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2022 Headlands Circle
Reston, VA 22091
November 6, 1982

To the Editor:

I would like to make one clarification to William Raspberry's excellent article (POST 11/5) concerning my plan to end the burden of busing on minorities. The plan would not disallow magnet schools.

When similar "open enrollment" plans had not allowed only majority-to-minority and vice versa transfers (e.g., Boston), when they allowed the potential receiving schools to be filled first by neighborhood students (e.g., Chicago), and when free transportation was not provided (e.g., Oakland), these plans didn't work. However, "open enrollment" **did** result in improving racial balance in Portland, Las Vegas, Fresno, Buffalo, Little Rock and a host of other cities. In fact, by 1973 in New York, over 77,000 students had voluntarily transferred for integration, and that was more than had been shifted by force!

The end of the burden of busing on minorities would not result in a resegregation of neighborhoods, and my "first choice, free transportation" plan allows for even more integration than under court-ordered racial-balance busing plans which require that minorities **are bused in inverse** proportion to whites. The 1954 Brown decision was to open society up so that minorities could live and go anywhere they wanted. That Supreme Court decision did not say a judge could deny minorities the right to go to a neighborhood restaurant if they felt it was the best in town. Likewise, minorities should not be forced to attend inferior schools in white neighborhoods miles away if they feel their own neighborhood school is superior.

Today, on the basis of race, minorities across this land are being bused in disproportionate percentage to whites, and that discriminatory burden must be ended. My plan would accomplish that while allowing for even more integration. A Congressional Research Service Specialist has indicated the plan does offer a remedy, and Justice Harry Blackmun seemed to invite my proposed solution when he indicated in the Supreme Court's latest busing case that any desegregation remedy which unfairly burdened one race (e.g., forced racial-balance busing) should be disallowed.

Sincerely,

D. L. Cuddy

D. L. Cuddy, Ph.D.

476-6650

The Washington Post

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FRIDAY, NOVEMBER 5, 1982

A 15

William Raspberry

Is This The Way To Racial Balance?

D. L. Cuddy believes he has developed a near-perfect solution to the vexing problem of what he calls "forced busing."

He would, in a nutshell, allow any child to transfer, with transportation paid, from a school in which his race is in the majority to any other school in the district in which his race is in the minority.

Simple? Undeniably. Simplistic? Cuddy, a senior associate with the National Institute of Education, doesn't think so.

The purpose of the plan, which he hopes to have some member of Congress introduce, is "to protect minority rights." As he explains in a recent issue of the conservative publication, *Human Events*:

"Court-ordered racial balance busing denies blacks equal protection of the law. Because the courts do not allow 'token' integration, most all forced school desegregation remedies call for system-wide balanced integration. However, this means that if a system is 90 percent white and 10 percent black, then only 10 percent of the white students must be transported, but 90 percent of the black students must be. . . . This is flagrant discrimination against blacks."

"D. L. Cuddy's plan would allow any child to transfer from a school in which his race is the majority to any other school in which his race is in the minority."

His own approach, which is not endorsed by the NIE or any other federal agency, is an improvement over the discredited "freedom of choice" proposals of the 1960s (though quite similar to one put forward in the mid-1960s by Sen. Abraham Ribicoff).

Under "freedom of choice," black students would have been permitted to enroll in any white-majority school in the district so long as there were vacancies. Cuddy would give a student seeking to enter a school in which his race was in the minority first choice at a seat—even if it meant that a student in the school's own neighborhood would have to be denied space. That provision, along with the guarantee of free transportation, should please the civil rights leadership.

He believes it would also satisfy the courts, since the plan would, on its face, provide equal educational opportunity without regard to race.

"Even in a worst-case scenario, where a white racist school board might contemplate discriminating against blacks, with 'first choice and free transportation' guaranteed, all school boards will, in their own self-interest, see to it that schools in predominantly black neighborhoods receive equal, if not superior, facilities, teachers and appropriations," the 36-year-old North Carolinian said.

But wouldn't this be similar to what happened in the Deep South, when white school boards moved to upgrade black schools in an effort to avoid integration suits?

No, according to Cuddy, who said he attended integrated schools in his home state even before the *Brown* decision. "The key here is that the decision regarding satisfaction that equal educational opportunities are being guaranteed is in the hands of blacks themselves, and not in the hands of possibly racist school boards. Therefore, if the school in a particular black neighborhood is inferior, then every black student is guaranteed the right and transportation to attend a superior school in a predominantly white neighborhood," with the result that there might be "even more integration than under court-ordered busing."

Perhaps the biggest civil rights objection to the Cuddy proposal would be its requirement that other segregation remedies—including court-ordered busing and school pairings—would be repealed. The civil rights establishment has been understandably reluctant to give up any of its hard-won gains in exchange for something that *might* work better.

If Cuddy is serious about his proposal—and he has been pushing it for some years now—his best chance might be not to go to Congress but to get a local school district to adopt it on an experimental basis.

It is possible, for instance, that only the children of cream-of-the-crop blacks would take advantage of the plan, leaving their old school segregated by class and income as well as by race.

Cuddy doesn't see this as a serious drawback. From his viewpoint, it would mean only that the parents of the non-transferring students would see it in their best interest to keep their children where they were. And if the parents are happy, why should the rest of us get excited?

'Injustice'

Taxation without representation. That one injustice set off the American Revolution.

Now, it seems, Judge Hungate seeks to impose the same injustice upon the citizens of St. Louis when he arbitrarily decides the citizens must be taxed to finance the "voluntary" desegregation of area schools. Does the judge fail to realize this is beyond his jurisdiction?

H.G. McMAHON
Shrewsbury

Hungate rules on group costs

3-19-83

An order in the past week from U.S. District Judge William L. Hungate revealed that the state, the St. Louis school board and court-appointed Quality Education Committee have reached agreement on a \$4,967 cost for the committee's overtime secretarial costs, consultant fees and equipment.

