

**ST. LOUIS SCHOOL DESEGREGATION AND
THE HAZELWOD SCHOOL DISTRICT, 1981-1983**

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Apart from a tiny upper and middle class of professionals and business peoples, mostly thriving behind the remaining walls of prejudice, the majority of Negroes are much poorer and have had less education and training than the average white Americans.

Gunnar Myrdal
Challenge to Affluence

The school has but one way to cure the ills of society and that is by making men intelligent.

W.E.B. DuBois
*Address to the National
Education Association, 1935*

ABSTRACT

The St. Louis school desegregation lawsuit expanded in 1981 to include the school districts of St. Louis County. The case had already become one of the most pressing issues facing education in the St. Louis region. By adding the county districts as defendants, the controversy only intensified. Most of the county districts immediately claimed there was no reason to believe the districts had been guilty of causing the schools in St. Louis City to segregate. The Hazelwood School District emerged as a leader of the districts named as defendants.

This thesis answers several questions about Hazelwood's determined defense. Why did the Hazelwood School Board believe it was not responsible for segregation in the St. Louis area? How did the residents residing in the Hazelwood School District respond to the actions of their local school board? What impact did Hazelwood's actions have on the overall lawsuit? Why did Hazelwood eventually become a partner in the voluntary settlement, which led to the busing of African-American students into the Hazelwood School District? The St. Louis desegregation case was a complex legal issue, as well as, an emotional issue. A careful study and analysis of the case reveal certain essential elements as they relate to the Hazelwood School District. The most important being that Hazelwood had a significant African-American student population. This led many in the district to believe there was no basis for the accusations of its liability for segregation in the entire region. In addition, members of the Hazelwood School Board believed they had the right to defend the autonomy of the board and its powers to make decisions for the district.

PREFACE

In the interest of full disclosure, the reader must be aware of my personal contacts with the Hazelwood School District. My entire elementary and secondary school experience was in the Hazelwood School District. I graduated from Hazelwood West High School in the spring of 1990, which puts my experience in the district directly during the time of the desegregation crisis. While I was too young to remember the case, I did attend school with several African-American students that were bus transfers from the City of St. Louis. In addition, since the fall of 1999 I have been a teacher in the district.

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INTRODUCTION

Thesis Summary

In the summer of 1981, the Hazelwood School District learned it had been named as a defendant in the St. Louis desegregation case. The district spent many hours preparing this defense. Over the course of the next two years, the district did everything it could to prevent the U.S. District Court from dissolving the district or accept African-American¹ transfer students in order to achieve integration within its district boundaries.

By fighting against desegregation, the all-white Hazelwood School Board became a part of a long history of America attempting to face its ugly past concerning racial relations. The story of Hazelwood's opposition to desegregation was different. The district, at least statistically, was one of the most integrated in the St. Louis region. Its 16 percent African-American enrollment in 1982 placed it in a different category than some of the other defendants in the case. Some defendants in the case had African-American enrollments as low as 2 percent, or even lower. The story of Hazelwood does not end with its opposition to desegregation. The district became a voluntary partner in the desegregation settlement of 1983. The district reached the 25 percent settlement goal during the 1986-1987 school year. By the 1992-1993 school year, the district's resident African-American population exceeded 25 percent.

This thesis is not an attempt to provide reasons why Hazelwood's minority population was higher than other districts' minority populations. Instead the purpose of this thesis is to present in clear, simple terms why the Hazelwood School District opposed being a part of desegregation in St. Louis. The thesis will also present why the

¹ African-American is the current politically correct term.

district became a voluntary partner in the settlement designed to integrate schools in St. Louis City and St. Louis County.

The first chapter of the thesis begins with the St. Louis School Board and the NAACP filing motions with the U.S. District Court to expand the desegregation case to include school districts in St. Louis County, as well as, St. Charles and Jefferson Counties. The Hazelwood School District immediately opposed inclusion. During their arguments against inclusion, the district used many legal options. Despite these options, the district's defense began to center around its current African-American enrollment. This defense became stronger for Hazelwood after Judge William Hungate announced his plans for a voluntary transfer agreement, which created minimum quotas of African-American students per district.

Chapter two chronicles the legal maneuvering of the Hazelwood School District after it was named a defendant in August 1981. The chapter also describes the community reactions surrounding the desegregation lawsuit. Hazelwood found support for its defense, not only from the entire county, but also within its district. The all-white Hazelwood School Board heard from many people supporting its stance. Chapter two also describes an issue that arose at Hazelwood West High School. The district found its stance on the desegregation case criticized in the student newspaper, which led to controversy within the district.

Chapter three describes the events leading to the voluntary agreement by the St. Louis County districts, the NAACP and the city district. The chapter also chronicles the steps to Judge Hungate's final approval of the settlement. The most interesting aspect of the settlement procedure, at least concerning the Hazelwood School District, was the

issue of intradistrict transferring of students. Absent through the public record of the case, the voluntary agreement called for each participating district to investigate ways to alleviate the problems of segregation within districts. At this point, the issue of Keeven Elementary, which was over 95 percent African-American, became an issue for the Hazelwood district. Fortunately, the issue never became major, partly due to the fact the NAACP seemed more interested in the entire region than fighting with each district individually.

The fourth chapter is an overview of the decision made by the Hazelwood School Board through the summer of 1983 as it prepared to accept African-American transfer students from St. Louis City for the 1983-1984 school year.

The district was involved in the transfer of students from the city for only a short time. By the 1992-1993 school year, Hazelwood's resident African-American student enrollment exceeded 25 percent. Hazelwood allowed students already transferring in the district to continue with their education in the district. The transfer of students into Hazelwood continued until the 1999 final settlement of the St. Louis desegregation case.

School Desegregation and the United States of America

From slavery to Jim Crow, the United States has had an unfortunate record of accomplishment in the treatment of minority groups, most notably African-Americans. Swedish economist Gunnar Myrdal in 1944 identified racial inequality as one of the most serious threats facing America.²

In 1954 the United States began to deal directly with correcting the legacy of slavery in the landmark Supreme Court case *Brown v. Board of Education of Topeka*,

² Myrdal, Gunnar, *An American Dilemma: The Negro Problem and Modern Democracy*. (New York: Harper and Row, 1944).

Kansas, et al. The intricacies of that case have found themselves into volumes of work along with the second Brown case in which the Court ordered the desegregation of the nation's school "with all deliberate speed."³ The actions in Little Rock, at the University of Mississippi and the University of Alabama are examples of a nation attempting to accept the idea of an integrated society.

