavilion Hotel.

It had been advertised that top Reagan aide, Lyn Nofziger, would be the guest speaker and we weren't about to let the opportunity to make an impression upon him slip by the wayside.

Upon entering the banquet room, the group received some cautious glances until it became evident that our attendance was only intended to be a silent, but highly visible, reaffirmation of our sentiments and concerns.

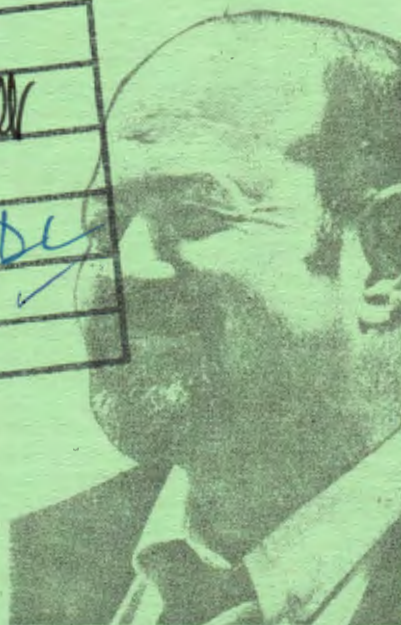
Many notables were present: Missouri Attorney General John Ashcroft, St. Louis County Supervisor Gene McNary and significant numbers of state representatives, state senators, and city and county dignitaries.

Our presence was duly noted by the two preliminary speakers, John Ashcroft (who stated the need to get the federal government off our backs and out of our private lives) and Gene McNary (who ventured to guess that everyone in the room would be proud to wear the same hats we were wearing). To these remarks, the crowd responded with hearty applause, which also served to support the efforts being made by both of these men in their efforts to preserve the sanctity of the neighborhood school concept.

The highlight of the evening, however, was when Mr. Nofziger came to the podium. After issuing greetings to all present from President Reagan, he immediately turned his head to our section of the audience and stated that "I want you to know that there's a man in the White House named Reagan who agrees with you. I think we'll get something done about that in the next four years."

Before Mr. Nofziger departed, he was given a letter of request from NANS Eastern Missouri to President Reagan in which the importance of a meeting with him and/or his top aides to discuss our dilemma.

WHD	
RC	W
JP	
DL	DL
MB	✓



Lyn Nofziger

One can never be quite certain about the extent of the impact or impression one makes upon people in high places. However, on the following Thursday, U.S. Attorney-General William French Smith, stated "The Reagan Administration is moving to curb judicial activism and to convince judges to stop making policy in such areas as abortion and school busing."

MOVE TO CURB ACTIVIST JUDGES

For many years a number of federal judges, including justices on the U.S. Supreme Court, not only have interpreted the law, they have made new law. They have done this despite the fact that such action is not authorized by the Constitution.

The Reagan administration commendably is moving to curb this judicial activism in such areas as abortion and school busing, according to Attorney General William French Smith.

In their too broad construction of the Constitution, Smith said that some courts have attempted to restructure entire school systems in desegregation cases.

"They have asserted similar control over entire prison systems and public housing projects. They have restructured employment criteria . . . even to the extent of mandating numerical results based upon race or gender. No area seems immune from judicial administration. At least one federal judge has attempted to administer a school system," said French.

Residents of the St. Louis region have been dismayed by the actions of U.S. District Judge William L. Hungate in the case involving efforts at desegregating St. Louis schools.

Judge Hungate arbitrarily ordered 18 school districts in the St. Louis region to come up with a program to include themselves in the St. Louis desegregation effort. They were made a party to the law suit even though none of these districts had ever even been formally accused of being involved in the alleged racial segregation of St. Louis schools. Nor was any evidence introduced in court to warrant such action.

Were it not for the activism of some federal judges, the massive and highly unpopular compulsory school busing orders covering whole cities would have stopped long ago. But, like Roman emperors, the

judges seem to think they can do no wrong, even when their dictatorial busing plans fail miserably and only succeed in resegregating school system after school system.

This activism has infested the Supreme Court itself, a fact attested to earlier this year by Justice William H. Rehnquist as he accused the high court of "constantly tinkering with the principles laid down" in 1976 and thus making it "virtually impossible" for states to promptly execute convicted murderers.

The net result, said Rehnquist, has been that condemned murderers now can create "endlessly drawn-out legal proceedings" until "the death penalty in this country is virtually an illusion."

It is encouraging that Attorney General Smith says the Justice Department will attempt to curb these judicial excesses by means of legislation and litigation. In past administrations, the Justice Department has been almost totally passive to the federal judiciary overstepping its bounds.

It is one thing to insulate the federal judiciary from political pressure. But when judges continue to take advantage of this immunity by interpreting the Constitution to suit their own pet social theories, it is time to call a halt.

Already there are strong movements for changing the constitutional provision which gives federal judges life tenure so that they will be required to stand for election. If the present situation is not rectified, these demands may be translated into action. The people are not going to stand by indefinitely and be dictated to by federal judges who attack the neighborhood school system, frustrate capital punishment of murderers and oppose the wishes of the great majority of Americans on other key issues.

ST. LOUIS GLOBE-DEMOCRAT

OCT. 31- NOV. 1, 1981

REPRINTED WITH THEIR KIND PERMISSION

MOSS MINCED NO WORDS

The NANS affiliates in the metropolitan area were indeed fortunate to have the opportunity to hear Mr. William Moss, school board member from Columbus, Ohio, speak to us last October 22nd and 23rd.



William Moss
... of Columbus, Ohio...

Mr. Moss came armed with statistics regarding the failure of forced racial school assignments, not only in Columbus, but elsewhere in the nation. The major thrust of his arguments, what NANS has been telling you all along, was that blacks oppose forced busing just as much and for the exact same reasons as whites.

There is an irony here that Moss made clear to us: Forced racial balancing (incorrectly termed "desegregation" by the courts) was supposed to have united the races and eased tensions. We know, of course, that forced busing has produced precisely the opposite results. But, FIGHTING forced busing is uniting black and white parents into a solid group, all of whom are struggling for a common goal: a better quality of education for our children. Perhaps, out of this forced busing madness, some good will come.

Moss received excellent coverage from our major St. Louis news media: Channels 2, 4, and 5 covered the October 22 SCANS meeting, as did the Post, Globe, and Suburban Journals. Channel 9 taped the entire Moss speech at the NO-BUS meeting on October 23 and ran a sizeable segment of that speech the following weekend. Moss was able, through this excellent coverage, to establish contact with black leaders in North St. Louis City and will be returning to St. Louis in the near future to speak to black groups regarding the failed policy of racial balance busing.

TOO LATE TO GET TYPESET

NOV. 13 - According to a report tonight on KSDK-TV, the St. Louis City Board of Education's desegregation plan (to be filed with Judge Hungate Nov. 16) requires the inclusion of ALL 41 school districts in St. Charles, Jefferson and St. Louis Counties, and the city of St. Louis, to be consolidated. GET TO YOUR CHAPTER MEETINGS AND HELP STEM THE TIDE. YOU ARE IMPORTANT

ACCA UPDATE

By Jeanne Hacker

"The weekend of October 16 and 17 found many ACCA members going door-to-door in Shrewsbury, obtaining signatures for the initiative petition to put the forced busing referendum on the November 1982 ballot. ACCA has a good portion of the 5900 signatures needed, however, we must not become lax in our efforts. These signatures must be gathered by July, 1982. At the ACCA September meeting, State Representative Walt Mueller, author of the referendum, stressed the importance of the courts and congress hearing the voice of the people. He stated "There are those on the other side of the battle that have been at it for a long time and as long as the money keeps coming in, they will continue to press on. We as volunteers must also hang in there, never let us, because although we are not gaining financially, these are **OUR SCHOOLS** and **OUR NEIGHBORHOODS** being destroyed. So keep the faith and keep up the fight."

The ACCA membership indicates they are continuing their letter writing. In addition we have learned of a "White House Complaint Line, Busing Complaint Line and General Litigation

Hot Line." We urge our members to make use of these and to state they are calling from ST. LOUIS, MISSOURI, which is presently under siege. The numbers are as follows:

WHITE HOUSE LINE 1-202-456-7639

BUSING COMPLAINT LINE 1-202-633-3487

GENERAL LITIGATION INFORMATION LINE 1-202-633-4713

Let's keep the phone lines hot!!!!

On October 26th some members of ACCA joined members of the other 5 NANS affiliates in the area to attend the President Reagan rally at the downtown Marriott Pavilion. Mr. Lyn Nofziger was the guest speaker. We were there to lobby for a meeting with President Reagan and to advise him of the urgency of action on the busing issue. We were very visible, wearing our "STOP FORCED BUSING" hats, jackets, shirts and buttons.

We urge all members to renew their membership in ACCA and join or renew your membership in the NANS National organization.

ANSJC NEWS

Judge Hungate may have exempted Jefferson County from the current suit before him, BUT MAKE NO MISTAKE ABOUT IT - the 8th Circuit Court of Appeals has been asked by the NAACP to put Jefferson County right back into it. And past records have proven that what the NAACP wants from the 8th Circuit Court - IT GETS. . .

Also, it is important that you know that the Judge ordered that Jefferson County be included in a feasibility study regarding mandatory busing. If the three court-appointed experts (all pro-busers) come up with a recommendation that Jefferson County be included in forced-busing plans (now or in the future), you can get the judge will take heed of the advice of the experts HE appointed.

Let's face it folks — as long as a single school district, even a single child, is being bused to any school outside his immediate school district

against his and his parents' will, WE ARE ALL IN JEOPARDY of the same thing happening to us. Injustice to one is injustice to all.

It is extremely important that we continue to assist the St. Louis County school districts in their battle. IF THE BORDERLINE BETWEEN ST. LOUIS CITY AND ST. LOUIS COUNTY IS DESTROYED, THE EXAMPLE WILL HAVE BEEN SET TO DESTROY THE NEXT BORDERLINE BETWEEN US AND ST. LOUIS COUNTY. Until they are safe - we aren't safe.

Come and hear about the landmark implications in this case from a very knowledgeable and dynamic speaker, Betty Johnson (Board member of SCANS and editor of this newspaper) at our meeting on Tuesday, December 1st, at 7:30 p.m. at the Fox Junior High School cafeteria.

You won't be sorry — and that's a promise. . .

INSIDE SCANS

NOVEMBER 1981

NAACP INCLUDED IN FEDERALLY-SUPERVISED CHARITY DRIVE

The Combined Federal Campaign (CFC) is, for federal employees, the equivalent of the United Way drive. Through it, federal employees (including military personnel) are solicited for contributions, with those contributions then flowing to the recipient "charitable" agencies.

This year, for the first time, the NAACP is one of those recipient "charitable" agencies. SCANS and ACCA leaders spent a couple of mornings at federal installations in the St. Louis area handing out brochures that explained to the employees about this situation. According to newspaper reports, the leaders of the CFC drive were more than a little disturbed about this activity of our groups.

Any of you who are federal employees and have made your pledge to the CFC, make sure you designate specifically which charities you want your contribution to be sent to - AND MAKE IT CLEAR WHICH AGENCIES YOU DON'T WANT YOUR CONTRIBUTION TO BE GIVEN.

You have until December 31 to amend your contribution form.

TV WINNER TO BE ANNOUNCED AT NOVEMBER 30 MEETING -

The drawing for the winner of the television set which has been on display at the last two meetings will take place at the November 30th meeting. Last chance to obtain a ticket will be prior to the opening of the meeting. Any outstanding ticket donations must be turned in prior to the meeting. Call Tammy Swinger at 849-0590 for details.

REFERENDUM ON BUSING PETITIONS

Several people took petition forms home to get them signed by friends and neighbors. THEY MUST BE NOTARIZED before you turn them in. We will have a notary at our meetings for your convenience. If you have your petitions completed and notarized already, you can mail them to SCANS, P.O. Box 10753, St. Louis, Mo. 63129.



NATIONAL ASSOCIATION FOR NEIGHBORHOOD SCHOOLS, INC.

ANTI-BUSING UPDATE (10/81)

OFFICERS & DIRECTORS:

President: Wm. D. D'Onofrio,
Wilmington, De.
1st V.P.: Robert DePraz,
Louisville, Ky.
2nd V.P.: Robert Shanks,
Cleveland, Ohio
Secretary: Kaye C. Cook,
Fredericksburg, Va.
Treasurer: Earl Stauffer,
Columbus, Ohio

George Armstrong,
Louisville, Ky.

Noreen Beatty,
Pittsburgh, Pa.

Lillian Dennis,
Warren, Mich.

Joyce DeHaven,
Dallas, Texas

Mary Eisel,
Omaha, Nebraska

Mariene Farrell,
Nashville, Tenn.

Ruth Glascoff,
Bayonne, N.J.

Joyce Haws,
Cleveland, Ohio

Jim Kelly,
Boston, Mass.

William Lynch,
Austin, Texas

Jackie Levine,
Los Angeles, Cal.

Libby Ruiz,
Tucson, Arizona

Don Schipp,
Eau Claire, Mich.

Den Seale,
Lubbock, Texas

Dan Shapiro,
Los Angeles, Cal.

Frank Southworth,
Denver, Colorado

Ed Studley,
Boston, Mass.

James Venema,
New Castle, De.

Nancy Votts,
Boston, Mass.

Sen. Orrin Hatch, Chrmn. of the Constitution Subcommittee of the Senate Judiciary Committee, has introduced the kind of legislation we have been waiting for all these years. The bill will strip from the lower federal courts the jurisdiction to order busing as a remedy for intentional school segregation, will list the remedies courts will be limited to in addressing school segregation (injunctions triking down segregative lase, in-district voluntary transfers not involving coercion or quotas, etc.) and will provide a mechanism whereby areas already under busing orders which are in violation of the bill's provisions can obtain relief.

The full Senate Judiciary Committee is chaired by anti-busing Sen. Strom Thurmond. The ranking Democrat on the committee, Sen. Jos. Biden, will support any legislation reported out by the committee - 11 of the 18 committee members are anti-busing.

We expect strong majority support on the floor of the Senate. On 9/16/81, anti-busers in the Senate proved, by a vote of 61-38, that they could override a probusing filibuster.

A companion bill will be introduced in the House, where it will be buried in the hostile House Judiciary Committee and opposed by Speaker Tup O'Neill. However, we have a strong anti-busing majority on the floor of the House. (In June, an anti-busing amendment to Justice Dept. appropriations passed by 265-122 even though 29 strong anti-busers were absent on the roll call.) We will force our bill on to the floor with an intensive discharge petition effort.

(NOTE: As of this writing, the discharge petition on the Mottl anti-busing constitutional amendment had over 200 of the 218 House signatures required to force that measure from committee).

Queried as to his position on this type of legislation, President Reagan, at a White House news conference recently, said that he "would be happy to see such legislation reach his desk." A NANS meeting with top Reagan aide, Ed Meese, is being set up to help ensure this position. On 9/30/81, NANS' Bill D'Onofrio and Jim Venema, accompanied by our Washington lobbyist, met with the head of the Reagan Justice Dept.'s Civil Rights Division to further strengthen our position. Meanwhile, NANS people are testifying at hearings held by three congressional subcommittees.

Working through our lobbyist, NANS has had direct input on the precise wordking of the legislation. Following this up, on Sept. 23, D'Onofrio and our lobbyist met with lawyers for two key Senate Judiciary subcommittees to shore up the bill's language.

WE NEED YOUR FINANCIAL SUPPORT TO CONTINUE THESE EFFORTS!!!

SOUTH COUNTY ASSOCIATION FOR NEIGHBORHOOD SCHOOLS

MEMBERSHIP APPLICATION

RENEWAL _____

PLEASE PRINT NAME _____ DATE _____

ADDRESS _____ ZIP _____ PHONE _____

NAME OF YOUR SCHOOL DISTRICT _____

Do you have a talent or service to offer? Would you be willing to serve on a committee? If yes, please check here _____

We urge you to become members of both SCANS and NANS (National Ass'n for Neighborhood Schools). Please indicate the type of membership you desire, then combine amount on one check for payment.

SCANS ANNUAL DUES: \$ 5.00 Family _____ \$ 3.00 Single _____

NANS ANNUAL DUES: \$15.00 Family _____ \$10.00 Single _____

(We will forward your NANS dues with your name, address, etc. for you to the NANS membership office).

MAIL CHECK & THIS FORM TO: SCANS, P.O. BOX 10753, ST. LOUIS, MO. 63129

MEMBERSHIP RENEWAL

If you have received a membership renewal form in the mail and have misplaced it, please use the form included in this mailing.

COUPON POWER

Our fundraising committee is selling COUPON POWER Books for \$5.00. It's the working man's (or woman's) version of Entertainment '82. It contains money-saving coupons for: The Slimmery, Wendy's, Burger King, Arthur Treacher's, hockey tickets, film developing and tickets to the Wehrenberg, General Cinema and Mark Twain theaters, plus a whole list of others.

They are available at our meetings and if you think you can sell some for us, call Tammy Swinger at 849-0590.

REMEMBER THE PREGNANT LADY AT OUR BAR-B-Q OCTOBER 2 and 3?

Well, that was Pat Forth, wife of Steve Forth, both very active members of SCANS.

Well, we don't know if the BBQ had anything to do with Pat delivering early or not BUT we KNOW the BBQ didn't have a thing to do with the fact that

THEY ARE NOW THE PROUD PARENTS OF IDENTICAL TWIN BOYS, DANIEL AND DAVID. Mother and boys are doing fine - Dad we're not so sure about.....

Congratulations, Forth Family.

WCANS IN ACTION

By Dave Husman

We read now that the date for plans for mandatory forced busing of our children has been moved up from February, 1982, to November of this year! At the same time, we are told that the Supreme Court plans to review the Washington and St. Louis cases. One would surmise that, (a) very possibly the effort made so far right here in St. Louis to stop this perposterous scheme is being felt by our government and (b) at the same time, promoters of the scheme are pushing harder yet to take away our right to send our children to our own neighborhood schools!!

At our last meeting, Karen Menkhuis, President of our North County affiliate, "No Bus", made the point that the greatest promoters of forced busing are not the people and organizations that we refer to above, but in fact, are OURSELVES when we mistakenly think that it can't happen here or that someone else will stop it for us! Fact is, it probably will happen here as it has happened in scores of other cities across our nation where others once felt as sure as we sometimes do that it couldn't happen. THERE WILL BE NO BETTER TIME THAN RIGHT NOW to make your effort three ways:

1. Use your Personal Action Kit to help your friends join us and make their preference felt. We are entering a new area of contact with top people in Washington and we need backing from everybody.
2. Get involved at meetings and take part on committees; we will BURN OUT if a few do the job for many.
3. Keep up your Personal Action with letters and calls. We now have the additional numbers for direct contact to Washington; WHITE HOUSE COMMENT LINE, (202) 456-7639; Justice Dept. Busing Complaints, (202) 633-3847; General Litigation Complaint Dept. (202) 633-4713. Identify yourself by name and address and as a NANS member, for maximum impact.

Joan Sale, of Manchester, was the lucky winner of the applliques quilt at our September 15 meeting. We now have tickets to buy or sell (books of 10) on a beautiful embroidered QUILT; drawing to be January 6, 1982. Donation: \$1.00 each.

NO-BUS NEWS

By Karen Menkhuis

The visit of Mr. William Moss to St. Louis was a great success. I know that everyone who heard Bill Moss speak thoroughly enjoyed his remarks and felt motivated by them. A big thanks to all of the NANS of Eastern Missouri affiliates for bringing Bill Moss to St. Louis, with a very special word of appreciation extended to SCANS for allowing NO-BUS to share in this activity.

On Tuesday, September 29, Mr. Gayle Taylor (President, STCCANS), Judy Busso (VP, SCANS) and I appeared on the Channel 9 program called "St. Louis Journal." I have had a great many comments from people who saw that program regarding the absolute hostility displayed by panelist Bonita Cornute. It isn't often that someone who professes to be a "professional journalist" becomes so blatant in their display of unprofessionalism. Serves as a reminder, doesn't it, that people who wish to throw the "racist" label around should look to clean their own house first.

A special thanks to Betty Zink for organizing our bake sale on Saturday, October 17, and to her helpers — Sandy Clayton, Carol Snee and Billy Snee. We were completely sold out by 1:00 p.m., and earned \$114.00 from the sale.

Thanks, too, to Doris Zipoy for her help in organizing our garage sale. Doris has very kindly offered us the use of her home; but mother nature intervened on 10/14 and rained us out. We rescheduled for the following Wednesday, and earned almost \$120.00 from that sale. A special thanks to Doris, Jody Rushton and Betty Fieselman for their help. WE ARE PLANNING ANOTHER GARAGE SALE FOR NOVEMBER. IF YOU HAVE ITEMS TO DONATE, PLEASE CONTACT JODY RUSHTON (838-3603), DORIS ZIPOY (291-6842), or KAREN MENKHUIS (739-2966).

WANTED: Ideas for raising money. Please contact one of the people listed above if you have an idea to help us earn money for our cause.

The next meeting of NO-BUS will be held at 7:30 p.m. at the Florissant Valley Branch of the Public Library, 195 South Florissant Road. Mr. Gayle Taylor, President of the St. Charles County NANS affiliate (STCCANS), will be our featured speaker that evening.

SCANS UP-DATE

We're happy to report that our Stop Forced Busing Bar-B-Que last October 2 and 3 netted another \$1,000.00 for the lobbying fund. Thank you to everyone who worked so hard to make this a success. Our fund-raising dynamo, Tammy Swinger, is considering a dinner/honors party for sometime this winter — we'll let you know the date as soon as the details are finalized.

We were also most happy to host one of the two meetings at which Bill Moss spoke. He's a very dedicated and knowledgeable man, and we benefited greatly from his visit. Please see the Moss article elsewhere in this Bottom Line issue.

Many of you who attended our Sept. 22 meeting at Mehlville Senior High School complained that the mercury lights in the gymnasium caused some skin burns and eye irritation. We checked with Dr. Shannon at Mehlville and he said that the lights were, indeed, defective. He said that, the weekend before, some vandals had broken into the gym and shot arrows at the lights, causing some to short out and give off the harmful rays. The defective lights have been replaced and Dr. Shannon asked us to have you call him at 892-5000 if you suffered burns from the lights.

Media Events: Our SCANS Vice President, Judy Busso, has had three media contacts in recent weeks. She was interviewed by KTVI's

Don Johnson regarding the Vanderbilt report, participated in a radio interview at Meramec Community College on the busing issue (program conducted by the communications class and will be broadcast on KSHE radio, date as yet unscheduled) and appeared on St. Louis Journal (Channel 9) with Karen Menkhous (NO-BUS) and Gayle Taylor (STCCANS). Betty Johnson had a second go-around with Susan Uchitelle and Ron Stogdill on Julius Hunter's KMOX Sunday night radio program.