Hungate ordered the state and board to split the cost.

In February, the board and state had disputed the committee's need for consultants and overtime work in connection with claims initially totaling \$9,145.

PRESERVATION COPY

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File
6/25/83

212 Orchard Ave.
Winchester, Missouri 63011
March 11, 1983

Hon. William L. Mungate
U. S. District Judge
U. S. District Court
1114 Market St.
St. Louis, Missouri 63101

Dear Sir:

Re: The invitation for public response to the
voluntary school plan

It is very difficult to believe this is a voluntary plan,

when the Parkway School District agreed to accept
100 transfer students the first year and 1% each
year thereafter until we reached 15%,

when we accepted more than the minimum in the first
year,

when the quota for 1983-84 is now raised to 600 (3%)
students rather than the 1% agreed to, (or 3000 in
five years),

when the Parkway District has been cooperating in
good faith.

Where's the good faith of the proponents?

It's very hard to believe we still live under a repre-
sentative form of government,

when the Court can find our school district guilty
of something which occurred long before many of us
were born,

long before our district was a district,

when all the votes of the people on school taxes
can be nullified by decree,

when a plan is worked out between attorneys and the
Court and a few others, and the details of the plan
must be kept from the people until it is finalized,

when the innocent children will be forced to bear
the burden and revenge of organized groups who do
not truly represent the interests of the people they

2)

claim to represent.

It is very hard to accept racial assignment of children to schools when the 1964 Civil Rights Act plainly states that,

"Desegregation means the assignment of students to public schools and within such schools without regard to their race, color, religion, sex or national origin, but 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

when it is most assuredly illegal,

and Senator Hubert Humphrey, the Senate floor manager of the Bill that became the 1964 Civil Rights Act, stated, "While the Constitution prohibits segregation, it does not require integration. The busing of children to achieve racial balance would be an act to effect the integration of schools. In fact, if the bill were to compel it, it would be a violation, because it would be handling the matter on the basis of race and we would be transporting children because of race."

It is difficult to accept the credibility of any of this,

when we read a newspaper article which says, (St. Louis Globe Democrat, January 26, 1983),

"NAACP is Rebuffed in Class-Action Move -- U. S. Magistrate David D. Noce has recommended that the National Association for the Advancement of Colored People not be granted status to represent St. Louis County schoolchildren and parents as a class.....",

and the Coalition for Information on School Desegregation, in Update, an informational newsletter, February, 1983, states, "He (Magistrate Noce) further recommended that the Caldwell, represented by the NAACP, plaintiffs be permitted to represent a class consisting of 'all students, and their parents, now attending or who will attend Missouri public primary and secondary schools located in the metropolitan St. Louis, Missouri, area' (specifically, St. Louis City and St. Louis County)."

There seems to be a definite contradiction here. How are we to believe anything we hear or read?

It is very difficult to be colorblind when there are people who continuously press to promote the supposed differences among us. People are people.

3)

Former U. S. Senator and North Carolina State Supreme Court Justice, Sam Ervin, Jr., who is recognized as a Constitutional expert, said in the December 1982 American Bar Association Journal:

"I...rejoice because the Founding Fathers reposed in Congress the power to define, limit or curtail the appellate jurisdiction of the Supreme Court and the jurisdiction of the federal courts inferior to it... I abhor judicial usurpation and deem tyranny on the bench as reprehensive as tyranny on the throne.

"It is high time for activist Supreme Court justices to realize that the Constitution...belongs to the people of America and not to them."

How can we believe this is still a representative form of government,

when the majority will is ignored,

the people have little or no control, and are allowed little or no input,

when the very goal itself is against the law?

How are we to believe the \$50,000,000 projected annual cost to the State of Missouri will be more beneficial to students spent on transportation and related items, than for desperately needed true educational purposes?

With the apparent shortage of good math and science teachers, and our assurance the problem will increase, it seems much more would be gained by emulating the better school systems, copying their discipline, educational methods and standards, and better use of money would be for that purpose, and toward that goal.

Competition is good -- destruction and revenge are bad.

The largely black North St. Louis Citizens and Parents for Quality Education believe the implication in the desegregation case, that black students can improve their studies only if they share classrooms with white students, is insulting. I agree. I feel sure they are looking toward the needs of the children by suggesting money be used for education rather than transportation.

It is difficult to believe that all the social planning will really work, and difficult not to believe that the end result will not be the eventual destruction of the public school system as well as our representative form of government.

4)

Yes, this is an emotional letter on an emotional issue.
Thanks be to God, children and their parents are
emotional beings.

Yours very truly,

Shirley Webb

(Mrs.) Shirley Webb

C O P Y
Busing

March 21, 1983

President Ronald Reagan
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear Mr. President:

This country cannot continue to abuse its public school system and maintain a good education for the many people who depend on it for their education.

Forced busing and forced integration has proven to be a failure. It is important that this country maintain its stand on desegregation, which is simply the removal of legal barriers to equal opportunities. The '64 Civil Rights Act defines "desegregation" as follows: "Desegregation means the assignment of students to public schools and within such schools without regard to their race, color, religion, sex or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance." (emphasis added)

Education is the only answer to ignorance; therefore, it does not seem prudent to destroy our best means of alleviating this problem, the public schools.

Parents have always taken neighborhood public schools for granted as part of their constitutional rights. It was also a parent's way to keep track of their youngsters' education by being active in the school district their children attended. Busing to distant areas makes this virtually impossible. The long bus rides and devastating legal fees are doing nothing to improve the education of the students, black or white. Many schools have closed due to lack of funds; others are literally falling apart due to lack of repair, and last but not least teachers are being laid off and those that remain are underpaid. The money wasted on forced busing could be better spent on such problems.