The problem of segregation would not go away. Myrdal followed up his 1944 work with his 1963 *Challenge to Affluence*. In the book, Myrdal identified the race problem as a challenge still facing America. He conceded much progress has been made with race relations in America, but there is still much to do, especially in the area of education.⁴

In response to the race problems, Congress passed the Civil Rights Act of 1964. The act was the granted the power to enforce desegregation orders of the Supreme Court to the Department of Health, Education and Welfare and the Department of Justice. Within a year, groups filed the first desegregation lawsuits. By 1966, a direct result of the Civil Rights Act, public schools in Sacramento, California began transferring students by bus to achieve desegregation.⁵

Many other districts hoped to meet the desegregation order with "freedom-of-choice" plans. The Supreme Court ruled in the Brown cases that segregation must end with "all deliberate speed," but it did not give guidelines on how to achieve integration. New Kent County, Virginia went to court over its "freedom of choice" plan. The Supreme Court ruled the Virginia district's plan was not achieving integration with "all

³ Both Brown cases are summarized at Northwest University Law School web site, www.oyez.nwu.edu.

⁴ Myrdal, Gunnar, *Challenge to Affluence*. (New York, Pantheon Books, 1963), pages 44-5.

deliberate speed.” Also, the court ruled it was within the power of the courts to implement a statistical ratio goal of integration in order to assess the success or failure of the plan of desegregation.⁶ The Court did admit that there was no simple formula for achieving desegregation. In the majority opinion delivered by Justice William Brennan, the court ruled there was “no universal answer to complex problems of desegregation.” Brennan further admitted no one plan would be able to meet the needs of each local situation.⁷

At the same time as the Green decision, America learned about the power of education in instilling, and breaking down, racism. The *New York Times* reported a story of Jane Elliot in all-white Riceville, Iowa. Elliot, an elementary teacher, taught a lesson, which allowed her students to experience the trauma racism inflicted on its victim. The lesson divided 28 white students into groups based on their eye color. The blue-eyed students received special privileges for the entire day. While the students realized the situation was just a lesson, the “other” groups reacted with real anger toward the blue-eyed students. One student said “I am glad I am not a Negro and being judged by my skin.” The power of schools in both promoting and ending racism became more apparent.⁸

The evolution of the legal and social battle over desegregation continued with the Supreme Court’s decision in *Swann v. Charlotte-Mecklenburg Board of Education* (1971). In its decision, the Court ruled the busing of students to achieve desegregation

⁵ Wolters, Raymond, *The Burden of Brown: Thirty Years of School Desegregation*, (Knoxville, University of Tennessee Press, 1984), pages 153-155, 183.

⁶ Wolters, 155-158.

⁷ *Green et al. v. County School Board of New Kent County et al.* 391 U.S. 430 (1968). The opinion of the court is at caselaw.lp.findlaw.com.

⁸ Metcalf, George R, *From Little Rock to Boston: The History of School Desegregation*, (Wesport, Greenwood Press, 1983), page 244.

was a legal option for districts to use as long as the busing of students was not over a distance so great as to harm the education of the student.⁹

As busing began under court order in both Boston and Denver in 1974, the Supreme Court decided on a new plan of desegregation.¹⁰ A district court judge found the public school system of Detroit to be segregated as a result of the official policies of the Michigan state government. The judge was unable to find a practical solution to the segregation problem within the Detroit school system. The remedy included the fifty-three outlying suburban districts within an interdistrict desegregation plan. In a 5-to-4 decision, the Supreme Court held the decision of the district court was unconstitutional since there was no evidence presented in the case that found the outlying suburban districts guilty of segregating the races within the city of Detroit. The Court also ruled if a district is guilty of segregation, its boundaries can be reworked by a district court to achieve integration.¹¹

The St. Louis City Desegregation Case

With this national backdrop, the St. Louis, Missouri area became a part of the national desegregation story in 1972. The case began as a dispute within the public school system in St. Louis City over a problem of overcrowding at Yeatman School in 1971. The school board approved an administrative recommendation to bus several hundred African-American students to an older, less attractive school in an all-African-American area.

⁹ *Swann et al. v. Charlotte-Mecklenburg Board of Education et al.* 402 U.S. 1 (1971). The opinion of the court is at caselaw.lp.findlaw.com. A summary of the case is at oyez.nwu.edu.

¹⁰ Bentley, Judith. *Busing: The Continuing Controversy*. (New York: Impact Books, 1982), page 78.

¹¹ *Milliken, Governor of Michigan, et al. v. Bradley et al.* 418 U.S. 717 (1974). The opinion of the Court is at caselaw.lp.findlaw.com. A summary of the case can be found at oyez.nwu.edu

One of the students transferred was a young boy named Craton Liddell. Craton's mother, Minnie Liddell, formed a group called Concerned Parents of North St. Louis. The group petitioned the school board to reconsider the transfer. When the board did not respond the parent group filed a civil rights complaint with the United States District Court in St. Louis on February 18, 1972.¹² The complaint argued the St. Louis Board of Education, school officials and the State of Missouri were responsible for segregation in the St. Louis school system. In April, 1973 the defendants all denied the allegation. In October, United States District Court Judge James Meredith ruled the case would proceed as a class action suit. The defendants continued to deny the charge of segregation, although they recognized a racial imbalance in the schools. The St. Louis School Board agreed to take steps to overcome racial imbalance and to increase the number of minority teachers in each school.

On December 13, 1976, the NAACP entered the case on the side of the parents group, and, in early 1977, the United States Justice Department entered the case as a friend of the court on the plaintiff's side. The court added the state Board of Education and the Missouri State Commissioner of Education as defendants. Judge Meredith presided over the case, which began on October 17, 1977. The trial lasted until May 26, 1978. Judge Meredith took approximately eleven months to reach a ruling. On April 12, 1979 he found in favor of the St. Louis School Board. Within two months, the NAACP appealed Meredith's decision.

¹² *St. Louis Globe-Democrat*, February 17, 1982, 9A. The newspaper is *Globe* hereafter. The rest of the background for the St. Louis case was from several newspaper articles from the *Globe* and *St. Louis Post-Dispatch*, hereafter cited as *Post*. The dates of the *Globe* articles are August 26, 1981 and February 17, 1982. The dates of the *Post* articles are January 11, 1981 and February 23, 1983.

The 8th U.S. Circuit Court of Appeals overturned Meredith's decision in March of 1980 and ordered immediate planning for systemwide desegregation of the St. Louis Public Schools. Soon thereafter, Meredith appointed a panel to draft a plan for desegregating the schools in St. Louis City. The judge approved on June 3. In addition, he attributed the primary blame for the segregation in St. Louis schools to the policies of the State of Missouri and its officials. At the end of June, Meredith ordered the State of Missouri to use School Foundation Program funds to help pay for the city's desegregation plan. Schools opened in the city of St. Louis on September 3, 1980 without incident as the new desegregation plan went into effect.

