

File

12/29/75

Attendance as attached

Desegregation

Derby: Administrative proceeding going forward and is scheduled for 2/2/76. Defense is being lined up by getting HEW pinned down on precise points of disagreement. HEW carries the burden of proof to prove that we are in violation of the Civil Rights Act. HEW rejects our proposals for elementary schools. Options are very much limited here. HEW prohibits busing beyond the next school district. Hearings will be difficult. We do have imbalance in the schools -- both students and faculty. Not hopeless but very difficult outlook. Our legal theory rests on whether steps do exist that would improve the degree of integration. To take the steps HEW wants is self defeating for it means more students moving around. No decision likely until June. If this opinion is adverse City has right to appeal to an administrative board appointed by the Secretary of HEW. This would take several months. After this the Secretary can review if he chooses. From here if decision is still adverse City can appeal to Education Committee of Congress. Then to the Court of Appeals of Fourth Circuit. Whole process would take at least one year during which other options should be considered.

Anti-busing amendments if passed would eliminate the option.

Not possible to stop HEW process before it has run its course. Standard theories must be re-examined where the minority is the majority. HEW must prove there was discrimination in an area that is receiving Federal money in each program. Largest of these is Title I \$14 million under the Secondary Education Act -- largely inner City schools mostly black; Adult Education Center, Library, etc.

Mayor: If we do not accept Federal money, HEW cannot order any particular other measures.

Marburg: Impact would be felt most heavily in Black community. Professor Coleman will testify on our behalf -- measures ordered by Court are hurting desegregation and the figures prove it. New secretary of HEW has a reputation for being reasonable. Has had unhappy experience with HEW himself. Holmes departure is not necessarily helpful as a more rigid, idealist has taken over. Their staff believe Baltimore has been playing games with them. Junior members are hostile and suspicious. Secretary Matthews must appoint some permanent administrator to replace Holmes. A new man would not act hastily in this area. There may be room for further efforts to at least persuade them of our good faith. The administrative judge



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In reply refer to:

Mayor William Donald Schaefer

Quentin R. Lawson

November 11, 1975

Letter from HEW on Desegregation

Upon talking with Steve Derby relative to the attached letter from HEW, Mr. Derby concludes that this letter only confirms that our Elementary School Desegregation Plan has not been accepted. Mr. Derby states we know already the entire plan has not been accepted by HEW and the City feels HEW should suggest how we can make the plan acceptable.

The letter recalls a number of decisions and actions which were made last year and the posture of HEW in each.

The School Board is meeting today to discuss the content and to prepare a release which will insure parents that we plan no further changes this year.

Attachment