There is no educational improvement due to forced busing. It is putting great emotional strain on the parents and young people involved. The young people today face enough social problems without having this burden laid on them. We all need consistency and contentment in our lives; certainly young people should be entitled to that privilege also.

President Reagan
Page 2
March 21, 1983

From what I read, there are more suicides, more drugs, more truancy and more dropouts among our young students than ever before. "Disgraceful to say the least". Many children disappear each year and the bereaved parents are never able to locate or find out what happened to these children. Parents need to be close to where their children are, their schools, in order to help prevent such tragedies.

President Reagan, you are advocating less government intervention. I'd say the expectations are falling short of your professed goal. At present the courts are in control! They are determining the destiny of the families who must depend on the public school system for their offsprings' education.

I can only see this issue from an emotional viewpoint. Had I been forced out of my neighborhood schools to an area foreign to me as a kid, I know I would have been traumatized.

If you are not familiar with all the derogatory aspects of this forced busing issue I suggest that you contact Mr. Bill D'Onofrio, President of the National Association for Neighborhood Schools, the leading nationwide anti-forced busing organization. His address is 1800 W. 8th St., Wilmington, DE 19805. NANS has been trying for a long time to arrange a meeting with you on the subject. Mr. D'Onofrio can give you the facts and figures of what has happened to schools in areas where forced busing has already taken place. He can explain that Congress has the power under Article III, Section 2 of the Constitution to limit the power of the courts in this and other related issues. We need to stop the runaway judiciary!

One could look to Boston as a classic example of what forced busing has done to that city and their once proud schools. The voluntary system may work if it is kept on a voluntary basis; but if quotas are set and they are not met, it would again be in the hands of the courts. Then it would revert back to forced. That is our situation currently in our St. Louis schools.

The future of this democratic society is in the hands of today's students, regardless of color; therefore, a good general education with a concrete set of values is needed. A good teacher, as well as a concerned parent, and a place to teach can accomplish this. Long busrides accomplish nothing! -- Except wasting precious tax dollars and the students' time.

President Reagan
Page 3
March 21, 1983

There are forces who would like to destroy our way of life, and do it from within. This is a proven fact. What better way could they accomplish this then through the destruction of our public educational system and family involvement?? I thank you very much for reading my letter and hope that you will take action now on this crucial issue so that our public schools will remain strong and solvent. Arrange a meeting with NANS President Bill D'Onofrio to help pattern a strategy for the preservation of the neighborhood schools system which has served our country so well.

YOURS FOR NEIGHBORHOOD SCHOOLS,

Mrs. Julia Kleinschmidt

Mrs. Julia Kleinschmidt
(Member of the South County Assn.
for Neighborhood Schools - SCANS
a St. Louis affiliate of the Natl.
Assn. for Neighborhood Schools - NANS)
My address: 9508 Dana Ave.
St. Louis, Mo 63123

P.S. - Don't forget to contact Mr. Bill D'Onofrio at:

1800 W. 8th St.
Wilmington, DE 19805
Business Phone: (302) 658-1856
Home Phone : (302) 998-6646



James

NANS of EASTERN MISSOURI

AFFILIATES OF

NATIONAL ASSOCIATION for NEIGHBORHOOD SCHOOLS, INC.

March 24, 1983

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

President Ronald Reagan
c/o The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear Mr. President:

This letter is to express to you our grave concern re: your priorities relating to educational issues. You profess to want less government interference in education, but you continue to push for school prayer and tuition tax credits, both of which only increase interference, while thousands of us are out here crying for help in getting our schools and children free of court dictatorship. If the courts are allowed to continue their systematic destruction of public schools nationwide, in the blasphemed and prostituted name of "desegregation"; there will be no public schools left to pray in!!

You back the tuition tax credit movement saying that the public schools have been given a chance to prove their worth and have failed while private schools have flourished. It is imperative that you realize that there is a direct correlation between court interference in our public schools and the subsequent profusion of private schools. Just look at the statistics:

- Boston, MASS. - since 1970 when court intervention began enrollment dropped from 96,000 to 58,000 students
- Louisville, KY - 35,000 students lost since forced busing litigation started in '71
- Dallas, TX - 40,000 students lost since '69 when their case started
- Columbus, O - 60,000 students lost since their suit was filed in '73. During the '78-'79 schoolyear 19% leaving the school system were minorities
- Los Angeles, CA - 100,000 students lost in the first 4 years of forced busing. 13,000 nonwhite students lost in the last 2 years.
- and the list goes on and on...

President Ronald Reagan
March 24, 1983
Page 2

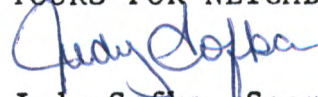
The students in these statistics had to go somewhere and that's to private schools. As more and more metropolitan areas are thrust into long and costly battles to maintain control of local, autonomous school districts, private schools are proliferating and producing higher scoring students academically because the students whose parents, both black and white, are concerned most about their education (parental concern breeds academic success) are the ones that flee the public schools when the courts take over, and lowered educational standards result.

Enclosed you will find a copy of St. Louis Judge Hungate's Orwellian plan for our school system (23 suburban districts and the city). This is his "proposal" if enough districts do not agree to "volunteer" to participate in a plan which must satisfy quotas of black to white students. What if enough students don't "volunteer" (and they won't)? Forced racial balancebusing and more private schools, of course.

Congress has the power and duty to limit the power of the courts in such matters under Article III, Section 2 of the Constitution. NANS President, Bill D'Onofrio would like to meet with you to discuss this issue. You meet with the NAACP who promotes forced busing, but you will not meet with representatives of a group working to preserve neighborhood schools who represent the wishes of the majority of Americans, both black and white.

We urge you to get your priorities straight. Meet with Bill D'Onofrio for assistance and grassroots support. MAKE CONGRESS STOP FORCED BUSING!! This would do more to eliminate government interference in education than the elimination of the Dept. of Education, school prayer and tuition tax credits put together could ever do. (Incidentally, we do support the elimination of the Dept. of Education; not to be replaced by a foundation setup however.) We must act now to enrich and preserve our most valuable asset, our public schools, which, under local supervision, have served our country well.