As the St. Louis case progressed, the national story of desegregation continued. In 1978, Congress passed the Eagleton-Biden Amendment, which denied the United States Department of Justice from withholding funds to enforce school desegregation. In 1979, federal courts ordered school districts in Columbus and Dayton, Ohio to desegregate, while the school district of Seattle, Washington voluntarily desegregated. By 1981, the final phase of busing in Indianapolis went into effect. At the same time, the administration of President Ronald Reagan announced plans to minimize busing and to seek other remedies to the problem to achieve racial integration.¹³

After schools opened for the 1980-1981 school year, Judge Meredith stepped down from the court, citing health reasons for his retirement. In December 1981, Judge William Hungate replaced Meredith as the trial judge of the desegregation lawsuit. As Hungate took over the case, the St. Louis School Board and the NAACP began studying the feasibility of adding suburban school districts to achieve integration throughout the region.

The Hazelwood School District was one of the districts the NAACP suggested. Hazelwood adamantly opposed inclusion in the desegregation lawsuit. By the beginning of 1981, the St. Louis School Board of Education and, in a separate action, the NAACP asked the district court to add school districts in the outlying area of the city of St. Louis to the case. The Hazelwood School District fought this action until they reached a voluntary settlement with the plaintiffs in February, 1983.

¹³ Bently, 78-9.

CHAPTER ONE
PREPARING A DEFENSE

The St. Louis City Desegregation Case Broadens

After the transfer of students in St. Louis City began during the 1980-1981 school year, the need of more drastic measure to achieve integration became apparent to the city school board and the NAACP. Using ideas from the Detroit case, and wishing to avoid the problems of the Detroit situation, the city school board and the NAACP attempted to solve the problem of segregation in the St. Louis City by expanding the case in the hopes of using interdistrict transferring of students to achieve racial integration in the schools. The school board was the first to act.

On January 9, 1981, the St. Louis Board of Education asked the district court to order a metropolitan school desegregation plan that would include all districts in St. Louis County, as well as, St. Charles and Jefferson counties. The move put the city district on the offensive in the desegregation case. While the school board did not indicate how the desegregation of these schools would take place, the board alleged that the creations of some county school districts encouraged racial segregation. The Hazelwood School District was one of the districts named in the petition.¹⁴

The petition stated desegregation “through a combination of residential segregation, racially segregated schools and interdistrict transfers, cross-defendants linked all school districts in the metropolitan area and created a single racially dual metropolitan-wide structure of public education.” The school board further asked Judge

¹⁴ *Post*, January 9, 1981, 1A, 18A

Hungate to order them to stop their illegal and unconstitutional practices, which would lead to an integrated school system.¹⁵

Another turning point in the lawsuit occurred on January 16 when the NAACP filed a petition with the court asking Hungate to order an area wide desegregation plan for public schools in St. Louis, St. Louis County and Jefferson and St. Charles counties. The NAACP complaint was very similar to the St. Louis School Board petition submitted one week earlier. The NAACP alleged the State of Missouri was guilty of imposing a “system of educational apartheid,” which led to segregated schools and housing throughout the metropolitan area. The complaint also accused the federal government of encouraging a “process of ghettoization” through several of its loan and grant programs. The NAACP further alleged the defendants, which included the Hazelwood School District, “engaged in a wholesale violation of their affirmative remedial obligation” to desegregate schools following the 1954 Brown ruling.¹⁶

The Hazelwood School District Responds

The Hazelwood School Board immediately voted to oppose “the involvement of the district, its students or facilities in any forced busing plan.” The attorney for the district, Robert Baine, said he believed neither the St. Louis School Board nor the NAACP would win their case because the courts threw out a similar motion in 1973.¹⁷

According to Hazelwood Superintendent Thomas Lawson, Hazelwood did not have any reason to believe it was at all responsible for the segregation of the St. Louis area. The district, he said, was a “mushrooming district.” It grew from 13 independent

¹⁵ *Post*, January 9, 1981, 1A, 18A

¹⁶ *Post*, January 16, 1981, 1A, 8A

elementary districts in 1951 to become the second largest in the county. He said the district had its own growing minority population as African-American families moved out of North St. Louis and into a more stable community for their families. Hazelwood, he continued, had become the largest bedroom community in the region and the district ballooned to a three-high-school district by the mid-1970s. The School Board, Lawson stated, was a “very caring and hard-willed” board that was not willing to spend money unwisely, especially over an issue the district was not guilty of creating.¹⁸

Board member Gwendolyn Gerhardt believed the issue of desegregation of St. Louis was that did not involve the Hazelwood School District. She said, “we hadn’t done anything and we definitely had not discriminated against anyone.” The Board, Gerhardt said, decided to fight the case and “let the chips fall where they may.” She continued that the board felt if there was guilt, then that was one thing, but to transfer students just for the sake of transferring them was wrong.¹⁹

Another Hazelwood School Board member, Joseph Donahue, saw Hazelwood’s opposition to being included in the lawsuit as a money issue and a defense of the Hazelwood School District’s right to function as an independent district. “It was simply a funding situation,” he said. “The Board was not opposed to the theory of desegregation at the time, but how was this massive transfer of students going be paid for? That was the question we had.” In addition, Donahue believed the Board needed to do whatever was necessary to protect the district. The rumors of the creation of a metro-area-superdistrict,

¹⁷ *Globe*, January 22, 1981, 8A and *Post*, January 21, 1981, 3A

¹⁸ Dr. Thomas Lawson was Superintendent of the Hazelwood School District during the case. He retired from the district in 1983 after the voluntary settlement was in place. His opinions about why Hazelwood opposed the St. Louis School Board and NAACP complaints came from a phone interview conducted on February 1, 2003.

¹⁹ Gwendolyn Gerhardt served on the Hazelwood School Board from 1977-1998. Her opinions about the case come from a phone interview on January 21, 2003.

according to Donahue, were something the Board was opposed to and willing to fight to preserve the district's autonomy.²⁰

The School Board of the Hazelwood district was not alone in its assessment of the district's uniqueness within the metropolitan St. Louis area. While many of the other suburban St. Louis districts had very small minority populations, the Hazelwood District was, at least statistically, one of the most integrated in the area.²¹ Susan Uchitelle believed Hazelwood opposed inclusion in the case because it had its own growing minority population. She continued that "they felt they had fully complied with past laws" and felt they did not need to be a part of the solution since they had not been guilty of creating the problem of a segregated St. Louis region.²²

Hazelwood began its legal maneuvering at its March 16 school board meeting. Baine told the Board the main legal argument for the district against the case was the rights of citizens protected by the Ninth Amendment. He then compared the court's actions to gardening. He said the Ninth Amendment could not be "clipped or pruned to fit the situation and that you do not always know the hurt that pruning causes to the roots." Baine further quoted from Alexis de Tocqueville's *Democracy in America* and drew a parallel between Hazelwood's legal fight to de Tocqueville's praise of local governments in America. The attorney further assured the school board the district was

²⁰ Joseph Donahue won election to the Hazelwood School Board in 1980. He is still currently on the Hazelwood School District's Board of Education. His opinions about the case came from a phone interview on January 20, 2003.