Speaking of the Vanderbilt Report: For 7 years Vanderbilt University worked to find evidence that busing "works." The results after seven long years of effort? They concluded that, whereas they cannot find any hard evidence that forced busing is beneficial, they hoped to offer some evidence that it is not harmful!!! This is like the quack doctor who forces a bitter pill down your throat and tells you that the pill will do you absolutely no good, but it probably won't kill you! I wish all the pro-busing "quacks" who have their own children in private schools would take a little of their own medicine.

We look forward to seeing you at our next SCANS meeting on Monday, Nov. 30 at Mehlville Senior High School (the lights are working now!). That will be our last meeting for 1981. Perhaps, with Congress finally getting ready to address the busing issue, we'll have some GOOD news to report to you in our January meeting.

**WELCOME TO "ANSJC" AND "STCCANS",
THE JEFFERSON COUNTY AND ST. CHARLES
COUNTY STOP FORCED-BUSING ORGANIZATIONS,
AS CONTRIBUTORS TO THE BOTTOM LINE.
NOW THE MEMBERSHIPS OF ALL SIX
NANS OF EASTERN MISSOURI CHAPTERS
RECEIVE THE BOTTOM LINE.**

STCCANS BUS FUMES

The battle for our St. Charles Schools is far from over. Just last week Half-Judge Hungate called for statistics on attendance at the five (5) St. Charles school districts. This is part of the on-going feasibility study to install inter-district, inter-county busing.

NO ONE HAS ESCAPED FROM FUTURE FORCED BUSING PLANS!

Not St. Charles County;

Not Jefferson County

Not even the five (5) school districts that volunteered to cooperate with the half-judge!!

It is hard to understand why our neighbors think we are no longer in danger.

WAKE THEM UP!

Bring a friend with you to our next meeting.

October — At the request of Bill D'Onofrio we contacted a group in the Kansas City area. On the 20th, Gayle Taylor, our president, presented the NANS message at the monthly meeting of the ProFamily Forum of Independence, Mo. That contact included a one-hour listener call-in program on radio station KCCV and a 15-minute news interview on TV Channel 50. We hope to establish a NANS affiliate in that area and to get help in circulating the Missouri Referendum Petition for freedom of choice in public education.

Our regular monthly meeting was held on the 21st with Congressman Richard Gephardt appearing as guest speaker. Carl Frederick presented a dynamite idea for letter to the White House and so we printed the text of his message here.

A Letter to the White House

On October 1, the President's tax cut took effect. You probably found a small increase in your first paycheck of the month. This money is the visible result of a massive campaign of planning, drafting and lobbying staged by the President and his White House staff.

At the same time, the undermining of our neighborhood schools continues. Federal judges in Metropolitan St. Louis and around the country impose busing for racial balancing while legislation languishes in Congress. Since his inauguration, President Reagan has chosen to ignore social issues like forced busing.

We must remind the President that our schools deserve his support as much as the economy does. We will get his attention by returning some of the money which he gave us in the tax cut.

This week write a letter to:

**President Ronald Reagan
The White House
Washington, D.C. 20510**

Include with this letter a check, made payable to Ronald Reagan, for some part of your personal tax cut. You may also want to include a picture of your children, their school, or a school bus. Then in the letter mention these points:

1. The check represents my benefit from your tax cut.
2. I am returning this money to emphasize my displeasure with you for ignoring the issue of forced busing while spending all of your efforts on the economy.
3. I, my children, and my neighbors expect you to support efforts in Congress to put an end to court-ordered busing.

November — We have not scheduled a meeting for this month because of the obvious conflict with the Thanksgiving Holiday. However, we are working toward a possible meeting with Senator John Danforth. If we are able to schedule him for a visit on one of the Sundays in November, members will be notified by phone.

December — Our next scheduled meeting is Thursday, December 10th at St. Charles West High School. As is our custom, the meeting will start at 7:30 p.m. and will end promptly at 9:00 p.m.

"THE BOTTOM LINE" is a cooperative effort of the Ass'n of Concerned Citizens of Affton (ACCA), Ass'n for Neighborhood Schools in Jefferson County (ANSJC), NO-BUS, South County Ass'n for Neighborhood Schools (SCANS), St. Charles County Ass'n for Neighborhood Schools (STCCANS), and West County Ass'n for Neighborhood Schools (WCANS), all registered with the State of Missouri as not-for-profit corporations.

ACCA	P.O. Box 4341	St. Louis, MO. 63123
ASSJC	P.O. Box 444	Arnold, MO. 63010
NO-BUS	P.O. Box 1123	Florissant, MO. 63031
SCANS	P.O. Box 10753	St. Louis, MO. 63129
STCCANS	P.O. Box 1265	St. Charles, MO. 63301
WCANS	P.O. Box 814	Manchester, MO. 63011

Editor - Betty Ann Johnson
Board of Directors (SCANS)

HAS THE ST. LOUIS CITY BOARD OF EDUCATION
DECLARED WAR ON THE SUBURBAN DISTRICTS?
SEE PAGE 3 - "TOO LATE TO GET TYPESET"

AND GET TO OUR NEXT MEETING

MON. NOV. 30 7:30 P.M.

MEHLVILLE SR. HIGH SCHOOL

3120 LEMAY FERRY ROAD

SCANS

P.O. BOX 10763

ST. LOUIS, MO. 63129



ADDRESS CORRECTION REQUESTED

Ms. Elizabeth Dole
Old Exec. Off. Bldg.
c/o White House
Washington, D.C. 20500



December 5, 1981

Judge William Hungate
1114 Market
St. Louis, Missouri 63101

Dear Judge Hungate:

Our family has some very important questions to ask you. First I will introduce you to our children; Dave is a Freshman at Oakville Senior High, he is presently carrying a 4.0 grade average, he was on the Freshman Football Team and is presently playing on the Basketball Team, his school is about 4½ miles away - Cindy is in 7th grade at Oakville Junior High, she is presently carrying a 3.23 grade average and enjoys her classes, her school is about 3 miles away - Benjie is in 3rd grade at Point Elementary and is presently carrying a 3.14 grade average and likes school, his school is about 1 mile away.

I would also like to point out that as a mother, I spend 2 half days a week, one at Oakville Junior's Health Room as a Red Cross Volunteer, the other at Point's Health Room. I also spend one half day each week in the Point Library. I am on the PTA board at Point, and am also a Room Mother. My husband and I are very active in our older children's school's activities. This kind of involvement could never be possible if our children were bussed into the city. (the maximum distance being 31 miles according to the plan) I would also like to point out that this type of involvement is extremely important for children as well as beneficial to the schools.

We have lived in this particular area for 15 years. We saved for our home and took great care in choosing the area, school district, etc., where we wanted to raise our family. The ridiculous proposal submitted by the St. Louis City Board of Education, forming "5 super districts," would take all that we have worked very hard for and throw it away.

If the black children are not receiving quality education in the city schools, how will that change if you send our children there? Are you, and the City Board racist enough to say that black children can only receive quality education if they sit next to a white child? In our opinion, the St. Louis City school district is already too large! Through poor management, and no local control it has deteriorated to its present state. The County has maintained small local, individual control and their districts have flourished. Why don't you take all your efforts, time and money, that you will be wasting on busing thousands of children, and upgrade the city school system?

Please explain to our family, how we have caused a problem, and that we are guilty of contributing to segregation in St. Louis City schools? We are, and have been, working hard to pressure our Congressmen and Senators, insisting that they pass legislation to stop forced busing simply to achieve a racial balance. This travesty of justice has to be stopped!

cc President Ronald Reagan
Senator John Danforth
Senator Tom Eagleton
Governor Bond
Mr. Terrell Bell
Senator Paul Laxalt
Senator Jesse Helms
Senator Strom Thurmond
Morton Blackwell

Awaiting your prompt reply,
The Ed Fox Family
Ed *Edwin R. Fox*
Donna *Donna R. Fox*
Dave *Dave J. Fox*
Cindy *Cindy Fox*
Benjie *Benjie Fox*



Busing

12/5/81

Dear Mr. Blackwell:

OFFICERS & DIRECTORS:

President: Wm. D. D'Onofrio,
Wilmington, De.
1st V.P.: Robert DePrez,
Louisville, Ky.
2nd V.P.: Robert Shanks,
Cleveland, Ohio
Secretary: Kaye C. Cook,
Fredericksburg, Va.
Treasurer: Earl Stauffer,
Columbus, Ohio

George Armstrong,
Louisville, Ky.Noreen Beatty,
Pittsburgh, Pa.Lillian Dannis,
Warren, Mich.Mary Eisel,
Omaha, NebraskaMarlene Farrell,
Nashville, Tenn.Ruth Glascott,
Bayonne, N.J.Sharon Goodburn,
Columbus, OhioJoyce Haws,
Cleveland, OhioJim Kelly,
Boston, Mass.William Lynch,
Austin, TexasJackie LeVine,
Los Angeles, Cal.Barbara Mueller,
St. Louis, Mo.Libby Ruiz,
Tucson, ArizonaJane Scott,
Charlotte, N.C.Dan Seale,
Lubbock, TexasDan Shapiro,
Los Angeles, Cal.Frank Southworth,
Denver, ColoradoEd Studley,
Boston, Mass.James Venema,
New Castle, DE.Nancy Yotts,
Boston, Mass.

Please get a copy of the enclosed order
by Judge Frank Battisti to President Reagan.
The order is to the Ohio State School Board.

In addition to the take-over of our
public schools, he apparently intends
a take-over of even Christian schools.

We are all eagerly awaiting Reagan to
help us pass S. 1760 and/or S. 1647
and/or the Mott Amendment. He must
help us ~~use~~ insure that whatever
passer is strong enough to stop
the take-over in cities like Cleveland
(already "busing")

Our news media here has stopped
telling any of the truth about what
this take-over has done and
how we all feel.

Joyce Haws (NANS)
(216) 398-4667

P.S. We really do need
to meet with President
Reagan as soon as possible!

president's office

1800 W. 8th St.

Wilmington, DE 19805

communications office

3905 Muriel Ave.

Cleveland, OH 44109

membership office

4431 Okell Rd.

Columbus, OH 43224

STOP FORCED BUSING



FBW
Important!
CAS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
1981 NOV 24 AM 9 12
CLERK OF COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROBERT ANTHONY REED, et al. : C73-1300

Plaintiffs :

-vs- :

ORDER

JAMES A. RHODES, et al., :

Defendants :

Battisti, C.J.

(State School Board) ->

Pursuant to this Court's orders of July 1, 1981, and September 2, 1981, the state defendants have filed a proposed rule and criteria and procedures for chartering and providing services to non-public schools.

The Court is gratified by the state's prompt and considered response to its orders. The rule, criteria, and procedures proposed evidence a serious effort to address the problems presented by non-public schools opening and operating in desegregating school systems.

The Court finds the proposed rule and criteria for the most part satisfactory. However, the Court concludes that the rule, before promulgation, should be amended in the following minor respects:

1. In the memorandum accompanying the proposed rule, the state defendants report that the proposed procedures and criteria "would be applicable to all new non-public schools throughout the state." Memorandum, p.

2. The procedures and criteria. if a double standard is to be avoided, should also be applied to existing non-public schools, which should be given a reasonable time (not to exceed two years from the date of promulgation) to comply.

2. Proposed rule 3301-39-01(B) provides in part that schools which have neither an approval to operate nor a charter "may, independent of this rule, request a determination of compliance with minimum standards from the State Department of Education for the purpose of permitting pupils and their parents to comply with the compulsory attendance laws as set forth in Chapter 3321 of the Revised Code." As the Court understands this provision, it would permit parents to send their children to schools which do not meet the nondiscrimination requirements of the rule without risking truancy proceedings. Such an exception threatens to swallow the rule and defeats the rule's purpose. This exception must be stricken.

3. As OSMCR noted in its comments on the originally proposed rule, no provision is made for revocation of a charter or approval to operate for subsequent violation of the criteria. OSMCR Comments, p.2. The proposed procedures should be amended to provide for such revocation.

4. The plaintiffs, in a letter to the Court filed on November 9, 1981, note an ambiguity in the revised rule. The rule should be amended to resolve this ambiguity.

The proposed rule criteria, and procedures, as amended above, will be approved. The amended rule should be filed within twenty days. Should any party have an objection to adoption of the rule as so amended, such objection should be filed with the Court within ten days thereafter.

IT IS SO ORDERED.

Frank J. Battisti

Chief Judge



SENS. HATCH, EAST OFFER KEY BILLS S. 1760 and S. 1647 introduced

Sen. Orrin Hatch (R-Utah) and Sen. John East (R-N.C.) have introduced strong anti-busing legislation. S. 1760 (Hatch) was drafted in the Senate Judiciary Committee's Constitution Subcommittee, and S. 1647 (East) in the Separation of Powers Subcommittee. Both bills are the result of extensive hearings in the respective subcommittees over the past five months.

Both bills are built around Congressional powers under Sect. 1 of Article III of the Constitution (legislative power to limit, by simple majority vote, the jurisdiction of the lower federal courts - district courts and circuit courts of appeal) and Sect. 5 of the 14th Amendment ("Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.")

Both bills are designed to remove the jurisdiction (the power) of the lower federal courts to order and enforce busing orders. The bills are designed to throw "school segregation" cases into state courts where, assumedly, with lower federal court coercion removed and with state courts being vulnerable to state and local realities and political activities and pressure, the state courts will be unlikely to order busing. This will also apply to the "voluntary" actions of state and local school authorities who use the excuse that "if we don't do it, a federal court will make us do it."

Although Congress can stop federal courts from ordering busing by such legislation, it cannot, short of a Constitutional amendment, stop state courts from ordering busing.

Neither bill takes the giant step of removing the appellate jurisdiction of the U.S. Supreme Court on the busing issue, as Congress has the clear power to do under Article III, Section 2 of the Constitution (the power of Congress, by simple majority legislation, to make "exceptions and regulations" to the appellate jurisdiction of the Supreme Court).

Thus, "school segregation" cases from state and lower federal courts would still be subject to U.S. Supreme Court review. NANS has been informed that "a political decision has been made (by anti-busing forces in Congress) to not remove the appellate jurisdiction of the Supreme Court at this time." The feeling among the bills' sponsors is that an attempt to do so would not pass in the Congress. They are hoping that, with its appellate jurisdiction left

intact, the Supreme Court will be less inclined to arrogantly declare such legislation "unconstitutional" and that, given the reality that the Court has the capacity to hear only a tiny percentage of cases on appeal, it will be more inclined to "listen" to the will of Congress to stop busing. They are also hoping that President Reagan will "restructure" the Supreme Court. Nevertheless, NANS will accept this "political decision" only for the time being.

Both bills begin with a litany of Congressional "findings" against busing, although this is the least important aspect of the bills' substance. The Hatch bill is more inclusive with regard to these statements of Congressional position.

The Hatch bill takes the additional step of listing remedies lower federal courts (and by such implied "guidelines," state courts) may use with the exception of racial assignments. Included here are injunctions striking down segregative laws or actions, contempt of court proceedings where such injunctions are not obeyed, voluntary transfers "without coercion, quotas or specific goals" within a student's school district, other planning to "provide nondiscriminatory education within the student's neighborhood" and "other local initiatives to improve education for all students without regard to race."

The Hatch staff feels, with justification, that this latter language will enhance their bill's passage and that the Supreme Court will be less likely to attempt to strike the bill down if it is clear that the intent is not to prevent courts from addressing "school segregation" but to merely prevent the use of busing as a "remedy."

Relief From Existing Busing Orders

Both bills are intended to provide relief from busing for those already under court orders, and NANS has made it clear that we will not support legislation that is not intended to do this.

It is this "re-opener" or retroactive clause that is causing our friends in Congress the greatest anguish as to effectiveness of language. The East bill is extremely blunt in this regard and simply removes lower

(Continued)



HATCH, EAST BILLS (Cont.)

federal court jurisdiction to transport students or to close schools in order to alter the racial makeup at any school. The theory here is that once lower federal court jurisdiction is removed, state and local authorities may move to dismantle existing orders by simply ignoring such orders. Thus, this theory goes, when the proponents of busing complain to a lower federal court, that court must dismiss the complaint for lack of jurisdiction to enforce busing. After the bill's introduction, the East staff moved to strengthen this thinking by inserting a provision prohibiting the "removal" to a federal district court of a civil action under the bill's provisions in a state court, including a demand for judgement for relief. This is also intended to "instruct" state and local authorities to use state courts.

The Hatch staff is more leery of legislative power to overturn the previous judgments of federal courts. They thus try to present in their bill a more detailed procedure whereby individuals and school authorities may go before "any court" to seek relief under their bill's no-busing provisions. In so doing, the Hatch bill, based on its current language (Nov. 3, 1981) may "gut" itself by playing into the hands of pro-busing judges.

What Hatch does here is to provide (and this is intended to offer offhand "guidelines" to state courts also) that "unless a court can make conclusive findings based on clear and convincing evidence" involving four provisions all-inclusively, relief from an order must be granted. These provisions are requirements of findings of intentional and specific discrimination (an allegedly already existing Supreme Court "guideline" that both that Court and lower courts have made a mockery of), that the "totality of circumstances" have not changed since the issuance of the order, that "no other remedy (including those specified earlier in the bill) would preclude the intentional and specific segregation," and that "the economic, social, and educational benefits of the (existing) order have outweighed the economic, social and educational costs of the order."

As any informed anti-buser knows, an imaginative judge could make mincemeat of such finding "requirements" and the petition for relief would be denied.

THE NEXT STEP

At this writing (Nov. 3) the Hatch bill has just been reported out to the full Senate Judiciary Committee, and the East bill is still under "mark-up" in the Separation of Powers Subcommittee. What we will work on now will be a "best of all possible worlds" solution whereby the best language in both bills will be incorporated, with refinements from the full Judiciary Committee, into a final version to be reported out to the Senate floor, where it will also be subject to amendments. The full committee is chaired

by strong anti-buser Strom Thurmond (R-S.C.) and includes 10-11 strong or fairly strong anti-busers among its 18 members. We are optimistic that the strongest possible language will be reported out. IT IS THEN THAT OUR REAL BATTLE WILL BEGIN.

ON THE SENATE FLOOR

We'll be faced here with the fanatical opposition of some 40 pro-busing senators perhaps joined by squeamish senators who are nominally anti-busing. We can count on a pro-busing filibuster requiring 60 votes to end. Once we overcome the filibuster, we'll need only simple majorities to accomplish our ends. We'll be faced with attempts to "gut" the bill by pro-busing floor amendments. We may also have floor amendments to strengthen the bill.

Crucial during this Senate floor stage is Senate Majority Leader Howard Baker (R-Tenn.), who has the power to be either a tremendous help or a worrisome hindrance.

WHAT ABOUT THE HOUSE ?

The planning, at this stage, is to introduce a "companion bill" in the House with identical language. This will be buried in the majority pro-busing House Judiciary Committee (Peter Rodino, D-N.J., Chairman) and its Civil and Constitutional Rights Subcommittee (Don Edwards, D-Cal., Chairman). We'll also be faced with the opposition of House Speaker Tip O'Neill (D-Mass.) and perhaps even House Majority Leader Jim Wright (D-Texas).

Faced with this, we can begin the winnable battle, with an intense national effort, of forcing the bill out of committee and past House "leadership" and onto the floor for a mandatory roll call by discharge petition requiring the signatures of 218 of the 435 House members. More on that in a later bulletin.

Or, we can attach the Senate bill's language, by amendment, to another House bill under consideration on the floor. Bear in mind that we should have an anti-busing majority on the House floor. Or, back in the Senate, we can have our friends there attach their language to a bill before the Senate that has already passed the House.

When a given Senate or House bill are different in language, such differences are ironed out in joint House-Senate Conference. In this event, our strong point will hopefully be anti-busing conferees on the part of the Senate.

Confused? We know how you feel. However, you must study what you have read so far and be prepared to help us fight this battle as we keep you informed in the future. If you do not have a strong NANS affiliate in your area, you must form one so that your area can mount maximum impact in these proceedings. IN ADDITION, YOU MUST MOVE DILIGENTLY TO FUND THE ACTIVITIES OF OUR ON-THE-SPOT CATYLIST IN THIS ENTIRE SCENARIO - OUR WASHINGTON LOBBYIST ! This includes personal contributions and continual fund-raising activities of the affiliates. In past bulletins many suggestions have been made for effective fund-raising. THIS IS A MUST !

PRESIDENT REAGAN'S ROLE

When the bill finally completes the legislative process, it will go before President Reagan for his signature. We are confident he will sign the bill into law. He campaigned on the promise that busing would be stopped. At a recent press conference, he was asked his position on such jurisdiction-removing legislation, and he replied that he would "be happy to see such legislation reach his desk."

What the President does not appear to be inclined to do at this writing is to lobby the Congress in favor of the bill during the legislative process. He has reportedly been advised by his inner circle of advisors that it would not be politically wise for him to do so on such a "controversial issue." The President has amply demonstrated in recent months his ability to "get things done" in Congress. We expect his help here in seeing to it that the legislation we want does in fact "reach his desk."

The President must also ride herd on underlings within his Administration who might attempt to lobby or make public pronouncements against the legislation as it winds through Congress. Entrenched bureaucrats, particularly in the Justice Department, can be harmful here.

ON THE DEPARTMENT OF JUSTICE POSITION

The media has frequently reported in recent months the strongly announced position of the U.S. Department of Justice against forced busing, usually in the form of excerpts from speeches or press conferences by Attorney General William French Smith or Assistant Attorney General for Civil Rights, William Bradford Reynolds. We are happy that Messrs. Smith and Reynolds, after some initial trepidation, are coming out more strongly.

For example, in an Oct. 29 speech, Mr. Smith said that federal courts have overstepped their powers and that the Justice Department will seek to rein them in. He said the "multiplication of implied constitutional rights...has gone far enough" and that "federal courts have gone far beyond their abilities" in imposing remedies for perceived constitutional violations." (Cleveland Plain Dealer, 10/30/81)

Mr. Reynolds has announced that his Civil Rights Division, although steadfastly continuing to root out school segregation (in the liability phrases of such litigation), will not seek busing orders in court and will seek "alternative" remedies for such violations.

The question here is how, if the Dept. seeks the broadest possible liability in such cases, involving larger segments of a community, it can really hope to convince busing-oriented judges not to use busing as a "remedy," especially when fanatics such as the NAACP and the ACLU are pushing for massive busing. For example, in Lubbock, Texas, where a district court judge found illegal segregation in only two schools, the Justice Dept. is pushing for a similar finding in nine ad-

ditional schools.

The Justice Dept., at this point, however, is only talking of downplaying or eliminating busing in future litigation and in some cases currently under litigation.