YOURS FOR NEIGHBORHOOD SCHOOLS,



Judy Sofka, Secretary
SCANS (South County Assn. for
Neighborhood Schools)

P.S. - Mr. D'Onofrio can be
reached at:

1800 W. 8th St.
Wilmington, DE 19805
(302) 658-1856 or 998-6646

Highlights Of Hungate's Plan To Merge School Districts

Here are highlights of U.S. District Judge William L. Hungate's plan for the consolidation of all school districts in St. Louis and St. Louis County:

Reorganization — All districts in the city and county would be merged into a single metropolitan district. The metro district would have four subregions. Jefferson and St. Charles counties would be included, at least for now.

Administration — A central board of education would be created to oversee all schools in the metro district. A new oversight group would be appointed to help monitor the desegregation process.

Education programs — All schools would have uniform grade structures, the central board would review all curriculum materials and efforts would be made to ensure that racial prejudice is not "subliminally inculcated" in courses.

Busing — Busing would be allowed "to promote the recognition of constitutional rights of students and parents to a non-segregated, quality educational



Judge Hungate *is the taxpayer, as we, the taxpayers, are the State of Missouri system."*
Finances — The state of Missouri would pay a larger share of costs associated with desegregating the schools. A uniform tax rate would be imposed throughout the district, subject to court approval.

use related against England for this

2 chance for the led religion of sm "to blossom"

Based on skin color - that's against the law, according to the '64 Civil Rights Act

U.S. Senator John East
Senate Office Building
Washington, D.C. 20510

October 4, 1983

Dear Senator East.

In 1773, the famous Boston Tea Party occurred because "Taxation without representation is tyranny." And our U.S. Constitution was written to prevent this from ever happening again. Three branches of government were established: executive, legislative and judiciary, each with its own distinct jurisdiction and powers, and a system of checks and balances.

Today, only 210 years later, this nation is confronted with a federal judiciary which is confiscating the powers of the legislative branches of both federal and states.

CASE IN POINT: Last year, Missouri voters statewide passed a proposition to increase the state sales tax by 1¢, with the proviso that all property owners would enjoy a tax rollback. This summer, U.S. District Judge Hungate approved a monumental and outrageously costly plan and, in order to finance part of it, decreed that the property tax rollback for the city of St. Louis property owners (amounting to \$6,600,000) shall not be allowed them. WHO GAVE FEDERAL JUDGES THAT KIND OF POWER?

Judge Hungate also ordered that an election be held in the city of St. Louis for a bond issue proposition to raise even more money. If it is rejected by the voters, he has said he will have to give serious consideration to ordering a tax increase for the city. WHERE DO FEDERAL JUDGES GET THAT KIND OF POWER?

Here's another kicker: The State of Missouri was declared guilty of a constitutional violation in a footnote (got that? a footnote) in a decree of the 8th Circuit Court of Appeals. The State has yet to have its day in court to defend itself despite repeated pleas to present evidence of its innocence. WHO GAVE THE JUDGES THE POWER TO DENY OUR STATE ITS CONSTITUTIONAL RIGHT TO ITS DAY IN COURT?

And based on that footnote, Hungate has ordered the State of Missouri to assist in financing the plan, too, to the tune of \$478,000,000 during the next five years. To Missouri taxpayers statewide this means facing sharp cutbacks and re-allocation of funds for vital services, or a tax increase, so the court order can be obeyed. WHO GAVE FEDERAL JUDGES THIS KIND OF POWER??

The intelligence of the city property owners has been insulted: they have been told that denial of the tax rollback doesn't mean a tax increase - the tax rate will merely remain the same. That's just so much Orwellian "doublespeak". Paying the additional 1¢ sales tax and not benefitting from the tax rollback is a tax increase in anybody's language. WHO GAVE FEDERAL JUDGES THIS KIND OF POWER?

ANOTHER CASE IN POINT: U.S. District Judge Milton Shadur tried to raid the federal treasury recently, ordering the federal government to pay \$20,000,000 immediately and to allocate another \$250,000,000 over the next five years to finance a court supervised plan in Chicago. The President refused to comply remarking that it was his "conviction that the Constitution and its process of separated powers and checks and balances does not permit the judiciary to determine spending priorities or re-allocate funds appropriated by Congress." Perhaps the reason he hasn't been cited for contempt of court is that HE'S RIGHT!

These cases cited are just the tip of the iceberg. Our Missouri State Supreme Court Chief Justice Robert Donnelly expressed his deep concern in an address to our State General Assembly: "Today I have felt compelled to persuade you that an insidious disease exists in our nation. The greed for power has surfaced from time to time in all civilizations. The uniqueness of our present concern is that the disease has cropped out among judges where one would least expect it."

This invasion of the Courts into the territory of the legislative branches of our federal and state governments cannot be tolerated. It should be regarded as a terrifying threat to the existence of people's rights to an elected representative government.

WHO HAS ALLOWED THESE EXPANDED POWERS TO BE WIELDED OVER MILLIONS OF AMERICANS BY 668 APPOINTED ACTIVE DISTRICT AND APPELLATE JUDGES AND 9 SUPREME COURT JUSTICES?

ANSWER: CONGRESS. Every day more and more Americans are learning that Congress could have, in the past, and can now halt this disease by exercising its authority under Article III, Section 2 of the Constitution, wherein Congress was given the power to limit the jurisdiction of the federal courts. This power, part of the checks and balances, was written into the Constitution by our founding fathers, praise their wisdom, to prevent such take-over by the judiciary. NOW IS THE TIME FOR CONGRESS TO USE THAT POWER.