²¹ The minority enrollment figures reported in the *Post*, February 23, 1983. The statistics were estimations of 1982 enrollment. Among the larger suburban districts Hazelwood's 16% African-American student population is the highest. The largest district in the suburban area was Parkway, which had an African-American enrollment of 2%. Other larger districts with low African-American enrollment included Rockwood at 1.5%, Mehlville at 0.5%, Pattonville at 3.5% and Lindbergh at 0.5%.

²² Judge Meredith appointed Susan Uchitelle to oversee the Voluntary Interdistrict Coordinating Council (VICC), which was in charge of transporting student that transferred under the original order in the city of St. Louis. As the case progressed to include county school districts, Hungate retained her as an adviser. Her opinions about the case came from a phone interview on January 16, 2003.

not responsible for creating a dual educational system based on race and would be successful in fighting the accusation of the NAACP and the city school board.²³

The Hazelwood School District found support for its position within its community. On March 23, a new affiliate of the National Association of Neighborhood Schools (NO-BUS) announced it would hold its first meeting on April 6. The new chapter was to serve those citizens who opposed busing in the northwest St. Louis County region. This organization was comprised of patrons from the Ritenour, Pattonville and Hazelwood school districts.²⁴

School board elections in April 1981 also focused the community on the desegregation case. Hazelwood had two full-term, three-year, seats open and a two-year term to a vacancy appointment open. The desegregation issue had become a major issue during the campaign cycle. Nine candidates filed for the three open seats. William Crow and August A. Bush Jr., no relation to the beer giant, were seeking re-election to their full terms and Joseph Donahue sought to keep his appointed position. All nine candidates voiced strong opinions against desegregation. During the campaign candidate James Claspill had said, "I feel the federal courts have overstepped their constitutional authority. School boards should do everything within their power" to oppose court-ordered desegregation. Charles Piller argued in defense of the neighborhood schools concept, which he believed meant that schools must be a foundation of the local community.²⁵

No matter what the results of the election were, the Hazelwood School Board would get three members who supported district's stance concerning the case. After election day, Bush and Donahue remained on the Board, but Ann Gibbons defeated

²³ Hazelwood School Board Minutes, Regular Session, March 16, 1981. Book 37.

²⁴ *Globe*, March 23, 1981, 2N.

Crow.²⁶ Gibbons believed she won because of her strong stance against the District Court's actions. She argued that the whole concept of education centers on the idea of the neighborhood school. This type of school, according to Gibbons, should be the focus of a particular neighborhood and parents should have quick and easy access to that individual school.²⁷

While the school board campaigns were continuing, Edward Foote, chairman of the court-appointed Desegregation Monitoring and Advisory Committee, filed a voluntary desegregation plan on March 27. White-to-African-American student ratios were the basis for Foote's proposal. According to the plan, a district which had 100 percent white population would be asked to accept no more than 15 percent of its total enrollment in African-American transfer students. If a district had an African-American student population of 20 percent, it would be required to accept no more than 5 percent in transfers. A district with an African-American population over 25 percent would not be required to accept any transfer students. A major incentive to Foote's plan was that districts that agreed to participate in the plan – if it was approved by Judge Hungate – would be protected from efforts by the St. Louis Board of Education and NAACP's efforts to expand the desegregation lawsuit.²⁸

As districts were considering Foote's proposal, another proposal came from the United States Department of Justice. The proposal, the first action by the Reagan administration concerning desegregation, offered any student who transferred through an interdistrict exchange would qualify for a half-year of tuition-free education at any state

²⁵ *Globe*, March 25, 1981, 1-2E.

²⁶ Hazelwood, April 15, 1981, Book 37.

²⁷ Ann Gibbons won election in April 1981 to the Hazelwood School Board. She is currently serving on the Board. Her opinions come from a phone interview conducted on January 16, 2003.

college for each year they participated in the transfer program. The State of Missouri offered a similar plan. Unlike the federal proposal, Missouri's plan called for the federal government to foot much of the bill.²⁹

The Hazelwood School District was immediately skeptical of the state and federal proposals. Lawson said that he found it "interesting that the federal government can make suggestions on how to spend thousands of dollars on college tuition when we're finding it very difficult to find enough money from the state to run the schools on a routine basis." According to the superintendent, the state or federal government would never fully fund the tuition plan.³⁰

As Hazelwood waited for Judge Hungate to rule on whether or not they were to become a defendant in the case, support for its anti-desegregation stance broadened. The Missouri General Assembly passed an anti-busing amendment to education funding bill.³¹ St. Louis County Executive Gene McNary told anti-busing protesters to continue their fight against court-ordered busing. McNary said, "I think [busing] damaged the educational system, it's damaged some neighborhoods, and it's turned Americans against Americans."³² The Bridgeton City Council adopted a resolution opposing court-ordered busing to desegregate public schools and called the attempts by the court "ridiculous." A portion of the City of Bridgeton fell inside the boundaries of the Hazelwood School District.³³ In the United States Congress, the House passed a bill designed to block the Department of Justice from filing future busing suits.³⁴

²⁸ *Post*, March 27, 1981, 1A, 13A.

²⁹ *Post*, May 5, 1981, 1A, 7A.

³⁰ *Globe*, May 6, 1981 1A, 9A.

³¹ *Post*, May 6, 1981, 6A.

³² *Ibid.*, May 28, 1981, 3A.

³³ *Ibid.*, 1N.

³⁴ *Ibid.*, June, 10, 1981, 17A.

The District Court offers a Voluntary Proposal

Over the Fourth of July weekend, Hungate issued an order establishing a voluntary desegregation plan for the St. Louis area. The plan would go into effect for the 1981-1982 school year. He gave districts in St. Louis County, St. Charles County and Jefferson County until August 6 to inform the court whether they would participate. Even though he did not take action on the NAACP and St. Louis School Board's request to add all the suburban districts to the desegregation lawsuit, Hungate warned that if enough districts did not accept his program for voluntary student transfers, he would consider a compulsory plan.³⁵ The State of Missouri would fund the voluntary plan and pay districts receiving transfer students \$1,250, plus fifty-percent of the average cost per pupil in that particular district. The plan allowed suburban districts to accept as many African-American students as needed to ensure each district at least a fifteen-percent African-American enrollment. No district would have to accept more transfer students than they could easily handle with their current space available. Each district would continue to accept more transfer students as space became available until it exceeded the minimum goal of fifteen-percent African-American student population.³⁶

In addition to the transfer of students, the plan would allow students in suburban districts to transfer into schools that were predominately African-American. In addition, each participating school would create new educational programs, both academic and social, to generate positive experiences for students of different races. Hungate further

³⁵ *Post.*, July 5, 1981, 1A, 6A, 14A, 15A.