On Sept. 23, NANS President Bill D'Onofrio, board member Jim Venema, and lobbyist Clarence Randall met with Reynolds in Washington. Pointing to some 300 court busing orders already in place, Reynolds informed us that the Dept. does not have the resources or the intention to reopen even a significant number of such cases. He also opined that "there has never been a law against busing" and did not agree that the 1964 Civil Rights Act was in fact such a law.

Testifying before the Senate's Separation of Powers Subcommittee on Oct. 16, Reynolds steered clear, for the time being, of taking a position on court-stopping legislation before that subcommittee. With regard to existing busing orders, he said that his Division does not "contemplate routinely opening decrees that have proved effective in practice" and that "nothing we have learned in the ten years since Swann (the "granddaddy" busing case in Charlotte, N.C.) leads to the conclusion that the public would be well served by reopening wounds that have long since healed."

What Reynolds is talking about, then, is a "slowing down" of busing orders. WE WANT ALL BUSING STOPPED. A hint of his position on legislation designed to end existing orders came when he told the subcommittee that "The law generally recognizes a special interest in the finality of judgments, and that interest is particularly strong in the area of school desegregation."

THE JUSTICE DEPT'S LEGISLATIVE LOBBYIST

In a release to NANS leaders, affiliates and other parties, we pointed out that an Aug. 15 Human Events article said that Robert A. McConnell, Assistant Attorney General for the Office of Legislative Affairs in the Dept. of Justice, "had to be restrained by the Administration from lobbying Congress in favor of busing."

In an Oct. 15 letter to NANS President Bill D'Onofrio, McConnell claimed the Human Events article was "inaccurate - line by line," that he is "proudly a part of the Administration" has "not been restrained by anyone" and "do not now and never have supported forced busing" (emphasis his). In a return letter, D'Onofrio then expressed his gratification for such assurances, while pointing out that it is not just Human Events reporting...such deviations within the Justice Dept. from announced Reagan policy. For example, top Reagan aide James Baker called the Dept. a "disaster."

NANS TESTIFYING IN WASHINGTON

In our last bulletin, we reported that Bill D'Onofrio had testified against busing before the Senate's Constitution Subcommittee on June 3. In mid-October, two academic friends of NANS, Prof. Ralph Scott (Univ. of Northern

(Continued)

NANS IN WASHINGTON (Cont.)

Iowa) and Prof. Herb Walburg (Univ. of Illinois at Chicago) and NANS Board member Jane Scott (Charlotte, N.C.) testified before the Senate's Separation of Powers Subcommittee. Law professor Lino A. Graglia, another long-time NANS friend, has been back and forth between the University of Texas and Washington to testify and help formulate precise anti-busing legislation wording. Then, on October 29, D'Onofrio was one of a panel of three Delawareans testifying for two hours before the pro-busing House Judiciary Committee's Subcommittee on Civil and Constitutional Rights on effects of busing in that state's New Castle County.

In addition, Bill D'Onofrio and our lobbyist met on Sept. 23 and Oct. 29 with lawyers for both the Hatch and East subcommittees to discuss and shore up wording in their bills. Our lobbyist, of course, is constantly in touch with these people.

CONGRESSMAN MOTTI CONTINUES EFFORTS

Congressman Ron Mottl (D-Oh.) is still seeking signatures on Discharge petition #1 to release his proposed Constitutional amendment to ban forced busing from the committee where it lies buried. As we go to press, Mottl has 203 of the required 218 signatures to release the bill.

The Constitutional Amendment route to end forced busing (upon passage in the House and Senate, signed by the President, and ultimately ratified by the states) may well prove to be the final, permanent solution.

In a private phone conversation between Mottl and Reagan in April, Reagan promised to support Mottl's Amendment (HJR 56). Again recently in a meeting in the Oval office, President Reagan promised to support the amendment.

The Cleveland NANS affiliate has launched a writing campaign to those Congressmen whose voting records indicate they are anti-busers, but who have not signed discharge petition #1.

The Republican platform strongly opposes forced busing. Yet, as of August 25, 58 Republican congressmen were uncommitted to discharge petition #1. See if your congressman is among the list. If so, you know what to do: Archer (Tex.), Bereuter (Neb.), Bethune (Ark.), Brown (Oh.), Butler (Va.), Campbell (S.C.), Clinger (Pa.), Conable (N.Y.), Conte (Mass.), Coughlin (Pa.), Deckard (Ind.), DeNardis (Conn.), Derwinski (Ill.), Edwards (Ala.), Emery (MA), Erdahl (Minn.), Erlenborn (Ill.), Evans (Iowa), Fenwick (N.J.), Findley (Ill.), Fish (N.Y.), Forsythe (N.J.), Frenzel ((Minn.), Gilman (N.Y.), Gradison (Oh.), Green (N.Y.), Gunderson (Wis.), Heckler (Mass.), Hiler (Ind.), Hollenback (N.J.), Hopkins (Ky.), Horton (N.Y.), Hunter (Calif.), Jeffords (Vt.), Leach (Iowa), McClory (Ill.), Myers (Ind.), Parris (Va.), Pashayan (Calif.), Petri (Wis.), Porter (Ill.), Railsback (Ill.), Regula (Oh.), Rinaldo (N.J.), Roukema (N.J.), Schneider (R.I.), Shuster (Pa.), Snowe (Maine), Stanton (Oh.), Wampler (Va.), Weber (Oh.), and Wolf (Va.)

IN MEMORIAM

BARTH, Janis C. (1943-1981), Jan Barth, survived by her husband, Karl, who is a Columbus, Ohio, police officer, and three young daughters, died of complications from Cushing's Disease during an operation. As her newspaper obituary proudly proclaimed, Jan was a membership processor under NANS Membership Chairman Bettie Margeson. Rest in peace, Jan.

NANS ANNUAL MEETING IN WASHINGTON

The NANS Board of Directors met in Washington August 14-16. Officers re-elected were: President, Bill D'Onofrio; 1st V.P. Bob DePrez; 2nd V.P. Bob Shanks; Sec. Kaye Cook; Treasurer, Earl Stauffer.

Two new directors were added to the Board. They are Sharon Goodburn of Columbus, Ohio, and Barbara Mueller of St. Louis, Missouri.

The NANS lobbyist met with the directors. Prospects for forthcoming legislation were discussed, and the board then discussed and suggested precise wording for the legislation. Bill D'Onofrio then submitted a NANS draft of the legislation to the Hatch subcommittee, much of which has actually been used.

NANS directors made it very clear to the lobbyist that NANS would find any legislation unacceptable that would not stop forced busing already in progress.

NANS directors also made it very clear that we expect to meet with Reagan himself.

AROUND THE NATION

Denver, Colorado: NANS member Naomi Bradford was re-elected to the Denver Board of Education. Naomi is now vice-president of the Board. She was appointed Regional Director for ACTION, a region of eight states.

Beaumont, Texas: U.S. District Judge Robert Parker ordered this 17 school, 10,200 pupil district to use a random drawing to assign pupils in grades 4-12. Parents of both black and white students have protested, saying they would ignore the results of the "desegregation lottery" in which officials drew colored ping pong balls from a hopper. Concerned Beaumont citizens have contacted NANS.

Austin, Texas: ENCOURAGING! The Austin Independent School District board unanimously passed a resolution in favor of a constitutional amendment prohibiting busing of public school students for desegregation.

Hal Williamson, president of the Austin NANS affiliate, and Lino Graglia, U.T. law professor had appealed to the board to take a stand.

Lubbock, Texas: The federal judge has ordered more busing. NANS of Lubbock has been urging the school board there for 3 years to fight

(continued)

Lubbock, Tex. Cont.

back, which they are now doing. They have filed an appeal and passed a resolution urging Gov. Bill Clements to request a coming special legislative session to enact a law prohibiting use of state and local money for busing plans ordered by federal courts. (School boards in Abilene, Big Spring, and other smaller school districts have endorsed the Lubbock proposal) A petition drive by the Lubbock EAGLE FORUM has resulted in over 1600 signatures urging Congress and the President to pass anti-busing legislation.

Columbus, Ohio: Supt. Joseph Davis estimated that only 69,500 students would be enrolled this year, a drop of nearly 4,000 from 1980. Judge Duncan refused to release Columbus schools and he is now requesting "everything" be racially balanced, including extra-curricular affairs. Anti-busing candidates, endorsed by NANS of Columbus, were elected to the school board.

Cleveland, Ohio: Cleveland's elected school board continues an attempt to function at the same time court-appointed administrator and staff are determined to take-over all functions. As a result, when the school board under an extreme financial pinch, refused raises to a desegregation staff (whom they had been ordered to hire), Federal Judge Battisti ordered the school board president and the treasurer handcuffed and jailed in contempt of court.

As a result of two resignations, four new school board members have been elected, all of whom indicate they will support the court. Anti-busing Clevelanders realize that any elected official will be a puppet of the court. The lead plaintiff in the Cleveland case, Robert Anthony Reed (Reed vs. Rhodes) has recently come out strongly against forced busing. And the federal appeals court has upheld Judge Battisti's finding that the state is liable for Cleveland desegregation costs.

Parents whose children attend schools run by a local anti-busing organization have received summons to court for violating Ohio's compulsory school attendance laws (The schools have been refused accreditation. Battisti ordered the state not to grant charters until the state developed a policy for chartering such schools and determined if these schools met that policy. The guidelines are drawn by the state, subject to Battisti's approval, and include costly and cumbersome affirmative action requirements) In addition the Welfare Dept. is threatening to take a child away from his foster family solely because he attends this non-accredited school.

St. Louis, Mo: Federal Judge Hungate on Aug. 25 ordered St. Louis desegregation expanded to include 18 county school districts without their ever having a day in court. Hungate has now disqualified himself from deciding whether, as alleged, St. Louis county districts acted to further constitutionally prohibited segregation of area schools, but kept judicial control over all other aspects of the case, including planning for possible mandatory interdistrict in-

tegration.

Note: What a strong NANS Affiliate can do:

John C. Danforth is a moderate Republican U.S. Senator from Missouri and, until recently, a middle-of-the-roader on the busing issue. Exactly one year ago Danforth's position was that he knew busing was a failed policy but it was a "Constitutional matter" and he would not interfere with the courts.

Then, starting from scratch in September 1980, NANS activity built up to a crescendo in the St. Louis area. Despite being exposed to anti-busing citizen ire for little more than a month before the Nov. elections, Sen. Thomas Eagleton, a liberal Democrat who adamantly supports the courts on the issue, barely survived in his re-election campaign. Danforth, up for re-election in 1982, noticed.

On June 3, 1981, NANS leaders, meeting with Danforth, obtained a commitment from him to support any strong anti-busing legislation coming out of the Senate Judiciary committee, and he has voted on the side of anti-busing forces on several occasions since. Recently Danforth has introduced his own anti-busing constitutional amendment proposal.

The alert St. Louis area affiliate has exposed The Combined Federal Campaign (CFC) (Assoc. of Concerned Citizens of Affton) They uncovered a stench within the CFC's "giving campaign." The CFC is the public sector's equivalent of the private sector's United Way Drive. In it, federal employees, including military personnel, are solicited for contributions. It develops that some of the anti-busing movements bitterest enemies are recipients of CFC-solicited contributions: The NAACP Legal Defense and Educational Defense Fund Inc., which has instituted suits to bring busing to hundreds of America's communities; the NAACP Special Contribution Fund, which "finances programs...in education and legal assistance"; etc. NANS activists in St. Louis have distributed thousands of flyers on this matter with devastating effects on contributions and a plea for a meeting from CFC's tri-state chairman in the area. (Your U.S. Senators and representatives have a say in what CFC involves itself with. Write them. Call them. Object.)

Seattle, Wash.: ENCOURAGING! The Washington Post reported that the Reagan Justice Dept. plans to file papers with the U.S. Supreme Court backing the state's ban on "busing," accomplished by a statewide ballot initiative in 1978. A Justice Dept. official said the Dept. felt the Seattle, Tacoma and Pasco school boards had made race an issue in desegregating by busing, which the state had a right to remove. The Supreme Court has agreed to hear both this case and the California case regarding constitutionality of state constitutional amendments against busing.

Cincinnati, Ohio: Two black candidates for the Cincinnati School Board apparently forfeited NAACP support because they ran on a slate opposed to the desegregation suit against the city and because they are opposed to forced busing.

New Castle County, Delaware: THE IMPORTANCE OF KEEPING EYES AND EARS OPEN ! Just to the west of New Castle County lies Delaware County, Pa. Busing has never been much of an issue there, and the area congressman is Robert Edgar, an ultra-liberal and staunch pro-buser.

Bill D'Onofrio learned that a young Republican, Steve Joachim, a star quarterback with Temple Univ. a few years ago, had announced he would oppose Edgar in 1982. D'Onofrio sent Joachim information on NANS and busing and Edgar in particular. In a matter of days, Joachim was citing facts and pointing out that busing was just another example of Edgar being "out of touch" with his constituents. Win or lose in 1982, Joachim is exposing Edgar on the busing issue. Another "virgin" territory has been cracked. (NANS leaders and members, watch for opportunities such as this, and act!)

ON THE ACLU - "A CRIMINAL'S LOBBY" (from the Pittsburgh Post-Gazette 8/22/81 by Joseph Sobran)

"A few months back Ronald REagan's advisor, Edwin Meese, referred to the ACLU as a 'criminal's Lobby,'...Sitting in Pittsburgh, a federal judge named Gerald Weber has consolidated five suburban school districts, as judges will...A teacher named Jay Bush, who is also a parent, led a march protesting Weber's action. Judge Weber then filed an order enjoining all employees of the New School District of his creation against any such public protest on grounds that they owe their entire loyalty and the full devotion of their duty to the success of the New School District...Surely the ACLU, friend of the Nazi, the Communist, the pornographer, would rally to the defense of the teacher and parent, Right? Wrong. Stressing that public criticism of Judge Weber's order was 'often racist in content,' the Pennsylvania chapter of the ACLU supported both the consolidation order and the further order banning protest by employees of the New School District, such as Jay Bush. How did a 'civil liberties' group justify this abridgment of Jay Bush's civil liberties?"

...HAVE YOU RENEWED YOUR OWN NANS MEMBERSHIP?...

IF IT IS TO BE, IT IS UP TO ME: Missouri Attorney General John Ashcroft in encouraging NANS activities in St. Louis gave listeners the above most ten powerful words in the English language.

BUSING-HOUSING CASE IN YONKERS, N.Y.

Deputy Ass't A.G. for Civil Rights Robert D'Agostino (conservative Delawarean) in recommending that the Yonkers, N.Y. busing-housing case be dropped, said, "(It is) the end result of a mind-set in the educational area and one of the opening shots in a new attempt to re-make America through coerced residential integration."

TO DO....TO DO....TO DO....TO DO....TO DO !!!

Continue letters to Reagan. WE MUST OVERCOME THE MEDIA BLACKOUT OF ANTI-BUSING SENTIMENT.

(Important: Send a copy of your letter to Reagan to: Mr. Morton Blackwell, 128 Executive Office Bldg, Washington, D.C. 20501. Otherwise your letter to Reagan may wind up being forwarded to the Justice Dept., without Reagan knowing of it.)

You can plead the cause by phone direct to the White House (202) 456-7639.

AT THIS CRUCIAL TIME, WE MUST NOT BE LIMITED IN OUR LOBBYING EFFORTS. WE NEED EVERY POSSIBLE DOLLAR, QUARTER, DIME AND PENNY. EVERYONE - EVERYONE MUST HELP. THE MONEY IS NOT GOING TO FALL FROM A TREE.

See how many new NANS members you can sign up this month. If someone is against forced busing, it makes no earthly sense for him to not be a NANS member helping to stop it.

READ: Judicial Review Unmasked, by Father Thomas J. Higgins S.J. (Christopher Pub. House 1405 Hanover St., West Hanover, Mass. 02339. \$14.95) and The Other Side of Racism by Anne Wortham, (Ohio State Univ. Press, Room 346 Hitchcock Hall, 2070 Neil Ave. Columbus, Ohio, 43210. \$12.50)

NATIONAL ASSOCIATION FOR
NEIGHBORHOOD SCHOOLS, INC.

COMMUNICATIONS OFFICE
3905 MURIEL AVENUE
CLEVELAND, OHIO 44109

BULK RATE
U.S. Postage
PAID
Cleveland, Ohio
Permit 1830



STOP FORCED-BUSING

Busing

STOP FORCED BUSING



NATIONAL ASSOCIATION FOR NEIGHBORHOOD SCHOOLS, INC.

December 16, 1981

ALERT - - - ALERT - - - ALERT - - - ALERT

Anti-busing activists have been repeatedly warned by this office about the "tough-talking" Reagan Administration Department of Justice.

OFFICERS & DIRECTORS:

- President: Wm. D. D'Onofrio, Wilmington, De.
- 1st V.P.: Robert DePrez, Louisville, Ky.
- 2nd V.P.: Robert Shanks, Cleveland, Ohio
- Secretary: Kaye C. Cook, Fredericksburg, Va.
- Treasurer: Earl Stauffer, Columbus, Ohio

The information I have is that the Department of Justice is coming up with its own "anti-busing" legislation that will be presented to Congress for consideration.

And the word I have is that the Justice Department's (and the Administration's) "anti-busing" bill will simply be a re-hash of the 1974 Equal Educational Opportunities Act, which listed a "priority of remedies" federal courts were asked to consider first before deciding on forced busing as the remedy.

Thus, forced busing would remain as an "alternative" the courts could use.

This is a laughable approach. And it ties right in with what Attorney General William French Smith and Assistant Attorney General for Civil Rights William Bradford Reynolds have been touting as their "solution".

In a nutshell, all Smith and Reynolds have been saying is that the Justice Department will go into court in future cases and those currently under litigation and urge the court not to use busing as the "remedy". Make that plead that they not !

This approach does nothing for existing orders and only promises a slowing down at best of future orders. And it even naively assumes that future Justice Departments will take an "anti-busing" position before the courts.

This approach is nothing more than an attempt to defuse the push for stronger legislation in the Congress that would strip the courts of jurisdiction to order busing at all, a legislative solution that Mr. Reynolds has already indicated he opposes.

This is hardly acceptable as the fulfillment of President Reagan's promise to the American people to stop forced busing.

William D. D'Onofrio, President
National Association for Neighborhood Schools

- George Armstrong, Louisville, Ky.
- Noreen Beatty, Pittsburgh, Pa.
- Lillian Dannis, Warren, Mich.
- Joyce DeHaven, Dallas, Texas
- Mary Eisel, Omaha, Nebraska
- Marlene Farrell, Nashville, Tenn.
- Ruth Glascoff, Bayonne, N.J.
- Joyce Haws, Cleveland, Ohio
- Jim Kelly, Boston, Mass.
- William Lynch, Austin, Texas
- Jackie LeVine, Los Angeles, Cal.
- Libby Ruiz, Tucson, Arizona
- Don Schlipp, Eau Claire, Mich.
- Dan Seale, Lubbock, Texas
- Dan Shapiro, Los Angeles, Cal.
- Frank Southworth, Denver, Colorado
- Ed Studley, Boston, Mass.
- James Venema, New Castle, De.
- Nancy Yotts, Boston, Mass.

president's office
1800 W. 8th St.
Wilmington, DE 19805

communications office
3905 Muriel Ave.
Cleveland, OH 44109

membership office
4431 Okell Rd.
Columbus, OH 43224

STOP FORCED BUSING





NANS of EASTERN MISSOURI

AFFILIATE OF
NATIONAL ASSOCIATION FOR NEIGHBORHOOD SCHOOLS, INC.

10/7/81

ACCA
P.O. Box 4341
St. Louis, MO 63123

ANSJC
P.O. Box 444
Arnold, MO 63010

NO-BUS
P.O. Box 1123
Florissant, MO 63031

SCANS
P.O. Box 10753
St. Louis, MO 63129

STCCANS
P.O. Box 1265
St. Charles, MO 63301

WCANS
P.O. Box 814
Manchester, MO 63011

*Mr Morton Blackwell
Office of Public Liaison*

*Enclosed articles for your file
on Judicial Tyranny in imposing
racial balancing via
Mandatory Busing.*

*Gayle Wm. Taylor, President
St Charles County
Assn. of Neighborhood Schools*

CHRONOLOGY

U.S. District Judge William L. Hungate's order requiring the development of a mandatory desegregation plan to include 18 of St. Louis County's 23 regular school districts is the latest development in the 9½-year-old city school case.

Busing opponents predict another flurry of legal battles over the interdistrict ruling issued Tuesday. Here is a chronology of other major events:

Feb. 18, 1972 — Minnie Liddell, a North Side parent, and a group of other black parents filed a civil rights complaint with U.S. District Court against the St. Louis Board of Education, school officials and the State of Missouri. The complaint claimed the school board was operating a segregated school system.

April 19, 1973 — The defendants denied the allegations.

Oct. 3, 1973 — U.S. District Judge James H. Meredith ruled that the suit could continue as a class action.

Dec. 24, 1975 — Meredith approved a consent decree. The board agreed to a three-year formula for racial balance in the staff, the establishment of integrated "magnet" and special-subject schools, and the taking of other steps to overcome racial imbalance.

Oct. 17, 1977-May 26, 1978 — The case was tried before Meredith in five different sessions lasting 13 weeks.

April 12, 1979 — Meredith ruled in favor of the school board and against the black parents' group, the Justice Department and the National Association for the Advancement of Colored People, which earlier had been allowed to intervene.

June 6, 1979 — The NAACP appealed Meredith's ruling to the 8th U.S. Circuit Court of Appeals. Four other appeals followed.

March 3, 1980 — The Court of Appeals reversed

Meredith's ruling and ordered immediate planning for systemwide desegregation of St. Louis Public Schools in September, plus an effort to get cooperation from suburban districts to assist the integration.

April 3, 1980 — School officials unveiled a draft desegregation plan.

May 8, 1980 — Meredith gave conditional approval of the plan.

May 12-15, 1980 — Meredith conducted a hearing on the plan, which was opposed both by North Side and South Side parents and the NAACP.

May 21, 1980 — Meredith approved the plan and ordered preparation of a voluntary interdistrict plan, one for merging the vocational education programs of the St. Louis system and Special School District of St. Louis County, and a draft of a possible mandatory interdistrict plan.

July 10, 1980 — Missouri Attorney General John D. Ashcroft asked the Court of Appeals to stay Meredith's order until the case could be argued before the appellate court. Missouri officials had been added as defendants in the case in 1977.

Aug. 15, 1980 — The Court of Appeals denied Ashcroft's request for a stay, clearing the way for the desegregation plan to go into effect when school opened Sept. 3.

Dec. 15, 1980 — State officials submitted a plan for voluntary regional cooperation in desegregation. The city board of education and U.S. Justice Department lawyers urged its rejection.

Dec. 19, 1980 — Meredith ordered the state to revise its plan. Also that month, Meredith stepped down from handling the case. It went to Hungate.