This letter is being directed to you, the chairman of the Senate Subcommittee on Separation of Powers, as a request that your committee hold hearings and investigate these cases of government by the appointed judiciary.

Taxation without representation is tyranny. It will ever be so. As said by the Rev. Dr. Martin Luther King, "Injustice anywhere is a threat to justice everywhere." AMEN.

Sincerely,
The Tea Party Alliance, Inc.
St. Louis, Missouri

ATTILA THE HUNGATE RIDES AGAIN

Saying that U.S. District Judge William L. Hungate "approves" his costly court-ordered school desegregation plan is too much. It's like reporting that the Emperor Nero wrote a favorable review of his performance on the fiddle after setting fire to Rome.

Gov. Christopher S. Bond reacted responsibly to Hungate's decree, ordering an immediate appeal by Attorney General John D. Ashcroft.

Bond and Ashcroft both cited the intolerable financial burden, estimated as high as \$100 million for the first year, which the so-called "voluntary" plan will place on Missouri taxpayers.

Dictatorial Attila the Hungate has surpassed his past insufferable arrogance by ordering the St. Louis school board not to give property owners a tax cut scheduled to go into effect later this year. The property tax cut stems from a sales tax increase approved by voters statewide and was a part of the proposition approved by voters. By what presumption does Attila the Hungate arrogate to himself the privilege of rescinding the will of the voters?

Hungate also ordered the city school board to submit to voters a bond issue proposal, possibly for \$20 million, to finance school renovation and repairs. He ordered the state to match any funds the voters might approve, and held out the threat of ordering a property tax increase if the amount raised is inadequate in his judgment.

Those persons gushing over Hungate's order are living in a fools' paradise if they think the plan has general acceptance.

State Sen. Edwin L. Dirck, D-St. Ann, chairman of the Senate Appropriations Committee, undoubtedly voiced the sentiments of most Missourians when he announced he would not participate in

approval of funds by the Missouri legislature to suit Hungate's purpose.

"Hungate can hold me in contempt of court if he wants to," Dirck said.

Under the plan districts with less than 25 percent black enrollment would accept city or county black transfer students to reach the 25 percent mark, with at least a 15 percent increase over the current black ratio within five years.

Eventually the goal is for 15,000 black city students to transfer to county schools while an equal number of white students switch from the county to city schools.

Desegregation and the availability of quality education for all students, black or white, is a commendable goal, but not through a costly and unproductive procedure such as busing, which is a proven failure. The fallacy in the Hungate plan is that the liability of county districts in contributing to segregation has never been determined. Thus the settlement that stands to be so costly to innocent taxpayers is premature.

If the state, St. Louis County and other defendants hope to prevail in an appeal, they need to take the initiative in challenging Hungate's attempt to order a tax increase imposed upon the citizens.

Hungate is engaging in blackmail from the bench, telling the people of St. Louis that if they do not pass a bond issue to his satisfaction, he will raise their property taxes.

There is no apparent constitutional authority for a judge to behave in this manner.

The people of Missouri deserve protection against piracy from the imperious Hungate, who has steamrolled the county districts into complying with his wishes, while piously disclaiming any "credit" for the coercive measures he has taken.

More Attila the Hungate



Plan will be well in excess of \$100 million per year. Missouri taxpayers will be saddled with this huge expense — not by consent of the governed, but rather by Court order.

State programs and services will have to be reduced or eliminated if Missouri taxpayers are burdened with this expense. Or, the day may come when Missouri legislators feel compelled to raise State taxes in order to re-establish those programs and services.

We can be thankful that former NAACP president James DeClue is not in a position of financial control in our State. When questioned in Court under oath, he was asked just what State program(s) or service(s) he suggested be cut in order to fund this Plan. He answered with one of the more irresponsible comments of all times: "First you move forward with the Plan, then you worry about funding."

No one, including Dr. DeClue, signs a blank contract committing himself to a vast, unknown indebtedness, then decides to worry "later" about how on earth he's going to pay for it. And pay for it! And pay for it! And pay ...

Local: The St. Louis City School District is among the top in the area for money spent per pupil annually: \$3,351. The City school tax rate is one of the lowest, but it has a larger tax base and more business and industry from which to draw than surrounding suburban school districts.

City taxpayers know that there is waste in their school system. They know that the City schools are top-heavy with administrators — who are, no doubt, needed to process the volumes of court orders and related paperwork. City residents know, too, that tax money earmarked for education is being diverted to finance a tremendously unpopular forced busing scheme. City taxpayers take a look at their ruined school system and wonder, rightfully, just where their tax money is going, since it's certainly not being used for quality education.

City taxpayers have vented their frustration with this situation in the only way they were allowed: by rejecting tax increase proposals for the City schools.

If Hungate flaunts public sentiment and orders a tax increase, he will destroy what little is left for public support of our judicial system.

We wish we had a nickel for every time someone has asked, "Why can't they just spend all that money on education instead of busing?"

Why, indeed. Within that innocent question lies the solution to the problem in the City schools.

Trouble Right Here In River City

If we were to cite a single, over-riding cause for the Trouble Right Here In River City, we would say, "Trouble starts with 'T' and that rhymes with 'C' and that stands for Courts."

It is no accident that almost 20 years of steadily declining excellence in public education coincides exactly with almost 20 years of steadily increasing Federal Court intervention in public education.

By inventing a "racial balance" problem, the Courts have obscured the REAL problems in public education. By focusing public attention on artificial racial quotas, the Courts have diverted public attention from the educational crisis around us. By forcing education dollars to be spent on prolonged litigation and the implementation of elaborate racial-balance schemes, the Courts have, almost single-handedly, bankrupted the educational system.

A Message To Judge Hungate

This entire "Voluntary Plan" is racism in its purest form. The message which it broadcasts to blacks is that THEY are the problem. Their very existence in any large concentration is the problem. Too MANY of them is the problem in the St. Louis City schools. White children must be drawn in to dilute their number, or County schools must be required to take a quota of the City's glut of black children so that the PROBLEM of too many black children can be SHARED.