³⁶ *Ibid.*

ordered the creation of a program for teacher exchanges among districts based on equal pay and agreements between teachers and administrators.³⁷

Hazelwood's immediately responded to the voluntary plan offered by Judge Hungate. Meeting on Monday July 6, the School Board voted unanimously "that it will not participate."³⁸ With this action, Hazelwood became the first district in the metropolitan area publicly to oppose the plan. While many other districts would oppose the plan,³⁹ the second largest district in suburban St. Louis stated it was not necessary to participate in the desegregation case. Assistant Superintendent Francis Huss told the *St. Louis Globe Democrat* that Hazelwood had a total student population of 17,800 for the 1980-1981 school year, about 14.7 percent of it African-American. Huss explained he expected a decrease of about 1,000 students for the upcoming school year and a trend of yearly increases of 3 percent in African-American enrollment to continue. He further explained that the district's students and staff desegregation programs were in full compliance with civil rights guidelines.⁴⁰

Public Reaction to the Voluntary Desegregation Proposal

Metropolitan St. Louis opinions over Hungate's order and Hazelwood's decision were split. Many in the St. Louis area supported the Hazelwood districts decision to

³⁷ Ibid.

³⁸ *Post*, July 8, 1981, 3A.

³⁹ By the time of the August 6 court deadline, every school district, except for four, in St. Louis County, St. Charles County and Jefferson County had announced their official opposition to the voluntary desegregation plan. Only the St. Louis County districts of Kirkwood, Ritenour, University City and Clayton had announced their willingness to accept African-American transfer students for the 1981-1982 school year.

⁴⁰ *Globe*, July 8, 1981, 1A, 8A. Huss was referring to a decision made by the district in 1973. After studying the issues presented in the dispute between the parents group and the St. Louis Public School Board, the district court ruled that the suburban districts were not to be included in the case. The court found Hazelwood not guilty of desegregation within its district as the Ferguson-Florissant School District went through segregation issues in 1977-1978.

fight, including the *St. Louis Globe Democrat*. In a July 9 editorial “Reject Forced Voluntarism,” the editorial argued Hungate overstepped his powers. The *Globe* wrote, “the Hazelwood School District, second largest of the 39 affected districts, is the first to turn down Hungate’s plan, for good and adequate reasons.” The editorial further defended the current stance of the Hazelwood School District by stating the court was attempting to create social reform through the court system instead of democratic bodies like the local school boards.⁴¹

While the *Globe-Democrat* supported the opposition to the case, the *St. Louis Post-Dispatch* began a series of articles criticizing the districts opposing desegregation. On July 12, the *Post* ran an article explaining the state funds each suburban district would receive if they participated in Hungate’s plan. The article presented Hungate’s plan as boon to the suburban districts. The article began with a quote from court appointed desegregation expert Gary Orfield. Orfield told the *Post* that “no district would be hurt...it is clear that every receiving district would be helped financially.” The article also contained a chart listing several St. Louis County districts and the amount each district would receive per student that transferred. According to the chart, the Hazelwood district would receive \$1515 from the State of Missouri for every student transferred from the city to Hazelwood. In addition, Hazelwood would receive \$267 per student who transferred from Hazelwood to a city school. When compared to the average per student expenditure of the Hazelwood School District during the 1979-1980 school year of \$1780, the article made it clear that Hazelwood’s financial standing would improve with desegregation money.⁴²

⁴¹ *Globe*, July 9, 1981, 16A

⁴² *Post*, July 12, 1981, 1A, 8A.

The *Post-Dispatch* followed up the financial benefit article with a July 20th article explaining that white students in the Hazelwood district were willing to attend magnet schools in the City of St. Louis. The article stated 14 students from the Hazelwood School District had applied on their own for admission to one of the several specialty schools in the St. Louis Public School system. In an editorial on the same day, the *Post* wrote argued the Hazelwood district was ignoring its own student population by opposing an opportunity for their patrons to take advantage of a system which would not only integrate the public school system in the St. Louis region, but also improve the quality of education provided to all students in the region.⁴³

As the St. Louis region disagreed on the desegregation case, the Hazelwood board continued to find support for its actions within their community. At their July 21 regular session meeting, the Board heard from Jody Rushton, a representative of the NO-BUS organization and a parent of three students in the Hazelwood School District. Rushton complimented the Board on their “stand of opposition” and quick actions taken regarding Hungate’s voluntary desegregation plan. She also told the Board that she would continue to support the district and “prayed” the Board would continue to oppose busing in or out of the district.⁴⁴

Board members believed a large percentage of district patrons supported the decision to oppose the desegregation plan. Donahue said opposition centered on an “unannounced feeling it was wrong. We didn’t take a survey, but it really seemed people who spoke about the case to us, generally spoke against it.”⁴⁵ Gibbons stated “probably

⁴³ *Post*, July 20, 1981 1A, 13A.

⁴⁴ Hazelwood, July 21, 1981, Book 37.

⁴⁵ Donahue interview. Donahue wanted it known he was speaking on twenty-year-old memories.

more than 90 percent of the parents” supported the board.⁴⁶ Gerhardt echoed Gibbon’s belief about district support for the Board’s decision. She said the patrons of the district “really didn’t argue with the board. They generally felt they elected us to do the right thing.” Gerhardt further believed the Board was doing the right thing in the right way. “We weren’t being ignorant about it,” she said. “We were just trying to clear the air about something we hadn’t done. We weren’t guilty of the lack of education in the city.” She further emphasized the district was not guilty for segregation in the region and the courts would eventually exonerate the district.⁴⁷

Superintendent Dr. Thomas Lawson also agreed with the board members. He did not “remember much opposition to the board.” He also explained that the population of the district seemed to be very fiscally conservative, especially with taxpayer money. He believed that many within the district “felt this was not really a way to spend taxpayer money.” Lawson further reiterated the board felt the African-American population within the district would prove the district was not guilty of segregation.⁴⁸

The Hazelwood School District believed it was acting not only in the best interest of its patrons, but it also firmly believed it had a very strong legal argument against its being included in the St. Louis desegregation lawsuit. Unfortunately, Hazelwood did not have the final say in whether or not it was guilty of contributing to segregation in the St. Louis metropolitan area. Nor did Hazelwood have the final say in whether or not to participate in a region wide plan for desegregating the schools of St. Louis. The final say would come from the United States District Court in St. Louis under Judge William Hungate.

⁴⁶ Gibbons interview.

⁴⁷ Gerhardt interview.

CHAPTER TWO

THE HAZELWOOD SCHOOL DISTRICT AS A DEFENDANT

The District Court Expands the Desegregation Case

The Hazelwood School District based its decision not to participate in the voluntary desegregation program on the district's African-American student population. The district was the first St. Louis County district to oppose Judge Hungate's plan, but it was not the only district to oppose the voluntary plan. While each district had its own reasons for opposing desegregation's extension into the wider metropolitan area, almost every district in St. Louis County voted to join Hazelwood in opposition to the voluntary settlement by the court-imposed August 6 deadline. In addition, every district in St. Charles and Jefferson counties voted to oppose inclusion in the voluntary program.⁴⁹

Due to the "overwhelming rejection" of the voluntary plan, on August 24 Hungate ordered a draft of a mandatory plan of cross-district desegregation. In the order, Hungate added the 18 districts in St. Louis County that had voted not to participate in the voluntary plan, including the Hazelwood School District, as defendants in the original lawsuit.⁵⁰ In the order, the judge decided not to add the school districts in St. Charles and Jefferson counties as defendants.⁵¹

⁴⁸ Lawson interview.