Jan. 9, 1981 — The city school board filed motions asking that school districts, county governments and

state
found
guilty
WITHOUT
BEING
CHARGED
AS
DEFENDANT

public housing agencies of St. Louis, St. Charles and Jefferson counties be included in the court-ordered desegregation plan. A few days later the NAACP filed a similar motion which, in addition, sought to name the City of St. Louis and St. Louis Housing Authority as defendants.

Feb. 13, 1980 — The Court of Appeals affirmed Meredith's desegregation order, including requirements for interdistrict planning.

May 4, 1981 — Among proposals submitted for the voluntary interdistrict plan, the U.S. Justice Department suggested state-paid tuition to Missouri public universities for students who voluntarily transfer to another school district to improve city-suburban integration.

June 11, 1981 — Hungate approves a settlement worked out by the St. Louis school board and Special School District for voluntary student exchanges.

July 2, 1981 — Hungate proposes a regional voluntary desegregation plan that called for responses from 39 districts. It does not include the tuition proposal but would require the state to pay transportation costs and supplemental state aid to districts participating in the voluntary program.

Aug. 6, 1981 — The deadline for responding to the interdistrict plan. Thirty-three had rejected it, four accepted if certain changes were made, and two would make no decision until the U.S. Supreme Court ruled on the state's latest appeal.

Aug. 17, 1981 — In a brief, the Justice Department urged the U.S. Supreme Court not to hear the state's appeal. The department also said it supported the city school board's position that the state should pay at least half of the cost of the desegregation plan, pay costs of the interdistrict plan, and take a leading role in the interdistrict planning.

8/26/81

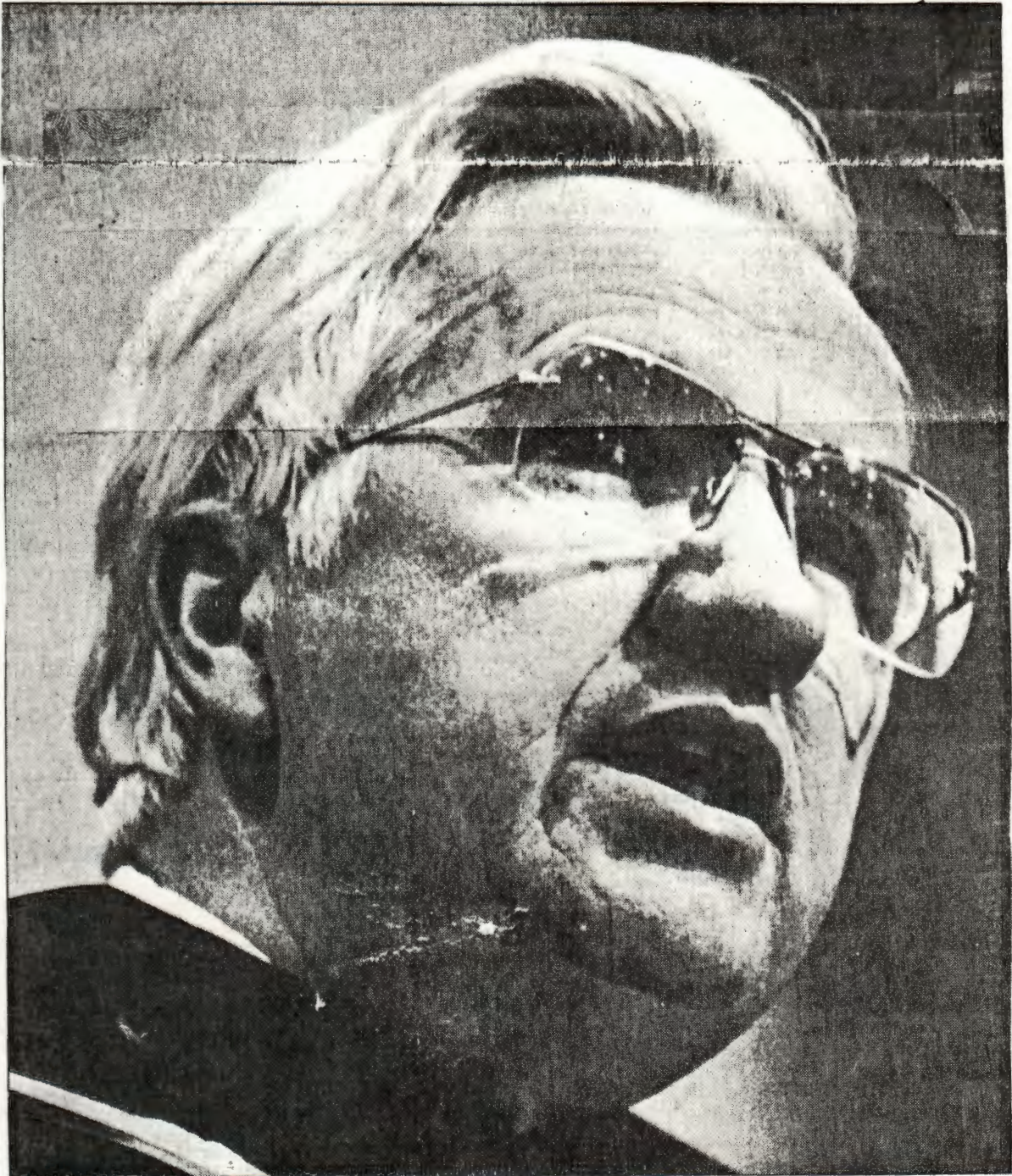
ST LOUIS

GLOBE -

DEMOCRAT

ST LOUIS GLOBE DEMOCRAT
8/26/81

Hungate moves toward possible mandatory plan



Judge William L. Hungate

Although school district attorneys and officials are still sorting out the implications of Judge William L. Hungate's rulings Monday on interdistrict desegregation, they generally agree that the judge gave a green light to at least a small-scale voluntary approach.

And in another order Tuesday, Hungate moved forward with steps toward a possible mandatory plan for those who do not choose the voluntary version.

He ordered three experts he appointed July 31 to begin "to assemble data for a mandatory desegregation remedy" and report to him by Sept. 7 on "the broad parameters" that should be included in such a plan.

"It looks as though what the judge said will satisfy the chief condition for districts that wanted to participate in the voluntary plan," Bertram W. Tremayne Jr., attorney for the Kirkwood and University City districts, said Tuesday.

That condition was legal protection, at least for the time being, against mandatory involvement. The Kirkwood, University City, Clayton and Ritenour districts had sought it as the main stipulation for cooperating.

Hungate specifically excluded these districts from Monday's order declaring 18 other regular districts in the county as defendants. He also excluded Ferguson-Florissant because that district desegregated in the late 1970s under the jurisdiction of the federal courts.

As part of the protective order for districts participating in the voluntary plan, Hungate issued a stay against any evidence-gathering pertaining to a mandatory approach "as to any district for so long as it is participating in good faith" in the voluntary plan.

"I agree that this appears to satisfy the principal condition," said Clayton Superintendent Earl W. Hobbs.

The judge did not specifically rule on other conditions requested by the four districts, but said they would be granted if "not inconsistent" with the voluntary plan.

Paul B. Rava, an attorney for the St. Louis school board, said that the conditions — such as admissions procedures for transfer students, financing assurances, and transportation questions — can be worked out in conferences among attorneys and in meetings of the coordinating committee being set up to implement the voluntary plan.

An obvious benefit of having a voluntary plan in operation, Rava said, is that eventually more districts might participate rather than engage in lengthy litigation in opposition to a mandatory version.

The non-participating districts will feel pressures swiftly, since Monday's benchmark ruling makes them formal defendants for the first time. Hungate asked that attorneys submit evidence by Nov. 25 on why each of the 18 should or should not be made part of a mandatory interdistrict plan.

The "suggested plan" for mandatory interdistrict desegregation is due Feb. 1, under Hungate's order, with a hearing on it to commence a month later. The state, city school board and U.S. Justice Department are responsible for preparing the plan, with the assistance of the experts.

Such a plan originally was due Nov. 1, 1980, but the requirement for completing it has been postponed repeatedly while efforts for a voluntary approach went on.

The judge apparently will allow oral arguments from districts disputing their status as defendants at the March hearings, Rava said.

Most attorneys agreed that Hungate had taken an unusual step to allow public comment on the proposed mandatory plan by naming a St. Louis lawyer, Shulamith Simon, "to call witnesses, file pleadings and perform such other functions as necessary to ensure the adequate representation of the public interest."

"She will function as a friend of the court to determine that the public is fairly represented," said St. Louis University law professor Joseph J. Simeone, who has been an adviser to Hungate during the summer.

Under the order, she will assure public participation not only on the mandatory plan but on plans pending before Hungate on how government-financed housing programs can facilitate school integration.

Miss Simon, 48, left Sunday for a trip to Russia and will return in mid-September, according to her secretary. A University City resident and graduate of Columbia University, she has been a member of the St. Louis law firm of Husch, Eppenberg, Donohue, Elson and Cornfield

since 1956. She was a nominee for a federal appeals court appointment in 1980.

David L. Colton, of Washington University, one of the three experts named by Hungate in June, declined to comment on implications of the judge's orders.

"I expect we'll get our instructions in writing soon," he said. The other experts are Lonnie H. Wagstaff, of Ohio State University, and Robert A. Dentler, a former dean at Boston University.

Hungate asked that they complete "the framework" for a mandatory interdistrict plan before their terms as experts expire Nov. 16.

Glenn A. Campbell, the St. Louis system's chief desegregation planner and temporary chairman for the interdistrict coordinating committee for the voluntary plan, said he hoped a meeting could be held in a few days to discuss the plan's implementation.

8/28/81

Magnet Pupil's Fare One Way In Taxicab May Top \$19 A Day

Roger Sanders can relax. He'll be going to the Academic and Athletic Academy in St. Louis after all.

But he'll be coming home in a taxicab at the expense of the St. Louis Board of Education. And according to an estimate from a cab company, the cost of that one-way fare could amount to more than \$19 a day.

Roger is one of five St. Charles County students accepted to participate in the magnet school program in St. Louis. A sixth application is pending.

Officials of the St. Louis School District had assured participants in the magnet school program that transportation would be provided. Students were to be taken to pickup points, to be transported by bus or car to one of the 20 magnet schools in St. Louis.

Roger, 12, was to meet two other students at the Noah's Ark Motor Inn in St. Charles each morning and be returned there each afternoon.

That's where the problem arose.

Mary Beth Purdy, who is the liaison between parents and the transportation division of the St. Louis School District, explained it this way:

"The problem is that Roger starts at 7:30 and gets out at 4. The others start at 7:30 and get out at 2."

(The Athletic Academy, which Roger will attend, will hold practices in the afternoon. The students with whom he was to have gone will go to another school.)

Mrs. Purdy didn't see the time

differences as a problem at first.

The students with whom Roger was to have been transported are to attend the Visual and Performing Arts magnet school, and Mrs. Purdy figured that since students frequently have after-school activities, Roger's co-riders wouldn't mind sticking around a couple of extra hours each day.

They may not have, but the mother of one of the girls explained that her daughter has voice and piano lessons two days a week in St. Charles and couldn't wait around on those days.

Roger's mother, Wanda Briscoe, was so sure that his plans were squelched that he started school Wednesday at Hardin Junior High School. But she didn't give up.

She was angry. Her son had been accepted by the magnet school in May, she had filled out a transportation form and had been told to wait for a postcard from the St. Louis district detailing Roger's transportation directions. She heard nothing all summer, however, and on Monday called Mrs. Purdy.

The problem ended up in the hands of the Desegregation Monitoring Office of the St. Louis School Board on Thursday morning.

Dolores Longley, assistant director there, said Thursday afternoon, "Arrangements are being made to bring Roger back to his home daily by taxi. We do feel it is a commitment we made to accept the young man. We feel

See RIDE, Page 2

it is a commitment we have to keep"

But she added that she hopes enough other students join the magnet school program so that more cost-effective arrangements can be made.

Late Thursday afternoon, she telephoned Mrs. Briscoe to give her the news. Mrs. Briscoe was a bit stunned at the outcome, but very pleased.

The estimate on cab costs was made by County Cab Co. of St. Louis County, using the magnet school's address at 450 Des Peres Avenue in St. Louis and Roger's address in the 2100 block of West Adams Street in St. Charles. A dispatcher said it was possible that a "package deal" could be worked out by the business office if that cab company were used.

The other St. Charles County pupils planning to attend magnet schools in St. Louis are:

— Vernon Kettmann, 5, of Harvester and Jason Kern, a second-grader, of St.

Charles, who will go to the Montessori magnet school at 1121 North Euclid Avenue.

— Tamara Tungate, 16, and Penelope Reid, 17, both from the Fort Zumwalt School District, who will attend the Visual and Performing Arts School.

Mrs. Purdy said there were no transportation problems with any of the students except Roger.

Mrs. Longley was asked out of which fund the money to transport Roger will come. "We do have a transportation fund, which comes from the state of Missouri," she said.

He'll start school Wednesday.

The magnet schools are part of a St. Louis desegregation plan; they are designed to help draw St. Louis students of different races to classes together and to attract suburban students to schools in St. Louis on a voluntary basis.

8/29/81

Chicago School Plan Objections Retracted

CHICAGO (UPI) — Federal attorneys have withdrawn their objections to the Chicago Board of Education's school desegregation efforts.

Last month, Justice Department officials complained that the board's planning did not go far enough, and asked a federal judge to order the board to speed up its desegregation timetable.

But in a joint one-page statement filed Friday with U.S. District Judge Milton I. Shadur, Justice Department and board attorneys expressed confidence that a plan for desegregating city schools can be worked out.

The federal attorneys said there is no reason for the court to intervene.

"The parties are encouraged by the positive tone and the constructive results of their discussions in the last month," Justice Department officials said.

The department said significant progress was being made toward desegregating the predominantly black

school system.

School officials hope that desegregation in the nearly 500,000 student system can be achieved through voluntary transfers and redrawing of district lines. Their objective is to prevent any school from having a white student enrollment of more than 70 percent.

The joint statement said busing would begin only if voluntary measures fail over the next two school years.

The board estimates that 5,100 minority students will transfer voluntarily to predominantly white schools this fall and that 25 magnet schools in minority neighborhoods will have white enrollments of 15 percent to 30 percent by October 1982.

The board has been trying to work out a desegregation plan since last September, when members signed a consent decree, making it the only large-city school system to undertake a desegregation effort without being under court order to do so.

Top Special District Officials Reassigned

The Special School District of St. Louis County again has reassigned administrators in the district's third administrative shake-up in less than a year.

Darrell L. Holley, interim superintendent, has been reassigned as associate superintendent of business affairs. James J. Harmon, the district's deputy superintendent, succeeds Holley as interim superintendent. The changes are effective immediately.

District spokesman Joseph Beck said Holley was moved "for the primary purpose of preparing a clear,

concise and accurate budget for the 1981-82 school year." The decision was made in a closed School Board meeting Wednesday.

Board secretary William P. DeCoursey Jr. said the passage of a budget was the board's top priority. "Dr. Holley is the most knowledgeable person in the district who can put that budget out," DeCoursey said.

The School Board rejected a \$73 million budget in June. It has been operating on its 1980-81 budget since then.

8/29/81

Special District Fails To Approve Operating Plan

By Linda Eardley
and Catherine Vespereny
Of the Post-Dispatch Staff

The Special School District of St. Louis County failed to meet a court-ordered deadline Friday to ratify operating guidelines for a voluntary desegregation plan with the St. Louis public schools.

But the city School Board met the deadline and accused the Special District of delaying the implementation of the plan to

desegregate the two districts' vocational programs, which was to begin this fall.

Burton M. Greenberg, attorney for the Special District, said the district board did not ratify the guidelines because the state has said it has no money to finance the plan. He said the proposed guidelines also may pose other problems, such as possible discrimination involving faculty

See GUIDELINES, Page 3

Guidelines

■ FROM PAGE ONE

members allowed to transfer under the plan.

"We're not trying to be obstructionist," Greenberg said. "We're just being practical in pointing out these problems."

The committee set up to administer the plan has proposed a \$226,100 first-year budget, with the city and Special School districts contributing \$33,034 each and the state providing \$160,033.

No money is earmarked in the state budget for voluntary or mandatory desegregation costs. Larry R. Marshall, state assistant attorney general, said a special request for money would have to be made when the Legislature convenes in January.

The state also has asked the 8th U.S. Circuit Court of Appeals here to review the plan. The state, Marshall said, has "consistently opposed the funding order" of the plan.

The Special District also has asked the appeals court to review the plan. Greenberg said the appeal is a means of protecting the district against any court-ordered changes in the plan that the district might oppose.

The plan was the result of a settlement by the city board, the

Special District, the U.S. Department of Justice, the state, the city of St. Louis and the National Association for the Advancement of Colored People.

The operating guidelines were formulated by a committee made up of representatives of the state, the city school district and the Special District.

The committee proposed hiring an executive director to oversee the plan, at an annual salary of \$38,000. But so

far no director has been hired.

In a motion filed in federal court Friday, the city board said the Special District failed to send a representative to an interview session with director candidates this week.

The board asked the court to direct the Special District to explain why it has "failed to take the actions required" by the desegregation plan. The city board also wants the court to

ST LOUIS POST
8/29/81

DISPATCH

By E. S. Evans

Of the Post-Dispatch Staff

A mandatory school desegregation plan for the St. Louis area should include consolidation of suburban school districts and "non-discriminatory transportation of pupils," say papers filed Friday in federal court here.

The St. Louis Board of Education formally charged in a claim filed with U.S. District Judge William L. Hungate that the school boards and governments of St. Louis, St. Charles and Jefferson counties are perpetuating racially segregated education.

The city board asked the judge to order them to cease and correct that alleged violation of the U.S. Constitution.

Hungate has ordered 17 of the 23 regular school districts in St. Louis County added to the 9-year-old

desegregation case as defendants and the development of a mandatory desegregation plan. He deferred adding defendants in the other two counties.

In the 33-page document outlining the history of school segregation in the metropolitan area, the city board also asked the judge Friday to include as defendants the five St. Louis County school districts he has excluded. Those districts — Clayton, University City, Kirkwood, Pattonville and Ritenour — have agreed to participate in a voluntary desegregation plan approved by the court.

In addition, the board charged that

37 percent of the total metropolitan population."

The city School Board also asked the court to delay until March 20 the time allowed the defendants to respond its claim. Also requested were extension of the "discovery" period in which the defendants are to prepare their positions.

Hungate had given the defendants 90 days to complete their investigations and scheduled a hearing for Feb. 1.

In a related matter, the Hazelwood School Board voted unanimously

Thursday night to fight Hungate's order adding them as defendants in the desegregation case. The board called Hungate's action an "attempt to destroy the philosophy of neighborhood schools and local school control."

"The Hazelwood School District believes that the resources of quality education are presently and readily available in the city of St. Louis, and the issue is one of poor management of resources and not of deprivation," a statement by the Hazelwood board said.

the St. Louis Housing and Land Clearance for Redevelopment authorities — along with the state and local governments and school districts — were responsible for maintaining segregated housing patterns contributing to school segregation.

The mandatory plan should be drafted "without regard to school district boundaries and within a constitutionally acceptable period of time," the board stated. It should encompass "all school districts that the court determines to be necessary for an effective, complete, practicable and stable remedy."

Among features of the mandatory plan called for are reorganization of school districts, magnet schools, faculty and staff desegregation and non-discrimination in pupil assignments, as well as consolidations and transportation.

As evidence of the continued existence of separate schools and districts for black and white students, the board cited areawide figures indicating that most black students in the county are concentrated in certain school districts. About 29 percent of the area's students are black, it was noted.

"Four districts — St. Louis, Wellston, University City and Normandy — are more than 70 percent black, while 25 districts are less than 10 percent black, including 17 districts that have black enrollments of less than 1 percent," the board stated. "Furthermore, approximately 86 percent of all black children in the metropolitan area attend school in five school districts — St. Louis, Normandy, University City, Wellston and Ferguson-Florissant — that have only

See DESEGREGATION, Page 3

281 white students apply to city's magnet schools

By **SCIPIO THOMAS JR.**
Globe-Democrat Staff Writer

Of the 281 white suburban students who have applied to attend city magnet schools, most come from districts that have refused to participate in U.S. District Judge William L. Hungate's voluntary desegregation plan.

About 40 of the volunteer students are from Kirkwood, Ritenour, Clayton and Pattonville — four of the five districts that have conditionally accepted the voluntary desegregation effort.

The Pattonville School Board, which had rejected the plan, changed its mind about participating Wednesday and was allowed by Hungate to participate in the plan.

White students wishing to transfer to magnet schools from the predominantly black University City School District — which also agreed to participate in the plan — were not accepted, said Mary Beth Purdy, director of the St. Louis School District recruiting and counseling center.

MRS. PURDY SAID the final figure of 281 transferring students has just been compiled and a breakdown on where the students come from is not yet available. But as of Aug. 19, transfers to the city schools stood at 256, and those figures show students from all over the metropolitan area have decided to attend city magnet schools.

The "magnetic" pull of the city schools attracted students not only from St. Louis County, but from St. Charles and Jefferson counties, as well as one student each from Gasconade County, about 60 miles southwest of St. Louis County, and Illinois. While most of the students have been accepted to begin classes Wednesday, 10 students are still waiting for their applications to be approved.

Mrs. Purdy said those 10 students "would eventually be approved, but not in time for the beginning of school." Mrs. Purdy also added that applicants were listed according to the school district where they live and that not all attended public schools in those districts.

OFFICIALS IN THE suburban districts contacted by The Globe-Democrat said they had received no information about students transferring out of their districts and would not have any information until the district was contacted by the city schools.

In the Hazelwood district, where 11 students have been accepted into city schools and three are awaiting approval, Superintendent Thomas J. Lawson said he hoped transferring students were successful. He said transfers to city schools "was not

promoted in any way" in the Hazelwood district, one of the first to reject joining the voluntary plan.

In Ferguson-Florissant, where 30 students — the largest number from a suburban district — have applied to depart for the city, an administrator cited the more intensive career-oriented instruction of the magnet school as an attraction.

Of those 30, 26 have been accepted and four are waiting for notification.

Max Wolfrum, Webster Groves assistant superintendent, agreed. "I think they were interested in a special-interest type of school," Wolfrum said, adding he believes some will return to the suburban schools.

Twenty-four students in Webster Groves have applied to attend the public schools, with 22 already accepted.

Officials in the Parkway district, the largest in the county, could not be reached for comments. Twenty-nine students from that district have applied to transfer to the city with 28 already approved.

Student applications from other St. Louis County districts are:

Affton, 11; Brentwood, 14; Clayton, two; Hancock Place, five; Jennings, six; Kirkwood, 16, three pending approval; Maplewood-Richmond Heights, 26; Mehlville, 15 applications; Pattonville, three; Ritenour, 17; Riverview Gardens, 13; and Rockwood, five.

