

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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DEPARTMENT OF

WILLIAM DONALD SCHAEFER, Mayor
OFFICE OF THE MAYOR • CITY OF BALTIMORE
7th Floor, 131 East Redwood Street, Baltimore, Maryland 21202, (301) 396-3100



Mayor William Donald Schaefer
Quentin R. Lawson
November 11, 1975
Letter from HEW on Desegregation

In reply refer to:

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

"since the board had not received a response from you or your staff to the overlay chart, it was forced to act without the benefit of any guidance you might have offered."

"In view of the continuing problem of elementary desegregation, your school status has indeed been regrettable. Your elementary desegregation status has long been in flux, and a proper response to your concerns must examine the history of our negotiations in this area."

"On July 31, 1974, Berold Davis of my staff made a detailed oral statement to you specifying why your June, 1974 elementary desegregation plan was not adequate. At that time, your staff suggested several additional pairings or groupings which you did not accept. In addition, you also rejected my suggestion that