⁴⁹ The *Post* and *Globe* reported the intentions of the districts throughout the month of July and early August.

⁵⁰ Judge Meredith did not add the Ferguson-Florissant School District added because the court released the district from an earlier desegregation order. The four districts that had agreed to the voluntary plan were not added either.

⁵¹ In the phone interview with Susan Uchitelle she believed the St. Charles County and Jefferson County districts were not added to the case simply due to the time it would take to transfer students to and from the counties in a transfer program.

The St. Louis Public School Board and the United States were ordered by the court 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.” According to the order, the case over the liability of the county districts in the segregation of the St. Louis area would begin on March 1, 1982, which meant the Hazelwood School District had approximately six months to prepare their defense before going to trial.⁵²

Response to Hungate’s plan varied throughout the St. Louis County region. The Pattonville School District quickly reversed course and asked Hungate to be included in the voluntary settlement. The *St. Louis Globe Democrat*, in the same issue as it reported the Pattonville School Board’s decision, also reported that the offices of the District Court were inundated with calls after the decision of Hungate was made public. The court reported callers shouted obscenities and racial slurs toward the judge regarding his order.⁵³

Pattonville’s response was not the norm for the other St. Louis County school districts. Mehlville R-9 school board member Ronald Earll said he would “fight it to my grave. My kids have a right to attend a school down the street. It’s not a racial issue at all.”⁵⁴ Parkway school board member William Eggers echoed Earlls opinion. Eggers said Parkway had not supported the voluntary settlement “because we had not, we believed, done anything to be a part of the suit. I think that will essentially be our

⁵² The court order was reprinted in the *Post*, August 25, 1981, 15A.

⁵³ *Globe*, August 26, 1981, 1A, 6A.

⁵⁴ *Globe*, August 25, 1981, 8A.

position legally.” Earlls believed the district had done nothing wrong and, therefore, was not guilty of the charges the plaintiffs were alleging against the district.⁵⁵

Hazelwood’s response echoed that of Mehlville and Parkway. James Arnac, member of the Hazelwood School Board, believed Hungate’s original order for a voluntary plan “wasn’t a voluntary program after all.” Arnac also believed the Hazelwood School Board would not adopt the voluntary plan to escape more litigation. He said that strategy would be “like getting out of the frying pan and into the fire. If the judge is just set on destroying the school system, and if he indeed has the power, then let it be.” Arnac believed Judge Hungate did not have the power to destroy the Hazelwood School District and was happy with the way the district educated children.⁵⁶

The board voted unanimously to fight the court order during a special meeting on August 27 of the Hazelwood School Board. In a press release, the board called the order an “attempt to destroy the philosophy of neighborhood schools and local school control.” The board also wrote that it “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.” In addition, the board defended its position by stating the district already was within the quota boundaries the court had set in its voluntary proposal. The board added that the district “now has a racial balance equal to or exceeding those percentages the court experts have determined to be appropriate.” The school board further stated it was not wise for the Hazelwood School District to spend

⁵⁵ Ibid.

⁵⁶ Arnac’s responses are taken from the *Globe*, August 25, 1981, 8A and August 27, 1981, 6A, and the *Post*, August 25, 1981, 8A.

money needlessly. The district argued the money would be better spent for educating children instead of needlessly busing children around the region.⁵⁷

Hazelwood attorney Robert Baine further elaborated in the district's legal defense. He said the board was convinced that Hazelwood students could get a better education in local schools and vowed to take "whatever steps were necessary" to stay out of a city-county desegregation plan. Baine stated that the district's first legal move was to contest the order. He argued that the city school board "is a wrongdoer. However, the court has allowed the wrongdoer to bring others in and we're going to contest that." If that did not work and the Hazelwood School District was forced into a desegregation plan, then he would ask the judge to "start from scratch" by beginning a new trial on whether Hazelwood and other suburban districts contributed to segregation.⁵⁸

The school board officially began its defense maneuvering at its September 1 regular board meeting. Baine informed the board he was going to a meeting on September 2 with St. Louis County Supervisor Gene McNary. The purpose of his attending the meeting, along with lawyers of the districts opposing the voluntary settlement, was to discuss cooperation among the districts. Arnac asked Baine to discuss at the meeting the possibility of Hazelwood joining with the County in fighting the order, which could improve the efficiency of the defendants in making their cases to the court.⁵⁹

The meeting of the districts' lawyers with McNary produced promising results for the defendants in the case. McNary promised the defendants experts, volunteers and office space to fight court-ordered desegregation. McNary said he and "the lawyers are just appalled that this kind of denial of due process can go on in America." McNary also

⁵⁷ Hazelwood, August 27, 1981, Book 37.

⁵⁸ *Globe*, August 29-30, 1981, 1A.

discussed the creation of a clearinghouse for evidence established at the County Administration Building in Clayton. Baine said the lawyers gave preliminary approval to the clearinghouse concept and planned to continue meeting together. The districts agreed to all prepare their own defense, but Baine said the lawyers had agreed it would be beneficial to the overall defense if the districts could work together on common issues.⁶⁰

Hazelwood's Legal Defense Against Desegregation Begins

The defense maneuvering against court-ordered desegregation officially began on September 9 when Hazelwood, joined by 11 other St. Louis county school districts, asked for Hungate's disqualification from the case.⁶¹ Each of the districts filed separate motions, but the motions were all similar to the request filed by Hazelwood. Hazelwood alleged Hungate had "a personal bias or prejudice" against the district or in favor of other parties. An affidavit filed in support of the motion by Charles Sweeney, President of the Hazelwood School Board, stated Hungate's "impartiality in this proceeding might reasonably be questioned." The affidavit relied on remarks made by Hungate at hearings and on language he used in several of the recent orders. Sweeney alleged that Hungate warned in an April 1 meeting that volunteering was not a viable option. In addition, at a June 11 meeting after a voluntary settlement plan was urged, Sweeney quoted Hungate as saying "If not enough volunteer, I'm going to order a mandatory plan." Also, Sweeney stated the August order bringing the county districts into the case created a conflict of

⁵⁹ Hazelwood, September 1, 1981, Book 37.

⁶⁰ *Post*, September 3, 1981, 3A.