IN ST. CHARLES County, the number of students applying are: St. Charles, one; Fort Zumwalt, two; and Wentzville, one.

The number of student applications from Jefferson County are: Fox, four, and Windsor, five.

McNary Vows To Fight Mandatory School Plan

By Howard S. Goller
Of the Post-Dispatch Staff

St. Louis County Executive Gene McNary, promising to fight any court-ordered mandatory St. Louis school desegregation plan to the Supreme Court, has announced that he will meet tomorrow with representatives of some suburban school districts to discuss coordinating legal efforts.

"We're going to put every ounce of our energy into reversing the course of this federal court," McNary said.

Last week, U.S. District Judge William L. Hungate ordered the state, the city School Board and the federal government to develop a desegregation plan involving the city and the county. The judge added 17 county school districts as defendants in the case. He also named the county and three county officials, including McNary, as defendants.

McNary said he did not know why Hungate had named him as a defendant. "Maybe he just wants us (the county) to pay the bill" for integration costs, the county executive said.

McNary turned aside a suggestion that Hungate's action would help McNary politically in running for reelection in 1982 or seeking the Republican nomination for governor in 1984 by giving him justification for taking a leadership role in fighting busing.

"I'm not looking at this from a political standpoint," he said. "I'm a lawyer, and I just don't understand how the courts can operate this way. Politically, it may end my career. You're up against the courts, and they seem to be all powerful. Why couldn't

they come down on me?"

McNary said county officials would use "all our legal abilities, all of the influence that St. Louis County citizens as a whole can muster . . . and we may even look for different approaches to bring this judge to his senses."

McNary said the county would try to set up a central office for school districts in fighting the busing suit. Tomorrow's meeting would be a preliminary session with the attorneys of a few school districts in the county and probably would be followed by a larger meeting later, he said.

Alex Lantos, president of the Mehlville School District Board, said he was "glad to see McNary take this stand." Lantos said the board voted 6-0 Monday night to affirm its earlier position to oppose busing because "it is not one of the tools to achieve better education."

Edward E. Murphy Jr., the attorney for the Riverview Gardens School District, said he approved of McNary's stand, although he had not been called about attending a conference.

"It's about time somebody got up and started shouting about all the things that are wrong with this lawsuit," Murphy said. "McNary will get more publicity than individual attorneys."

Robert P. Baine Jr., the attorney for the Hazelwood School District, also said that he had not been called, but that he thought a meeting of school district attorneys would be helpful. But Baine said the districts still would have to make their own decisions about handling the case, because their situation was different from that of St. Louis County.

A spokesman for the Lindbergh School District said the district board voted 6-0 Monday night to affirm its position against participating in the voluntary school integration plan. But the spokesman said the district had no reaction to McNary's proposal.

McNary, who returned to work Monday after a weeklong vacation, said the "absolute culprit" was the 8th U.S. Circuit Court of Appeals, which in March 1980 ordered the U.S. District

Court here to begin desegregation of city schools.

No decision has been rendered by either court on whether to carry out a mandatory plan that would involve suburban schools.

"When we take this to the 8th Circuit Court of Appeals, it will be a perfunctory matter because that court has displayed its colors," McNary said. "Anything we take to them will be to get a quick rejection."

"Then we'll take it to the U.S. Supreme Court. It's the only chance. No lawyer knows how to deal with a completely improper and unlawful order."

He asked how the court could justify requiring a mandatory plan drawn up before hearing from the county districts named as defendants: "Was there ever a decision on the merits that St. Louis County discriminated or segregated?"

A defendant's usual course is to seek a higher court's opinion after a case has been tried and an unfavorable verdict rendered. It could be a year or longer before the Supreme Court would decide whether to hear the case.

County officials have said that they could only speculate on why Hungate joined the county and three county officials as defendants.

The county might have been named because of housing segregation alleged by some who filed the suit, said County Counselor Thomas W. Wehrle. He said the officials may have been named because they handle the collection and disbursement of school taxes. The judge named the three officials on his own.

9/2/81

County Is In Limbo On Desegregation

By Patricia McCarron
Of the St. Charles Post

Susan Uchitelle, the temporary chairwoman of a committee that will coordinate the voluntary St. Louis area desegregation plan ordered by U.S. District Judge William L. Hungate, could offer no enlightenment Monday on what the future holds for St. Charles County schools in the case.

The St. Louis Board of Education and the National Association for the Advancement of Colored People have asked Hungate to bring all the school districts in Jefferson and St. Charles counties, as well as the counties themselves, into the case as defendants. Hungate has delayed ruling on those requests pending hearings.

But no hearings have been scheduled, and Ms. Uchitelle hinted that the matter may not be set for a hearing until after March 1. That's when Hungate has scheduled a hearing on a mandatory desegregation plan for St. Louis and St. Louis County. The mandatory plan is supposed to be submitted by Feb. 1.

St. Charles and Jefferson counties were not part of Hungate's order of Aug. 24, which named 18 St. Louis County school districts as defendants in the 9-year-old St. Louis desegregation case. Hungate hinted that he might order that a mandatory desegregation plan be put into effect for the districts named, effective in the 1982-83 school year.

Since the Aug. 24 order, the Pattonville School District — one of those designated as a defendant in the case — decided to reverse its



Susan Uchitelle
Committee chairwoman

■ FROM PAGE ONE

not been named as a defendant, Ms. Uchitelle said superintendents of the five county districts here may not be furnished with copies of that order.

Superintendent Allan Henningsen said he had heard nothing of substance about where St. Charles County stands in the matter from the federal court or the district's attorneys.

But Gayle Taylor, president of the St. Charles County Association for Neighborhood Schools, said Hungate's

order should be viewed as nothing more than a temporary reprieve for St. Charles County. "Eventually, they will want to pull us back into it," he said Monday.

Meanwhile, he said his anti-busing group would continue to support national and local efforts to limit the power of the federal courts in the area of desegregation. His group is part of a national organization working to put an end to court-ordered busing for desegregation on a national scale.

Anti-busing groups in St. Louis County have invited a member of the school board in Columbus, Ohio, to speak at public meetings on Sept. 22 and 23. The speaker, Bill Moss, who is black, will discuss the negative impact of cross-town busing on the education of black children in Columbus, Taylor said.

The meetings will be at 7:30 p.m. Sept. 22 at Mehlville High School and 7:30 p.m. Sept. 23 at Holman Junior High School in St. Ann.

earlier refusal to join the voluntary plan. The district petitioned the court to join the voluntary plan, and Hungate approved.

If the evidence presented on March 1 convinces the judge that the other districts named as defendants contributed to segregated classes in the city, he may order those districts to join a mandatory plan for desegregation.

The superintendent of the St. Charles School District said he had not seen a copy of Hungate's Aug. 24 order.

Because St. Charles County has

See SCHOOLS, Page 2

No To Busing

What does Judge Hungate think he is doing by usurping basic parental rights? The havoc that could ensue as a result of mandatory busing of school children is all the sadder because it is brought about by nonsensical means. The first so-called "snow day" will permit common sense to surface and the whole ridiculous ritual show itself for what it is. Many schools in such a widespread area cannot receive the children when streets and roads are covered with ice or snow. Other districts will be unable to bus out children because of the same conditions. And while certain school districts can hold school in a localized storm area, other schools will be closed.

We hope the parents of these thousands of children will insist upon their constitutional rights to provide education for their children. We wonder why any one individual would wish control over so many lives. In case of injury or illness, parents cannot be in easy reach of their children. Education is all important, but forced busing only compounds the problem of providing it.

Shrewsbury

H. G. McMahon

In your Aug. 18 editorial you stated that the Justice Department has sought the utmost racial integration of the public schools as a matter of constitutional principle.

A number of constitutional scholars believe that the Constitution does not require integration but merely forbids discrimination. There are no clear-cut constitutional or statutory requirements for racially balanced schools or judge-made policies of school assignment.

Under Article III, Section 2 of the Constitution, simple majority federal legislation can eliminate court-ordered forced busing by stripping federal courts of their jurisdiction on such cases. When Americans realize this, busing will cease. Such legislation, although ending court-ordered busing, would not prohibit magnet schools or other voluntary efforts to improve the education of children.

Those who wish to end forced busing should write and call their elected representatives and senators to support legislation such as Rep. Ashbrook's bill or new bipartisan House and Senate proposals. Rep. Mottl's constitutional amendment, co-sponsored by our own fine Rep. Young, is unnecessary and burdensome. Simple majority legislation will suffice.

With almost 80 percent of Americans opposed to forced busing, continuous pressure on members of Congress, both Democrats and Republicans, and on this administration, could mean the end of court-ordered busing in 1982.

William H. McAllister

Brentwood

ST. LOUIS POST-DISPATCH

Founded by JOSEPH P. LITZER
December 12, 1878

Wednesday September 2, 1981

letters

It seems that Judge William L. Hungate is injuring, rather than helping, the cause of integration in the St. Louis area.

This problem should be taken out of his hands entirely, and a new approach be made. For too long the federal government has tried to do the job for education, a job that should be handled by state and local groups. Why not return to handling our own problems, give education back to the teachers and administrators who know the problems on the school level? Let the federal government keep its money for other things and end its meddling.

Vernon T. Heys

St. Louis

Judge Hungate's decision, on forced desegregation, was predictable and enhances the creeping dictatorial powers of the judiciary.

The only parties approving the decision are Judge Hungate's court, the NAACP and the City of St. Louis. Parents and students have been left out in the cold. Nobody bothered to ask them what they wanted out of an educational system; and all they wanted was a quality education for their child at their neighborhood school.

Quality education depends on curricula and the teaching tools offered by the school administration; teachers with the expertise to impart knowledge to the student; motivation from parents on the home front and students' desire to learn.

Without any of the above, you can bus children from here to Timbuktu and they still won't learn. How do I know this? My wife and I have raised and educated five sons, and the whole process was a family endeavor. The family being the school, the parents and the children.

The apparent winners of this decision are the bus companies, and the City of St. Louis Board of Education, which looks to busing as one way to cover up the inadequacies of its system.

Bill Bandle

Jennings

9/3/81

Second Year For Desegregation

St. Louis city schools have opened with limited encouragement for the future of desegregation, and no encouragement from the state of Missouri.

The interchange of black city and white suburban students is increasing. Twenty-five white county students will attend the city's O'Fallon Technical Center and 42 city black students will go to the North and South County technical centers, while 323 white suburbanites will attend the city's 18 magnet schools. These students are voting for improved education for themselves — something most suburban school districts refused to do in rejecting a voluntary desegregation plan.

But the impact of the exchanges is not enough to change the city's desegregation problem, for the city's total school population has declined about 8 percent in a

year, while its black majority has increased from 78 percent to 80 percent. The figures demonstrate that the city schools cannot integrate the races meaningfully without suburban and state cooperation.

Where the state is concerned, though, the St. Louis schools are getting obstructionism instead of cooperation. Attorney General John D. Ashcroft has appealed the U.S. District Court order that the state pay half the city's desegregation costs. He says that public safety, social services, mental health and other state programs would suffer. That complaint has a strange ring, coming from a spokesman for a state administration that already has cut back these programs severely. Instead of excusing their inability to maintain an adequate level of public services, state officials ought to be looking for better ways to sustain them.

U.S. Allots \$4.6 Million For Desegregation Plan

By Edward H. Kohn
Of the Post-Dispatch Staff

The federal government will give the St. Louis School Board \$4.64 million in funds under the Emergency School Aid Act for the coming school year.

The grant was approved Monday in Washington by the U.S. Department of Education. It is about \$5.8 million less than the School Board had sought, said William A. Pearson, the governmental relations expert for the schools. Last year, the School Board got \$6.7 million under the program.

More than half of the grant —

\$2.45 million — is to be used for the city's "magnet," or specialized-education, schools; specialty programs, and part-time programs.

All the programs are intended to help desegregate the city's schools. Suburban students who have volunteered to attend classes in the city also go to the magnet schools.

The largest single item in the grant is \$333,159 to help support the Visual and Performing Arts High School. The Academy of Math and Science got \$231,754.

About \$665,000 will go toward

See DESEGREGATION, Page 8

Desegregation

■ FROM PAGE ONE

the voluntary desegregation plan with five districts in St. Louis County.

Notice of the grant was filed Tuesday with U.S. District Judge William L. Hungate. In July, Hungate approved a \$22 million desegregation budget proposed by the city School Board.

Hungate has ordered the state of Missouri to pay about half that amount, or \$11 million. The aid act money is the primary source of federal help for desegregation of the city schools. With the federal grant and the state funds, the School Board will end up paying about \$6.4 million of the desegregation costs.

"We can do it," said Paul B. Rava, an attorney for the School Board.

Rava said he wasn't told of the Education Department's decision before it was filed with Hungate. He said the School Board has more than \$2 million of its own funds that it is carrying over from last year's desegregation budget.

Last year, the cost of desegregation was \$22.48 million, with \$11.07 million coming from the state, \$6.75 million from the federal government and \$4.66 million from the city.

Thus this year's cost to the city — \$5.4 million, less the \$2 million carried over — will be slightly less than last year's.

Nevertheless, said Pearson, the governmental relations expert for the city schools, some desegregation programs may have to be pared because of the failure to receive all the federal money requested. He also said some of the shortage may be made up by additional state and local money.

Meanwhile, state officials repeated their assertion that they don't have enough money to pay the state's 50 percent share of the cost of desegregating the city's public schools.

As a result, they contended Tuesday, other state programs will suffer — including public safety, law enforcement, business development, natural resources, aid to the handicapped, social services, corrections and mental health.

In a two-page report filed with Hungate, Missouri Attorney General John D. Ashcroft said the state's revenue for July was "several million

dollars less than anticipated."

Consequently, Ashcroft said, expense accounts, tax refunds and payments to people and companies that sold goods to the state were temporarily delayed.

Also, Ashcroft said, the state is delaying payment for several months of 10 percent of the money it sets aside for the Foundation Fund, which provides money for schools across the state. The shortfall is to be made up later in the year, the attorney general told Hungate.

The attorney general noted that Gov. Christopher S. Bond has ordered all state departments to withhold 10 percent of their operating budgets for the 1981-82 fiscal year, which began in July.

"If projected revenues continue to be less than anticipated for the 1981-82 fiscal year, any funds ordered by the court to be made available by the state for the Year Two desegregation budget will of necessity come from funds already budgeted and appropriated for other state programs," Ashcroft told Hungate.

On Monday, Ashcroft appealed Hungate's order that the state pay half of the city board's desegregation costs. State officials contend the School Board is trying to improperly charge as desegregation costs some of the usual costs of operating the schools.

In another development Tuesday, the Special School District of St. Louis County alleged that Hungate violated its due-process rights when he approved a plan that is intended to lead to vocational-education pupil and teacher exchanges between St. Louis and St. Louis County.

Although the plan was described as voluntary when it was approved, the Special District asserted that Hungate had imposed a "mandatory interdistrict remedy" on the Special District without first determining that the district caused segregated classes in the city.

The Special District outlined its allegations in a "statement of issues" it expects to argue later this year before the 8th U.S. Circuit Court of Appeals here. The statement was filed with Hungate and will be sent to the Court of Appeals.

McNary Promises Expert Aid

To Fight Hungate's Order

By Howard S. Goller
Of the Post-Dispatch Staff

Attorneys for 19 St. Louis County school districts met privately Wednesday with County Executive Gene McNary, who promised them experts, volunteers and office space to fight court-ordered desegregation.

Afterward, McNary said, "The lawyers are just appalled that this kind of denial of due process can go on in America." He, too, is a lawyer.

The meeting was the first for the attorneys since 17 county school districts were named last week by U.S. District Judge William L. Hungate as defendants in the St. Louis school desegregation case. The county, McNary and other county officials were named also.

Hungate also last week ordered that the state, the St. Louis School Board and the federal government draw up a plan for mandatory areawide school desegregation.

Represented at the meeting with McNary were 16 of the 17 districts

named as defendants in the case. Also represented were three of the six regular county districts that have not been named as defendants in the case.

Central to McNary's legal efforts is a "clearinghouse" for evidence to be established at the County Administration Building in Clayton. Although an office has not been set up yet, County Counselor Thomas W. Wehrle will direct its operations.

Wehrle said the experts McNary hopes to provide might aid attorneys in their research or serve as witnesses in court.

McNary said he did not know how much the experts might cost the county. But he said the office space and workers wouldn't cost much. He declined to estimate the cost.

After the meeting Wednesday, Robert Baine, an attorney for the Hazelwood School District, said the school districts' attorneys gave preliminary approval to the clearinghouse concept and planned to continue meeting together. He said no date had been set for a second meeting.

Although each school district will prepare its own defense, Baine said, "All agreed that it would be beneficial to work together on things we can work together on."

Other attorneys questioned by Post-Dispatch reporters refused to discuss the meeting. Wehrle said they did not discuss legal strategy.

He said the cost of experts may be borne jointly by the county and the districts. He said a central office would be beneficial because of the large number of documents in the 9-year-old desegregation case.

Earlier Wednesday, Wehrle said he had received a copy of a court claim filed by the city School Board alleging that the county fostered racial segregation through its zoning and other housing practices.

The two county officials besides McNary named as defendants handle the collection and disbursement of school taxes.

Hungate on Wednesday continued to push the attorneys in the case to prepare quickly for a March 1 hearing

on whether county districts contributed to segregated classes in the city.

Hungate ordered the attorneys to meet within the next week to see whether they can work out a schedule for pretrial actions — including taking sworn statements, assembling and examining records, and interviewing potential expert witnesses.

The judge rejected a request by the city School Board for a temporary delay in the pretrial proceedings. If the attorneys can't reach an agreement by Wednesday, Hungate said, he will meet with them Sept. 10 to resolve all the unsettled issues.

Responding to complaints by the state attorney general's office, Hungate said he would meet in closed session every Friday afternoon with attorneys and others in the case to discuss "administrative, personnel and other confidential or emergency matters."

The attorney general's office complained two weeks ago that Hungate was meeting with some of the attorneys in the case without first notifying all the attorneys.

Issues pertaining to the merits of the case, the judge said, will be handled either in open court or through written motions, responses and rulings.

Other attorneys attending the Wednesday meeting with McNary and the districts they represent were:

Norman C. Parker, Ferguson-Florissant; Robert W. Copeland, Rockwood and Webster Groves; Michael Gans, Normandy and Wellston; Jeffress B. Hailand, Hazelwood; Robert McClintock, Ladue; Ken Byrne, Valley Park; Frank Ruppert, Mehlville.

Marc Sandberg, Affton; Robert Krehbiel, Lindbergh; Donald J. Stohr, Parkway; George J. Bude, Bayless, Hancock Place, Jennings and Brentwood; Edward E. Murphy Jr., Riverview Gardens; and John Gianoulakis, Pattonville and Ritenour.

The only district named as a defendant last week not represented at the meeting was Maplewood-Richmond Heights.

Two districts — Pattonville and Ritenour — that were represented at

the meeting are among five county districts that Hungate has excluded as defendants because they have agreed to participate in a voluntary areawide desegregation plan.

Gianoulakis, who represents the two districts, said he attended because his clients wanted to be kept informed on what is going on in the case. "We've always contended we've had no liability in this case," he said.

Other districts that have agreed to the voluntary plan are Clayton, Kirkwood and University City.

Also represented at the meeting, although excluded by Hungate as a defendant in the case, was the Ferguson-Florissant District. Hungate last week delayed requests to add Ferguson-Florissant as a defendant because six years ago it was merged by court order with the old Berkeley and Kinloch districts in another desegregation case.

Information for this story also was provided by Edward H. Kohn and Dennis Hannon, both of the Post-Dispatch staff.

9/3/81

McNary Wants To Impeach Hungate Over School Case

By Howard S. Goller
Of the Post-Dispatch Staff

St. Louis County Executive Gene McNary says the county will look into the possibility of impeaching U.S. District Judge William L. Hungate over his desegregation rulings.

County Counselor Thomas W. Wehrle said Tuesday that McNary had asked him recently to investigate the possibility of an impeachment move against Hungate. But Wehrle said he had nothing to report to the county executive.

Nonetheless, McNary mentioned the impeachment idea Tuesday at a news conference outlining his opposition to the way Hungate is handling the St. Louis school desegregation case. Hungate made McNary a defendant in that case last week.

McNary was to meet this afternoon with attorneys for some of the 17 county school districts that Hungate named last week as defendants in the St. Louis school desegregation case.

McNary also said he thought the
See McNARY, Page 6

McNary

■ FROM PAGE ONE

Bar Association of Metropolitan St. Louis ought to take an interest in Hungate's actions, which the county executive has called "reprehensible" and "indefensible."

But Anthony J. Sestric, president of the bar association, said, "We have no position."

Sestric also represents the Concerned Parents for Neighborhood Schools, a South Side group, on desegregation matters. He said he would have no comment on McNary's announcement.

Any move to impeach a federal judge would have to be initiated by resolution of a congressman. But lawyers on different sides of the desegregation issue say McNary would have little chance of success.

"The number of judges people have tried to impeach is multitudinous — the number impeached is minuscule," said one lawyer, who asked that his name not be published.

McNary, who is a lawyer, has asked how Hungate can justify requiring

preparation of a mandatory plan up conducting a hearing on the merits of involving the county districts in such a plan.

In 1831, James H. Peck, a federal judge from Missouri, was impeached on allegations of arbitrarily abusing his authority. But the charges were dismissed.

Impeachment of a judge works the same way as impeachment of a president. The impeachment, or indictment, is returned by the House of Representatives, with the charges then tried before the Senate.

Proposes 'Positive' Approach In School Case

By Howard S. Goller
Of the Post-Dispatch Staff

An alternative to St. Louis County Executive Gene McNary's proposed school desegregation "clearinghouse" was announced today by County Councilwoman Betty Van Uum, D-University City.

She said she is taking a positive rather than a confrontal approach.

Mrs. Van Uum said she will open her office to county residents and school district officials who will advocate voluntary interdistrict school desegregation "so that a mandatory plan isn't forthcoming."

McNary told the County Council at

its weekly meeting Thursday that he would return next week with a proposal for about \$100,000 to finance a clearinghouse for evidence, including expert witnesses, for fighting court-ordered desegregation involving county school districts.

U.S. District Judge William L. Hungate last week named as defendants in the St. Louis school desegregation case 17 county school districts, the county, McNary and two county tax officials. The judge ordered that a plan be drawn up using information provided by the districts for mandatory areawide school desegregation.

McNary also told the council he suspects that the county officials were

named so that the county could be forced to help pay the cost of area desegregation.

On Wednesday, attorneys for 19 county school districts met privately with McNary. But he said Thursday he didn't know how much the districts would pay to help finance the proposed clearinghouse.

Mrs. Van Uum said she did not want to get into a personality clash with McNary, but she said confrontal approaches are counterproductive.