My God! And the pro-busers dare to call US racists!!!

As to this "Voluntary Settlement Agreement," which "settles" nothing, finds little "agreement," and can in no way be construed as "voluntary" — shred the entire thing and use it for kitty litter.

Of course, that won't be done. The St. Louis County School Districts will be sucked into this thing "hoping for the best." Five years from now, some of them will be sued because they didn't manage to kidnap enough black children for their district. And we'll be right back to square one.

Color-blind legal code a requisite for justice

By GEORGE F. WILL

WASHINGTON — Consider Vernon Jordan's cab criterion. Jordan says: Put Brad Reynolds on one street corner and me on the other. Let us both hail a cab, and see at which corner the cab stops. Jordan is black; Reynolds, assistant attorney general for civil rights, is white; and Jordan is right: Racism remains. He is wrong in arguing that this justifies government policies preferring one race.

Jordan recently attacked Reynolds for a speech in which Reynolds praised the principle that was until recently the cardinal tenet of the civil rights movement: the principle that the use of race to justify treating individuals differently can never be legitimate. Jordan called the administration in which Reynolds serves hostile "to black people and to the very concept of a decent society."

Well. In 1896, the Supreme Court held that Mr. Plessy, who was one-eighth black, could be excluded by law from "white" railroad car-

riages. Justice John M. Harlan dissented: "Our Constitution is color blind. . . . The law . . . takes no account of . . . color." In 1954, Thurgood Marshall, the NAACP's lawyer in the school cases, said that all anyone could reasonably want is that "children be assigned a school without regard to race or color." In debate about the 1964 Civil Rights Act, Hubert Humphrey said the act "would prohibit preferential treatment for any particular group."

UNTIL THE LATE 1960S, Harlan's dissent expressed the civil rights movement's aspiration. Then that movement began seeking racial entitlements. As Alexander Bickel wrote, suddenly Americans were supposed to unlearn the lesson that discrimination on the basis of race is inherently wrong, and to learn "that this is not a matter of fundamental principle but only a matter of whose ox is gored."

If Harlan was right, Reynolds is right and Jordan is

wrong. If Marshall was right in 1954, he is wrong now when he supports forced busing of children assigned to schools on the basis of skin pigmentation. If Humphrey was right in 1964, the civil rights movement is wrong in 1983. For associating himself with Harlan, Marshall and Humphrey, Reynolds is called a racist. But the ferocity of the attacks does not disguise the apostasy of the attackers, or drown out this insistent question: By what criteria will those who now oppose a color-blind legal code say the nation is ready for such a code?

Jordan says that because America has discriminated against blacks, it needs a "temporary period" of "positive discrimination" favoring blacks. But the period will be perpetual. Jordan says the law cannot be racially neutral until "society" is neutral. And proof of society's neutrality will be — what? Inevitably the criterion will be equality of attainment.

THE NAACP'S Benjamin Hooks cites the paucity of blacks on corporate boards and in university presidencies and says reverse discrimination will be needed until America "begins to treat all of its citizens alike." Inevitably, equal outcomes will be considered the only proof of equal "treatment."

Jordan says: "Color blindness makes sense in a context of a society that has already dismantled its structures of discrimination. Racial neutrality makes sense in the context of a society in which advantage does not accrue to any given race." But the fact that "advantage" accrues unevenly among the races is not proof of discriminatory "structures," and certainly

Cont. next page

ST. LOUIS GLOBE-DEMOCRAT JUNE 6, 1983

Anti-Busers Are Beautiful People

SCANS is proud to announce that last spring one of our members, Mary Jane Sturm, was crowned Mrs. Missouri, 1983! Mary Jane has been a SCANS member for almost 3 years, and has been active in fund-raising activities for NANS. She's beautiful on the inside, too!

Congratulations, Mary Jane!

does not justify intentional discrimination by race-based laws.

Policy certainly should strive to overcome what Jordan calls "the ravages of unequal history." But not all values should be sacrificed to that. A thoroughly integrated society is desirable; a color-blind legal code is, as the civil rights movement formerly said, mandatory.

Jordan rightly says that the wrongs done to past generations of blacks by state-sanctioned discrimination were directed against a caste, not individuals. He wrongly says that that means the "remedy" can properly be a group remedy involving racial entitlements for persons who are not victims of such discrimination and injuring whites who are not guilty of discrimination. The fact that a contemporary injury to whites may be symmetrical with a past injury to blacks does not dignify the injurious policy as a "remedy."

JORDAN SAYS racial preference for blacks does not cause "undue hardship" for the white majority. That is true in the sense that the injury is done to a relatively few individuals. But what is irredeemably pernicious about racially based government action is precisely that it teaches disregard for individuals, and teaches the doctrine that rights do not inhere in individuals but derive from race membership.

To my friend Vernon Jordan, I ask: Do policies that legitimize racial thinking, that taint black achievements and stigmatize blacks as wards of the state, in perpetuity, hasten the day when cab drivers will be color blind?

Your Continued Support Is Vital

One of the greatest dangers about the "Voluntary Plan" is the complacency and reduced enthusiasm it may foster among area anti-busers. Read the article in this **Bottom Line** outlining the main points to the Plan and you will see that the "Voluntary Plan" has not ended litigation; it has not eliminated the threat of future forced busing; it is costing every Missouri citizen dearly in the form of reduced services or increased taxes without commensurate benefits; and it places its emphasis on arbitrary racial quotas to the detriment of quality public education.

For all of you who have allowed your membership to expire, for all of you whose membership is coming due, for all of you who have yet to join one of the local NANS affiliates: **SUPPORT THE ANTI-BUSING MOVEMENT** with your membership money.