⁶¹ The districts joining Hazelwood in this action were Affton, Bayless, Brentwood, Hancock Place, Jennings, Ladue, Lindbergh, Maplewood, Mehlville, Rockwood and Webster Groves.

interest because the city of St. Louis school system was to write a plan for mandatory desegregation even though the school system was a plaintiff in the case.⁶²

As the district began its official defense in the desegregation lawsuit, the Hazelwood School Board continued to hear support from the patrons of its district. At its September 15 regular session meeting the board heard from Charles Haywood. Haywood was a parent of a child attending Townsend Elementary School in the district. At a recent open house, Haywood told the board, members of the PTA asked parents about their opinion concerning the desegregation case. Haywood reported that out of approximately 1100 parents polled, only two were against the decision. He continued by saying one of the parents against the decision was a parent in the St. Louis City School District. Haywood further said the parents of Townsend Elementary were fully supportive of the board and its decision.⁶³

An Internal Controversy Inside the Hazelwood School District

While the board heard constant support for its position, it soon found out the support for being opposed to desegregation was not as unanimous as the board originally had believed. The staff of the Hazelwood West High School student newspaper, *The West Gazette*, wrote an editorial against the district's anti-desegregation stance. A student editor of the paper interviewed Susan Uchitelle to find out why the district was opposing the lawsuit. After the interview with Uchitelle, the *Gazette* ran an editorial questioning the proposed voluntary desegregation decision of the Hazelwood School Board. The paper stated the board should seriously consider becoming a part of the

⁶² *Post*, September 10, 1981, 1A, 6A and *Globe*, September 10, 1981, 1A, 12A.

⁶³ Hazelwood, September 15, 1981, Book 37.

voluntary desegregation program. The editorial writer considered the program to be an “excellent opportunity” for the students of the district without any real expense since the State of Missouri would pay for the program.⁶⁴

After the publication of the article, the newspaper staff came under attack from the administrators of the district. Then newspaper faculty adviser and journalism teacher, Patti Ritchey said the backlash caught everyone off-guard.⁶⁵ She stated the “principal usually didn’t care what we wrote, unless he heard about it from the administration building.” Ritchey believed the pressure was coming from above because the principal of Hazelwood West, Dale Henner, was a very “hands-off” principal. Henner called Ritchey into his office to demand the name of the writer. Henner and the administration were upset, according to Ritchey, at the fact the students had interviewed Uchitelle and she was on the “other side” of the lawsuit. According to their faculty adviser, the editorial staff decided if they were to retain their positive relationship with Mr. Henner, it would be nice for them to show the school board’s version of the situation.⁶⁶

The *West Gazette* printed a story in the next issue supportive of the school board’s stance on the desegregation proposal. This editorial stated the school board was correct in their attempt to protect the district’s finances. The paper further wrote the decision of how to spend the Hazelwood taxpayer’s tax money should remain the decision of the Hazelwood School Board and not the decision of a federal judge.⁶⁷ After the second story ran, the Gazette decided that desegregation was a story that would not appear on the

⁶⁴ *The West Gazette*, September 11, 1981, page 3.

⁶⁵ The Hazelwood School District employs Patti Ritchey as Communication Skills Department Chair. Her recollection of the incident is from an oral interview conducted on January 11, 2003.

⁶⁶ Ritchey, interview.

⁶⁷ *The West Gazette*, September 25, 1981, page 3.

editorial page.⁶⁸ Because of the pressure from the administration on the editorial staff, the administration did not have to deal with another internal controversy concerning its anti-desegregation stance.

Hungate Removes Himself From the County Case

As Hazelwood dealt with its internal controversy, the defendants gained a trial victory when Judge Hungate removed himself from a part of the case on September 28. The judge disqualified himself from deciding whether the 17 St. Louis County school districts remaining as defendants in the case contributed to segregated schools in St. Louis. Hungate would keep control of the interdistrict remedies to the desegregation problem. In his ruling, Hungate denied any bias but that he was stepping aside so that the case could “proceed in an atmosphere of calm reflection.” Hungate felt his presence in the case was adding tension which was causing the parties of the lawsuit to become hostile to each other. He believed if he removed himself from the liability phase of the trial, then there could be a chance the parties involved could work together, which would be in the best public interest.⁶⁹

The districts filing the dismissal motion refused to comment on the decision of Judge Hungate. Others were willing to discuss the problems that Hungate’s decision would cause in the case. Larry Marshall, an assistant Missouri attorney general, said “I’m a bit confused about how Hungate can take himself off the interdistrict part of the case and still retain control over three plans, all of which are interdistrict in nature. In effect we’re going to have two different judges involved.” An attorney for the city of St.

⁶⁸ Ritchey, interview.

⁶⁹ *Post*, September 25, 1981, 1A, 13A

Louis School Board, Paul Rava, believed the decision was cause for concern because it could lead to the case becoming more complicated.⁷⁰

The victory for the defendants was delayed when Chief United States District Judge H. Kenneth Wangelin said he would not appoint a new judge to the case until an appellate court ruled on Hungate's decision. Wangelin said that he would not be acting in the best interest of the law if he immediately named a new judge. The chief judge believed a hearing before the 8th Circuit Court of Appeals was needed in order to clear the issues surrounding the case before the case could go any further.⁷¹

Plans for Mandatory Desegregation Made Public

Despite the legal maneuvering around Judge Hungate's participation in the case, the district court continued to look into possible plans to desegregate the area across school district lines. As ordered, the State of Missouri, city of St. Louis School Board and three court-appointed experts filed possible plans on November 16 to desegregate St. Louis area schools. The plans ranged from a proposal of minimal change from the state of Missouri to a complete overhaul of district boundaries in the metropolitan area from the St. Louis School Board.⁷²

The State of Missouri's plan would leave all school district lines as they were and make no changes in student or teacher assignments. The plan recommended schools in the city and county which were 90-percent white or 90-percent African-American closed and students from those schools transferred by court order or by choice to a school where

⁷⁰ Ibid.

⁷¹ *Post*, October 2, 1981.

⁷² The outline of the four plan is from the *Post*, November 17, 1981, 1A, 4A, 5A, 15A.

space was available and integration could be implemented. The proposed state plan left the current voluntary program intact.

David Colton, one of three court-appointed experts in the desegregation case, developed a plan placing heavy emphasis on the North St. Louis City region. Any city student not assigned to a desegregated school would have a choice of remaining where he/she was or picking one of two county “schools of choice” to which he/she could transfer. The plan would consolidate the city and the St. Louis County districts into a single Metropolitan School District with a uniform tax rate and six subdistricts. Colton’s plan would not have forced any St. Louis county student to attend any school other than the one they were currently attending. On the other hand, metropolitan district would reassign faculty and staff to achieve racial balance. The plan did not exempt the districts currently participating in the voluntary plan.

The two other court-appointed experts went further with their joint plan. Robert Dentler and Lonnie Wagstaff’s plan would have also created a city-county metropolitan district with a uniform tax rate. The plan created four subdistricts and reassignment of every student within the metropolitan district, and included the transfer of faculty and staff in order to achieve racial balance. Their plan called for each of the subdistricts to include 25 percent of the city. Similar to Colton’s plan, this plan did not exempt the districts participating in the voluntary desegregation plan.