She said, "To take any view other than cooperation ... will leave the federal court no choice but to take over our schools and run them. I believe a confrontative approach will obliterate the very goal it purports to seek — that

is, local control of schools."

She said she favors local control of schools, but also supports voluntary desegregation efforts.

She said McNary could take the case to the Supreme Court — as he has promised — "but he's sure not going to change the Supreme Court's mind."

She said, "In an effort to facilitate community understanding, I am going to make my office available to anyone seeking information or understanding of possible solutions to the problem."

Other County Council members said they wanted to take a close look at the specifics of McNary's proposal, although the clearinghouse was expected to get council approval.

9/4/81

Brentwood And Hancock Place Reaffirm School Plan Opposition

The Brentwood and Hancock Place school boards have reaffirmed their decisions not to participate in U.S. District Judge William L. Hungate's voluntary areawide desegregation plan.

The two districts are among the 17 in St. Louis County named as defendants in the city of St. Louis school desegregation case. Those districts declined to participate in the voluntary plan issued by Hungate on July 2.

Brentwood Superintendent Raymond Bentz met in closed session Thursday night at district headquarters, 1775 Parkridge Avenue, with the School Board and the district's attorney. There was no change in the board's position on

the voluntary plan, he said after the meeting.

Russell Kaiser, Hancock Place School Board president, said that board decided Thursday night to continue to oppose the voluntary plan and "to have its day in court." The meeting was held at the district office at 275 West Ripa Avenue, Lemay.

Kaiser said that the board welcomed the backing of St. Louis County Executive Gene McNary in its efforts to avoid participation in the plan.

McNary has promised advisers, volunteer workers and office space to county school districts opposed to court-ordered desegregation.

U.S. Asking Hungate To Revise School Plan

By Edward H. Kohn
Of the Post-Dispatch Staff

The Department of Justice is asking U.S. District Judge William L. Hungate to revise his order of Aug. 24 requiring planning for mandatory St. Louis area school desegregation.

Such planning shouldn't be required unless individual suburban school districts are found to have contributed to segregated classes in city schools, the Justice Department told Hungate on Thursday.

Observers said the department's filing marks the first time it has opposed directly one of Hungate's orders in the case.

An attorney for a South Side parents group said that the Justice Department's action was merely "another example of (the) Justice (Department) not wanting to do what it

has been ordered to do."

A School Board attorney, however, said the board would have no opposition to an alternative suggestion by the Justice Department — that Hungate change his order to specify that the plan be only a "feasibility plan."

The Justice Department told Hungate that it always has opposed the mandatory planning requirement because there haven't been any findings of liability against the suburban districts.

"We opposed (mandatory planning) last year, and we're still opposed to it," said Craig M. Crenshaw Jr., an attorney for the Department of Justice.

Crenshaw said the planning requirement was first imposed last May by Senior Judge James H. Meredith, who later gave up the case for reasons of health.

Meredith later changed the language of his order to require a feasibility study rather than mandatory planning. But, two weeks ago, Hungate reinstated the language of Meredith's order requiring mandatory planning.

The mandatory planning language is "inappropriate," the Justice Department told Hungate, because there isn't a "sufficiently comprehensive predicate of court findings of interdistrict violations or interdistrict effects of intradistrict violations to justify an areawide plan of interdistrict relief."

In effect, the Justice Department argued that until the judge determines which — if any — of the suburban districts are liable for segregated city classes, he shouldn't order that a broad,

■ FROM PAGE ONE

compulsory plan be readied.

Missouri Attorney General John Ashcroft supported the Justice Department's position. "We think it's been a long time coming," a pleased Ashcroft said today. "It's the position the state has taken over and over again over the course of the last year."

Ashcroft said courts go "over the border of their authority" when they order a remedy before a problem is clearly demonstrated. "There's an old Missouri Ozarks saying: 'If it ain't broke, don't fix it,'" he said. "Whenever a remedy is ordered before there has been any finding of a problem, it raises questions about the objectivity of the court."

Even if the court had shown clearly that a problem existed, there was no proof of who or what had caused it, Ashcroft added. "We've been hammering at this. I've hammered at it both in Missouri and Washington, D.C. It's refreshing to see the Justice Department begin to embrace those points, and I'm hopeful that the court will begin to embrace those same concepts."

Assistant Attorney General Larry Marshall, who is handling the case for Ashcroft's office, had only one comment: "It's nice to have someone on our side for a change."

Gov. Christopher S. Bond said he has not read the Justice Department's new motions and could not comment specifically. However, it appears to be what the state has urged throughout the case and therefore would have his strong support, he said.

The Justice Department also emphasized that the federal government, unlike the St. Louis Board of Education and the National Association for the Advancement of Colored People, isn't pushing for a mandatory areawide desegregation plan.

On Aug. 24, Hungate ordered the Justice Department, the state of Missouri and the St. Louis Board of Education to submit by Feb. 1 a plan to eliminate the "remaining vestiges of government-imposed school segregation" in St. Louis and St. Louis County.

But Thursday, the Justice Department told Hungate that there aren't sufficiently comprehensive findings of fact that the suburban districts are responsible for segregation in the city to require mandatory interdistrict planning.

"The basic problem here," the Justice Department said, "is that it is unclear as to what, if any, 'government-imposed' segregation (the mandatory)

plans are to be addressed.

"Without further explicit direction from the court we are drawn again to the conclusion ... (that the planning order) as presently constituted cannot be executed.

"Therefore it should be deleted until this court has made explicit findings, after appropriate hearings, as to what if any constitutional violations are meant to be extirpated" by the planning.

In the alternative, the Justice Department asked that it be removed.

Anthony J. Sestric, attorney for Concerned Parents for Neighborhood Schools, a South Side group, said, "There already has been a finding of fault — on the part of the city and state — and they have thus been ordered to file a plan. The United States had not been named a primary wrongdoer but has been shown to be a substantial contributor to segregation. The Justice Department just doesn't want to do what it has been ordered to do."

Paul Rava, an attorney for the School Board, denied that the United States, a plaintiff in the case, has been found culpable. "Just because some damning evidence has come out is not the same as having been found guilty," Rava said.

He said the board would have no

opposition to an alternative suggestion proposed by the Justice Department — that the language of Hungate's order be modified from ordering preparation of a "suggested plan of interdistrict school desegregation" to a "feasibility plan."

He explained that the language in Judge Meredith's order of May 1980, approving the St. Louis desegregation plan, had created confusion, specifically the section that ordered the state, the United States and the School Board to develop "a suggested plan of interdistrict school desegregation necessary to eradicate the remaining vestiges of government-imposed school segregation in the city of St. Louis and St. Louis County."

Rava noted that with the approval of all parties to the case, Meredith on Sept. 17 of last year had added that paragraph, ordering the state and the board "to prepare and submit to the court a feasibility plan of interdistrict school desegregation involving the St. Louis School District and such suburban districts that will provide complete and lasting school desegregation."

If the Justice Department insists on the change of language, Rava said, the board would have no objection. "The point that keeps getting obscured here is that no judge would consider holding anybody guilty before a trial."

9/4/81

U.S. Urges Hungate to Relent

Government says mandatory integration work premature

By CHARLES E. BURGESS
and ARTHUR J. THOMASON
Globe-Democrat Staff Writers

U.S. District Judge William L. Hungate should reverse himself and halt preparation of a mandatory city-county school desegregation plan unless and until St. Louis County school districts are found guilty of taking part in school segregation, the U.S. Justice Department urged Thursday.

Justice Department Attorney Craig M. Crenshaw Jr. in motions asked Hungate to strike a portion of his Aug. 24 order requiring preparation of a "suggested plan of interdistrict school desegregation" by Feb. 1.

Or as an alternative, Crenshaw said,

the judge should modify the order to specify that the study would be only a "feasibility plan" and use language

Desegregation in action 7A

that would not assume there had been a constitutional violation before hearing evidence.

REACTION TO the Justice Department motion was swift.

—"It makes sense to me," said Gov. Christopher S. Bond at a Jefferson City news conference. Bond said it "would be the state's position that before an order is drawn up, some finding of liability (should) be made."

— Missouri Attorney General John D. Ashcroft lauded the portion of the motion that would call for stopping the planning process.

"It goes straight to the heart of the fact that the judge is seeking to develop a mandatory remedy before proof that there is a malady to be corrected," he said.

"That's a point we've been hammering at for more than a year," said Ashcroft, who has lobbied the Justice Department to soften its position in the case.

Although Ashcroft said the motion means Justice Department attorneys "are seeing things a little more clearly," Crenshaw said it reflects no

basic change in the department's position.

— Aides to county Executive Gene McNary listened with obvious interest to news of the motion, but declined immediate comment. McNary has been outspoken in recent days in branding the plan requirement as an overstepping of judicial authority by Hungate.

McNary advised the County Council Thursday that next week he will ask for an appropriation of \$100,000 for a fight against the order. All but one of the seven council members immediately agreed to support it, and the seventh, Betty Van Uum, D-3rd District, said she would announce her stand Friday.

— Paul B. Rava, an attorney for the city school board, said the board would have "no problem" in supporting Crenshaw's motion. "I would have no qualms about putting off the feasibility study," he said.

THE ORDER WAS issued by Hungate as part of a ruling declaring 18 (later reduced to 17) St. Louis County school districts defendants in the desegregation case. It requires the state, Justice Department and city school board to develop the mandatory model by Feb. 1.

In the same order, Hungate scheduled a hearing to begin March 1

Continued on Page 8A

9/4
(CONTINUED)

on "aspects of this cause, involving both alleged constitutional violations and proposed remedies."

Crenshaw's motion said that both the Justice Department and city board had opposed the language of the order requiring the suggested plan, originally made May 21, 1980, by Hungate's predecessor, Senior U.S. District Judge James H. Meredith.

The section was included in orders on the St. Louis desegregation plan at the insistence of attorneys representing the National Association for the Advancement of Colored People.

The Justice Department, Crenshaw said, took the position before Meredith issued the order that "there did not exist a sufficiently comprehensive predicate of court findings of interdistrict violations or interdistrict effects of intradistrict violations to justify an areawide plan of interdistrict relief."

CRENSHAW ALSO took notice that Meredith had modified the order in September 1980, using the term "feasibility plan" and removing the phrase "remaining vestiges of government-imposed school segregation in the City of St. Louis and St. Louis County."

The revised order was, through a clerk's error, not considered by the 8th U.S. Circuit Court of Appeals in its February order upholding the desegregation plan and Meredith's rulings, Crenshaw pointed out.

The appeals court later acknowledged the error, but said that its ruling could stand up as to segregation found to have been imposed "by the state or other defendants."

The language used by Hungate actually "had been superceded" by the Meredith modification, Crenshaw said.

He said that in any case the Justice Department should not be required to help develop the mandatory model because, under court findings, "if any obligation exists . . . it is the obligation of the state's and/or of the board's."

Rava said that all attorneys in the case had agreed to the modification made by Meredith in September 1980.

"The purpose was to resolve any question of whether the judge would be putting a remedy before a finding," Rava said.

ST LOUIS POST

LETTERS

Segregating Schools

After reading so many articles discussing the voluntary "desegregation" of our city's public schools, I must write to protest the constant use of this misnomer.

We are not dealing with desegregation, but court-ordered, legally institutionalized segregation of the most blatant type. Additionally, we are disregarding the educational rights of our city's children.

We brag about a magnet school program that is nothing more than legally sanctioned educational segregation. We have a number of educational programs that are closed to children strictly because of skin color. It means nothing that these children would benefit from these specialized educational programs. Skin color and numbers mean more.

Equal educational opportunities have little to do with racial quotas; they have everything to do with the opportunity to receive an education in a stimulating environment. The black youths of our city have been treated in a grossly unfair manner in our "voluntary segregation" program.

If more children are applying for a special program than there are spaces, for racial mix, let's open another program.

St. Louis

Tom Lemp

Name and address must accompany every letter. Letters are subject to condensation and should be addressed: Letters to the Editor, St. Louis Post-Dispatch, 900 North Tucker Blvd., St. Louis, Mo. 63101.

14A

ST LOUIS POST DISPATCH

9/4/81

Special District Approves Budget For Desegregation

By Catherine Vespereny

Of the Post-Dispatch Staff

The Special School District of St. Louis County has approved a \$226,100 budget for this year's city-county vocational education desegregation program.

Of that amount, the Special District and the St. Louis School Board each would provide \$33,034; the state would pay \$160,033.

Sterling Hayden, chairman of the desegregation plan's coordinating committee, said the Special District board approved the budget in a closed meeting Wednesday. The budget covers

staff training, public relations, consultant fees and a salary for the committee's executive director.

U.S. District Judge William L. Hungate had ordered the Special District and the St. Louis School District to approve guidelines and a budget for the program by Aug. 28, a deadline the city board met. The Special District hasn't acted yet on the guidelines. Nor has the state indicated when it will produce its share of the money.

Special District Board President Robert Lieberman, who is also a member of the coordinating committee,

said his board would act on the guidelines on or before Sept. 16.

Last week, the city board asked the court to direct the Special District to explain why it had "failed to take the actions required" by the desegregation plan. The city board also said then that it wanted the Special District to "discontinue interfering" with the plan.

The plan is the result of a settlement in June by the city board, the Special District, the U.S. Department of Justice, the city of St. Louis and the National Association for the

Advancement of Colored People.

Both the Special District and the state have asked the 8th U.S. Circuit Court of Appeals here to review the plan.

Under the plan, 57 city students began attending the two vocational schools in the county last week. Twenty-five county students have transferred to O'Fallon Technical Center, 5101 McRee Avenue, in the city. The plan's goal is a racial mix in the vocational schools of 65 percent white and 35 percent black, give or take 10 percent.

Minority Students Joining Flight

From Public Schools

By Nancy J. Shwerzler
©1981, Baltimore Sun

WASHINGTON

MORE BLACKS and minorities are on the playing fields of Andover and Exeter and in the classrooms of the nation's private, independent schools.

Minority enrollment rose by 6.1 percent, to 9.1 percent of total enrollment, in the 1980-81 academic year in comparison with the preceding year, according to a survey of nearly 800 private elementary and secondary schools conducted by the National Association of Independent Schools.

Parochial schools were not included in the survey, although some religiously-affiliated but financially independent schools were surveyed.

The enrollment gains show that more black and minority parents are choosing

private schools for their children, even as recently revived proposals for private school tuition tax credits arouse opposition from black leaders.

The Reagan administration has expressed support for tuition tax credits although cost considerations and constitutional questions seem likely to delay any administration proposal on the subject until next year. Several tax credit bills are in Congress, with one version, backed by Sen. Robert Packwood, R-Ore., calling for a \$500 credit.

GROUPS SUCH AS the National Urban League oppose tuition tax credits in the belief they will promote increased abandonment of urban public schools by middle-class students while doing little to help most minority children.

"Tax credits are a payoff to the middle class, helping them to pay rising tuition while doing a great deal of damage to the

children left behind in public schools," according to Maudine R. Cooper, the Urban League's vice president for Washington operations.

The cost of a \$500 tuition tax credit program has been estimated at \$5 billion a year, money that Cooper believes would be better spent on improving the quality of public education.

"There is a trend toward blacks evacuating the public schools," she acknowledged, because of crime in the schools as well as declining quality in instruction. "Some black parents are choosing to abandon public schools rather than fight for excellence," she said.

RIISING BLACK enrollment at private schools is also attributable to increased recruitment efforts and financial aid opportunities.

One such effort, to recruit minority students for private schools, a Boston-based program called A Better Chance,

selects from 450 to 500 students a year as potential private school students and works to gain them acceptance and financial aid at 162 schools in 15 cities.

The program, which is privately financed, provides up to \$2,000 a year in tuition assistance to high school students, with schools providing other financial aid if necessary.

Laurens Wilkins, assistant director of the program, described it as an "academic talent search" that seeks to identify and place gifted students in "more challenging" academic environments.

The minority enrollment survey of private schools found blacks constituted the largest proportion of minority students (47.9 percent).

The survey excluded 3 predominantly black private schools and several schools in Hawaii to gain a more representative outlook on enrollment trends throughout the country.

Wed., Sept. 9, 1981 3A
ST. LOUIS POST-DISPATCH

State Seeks Desegregation Panel Member's Ouster

By Edward H. Kohn
Of the Post-Dispatch Staff

Missouri officials are demanding the ouster of Robert Lieberman as a member of the group set up to coordinate the voluntary city-county vocational-education desegregation plan.

Lieberman is the newly elected president of the Board of Education of the Special School District of St. Louis County. He heads an area public relations company.

The Missouri attorney general's office Tuesday told U.S. District Judge William L. Hungate that Lieberman isn't a staff member of the Special District's vocational department as required by the judge's order of June 11.

On Aug. 26, the Special District School Board voted to have Lieberman fill a vacancy on the Metropolitan Coordinating Committee that was created when Layton Clay resigned from the Special District to work overseas.

But Hungate's order specifies that "removal of any local representative may only be done with the approval of the court upon motion of a party." Court records don't reflect such a request from the Special District.

Burton M. Greenberg, attorney for the Special District, was reported out of town and couldn't be reached for comment.

But when Lieberman was asked last week about his membership on the committee, he replied, "Sure, I'm part

of the organization of the Special School District. Anyone connected with the school district is part of the staff."

The district provides public education for county students with mental and physical disabilities, emotional problems and behavioral disorders as well as students of vocational education.

In other developments in the school desegregation case Tuesday:

— The federal government urged Hungate to order that school districts that accept students as part of the judge's voluntary desegregation plan be eligible for the fiscal incentives in the plan, whether or not the students come from a district that is participating in the plan.

However, the Department of Justice urged Hungate to reject paying

incentives to non-participating districts whose students choose to attend classes in other districts or the city schools to aid integration.

"Financial incentives are meant to encourage school districts to participate fully in the voluntary interdistrict transfer program," the Justice Department told the judge.

"By receiving voluntary transfers from a district which could have become a participating district but chose not to, a receiving district under the terms of the plan is still helping to alleviate the existing segregated conditions.

"However, the non-participating district should not receive any benefits since it is doing nothing affirmative to aid in the desegregation process, and providing incentives to such districts

without their full participation in the program would defeat the purpose for establishing the incentives in the first instance."

— State officials urged Hungate to delay a possible hearing on the voluntary vocational plan until representatives of the Special District and the city School Board have held more meetings. The two boards are trying to work out a "memorandum of understanding" on how details of the plan are to be worked out.

They said also that the Special District doesn't understand the state's financing processes. "State defendants consistently opposed the funding requirements of the vocational-educational plan and advised all parties that they have no authority to commit any particular funds because that

responsibility rested with the Missouri General Assembly," the attorney general's office said.

It added that since the Legislature won't be in session until January 1982, "there is no way that a state employee can specifically commit funds for the purpose of this vocational plan. However, state defendants have always complied with court orders relative to financing even when appealing the orders from which the financing commitments evolve.

"Thus, while state defendants are now appealing this court's order of June 11, they fully recognize the commitments contained in the court's order and will meet that commitment until further order of this court or an appellate court."

Some want judge disqualified

Continued from Page 1A
evidence that may be used in the case.

IN A REPORT to Hungate, attorneys for the city board said that attorneys for the defendant suburban districts walked out of the meeting: "... exchanges proved fruitless (and) counsel for the suburban defendants stated that they were prepared to adjourn the meeting and thereupon left."

Hungate has set a conference for 2 p.m. Thursday to discuss what happened at Tuesday's session.

McClintock and other suburban attorneys said they had not had enough time to review the charges formally filed by the St. Louis board and National Association for the Advancement of Colored People after Hungate named the new defendants Aug. 24.

On Wednesday Hungate released the schedule submitted Friday by his research team on the mandatory desegregation plan.

BY SEPT. 17, it says, the "broad

parameters" on racial, educational and school organization "equity" should be defined. The team will visit Louisville, Ky., and Wilmington, Del., both locations of mandatory city-suburban desegregation plans, by Sept. 23. The report to Hungate is to be completed by Nov. 13.

Meanwhile, Concerned Parents for Neighborhood schools filed arguments supporting the city board's motion that it become a plaintiff, rather than defendant, in the case, and opposing the Justice Department's effort to be excused from the mandatory planning process.

Anthony J. Sestric, attorney for the South St. Louis white parent group, said "the United States has consistently sought to avoid being brought to task for its role and part in the segregated condition of the St. Louis metropolitan area."

He agreed with school board attorneys that the desegregation case is in a "second phase" now, and the board's status as plaintiff would simplify future proceedings.

9/9/81

12 Districts Push For Hungate's Disqualification

U.S. District Judge William L. Hungate should be disqualified from the school desegregation case because he has "prejudged and predetermined the facts", 12 suburban school districts said Wednesday.

Motions seeking the judge's disqualification were filed by the school districts of Hazelwood, Webster Groves, Rockwood, Lindbergh, Ladue, Hancock Place, Bayless, Brentwood, Jennings, Maplewood-Richmond Heights, Affton, and Mehlville.

The motion filed by Hazelwood was typical of the others.

Hazelwood alleges that the judge has "a personal bias or prejudice" against the district or in favor of other parties.

An affidavit filed in support of the motion by Charles E. Sweeney, president of the Hazelwood Board of Education, says Hungate's "impartiality in this proceeding might reasonably be questioned." It cites various statements by Hungate since he has handled school desegregation that Sweeney says support that position.

SWEENEY SAID in the affidavit that during a June meeting in the judge's chambers, Hungate said he hoped suburban school districts would volunteer, "but that he hadn't put the shotgun down" and that he would go to a mandatory plan if they did not.

All but four of 39 school districts that were asked to take part in a voluntary desegregation plan refused to do so. On Aug. 24, Hungate ordered a mandatory plan prepared, and added St. Louis County and 18 county districts as defendants in the case.

On Aug. 26, the Pattonville school district asked to be allowed to participate in the voluntary plan and was removed from the list of defendants.

Hungate appointed a panel of educational experts to gather data for a

U.S. district judge has "prejudged and predetermined the facts" in the school desegregation case, suburban districts charge.

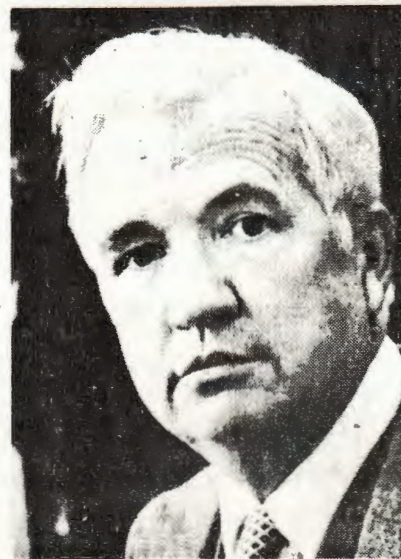
"suggested plan" on mandatory desegregation by Nov. 16. The plan's final draft is to be submitted by Feb. 1 by the state, city school board and U.S. Justice Department. Hungate has set a hearing to begin March 1 on the plan and on the liability of the 17 districts to be declared part of it.