The St. Louis-area anti-busing activities have become "old news," so we are no longer given the media coverage which we once enjoyed. But that doesn't mean that our activities have stopped! Our postage, printing, paper, phone, P.O. Box rentals, and a myriad of other expenses continue and have to be paid. We can carry on the right **ONLY WITH YOUR SUPPORT.**

NANS needs your support, too. They are waging the battle on the national level and they can't do it on their good looks; it takes your cash donations to continue the fight. Your total commitment of \$15 — \$5 to your local affiliate and \$10 to NANS — will insure that the fight goes on.

"INJUSTICE ANYWHERE, IS A THREAT TO JUSTICE EVERYWHERE."

REV. DR. MARTIN LUTHER KING

DURING JUDGE HUNGATE'S "FAIRNESS HEARING"

Racial Quotas

Our strongest objection to the Plan is its inclusion of racial quotas, and its provision that liability hearings will proceed against those County School Districts who fail to reach those quotas.

If a County School District fails to reach the Plan's quotas (1) through no fault of its own, (2) due solely to the non-participation of City black children, (3) in a Plan which purports to be "voluntary," and (4) even though Plan's provisions — How, then, can that school district be held liable for this "failure"?

The inclusion of racial quotas renders the "voluntary" aspect of the Plan void. It is yet another "voluntary" Plan which will be modified into a mandatory plan when its voluntary aspects fail — which they will.

Teacher Hiring and Transferring

In the Plan, seven pages are given over to the discussion of hiring and transferring teachers according to race. Only two sentences, however, even mention teacher qualification.

Hungate dismisses all attempts at hiring and retaining the best-qualified teachers as having "a familiar ring, like 'separate by equal'." Considering the crisis in public education today, his remarks are incredible, but not surprising. This entire Plan stresses racial balance to the exclusion and expense of quality education.

The St. Louis City teacher's union is protesting this section of the Plan saying that racial hiring quotas for black teachers be increased so that they have a "chance" at County teaching positions. May we remind the City teachers that it is precisely because of this policy of racial-balance quotas that they find themselves in their present predicament.

Since forced busing began in the City, almost 1,000 teachers — mostly black — have been laid off due to declining enrollments and the shortage of adequate funds. Well, the students didn't just disappear — they're just not in public schools anymore. And the money didn't suddenly evaporate — even looting the State Treasury hasn't kept pace with the court-imposed costs to the St. Louis City School District.

Raising black hiring quotas will not restore teaching positions to laid-off black teachers since the majority of them will continue to be

unemployed under this Plan's goal of keeping blacks in the minority at each school, in every district.

The Plan's Appendix

State Attorney General John Ashcroft refers to the Plan's hefty Appendix as a "wish list." It contains every scheme ranging from the mundane to the exotic ever dreamed up by an educator.

There are provisions in this section of the Plan to (1) re-establish discipline, (2) develop staff and curriculum; (3) upgrade and maintain many millions of square feet of City school buildings, (4) restore art, music, and physical education to the primary level, (5) reduce class sizes, and so forth and so on.

These are all standard operating expenses of ALL major school districts, financed by locally-raised taxes. And yet, the City School plaintiffs, who dreamed up the list, are treating them as educational "extras" to be tacked on to a "desegregation" plan and paid for by Missouri citizens.

Two questions must be asked: (1) Why is the St. Louis City School Board trying to foist off their standard operating costs on the Missouri taxpayer — a responsibility which every other Missouri school district manages to meet, and (2) What is the St. Louis City School Board doing with its legitimately-collected taxes if not for building maintenance, curriculum development, etc.?

The answer to both these questions: After 12 years of escalating litigation expenses, the City School System has been drained dry. Education dollars have been rechanneled into the purchase/lease of a whole fleet of school buses, and to line the pockets of attorneys who are making this their life's work.

Since turning Plaintiff, the City School Board is intent on recouping some of its losses and rebuilding its ruined school system by gouging the citizens of Missouri. The Appendix of this Plan is a perfect vehicle for that purpose.

Funding

This Plan calls for its funding from two primary sources — State and Local.

State: It is estimated that the cost of this
Continued next page

JULY

As we expected, Hungate approved the Plan, and the three remaining hold-out County School Districts decided to join. Hungate's "voluntary" plan was finally operational.

It should be mentioned here that the County School Districts were given a choice: Either join the "voluntary" plan, or stand trial on charges of racial segregation and risk losing everything. Some choice!

But, fear was not the only motivating factor in their decision to join. Some County Districts saw this Plan as a chance to reap a financial windfall from the State.

My friends, You and I are the "State." WE in Missouri will be gouged for more than \$100 million per year. It is YOU and I who will pay through the nose, either in reduced State services, or increased State taxes.

The next time you hear someone say, "The State will pay for it." — remember WHO the State is!

AUGUST

Apparently, Hungate didn't feel that the extortion of \$100 million from State citizens would be sufficient to pay for all the taxi cabs and court-appointed committees. So, he levied an additional tax on St. Louis City residents by denying them a voter-approved tax roll-back. This amounts to a court-imposed tax increase, since it negates the duly-approved tax decrease.

MO. ATTNY-GEN. ASHCROFT

TO SPEAK AT

SCANS OCT. 4 MEETING

- PUBLIC INVITED -

Missouri Attorney General John Ashcroft has agreed to be the guest speaker at the SCANS meeting, also on Tuesday, October 4th at 7:30 P.M. in the cafeteria at Mehlville Senior High School. All SCANS members and the general public is urged to attend this important SCANS meeting and hear from John Ashcroft on his appeal efforts on behalf of the State of Missouri.



And, folks, if he thinks he can get by with it in the City, he will feel that he can pull the same thing in the County — or the entire State, for that matter.

The "will of the governed" is ignored. Government, in the form of one non-elected Federal judge, has become our master. We are being subjected to taxation without representation. The Revolutionary War was fought to end precisely this kind of dictatorial tyranny.