SWEENEY NOTED in his affidavit that Hazelwood did not become a party to the 9½-year-old city school case until Tuesday, when it was served with a summons, and he contends that Hungate has "prejudged the liability" of the Hazelwood district.

Attorneys said the motions filed by all the school districts were similar to that filed by Hazelwood. The 12 school districts seek Hungate's disqualification under two sections of the U.S. Code — under one the judge may elect to disqualify himself and under the other disqualification is mandatory.

Robert G. McClintock, attorney for the Ladue school district, said the 12 districts had no preconceived plan on a filing time and the somewhat similar wording of the motions.

County Counselor Thomas W. Wehrle said the motions had not been discussed with him, although County Executive Gene McNary has offered to help coordinate defense tactics for the suburban districts.



William L. Hungate
... impartiality questioned

"MY BOARD WAS served (with notice that it is a defendant) on Thursday, and met on Tuesday," McClintock said. "It was unanimously agreed that we would not be able to get a fair trial before Judge Hungate. There was no contact with other boards as far as I can determine."

However, the attorneys for the 17 suburban districts met Tuesday with attorneys for the St. Louis system.

The possibility of asking for disqualification of the judge was discussed at that time by some attorneys for the 17 districts, The Globe-Democrat has learned.

The Tuesday session was ordered by Hungate to try to get an agreement on a schedules for gathering and exchanging documents, depositions and other

Continued on Page 5A

9/10/61

To Retain Local Control

POST
9/10

By Assuring Rights, Schools Can Avert Federal Intervention

A Statement By St. Louis County
Councilwoman Elizabeth Van Uum
3rd District

Judge William L. Hungate of the U.S. District Court, has included St. Louis County government officials as parties to the St. Louis school desegregation case. At (a recent) County Council meeting the county executive indicated that he would propose using the resources of the county government to fight the court order.

Since the court, by its action and the county executive by his proposal have made the St. Louis school desegregation case the business of the St. Louis county government, I feel a responsibility as an elected official of St. Louis County to clearly

state my views on this topic. There are two separate issues to be considered.

First, the Supreme Court in the 1954 Brown versus the Board of Education case, defined the right of all citizens to equal educational opportunities.

In the following 27 years the Supreme Court has never reconsidered in any manner this constitutional interpretation. It is clear to everyone that the court will not and should not reconsider this basic constitutional right. Therefore, our community has a responsibility to create a situation that will provide for the constitutional rights of all of its citizens.

The second issue, as I see it, concerns the St. Louis metropolitan community and the local control of schools. I am absolutely confident that the overwhelming majority of St. Louisans in both the city and the county feel very strongly that they want to protect local control of their schools. They hope to maintain the right to determine how their children will be educated and by whom.

They want to retain the right to determine what the policies of their individual school district will be, what programs they will offer, what teachers they will hire, and what classroom space they will utilize. Most importantly, they want to control where their children will go to school.

Through elected officials on local school boards the average St. Louis County citizen has an opportunity to participate in the decision-making process that directly affects their children's education. More than any other single factor, I believe we the residents of St. Louis County want to retain this right. I further

believe that the only way we can be assured of retaining our right to local control of our schools is to take whatever steps are necessary to guarantee the constitutional rights of all of our citizens.

To take any view other than cooperation to this goal will leave the federal court no choice but to take over our schools and run them. I believe a confrontation approach will obliterate the very goal it purports to seek, i.e., local control of schools.

In Cleveland, a community similar to ours, we do have a federal court directing the operations of the local schools. The judge decides what teachers are to be hired, how much they are to be paid and where they are to teach. We do not want this to happen in St. Louis County. In an effort to prevent this undesirable circumstance, it is incumbent on all segments of the community to work together in the spirit of good will and cooperation to provide acceptable alternatives and prevent court takeover.

Today I would call upon all the citizens of St. Louis County to take an active part in developing a responsible solution that will satisfy the constitutional requirements and guarantee that our local school boards retain their independent jurisdictions.



'Aren't Those Folks Up North Ever
Going To Solve Their Racial Problems?'

School Officials Say

Hungate Has Prejudged Districts

**By Pamela Schaeffer
and Linda Eardley**
Of the Post-Dispatch Staff

Officials of several St. Louis County school districts say that even before a trial, U.S. District Judge William L. Hungate has decided that St. Louis County school districts are guilty of segregation.

This belief prompted attorneys for several of the districts to ask Hungate to disqualify himself from the St. Louis school desegregation case. The lawyers said they decided to ask Hungate to step down after discussing the case among themselves.

But all said the action was not a result of a meeting Sept. 2 between St. Louis County Executive Gene McNary and attorneys for 18 county districts.

The attorneys interviewed denied collusion on the simultaneous timing of the 12 filings. One attorney attributed the timing to the need for promptness.

"This type of motion has to be filed as soon as you are involved in a case," said Richard H. Ulrich, attorney for the Maplewood-Richmond Heights district. "There is no requirement that they must be filed by a definite time, but obviously you can't wait until a judge has ruled and then complain later that he was not impartial."

St. Louis County Counselor Thomas W. Wehrle and Ned S. Taddeucci, McNary's executive assistant, confirmed that the action was not planned at the Sept. 2 meeting. "Nothing pertaining to the merits of the case or procedural matters was

discussed," said Wehrle.

Alex Lantos, president of the Mehlville School Board, said he was unsure how the attorneys for the 12 districts had coordinated their efforts. "But," he added, "I was glad to see the districts get together. Otherwise, if we aren't going to stick together, they could pick us off one by one."

The five defendant county districts that did not file a disqualification motion Wednesday are Normandy, Parkway, Riverview Gardens, Valley Park and Wellston.

Normandy School Board President Teddie F. Days said his board does not believe the judge is prejudged in the case.

"We don't feel there's any grounds

for the judge's dismissal," Days said. "We don't feel he's made up his mind one way or the other. We feel he'll make up his mind on the evidence."

Ray W. Walters, president of the Riverview Gardens School Board, said the board's attorney is working on a disqualification motion similar to those filed Wednesday.

Donald Stohr, attorney for the Parkway district, said the board considered filing a disqualification motion, "and it was decided not to take any action at this time." He would not elaborate.

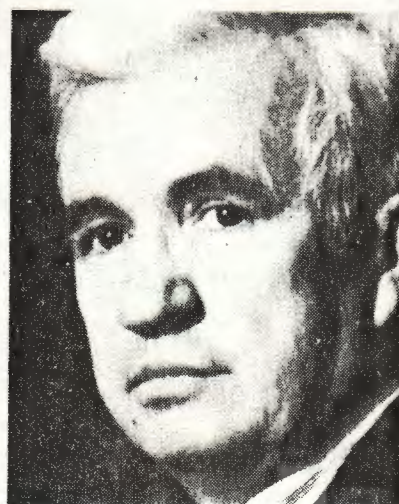
Wellston School Board President Betty Frye and Valley Park School Board President Omar Feeler said they had not known about the move to disqualify Hungate.

Mrs. Frye noted that the Wellston board is re-evaluating the voluntary desegregation plan in which five county districts have agreed to participate. Those five districts were spared by Hungate from being included as defendants in the case.

The lawyers interviewed Wednesday refused to discuss what steps might be taken on behalf of defendants if Hungate decides to remain on the case.

But Robert G. McClintock, attorney for the Ladue School District, said the challenge to Hungate's impartiality could be a basis for appeal to a higher court.

McClintock said the filing of a motion to disqualify a judge is a "suggestion to the court," and the law does not specifically state how, when or even if a judge must respond.



Judge William L. Hungate

U.S. Shirks Duties, Parents Group Says

By Edward H. Kohn
Of the Post-Dispatch Staff

A south St. Louis parents group is accusing the federal government of trying to evade its responsibilities in the St. Louis metropolitan school desegregation case.

The Concerned Parents for Neighborhood Schools on Wednesday urged U.S. District Judge William L. Hungate to reject a request by the Department of Justice that he revise his order of Aug. 24 requiring planning for mandatory areawide school desegregation.

The Justice Department argued last week that areawide planning shouldn't be required unless individual suburban school districts are found to have contributed to segregated classes in city schools.

The Justice Department also asked Hungate to excuse it from the areawide planning processes. The department, which didn't urge Hungate to expand the case to include the suburban districts, said such planning should be done by the state of Missouri and the St. Louis Board of Education.

But the Concerned Parents group, which last week urged Hungate to speed up the planning, said the Justice Department is urging the delay as part of an effort to avoid its responsibilities.

"The United States has consistently sought to avoid being brought to task for its role and part in the segregated condition in the St. Louis metropolitan area," Anthony J. Sestric, the Concerned Parents' attorney, told Hungate.

"The record in this case is replete with the instances where the United States has implicitly and explicitly fostered and contributed to segregation in schools and in other areas of life.

"After having been specifically identified on a number of occasions by the 8th U.S. Circuit Court of Appeals as a major factor and cause for segregation, the United States now comes before this court and asks that it be relieved of any further responsibilities in this case."

The Concerned Parents accused the federal government of trying to shirk its responsibility under an order issued last year by Senior U.S. District Judge James H. Meredith, who formerly handled the school case.

That order, which the federal government supported before the Court of Appeals, requires areawide desegregation planning. The court upheld the order, but the state has asked the U.S. Supreme Court to review it.

Of the Justice Department's

attorneys, Sestric wrote: "They were willing to accept the order, as it related to them. To allow the United States to sneak into the back door of this court, when it did not have the courage to challenge the order before the Court of Appeals, is most inappropriate, and should be rejected out of hand.

"This court has made, in the past, short shrift of efforts of other parties to avoid carrying out their responsibilities, and should follow the same procedure in the instant case," Sestric said.

In other legal developments Wednesday in the school case:

— Hungate approved a timetable submitted by his three court-appointed experts to develop a framework for a mandatory areawide school desegregation plan.

The three are David L. Colton of Washington University, Lonnie H. Wagstaff of Ohio State University and Robert A. Dentler of ABT Associates, Cambridge, Mass. They told Hungate that they plan visits to Louisville, Ky., and Wilmington, Del., the week of Sept. 18 to study the metropolitan desegregation plans in effect in those cities.

In a one-page letter to the judge, they said their report, to be filed by Nov. 16, will focus on "racial equality,

educational equity, organizational equity, implementation and auditing, and durability."

— Hungate scheduled a conference today to discuss pretrial discovery, which includes the taking of depositions and examining and exchanging records, in preparation for a hearing scheduled to begin March 1 on whether any of the suburban districts are responsible for segregated city classrooms.

Hungate acted after the St. Louis Board of Education, the National Association for the Advancement of Colored People, the St. Louis city counselor's office, the Department of Justice and the Concerned Parents for Neighborhood Schools, in a joint report, told him that agreement couldn't be reached on a number of key disputes.

In addition, the five told Hungate that attorneys for the St. Louis County districts added as defendants three weeks ago had walked out of a meeting Tuesday afternoon at which discovery was discussed.

"Counsel for the suburban defendants expressed the view ... that it was premature for them to consider any possible agreement on a structure or timetable for discovery until such time as they had had an opportunity to review" the allegations against the county boards, the five told Hungate.

ST LOUIS
POST -
DISPATCH

9/10/81

12 Districts Ask Judge Hungate To Disqualify Himself

9/10/81

By Edward H. Kohn
Of the Post-Dispatch Staff

Twelve school districts in St. Louis County are asking U.S. District Judge William L. Hungate to disqualify himself from the St. Louis metropolitan school desegregation case.

The 12 districts, which filed separate requests Wednesday, are among the 17 county districts added by Hungate on Aug. 24 as defendants in the 9½-year-old dispute.

In a sworn statement filed Wednesday with Hungate, Hazelwood School Board President Charles E. Sweeney declared that Hungate "has a personal bias and prejudice against the ... Hazelwood Board of Education."

Alternatively, Sweeney alleged, Hungate might "favor ... an adverse party or parties, and that his impartiality in this proceeding might reasonably be questioned."

With Sweeney's assertions, the Hazelwood board's attorney, Robert P. Baine Jr. of Clayton, asked for a hearing on the disqualification requests. A date for the hearing wasn't set.

It couldn't be learned immediately whether the disqualification requests would upset the schedule set out last month by Hungate for a trial on whether the suburban districts contributed to segregated classes in the city of St. Louis. Hungate has scheduled that hearing to begin March 1.

The county school boards' requests for Hungate's disqualification follow by one week St. Louis County Executive Gene McNary's call for Hungate's impeachment. Earlier this year, Hungate refused to disqualify himself from the case.

In addition to Hazelwood, other districts that on Wednesday sought Hungate's disqualification are Affton, Bayless, Brentwood, Hancock Place, Jennings, Ladue, Lindbergh, Maplewood, Mehlville, Rockwood and Webster Groves.

Copies of the other 11 districts' requests weren't immediately made public. But a brief inspection of them in the federal courts building Wednesday

showed that most appeared to be similar, or identical, to the Hazelwood board's request.

In the Hazelwood district's request that Hungate disqualify himself, Baine said Sweeney's statements "give fair support to and show that (Hungate) has prejudged and predetermined the facts" in the dispute and that Hungate "is not a neutral and detached judge of the facts."

Sweeney, in his affidavit urging Hungate to remove himself from the case, relied on remarks that the judge made at several hearings and on the language he used in several recent orders.

At a hearing April 1, while intense

efforts were being made to work out a voluntary city-county pupil-exchange plan to help desegregate city schools, Hungate said:

"In World War II ... you could volunteer. Some of us had that opportunity. You could volunteer to go to the Air Force.

"If you volunteered, they would put you there. You could volunteer for the National Guard. You could volunteer for the Navy.

"Some of us didn't do that. Later we were drafted, and we were placed in the infantry. You'd be surprised at what interest the sergeant would have in what you then would like to volunteer for."

"Now the reception was not too good at that time. I hope that's helpful."

Sweeney said Hungate had ordered several meetings among attorneys to discuss voluntary desegregation plans. In at least two of the meetings, Sweeney said, Hungate urged participation in a voluntary plan.

He quoted Hungate as saying on June 11: "If not enough volunteer, I'm going to order a mandatory plan."

On Aug. 24, Sweeney noted, Hungate granted the requests of the St. Louis

Board of Education and the National Association for the Advancement of Colored People to add 17 St. Louis County districts, including Hazelwood and the 11 other districts seeking to oust him, as defendants in the case.

Also, Sweeney said, Hungate ordered the state of Missouri, the federal government and the St. Louis School Board to file by Feb. 1 a plan to "eradicate the remaining vestiges of government-imposed school segregation in the city of St. Louis and St. Louis County."

The next day, Sweeney said, Hungate ordered three court-appointed experts to begin work on a mandatory interdistrict school desegregation plan.

Sweeney noted that the Hazelwood board didn't formally become a party to the suit until Tuesday, when he was served with copies of the NAACP and city School Board's allegations against the district.

"By reason of the foregoing," Sweeney concluded that he "believes that the judge has prejudged the liability of this school district, and his impartiality in this case might reasonably be questioned."

SEPT 10, 1981

Mrs. O'Connor for death penalty, against busing

WASHINGTON (AP) — Sandra Day O'Connor, treading cautiously toward Senate confirmation as a Supreme Court justice, said Thursday that she supports the death penalty for some crimes and is opposed to forced busing to integrate public schools.

In her second day of testimony before the Senate Judiciary Committee, Judge O'Connor said she twice spoke personally with President Reagan before it was announced she was his choice to become the first woman justice on the court.

She declined to describe those conversations, but said no promises were made on how she would vote on any particular issue.

"I was not asked (by Reagan) to make any commitment concerning ... how I would resolve any issue that might come before the court," Judge O'Connor said in answer to a series of questions from Sen. Charles Grassley, R-Iowa.

SHE SAID IT would be improper to discuss what subjects she talked about with Reagan during those

conversations, one of which was held at the White House.

Judge O'Connor said her views on forced busing were shaped by a childhood experience of riding 75 miles round trip daily on a bus from her home on an Arizona ranch across the desert to school.

"I found that very disturbing to me as a child," she said, "I am sure that other children who had to ride long distances as a child shared that experience."

While emphasizing that she was not

talking about the constitutional or legal reasons for or against busing, she said that as a device for integrating schools it "can be a very disruptive part of a child's education program."

AS AN ARIZONA state senator, she favored legislation urging federal legislation forbidding busing for desegregation, she said.

On the death penalty, Judge O'Connor recalled sponsoring legislation to revive capital punishment after the Supreme Court struck down statutes in most states, and then

applying the same statute later as a state judge.

"I felt it was an appropriate vote then and I have not changed my view," she said.

However, she added without elaboration that she opposed legislation in Arizona that made the death penalty mandatory for some crimes.

The committee, which is expected to conclude three days of hearings Friday, is likely to vote next Tuesday to recommend Judge O'Connor's

Continued on Page 4A

death penalty, not busing

Continued from Page 1A

confirmation, with the full Senate confirming her nomination the next day.

ON OTHER TOPICS, the 51-year-old nominee told the committee Thursday that she:

— As a personal opinion, not a legal one, could support legislation that permitted abortions only to save the life of a mother, although she said some other exceptions might be possible.

— Is a strong believer in the First Amendment, in general opposing the closure of criminal trials to the press for any reason, and supporting the use of television in most courtrooms, including possibly the Supreme Court.

— Opposes the use of women in military combat, "if that term is restricted to a battlefield situation as opposed to pushing a button."

— Believes a defendant's previous criminal record should be considered in deciding whether bail or preventive detention is ordered by a judge.

— Would oppose any effort to force her to resign from all-female service and civic clubs in Arizona.

THURSDAY'S HEARING was enlivened by advice given Judge O'Connor by Sen. Joseph Biden of Delaware, the senior Democrat on the committee, who urged her to speak out on feminist or other issues as a Supreme Court justice.

"You are a tremendous asset, the fact that you are the first woman on the court," he said. "It is your right to go out across the country and give speeches on inequality of women, if you so desire. Don't wall yourself off; your male brethren have not."

When Biden finished, women in the audience applauded and cheered loudly, only to be warned sternly by committee chairman Strom Thurmond, R-S.C., that anyone who repeated the demonstration would be removed from the room by police.

Morton Blackwell,

This forced busing is the worst thing any one can do to a child. My 10 year old is a above average student in his neighborhood school. He says he will quit if he has to go to another school. You see we live less than five minutes of walking distant of school. Our school has only one bus that is used for field trips and ball games. Our mothers club has such a interest in the school we work hard to raise money to buy what the school needs.

I am very strongly against the forced busing.

Please remind President Reagan's platform "There must be no forced busing."

I live in St. Louis county

Mira Scharfenburg
9453 S. Broadway
Lemay, mo 63125

SEPT 10, 1981

Anti-Busing Amendment^{P 9/1} Misses Bus On House Floor

WASHINGTON (AP) — As Rep. James Collins was telling two reporters how he wasn't going to let anything mess up his anti-school-busing amendment, something did.

As the Texas Republican talked to the press Wednesday afternoon, the Democratic-controlled House worked. And when he returned to the floor, the bill he had wanted to amend was long gone.

The missed opportunity clouded anti-busing activists' prospects of getting their legislation through Congress quickly.

The anti-busing amendment was passed by the House earlier as part of

another bill. But the Senate remains tied up by a filibuster over the provision, and its backers there are pessimistic about ending the talkathon.

Collins' amendment would have given the Senate a chance to work on a second bill containing a busing prohibition.

Collins' amendment to a bill appropriating funds for the Justice Department was intended to keep the department from filing any new suits that would lead to busing for school integration. It would not have affected current busing orders but would have denied the department any money to put future orders into effect.

Desegregation Panel Fixes Operating Budget At \$120,000

The committee supervising the voluntary St. Louis area school desegregation plan has approved a \$120,000 operating budget.

The committee also complied with a court requirement by appointing Douglas King, a University City parent, as a committee member at its first meeting Wednesday at the Clayton Community Center.

The 12-member committee is made up of representatives from each of the five St. Louis County school districts that have agreed to participate in the plan as part of the federal desegregation suit against the St. Louis schools. The districts are Clayton, Ritenour, Kirkwood, University City and Pattonville.

In addition, a member of city school system's internal desegregation committee, a state official, a city parent, a suburban teacher and a suburban parent are on the committee along with committee chairman William P. Gussner, assistant superintendent of the Clayton schools, and committee director, Susan

Uchitelle.

In other action, the committee agreed to recommend that office space be rented in the Gay Building of the Clayton School District.

The committee was under a court requirement to submit a budget by Sept. 15. Almost half the budget is to go for salaries.

Mrs. Uchitelle will be paid \$35,000 a year as director; she got \$26,000 a year while working as an area supervisor for the Missouri Department of Elementary and Secondary Education. About \$14,000 is budgeted for a secretary and \$7,500 for a part-time administrative assistant.

U.S. District Judge William L. Hungate has ordered the state to pay the costs of the committee.

Mrs. Uchitelle said the second largest expenditure is \$27,000, earmarked for postage and printing of brochures describing the opportunities the voluntary plan offers.

The committee meets next at 4 p.m. next Wednesday at Clayton High School, 1 Mark Twain Circle.

Legal Eagles Put To Flight By \$115

By Edward H. Kohn
Of the Post-Dispatch Staff

Question: What has the lengthy St. Louis school desegregation court case cost so far in legal fees, court costs and other expenses of litigation?

Answer: tens of thousands of dollars, plus \$16.73 each for seven of the parties to the case.

On May 29, the St. Louis Daily Record printed an 18-inch-long legal notice about the voluntary vocational education agreement between the Special School District of St. Louis County and the St. Louis Board of Education.

The notice, signed by U.S. District Judge William L. Hungate, was required as part of the settlement of the class-action suit. The notice cost \$115.71.

The bill for publication later

See COSTS, Page 6

Costs

■ FROM PAGE ONE

was sent routinely to the court clerk's office. But neither the clerk nor the court's administrative office was authorized to pay it. And after looking around, it appeared that none of the parties to the suit was interested in volunteering the sum needed.

So after Hungate had disposed of a succession of weightier matters at a court session last week, the judge and eight attorneys in the school case took the matter into private conference in the judge's chambers and tried to thrash it out.

After six days of deliberation, the

judge issued his ruling Tuesday. The cost of the \$115.71 notice is to be divided equally among seven parties to the suit: the North Side parents, the city of St. Louis, the National Association for the Advancement of Colored People, the city School Board, the federal government, the Special District and the state of Missouri.

That works out to \$16.73 each.

But don't count your money yet, Daily Record. Those seven \$16.73 bills now have to thread their way through another seven levels of bureaucracy. It all takes time. . . .

Hungate divvies up bill: Desegregation orders often involve millions of dollars, but one issued Wednesday will cost seven parties in the St. Louis case about \$16.53 each.

U.S. District Judge William L. Hungate said in the order that the Administrative Office of the United States Courts, in Washington, had turned down payment of \$115.71 for an advertisement placed in the St. Louis Daily Record May 29 by the district clerk here.

The ad notified students and parents of a June 9 hearing on a voluntary vocational education desegregation plan between the St. Louis school system and the Special School District of St. Louis County.

The administrative office said that under court rules, parties should pay costs of notices published in class-action cases.

So, in his order Wednesday, Hungate divided the bill among the St. Louis Board of Education, city of St. Louis, National Association for the Advancement of Colored People, Concerned Parents of North St. Louis, U.S. Department of Justice, the Special District and the state of Missouri.

Those parties endorsed the settlement approved in June for the vocational education desegregation plan, Hungate explained.

SEPT 11, 1981

School Board Rebuts Attack By State On Magnet Costs

By Edward H. Kohn
Of the Post-Dispatch Staff

Pointing to the success of the magnet schools, the St. Louis Board of Education has replied to what it called an "unfortunate attack" by the State of Missouri.

The state has objected to paying fiscal incentives and transportation costs for students who want to transfer to magnet schools in the city from suburban districts that are not participating in the voluntary desegregation plan.

The city School Board's reply was filed Friday in the court of U.S. District Judge William L. Hungate.

The board pointed out that there are now 341 suburban applicants for admission to the city's magnet schools.

Only 55 of them are from participating districts. The other 286 are from non-participating districts.

"The city board should not be required, and cannot afford, to absorb the whole incremental cost for these students," the board argued. "Without the state aid contemplated in the

voluntary plans of interdistrict desegregation the attendance of these students at the city magnet schools will be in serious jeopardy."

The state had argued that "to pay the fiscal incentives to school districts who have refused to participate in the voluntary cooperative effort would be

counterproductive and directly in conflict with the concept of fiscal incentives."

The city board said it could not agree more. It said the state's objections were based on a misreading of its motion, which asked that the fiscal incentives and transportation costs be

paid to the city board, not district.

The city board said it was not asking that the payments be made to non-participating school districts — only that the city be compensated for taking those students.

The incentives were devised as part of the voluntary plan to compensate

suburban school districts sending students to city schools for the loss of state aid. State aid payments are based on school enrollment. The incentives also would help the city schools pay the cost of educating the suburban students.

"This court has the power to require the state to comply with the necessary remedy under the principle of 50/50 enrollment," the city School Board said.

"The presence of these 341 white students opens the doors for an equal number of black students who may thus partake of that desegregation process. Yet the state wants to pull the financial rug from under this plan."

In another development in the school
See DESEGREGATION, Page 21

desegregation case, the National Association for the Advancement of Colored People asked to have Judge Hungate add five more St. Louis County school districts to the metropolitan school-desegregation case.

In the alternative, the NAACP asked Hungate to allow it to seek an immediate ruling from the 8th U.S. Circuit Court of Appeals here on his orders exempting the five districts from the suit.

Three weeks ago, Hungate ruled that the five districts — Clayton, Kirkwood, Pattonville, Ritenour and University City — should be excluded from complaints filed by the NAACP and the St. Louis Board of Education seeking mandatory areawide school desegregation. The districts were excluded because they agreed to try the voluntary plan.

But the NAACP said it should be given a chance to prove its allegations against the five districts before Hungate decides whether to give them "special treatment" for having volunteered to join the plan.

Meanwhile, St. Louis County Executive Gene McNary on Thursday joined 13 St. Louis County school districts in asking Hungate to disqualify himself from the case. Last week, McNary called for Hungate's impeachment.

Twelve districts filed disqualification requests Wednesday; the 13th, Riverview Gardens, filed its request Thursday. Hungate hasn't set a date for a hearing on the requests.

The 13 school districts are among the 17 county districts added by Hungate on Aug. 24 as defendants in the 9½-year-old dispute. The county, McNary and two other county officials also were added as defendants.

In a sworn statement filed with the judge, McNary said he believes Hungate "has prejudged the liability of the various St. Louis County school districts and St. Louis County government defendants."

McNary said, "The judge's impartiality in this case might reasonably be questioned."

Through his secretary, Hungate said Thursday that he would not comment on the requests that he disqualify himself. Last week, his secretary said he had no comment on McNary's call for his impeachment.

In another development Thursday, the Riverview Gardens district said it intends to move in the near future to disqualify Lashly, Caruthers, Thies, Rava & Hamel, one of two law firms that represents the city School Board, on the ground of conflict of interest.

The Lashly, Caruthers firm formerly represented the Riverview Gardens School District.

Edward E. Murphy and Garry Seltzer, who now represent the Riverview Gardens district, told Hungate that a report prepared by the Lashly firm filed earlier this week was "incomplete and tends to give the court a misleading impression of what transpired."

The report detailed a meeting held Tuesday at which attorneys for the various school districts discussed the complex "discovery" process by which they will prepare for a hearing on whether or not the suburban districts contributed to segregated classes in the city. That hearing is scheduled to begin March 1.

The Riverview Gardens attorneys said the Lashly firm omitted crucial parts of the discussion in their report to Hungate.

Last fall, the Concerned Parents for Neighborhood Schools, a south St. Louis parents' group, and the NAACP tried to have the Lashly firm disqualified because it previously represented the state Board of Education and five suburban districts — Lindbergh, Normandy, Parkway, Riverview Gardens and Wellston.

But Senior Judge James H. Meredith, who presided over the school case until December, ruled that the firm didn't have a conflict and denied the disqualification requests.

In asking Hungate to expand the case, the NAACP argued that the voluntary plan in which five districts have agreed to participate is inadequate for several reasons.

First, the NAACP said, the plan "will produce desegregation largely on a one-way basis," with black students from city schools transferring to county districts that have volunteered to accept them.

"Such a one-way process, which places an inequitable burden on black students, is not an adequate remedy for a constitutional violation," the NAACP said.

Also, the NAACP said, any plan that relies on "voluntary parental participation," as does the plan approved by Hungate, "cannot be constitutionally adopted as a remedy for a system-wide intradistrict or interdistrict violation."

Finally, the group argued that Hungate erred in making the test for continued exemption from the suit the achievement of "a level of integration satisfactory to the court."

The NAACP said it is seeking permission for an immediate appeal if Hungate won't change his mind because of the March 1 starting date for the liability hearing for the county school districts.

Separately, the city School Board asked Hungate to clarify the portion of his order by defining "a level of integration satisfactory to the court" in terms of annual goals for the suburban districts for the next three years.

"So long as each participating school district is achieving its annual goals, this court will be able to conclude that the plan is working, that no further relief is necessary and that the continuation of the stay (of litigation) is justified," the School Board told Hungate.

"But should the districts fail to meet their goals, it would be clear that the freedom-of-choice plan ordered herein is not working and that more effective remedies are required," including adding the five districts to the case.

In other developments Thursday:

— Hungate met privately for 55 minutes with about two dozen attorneys in the case to discuss "discovery" — the process by which the attorneys will prepare for the March 1 trial. After the meeting, several attorneys said no agreement had been reached but that informal discussions would continue.

— The city School Board and the NAACP jointly urged Hungate to move swiftly in scheduling a hearing on their requests to add school districts in Jefferson and St. Charles counties, the two counties and various area housing agencies to the suit.

School Integration Plan 'Further Ahead Than We Hoped,' Official Says

by Catherine Vespereny

of the Post-Dispatch Staff

William P. Gussner, chairman of the committee supervising the voluntary statewide school desegregation plan, says he's optimistic about the plan's prospects.

"Philosophically, I feel that it's the

best way to go, rather than battling over a mandatory plan," said Gussner, an assistant superintendent in the Clayton School District.

Already, he said, the plan is "even further ahead than we'd hoped for." The committee didn't get off the ground until after Aug. 24, when U.S. District

Judge William L. Hungate agreed to protect four participating districts — Kirkwood, Clayton, Ritenour and University City — from litigation.

Such immunity was a condition each had attached to its acceptance of the plan. At the same time, Hungate ordered them to begin the plan. After

that, the Pattonville School District decided to participate; Hungate granted it immunity, too.

Gussner said he sees ahead two or three months of hard work ironing out details on student transfers, recruiting and counseling. "The judge laid out the

See SCHOOLS, Page 21

skeleton," he said, "and we're here to add the flesh."

He said that so far, "no major hurdles" loom.

The group has approved a \$120,000 budget and may approve by-laws at its next meeting, Wednesday.

The voluntary student transfers entailed by the plan have already begun. For instance, Gussner said, Clayton schools have 19 city transfer students, with more expected by the end of this week.

The committee has asked Hungate for a ruling on whether it can recruit non-participating districts for the voluntary effort — something the committee would like to do.

"We feel it would be an appropriate activity," Gussner said. "We hope more districts join, but we don't know. They're certainly welcome."

Hungate has named as defendants the 17 districts that rejected the voluntary plan.

The plan's 12-member coordinating committee has representatives from each of the participating school districts, one from the city school system's internal desegregation monitoring committee, a state official, a city parent, a county parent, a suburban teacher and a city teacher. Susan Uchitelle is the committee's director.

Hungate's plan calls for predominantly white districts to accept black transfer students until enrollments are 15 to 25 percent black.

Gussner, 40, has worked in Clayton for eight years. He holds a doctorate from Washington University in educational administration. He and his wife, Sandra, live in University City. His three children, ages 11, 8 and 7, attend University City schools.

9/12/81

County joins in move against Hungate

U.S. District Judge William L. Hungate's orders in the school desegregation case "imply prejudgment of the issue of liability," St. Louis County said Thursday in joining 13 suburban school districts in moving to disqualify him.

Twelve St. Louis County school districts filed motions Wednesday seeking Hungate's disqualification and were joined Thursday by the county and the Riverview Gardens School District.

"The judge's impartiality in this case might reasonably be questioned," County Executive Gene McNary said in an affidavit accompanying the county's motion.

IN A MEMORANDUM filed with the county's motion, Andrew J. Minardi, associate county counselor, noted that the United States Code says, "Any justice, judge, or magistrate of the United States

shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

Minardi wrote, "On various occasions Judge Hungate referred to the pending voluntary desegregation plans, and stated in essence that if enough suburban school districts did not participate in a voluntary plan, he would enter a mandatory interdistrict remedy.

"These statements were made despite the fact that . . . no suburban district has yet had the opportunity to be heard, nor has the issue of their liability been litigated."

RIVERVIEW GARDENS School District said it was acting to disqualify the judge "with extreme reluctance because of the seriousness of the step" but added it felt it must protect the rights of its children and taxpayers.

The school district also alleged the judge had prejudged it.

The school districts that asked Wednesday that Hungate be disqualified are Hazelwood, Webster Groves, Rockwood, Lindbergh, Ladue, Hancock Place, Bayless, Brentwood, Jennings, Maplewood-Richmond Heights, Affton, and Mehlville. Four other districts named by Hungate as defendants in the 9½-year-old desegregation case — Normandy, Wellston, Parkway and Valley Park — have not asked that he be disqualified.

Kirkwood, Clayton, University City, Pattonville and Ritenour districts, whose officials had agreed to participate in the voluntary desegregation plan, were not named as defendants in the desegregation case.

Judge Hungate Should Stay On

Twelve St. Louis County school districts are asking U.S. District Judge William L. Hungate to disqualify himself from the St. Louis metropolitan school desegregation case. Their requests accuse the judge of prejudging the facts. We do not think Judge Hungate has done that.

The judge has ordered the Justice Department, the state and the St. Louis School Board to submit a plan for mandatory desegregation on Feb. 1. But whether the plan is adopted will depend on the results of a hearing scheduled for March 1. Thus later hearings will determine whether county districts added to the case have any responsibility for school segregation in the city. In short, the districts will have their day in court; remedies for segregation can only be imposed after findings of liability.

Lawyers for the protesting districts argue

that Judge Hungate prejudged their liability by making 17 of them defendants. It would have been difficult, though, for the court to arrive at any judgment on these districts if they were not made parties to the case. Certainly they could not be made plaintiffs. But making them defendants does not prejudice them; they will have their opportunity to demonstrate that they have had nothing to do with school segregation.

The St. Louis School Board began this case as a defendant and now wants to become a plaintiff. After all, the city board has tried to end segregation within city schools, and it cannot go much further without suburban help. If most of the suburban districts had volunteered help, as Judge Hungate suggested, they would not now be in the position of complaining about being brought to court.

LETTERS

After reading your Sept. 2 editorial, "Mr. McNary To The Barricades," I realized that the entire editorial is captious. Mr. McNary is not "trying to inflame base emotions." That is a fallaciously subtle statement.

The editorial further stated that "the community is witnessing the first strings of negative, potentially tragic political leadership." This is a statement of a tyrant. Mr. McNary is no amateur. He knows how parents feel about having their children uprooted from their own neighborhoods to be bused into strange neighborhoods miles from their homes. This is devastating to both children and to concerned parents.

This desegregation mania borders on the paranoiac. It is destructive to all educational processes. It is also an impingement upon the rights of its taxpaying citizens and their offspring.

This desegregation hysteria is a fool's paradise. Busing is an incubus that must be stopped now. Parents must be obdurate regarding the welfare of their children. The future of our country demands a stoppage of this time-consuming and money-wasting social experiment being exercised by pusillanimous dictators.

Esther M. Deppong

Cahokia

Your Sept. 2 editorial called County Executive Gene McNary "reckless" in his statements concerning Judge Hungate's handling of the desegregation issue. Does the editorial staff of the Post-Dispatch wish to limit the rights of Mr. McNary as provided under the First Amendment? Or is it just that the Post-Dispatch, which is among the handful of outdated liberals and self-serving organizations that support forced busing, merely wishes to discredit spokesmen for the vast majority of citizens which are in opposition?

In order for the necessary legislative changes to be made that will put an end to the issue of forced busing permanently, we, of that vast majority in opposition to forced busing, need our voices to be heard. We cannot sit back "peacefully" and allow ourselves to be railroaded into a reprehensible situation that will not improve the quality of education for those it is intended to help but greatly lower the quality for every child.

Rebecca S. Heeren

Afton

Courts have moved too far from benefit of public scrutiny

Reagan's early opportunity to name a new member of the Supreme Court has brought that august body once again under some degree of public scrutiny. And many think such public scrutiny is badly needed.

For half a century, since Roosevelt's attempt to pack the court, its ups and downs, or, perhaps better stated, its rights and lefts, have at one time or another angered almost every group in America.

As for now, the newspapers, and TV are flooded with analysis and, of course, a common theme is that Reagan, during his term in office, will have a supreme opportunity to remake the Supreme Court.

If past history offers any example, the magnitude of the opportunity may be much less than heralded.

Eisenhower appointed Earl Warren as chief justice of the Supreme Court when the first vacancy appeared. But for all his own liberality, the evidence is that Ike found Warren going much further and faster than he would have preferred. Warren's first court role, following soon after his appointment, was a case we have been hearing about ever since: *Brown v. Board of Education*. Nixon, pictured in the public mind as one of the meanest and most unyielding of conservatives, had his chance at the court but, again, it is obvious that some of his appointees have moved in directions widely different than Nixon anticipated.

The constitutional concept and strength of the Supreme Court is its independence, the authority it exercises under the separation of powers doctrine upon which the American government rests.

This strength is also a weakness, one that up to now has frustrated critics. Anyone named to the court is the immediate recipient of powers that in some

ways can almost be compared with those of the emperors in medieval Europe. Acquisition of such authority can have profound effects and an appreciable number of appointees find the temptations of imperialism truly irresistible.

Once in office, court members are responsible to no one. For all practical purposes they are irremovable and irreversible.

No matter how old they get, how feeble their body and brain becomes, they can hang on if they like. Douglas epitomized this characteristic at its worst.

The lesson seems to be that we are in real need of some sort of reform.

Conservatism or liberalism do not constitute the heart of the problem. The real dilemma is that whereas we thought we had an executive, a legislative and a judicial branch of government, more and more we are finding that the judiciary is assuming executive and legislative powers.

The use of concrete examples is helpful and we have been supplied one in a book review written by Robert Bork, professor of public law at Yale Law School.

Taking a look at William O. Douglas, he observed that the Douglas urge "which became the dominant theme of the Warren Court, was the redistribution of society's wealth, prestige and political power...."

"Mr. Douglas himself was often in dissent because he wished to do more and go further. Most observers, even those who approved, found it difficult not to conclude that Justice Douglas' politics were also his law...."

"It is difficult to see how a legislative judiciary and the premises of constitutional democracy can be reconciled, particularly when the judiciary's power rests upon the widespread misapprehension that it is not legislating."

It may be that when the American people find they can no longer accept the present state of the courts, congressional action will suffice. More likely, however, some constitutional restructuring will be necessary. Whoever has the drafting assignment deserves all of our sympathy.

Insight



By JOHN BURKHART

Hungate bows out of desegregation ruling on county

By CHARLES E. BURGESS
Globe-Democrat Education Writer

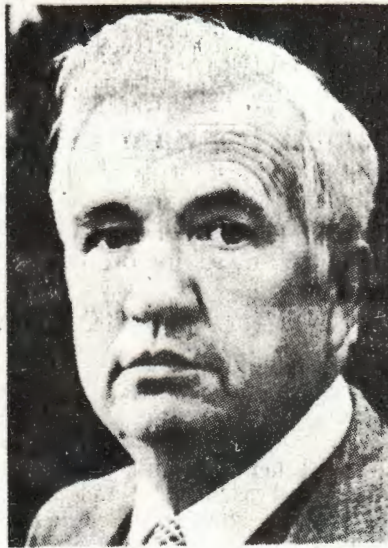
U.S. District Judge William L. Hungate disqualified himself Thursday from deciding whether, as alleged, St. Louis County school districts acted to further constitutionally prohibited segregation of area schools.

But Hungate, in a ruling that took lawyers in the case by surprise, kept judicial control over all other aspects of the case, including planning for possible mandatory interdistrict integration.

According to Hungate's ruling, any mandatory city-county desegregation plan that he would oversee could be based on any future finding by another judge, if and when that occurs, of liability on the part of county school districts.

Attorneys contacted after the startling late afternoon ruling were uncertain about the implications, but agreed that the decision will probably cause substantial delay in the proceedings.

HUNGATE'S ANNOUNCEMENT



William L. Hungate
... lawyers surprised

was in a ruling on motions by 13 St. Louis County districts and County Executive Gene McNary that he

Continued on Page 7A

Judge disqualifies self from county ruling

Continued from Page 1A

disqualify himself completely from the proceedings.

Paul B. Rava, an attorney for the St. Louis school board, said "There are many questions about the interrelationships of matters that are before the judge. It can get very complicated."

Rava said he is concerned about the change but "I have the highest respect for Judge Hungate's abilities and integrity, and if he did it he must have his reasons."

"It's very confusing. I don't see how he can step down from one part of the case and not from the other," said Richard B. Fields, an attorney for the National Association for the Advancement of Colored People.

HUNGATE SPECIFIED that he was excusing himself from portions of the case concerning complaints filed by the city board and NAACP that suburban districts had collaborated with each other and with the city system to prevent integration in the past.

"So that the disposition of this complex litigation may proceed in an atmosphere of calm reflection," Hungate wrote, he will "recuse (remove) himself from determination of the alleged constitutional violations by the county school districts as individual entities."

In his order, Hungate said allegations that he had prejudged the facts were not proven. But, he said, the motions created "an atmosphere of hostility and suspicion" at a time when "it is essential during the remedial stage of a school desegregation case that the parties cooperate in devising and implementing a workable plan."

Kenneth H. Wangelin, chief judge of the Eastern District of Missouri, who appointed Hungate to preside in the case in December after Senior District Judge James H. Meredith stepped down for health reasons, said Hungate had not discussed the ruling with him.

WANGELIN REFUSED further comment except to say he would "make whatever appointment" is necessary in the case. He said he may talk to Hungate Friday.

Shortly after Hungate's announcement, a woman who identified herself as Mrs. Hungate refused to let a reporter talk to her husband at their home at 26 Chapel Hill Estates in Town and Country Thursday.

"This is our home. I've had it up to here with this school desegregation case," she said holding her hand to her neck.

"This is the only place we can get away from it," she said slamming the door.

Hungate said in the ruling that allegations by the suburban districts against his impartiality were "clearly insufficient" to establish "bias or prejudice."

HE POINTED OUT that in February the 8th U.S. Circuit Court of appeals said that efforts by the NAACP and city school board "to expand this case and to add new defendants . . . should not divert the energies of the court and parties for expeditious remedial proceedings."

He said that the efforts for his removal generated

"antagonism and delay that is detrimental to the public interest," and that he was removing himself from the question of judgments over the county districts so that "attention will not be diverted from the educational equities in this case."

The motions asking for Hungate's removal were filed after he granted NAACP and city school board petitions Aug. 24 that made 17 St. Louis County districts defendants in the case. He had set a hearing to begin March 1 on evidence on why the county districts should or should not be compelled to be part of a mandatory interdistrict desegregation plan.

IF THERE IS no change from his Thursday ruling, Hungate would retain jurisdiction over development of the suggested plan. He has asked that he, the state and the city school board complete recommendations for the plan by Feb. 1.

Hungate made it clear in a separate order that the issues of liability of county districts and the suitability of the suggested mandatory plan would not be considered at the same time, as originally set down in the Aug. 24 order. He did so by granting a motion by the city anti-busing group, Concerned Parents for Neighborhood Schools, for separate hearings on the two issues.

"It sounds as if he is saying that he doesn't want to be the judge who determines the law, but if they (the county districts) are found guilty, he'll provide the remedy," said Gayle Taylor, area coordinator for the National Association for Neighborhood Schools.

Hungate also retains jurisdiction over the internal St. Louis school system desegregation, a voluntary interdistrict plan he approved Aug. 24, a voluntary plan for desegregating vocational education programs operated by the city system and Special School District and consideration of proposals for housing desegregation to facilitate school integration.

HUNGATE ALSO ruled Thursday that the city school board will be realigned as a plaintiff on alleged interdistrict violation aspects of the case, but said the system remains a defendant as to its own desegregation responsibilities.

In filings Thursday, both the State of Missouri and the U.S. Justice Department urged that advisory committees to the court review board plans to sell two buildings and rent another.

The state raised the question of whether a meeting occurred Aug. 26 at which representatives of the court, parties, St. Louis system and Bi-State Development Agency discussed some aspects of the case.

ASSISTANT ATTORNEY General Larry R. Marshall refused to comment on the allegation, which occurred in questions directed at the city school board, NAACP, Justice Department and several other parties.

St. Louis Superintendent of Schools Robert E. Wentz and a Bi-State spokesman said no record of such a meeting could be found, although one attorney conjectured it might have been to discuss bus-pass arrangements for students participating in interdistrict plans.

"It sounds to me as if the state is trying to develop a conspiracy where none exists," said NAACP attorney William E. Caldwell.