And that is why NANS has decided to join other groups in the area in a Protest Rally at noon on October 4th in Kiener Plaza. In August, your NANS leaders met together and with other concerned groups to lay the ground work for this rally. The rally is described in further detail in an accompanying article in this **Bottom Line**.

Also in August: Jeanne Hacker, Shannon Burnside, John Stoeffler, and Barbara Mueller went to Jefferson City and met with State Auditor Mel Carnahan and State Attorney General John Ashcroft. They urged both men to protest the Federal looting of the State's treasury, to actively campaign against a tax increase in the Missouri Legislature, to support a state-wide referendum on the busing issue, and to issue regular reports to elected officials advising them of the expenditures the State is being forced to make.

A BOSTON-TYPE TEA PARTY RIGHT HERE IN ST. LOUIS

In 1773, the famous Boston Tea Party took place because, as the colonists slogan said, "Taxation without Representation is Tyranny." The American Revolution was fought and our U.S. Constitution was written to establish a form of government to prevent such taxing methods from taking place ever again.

However, it now becomes necessary to have another Boston-type Tea Party again right here in St. Louis to protest "Taxation without Representation": The decree of Judge Hungate (appointed, not elected) that the Proposition C property tax rollback (voted on and passed statewide) will not be allowed property tax payers in the city of St. Louis.

The ST. LOUIS TEA PARTY is going to be held on Tuesday, October 4, High Noon at Kiener Plaza with guest speakers, music and distribution of a letter to be sent off to Washington, D.C. with a tea bag attached.

If you can make it to the St. Louis Tea Party, that's great. If you can't, you can join the Tea Party for the price of an envelope, 20¢ stamp and a tea bag.

Enclosed in this "Bottom Line" is a copy of the letter we are urging everyone to read, sign and send to the chairman of the Senate sub-committee on Separation of Powers:

Senator John East
Senate Office Building
Washington, D.C. 20510

AND DON'T FORGET TO DROP A TEA BAG IN THE ENVELOPE.

ONE MORE THING, PRAY FOR NICE WEATHER OCTOBER 4.

DUE TO THE IMPORTANCE OF THE ABOVE EVENT AND TO INCREASE THE NUMBERS OF PARTICIPANTS, SCANS IS SENDING THIS ISSUE OF THE "BOTTOM LINE" TO EVERYONE WHO IS AND HAS BEEN ON OUR MEMBERSHIP ROSTER.

file busing



THIS IS SEPT.-OCT. 1983 THE BOTTOM LINE

VOL. III No. 2 "UNITED WE STAND - DIVIDED WE BUS"

DISCOURAGED? A little. QUITTING? NO SIR!!!

been enforced during the testimony of the proponents.

One of our fondest memories will be to recall sitting at Hungate's elbow listing the failings of this Plan, and putting the blame for public education's mediocrity on the Federal Courts. It was an emotional high!

Testifying for NANS were Jeanne Hacker and Jack Goldman from the ACCA, Shannon Burnside and John Stoeffler from WCANS, and Barbara Mueller and Betty Johnson from SCANS.

You would have been proud of us. For the first time in 12 years of Court proceedings, the parents of St. Louis City and County were in Court speaking for ourselves. At last, OUR testimony is a permanent part of the Court records.

MAY

Once again, Hungate requested letters of objection to the Plan, as part of the so-called Fairness Hearing. (He's not to be credited for "giving" us the chance to be heard; he's under orders to do so.)

NANS wrote letters to the newspapers and tried to alert as many of our members as possible, urging them to write the Court about this Plan. The Court received more than 125 letters from citizens in the area. That figure represents a veritable deluge of mail when you consider that EACH letter had to be reproduced 35 times, and those 35 copies had to be mailed separately to 35 "parties to the case." "FREE" speech, indeed! A small fortune was spent in postage. To those of you who participated in that mailing and went through the awful rigamarole, thank you.

JUNE

NANS activities slowed considerably in June. We played a waiting game for Hungate's decision on the Plan, and to learn what several County School Districts would decide regarding their participation in the Plan.

Continued next page

Our apologies for not having issued a **Bottom Line** in so long. Your St. Louis area NANS leaders were kept extremely busy last spring participating in the "Fairness Hearing." We then decided to wait on a **Bottom Line** edition until we could report the results of that hearing, and the final decisions of County School Districts regarding the so-called "Voluntary Plan."

Following is a bried description of NANS activities for the past seven months.

MARCH

With little fanfare and almost no advanced warning, the Court requested letters from the public regarding objection to the "Voluntary Plan." Due to the shortness of time, we in NANS decided to limit our letters to the NANS leadership, each one of us taking a section of the Plan and keeping our letters to a single page. That turned out to be a mistake.

Attorneys for the Plaintiffs issued a lengthy report in answer to our letters. They took phrases out of context, misinterpreted our objections, ignored the main points of our letters, and attempted to demean our efforts.

But, we learned from our mistake, as you'll see.

APRIL

The order was sent out from above. Come, and ye shall be heard. Judge Hungate invited opponents to this Plan to speak in Court on April 28th at a "fairness" hearing. As it turned out, the hearing was anything but fair.

We first had to sit through the rhetoric of the PROponents to this Plan. Their testimony drug through the entire day. On April 29th, opponents to the Plan were finally allowed to speak. We were each restricted to a 15-minute time limit—a restriction which, incidentally, had NOT

WE'RE HAVING A "BOSTON TEA PARTY" RIGHT HERE IN ST. LOUIS See Page 7

SEE PAGE 7

BOSTON-TYPE TEA PARTY HERE IN ST. LOUIS

NEXT SCANS MEETING

TUESDAY, OCTOBER 4 7:30 PM

MEHLVILLE SR. HIGH CAFETERIA

IT'S SCANS 3RD BIRTHDAY

GUEST SPEAKER

MO. ATTORNEY-GENERAL JOHN ASHCROFT



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