The most sweeping proposal for change came from the city school board. This plan would dissolve the school district in St. Louis and the districts in the counties of St. Louis, St. Charles and Jefferson creating five districts. Each of the new districts would contain a part of the city of St. Louis and have a student population of 30-percent

African-American and 70 percent white. Although all districts in St. Charles and Jefferson counties would participate in the plan and contribute to the entire regions school tax base, the area from which students would come from to desegregate the schools in the city of St. Louis was much smaller. In Jefferson County, only the districts of Windsor and Fox would transfer students. In St. Charles County, only students in the St. Charles City district and the eastern halves of the Fort Zumwalt and Francis Howell districts would have participated in the student transfers.

While the Hazelwood School District remained silent on the four proposals, other St. Louis metropolitan area districts publicly opposed the plans. Edwin Benton, superintendent of the Riverview Gardens School District in St. Louis County, called the proposals “very interesting” and the product of “a lot of work,” but he did not “believe the plan would work.” James Rickman, superintendent of the Fox C-6 School District in Jefferson County, said the plans could not be successful because of the size of the new district would make its management impossible.⁷³

The Defense Continues

After the announcement of the four desegregation plans, the consolidated defense of St. Louis County school districts against the desegregation case filed new motions against mandatory desegregation. On November 20, the Ladue School District, St. Louis County and a number of other districts, which included Hazelwood, filed appeals concerning decisions made during the case. The Ladue district filed an appeal arguing that the district court had erred in adding it to the desegregation district. St. Louis County

⁷³ *Post*, November 17, 1981, 1A.

filed an appeal that argued that even if housing discrimination took place within the county, it was not enough to find the county guilty of any constitutional violation.⁷⁴

At the same time, several St. Louis County districts filed a consolidated appeal. The districts, which included Riverview Gardens, Hazelwood, Mehlville, Affton, Lindbergh, Rockwood, Webster Groves and Parkway, argued they were part of an attempt in 1973 by the city school board to be added to the desegregation case. At that time, the district court denied the motion to add the suburban districts. The consolidated brief further argued that since there was no appeal of the 1973 district court decision, the original decision should stand and Hungate now erred in adding the suburban districts to the case.⁷⁵

The Hazelwood School Board continued its public defense of its position concerning the desegregation case at its December 15 regular session. The board approved a letter written by President Sweeney sent to the patrons of the Hazelwood School District. In the letter, Sweeney wrote the desegregation issue was the most important issue facing the patrons of the district. While he did not get into specific statistics concerning Hazelwood's African-American student population, the school board president reiterated the importance of the Hazelwood community keeping local control of the issue of educating their children. Sweeney further argued the courts were attempting to create an educational monarchy controlled by judges who were not accountable to anyone.⁷⁶

While Hazelwood continued to make its anti-desegregation case, the *St. Louis Post-Dispatch* reported many students in many districts were filing applications to attend

⁷⁴ *Post*, November 21, 1981, 1A.

⁷⁵ *Post*, November 21, 1981, 1A.

magnet schools in the city of St. Louis. In response, the Hazelwood School District and the Riverview Gardens School District, both defendants in the desegregation case, refused to allow city counselors into its high schools to promote the magnet school program. The Hazelwood district wrote a letter to the coordinating committee for transferring students stating it did not want vocational counselors from the city recruiting students in its district because of pending court action in the desegregation case.⁷⁷

Soon after the magnet school issue became public, the first real crack in the consolidated defense effort occurred on February 22. The Ladue Board of Education filed an alternative plan for school integration within the St. Louis city-county region. Ladue sought to have its plan considered along with the four other plans filed with the district court. Under Ladue's plan, students could choose whether they would participate in transferring into or from the St. Louis City. The basis for the Ladue plan was for the State of Missouri to pay all operating costs for the plan, plus the cost of reimbursing participating districts for transfer students accepted. The proposal set a scale of state-paid bonuses for districts that agree to accept African-American city pupils up to various percentages of total enrollment. Ladue based its proposal on a previous ruling by the district court finding the State of Missouri liable for school segregation.⁷⁸

The U.S. Court of Appeals Rules

With Ladue's desegregation plan on the table, on February 25 the U.S. Court of Appeals handed down its decisions concerning the appeals made by the defendants in the

⁷⁶ Hazelwood, December 15, 1981, Book 37.

⁷⁷ *Post*, February 12, 1982, 3A.

case and Hungate's status as the primary judge of the course. In the appellate court decision, it ruled that Hungate not disqualify himself from the case. The appellate court expressed "confidence" in the judge and noted he could have exclusive control over the complex case.⁷⁹

The Court of Appeals further affirmed Hungate's decision to add the 17 St. Louis County districts to the case as defendants and hearings could begin on the proposed mandatory plan for city-county desegregation. The appellate court limited those hearings to plans that do not involve involuntary participation by St. Louis County districts until it was determined whether or not the county districts were liable for segregation, which ruled out the plans that dissolved existing district boundaries. The court also reaffirmed that no suburban district would have to participate against its will during the current phase of the lawsuit. After the appeals court decision, Hungate decided that the March 1 hearing would only deal with the feasibility of the four proposed mandatory plans.⁸⁰

While Hazelwood again remained silent on the order, several county districts believed the Court of Appeals decision was a positive step in the case. Jerome Levy, Ladue School Board President, said he was pleased the appellate court ruled the mandatory order was binding only on the state of Missouri and the school board of the of St. Louis City. Terrance Farris, attorney for the Mehlville Board of Education said the appeals court "opinion makes it clear that before a county district can be required to participate in an interdistrict plan, it has to be found liable." Attorney for the Riverview

⁷⁸ *Globe*, February 22, 1982, 3A.

⁷⁹ *Globe*, February 26, 1982, 1A,6A.

⁸⁰ *Globe*, February 26, 1982, 1A,6A.

Gardens School District, Edward Murphy, read the decision to mean there could be no mandatory merger of districts without their consent or without a liability finding.⁸¹

All the parties involved in the case did not meet the reception of the appellate court's decision with optimism. St. Louis County Executive Gene McNary lashed out at the judges on the appellate court. McNary wondered "how they ever got out of law school." In addition, he believed the 8th Circuit Court of Appeals should not be a "dumping ground" for lawyers who can not make it in private practice. McNary believed the judges were more interested in progressing their own social agenda instead of carrying out the law. McNary also criticized the decision claiming the appellate court can be the only body that can find Hungate biased. McNary added that the court was an "embarrassment to the legal profession" and since he was a lawyer, they had embarrassed him.⁸²

After the controversy surrounding the appellate court's ruling, the March 1 hearings concerning the desegregation plans occurred as scheduled. The court heard testimony from the court-appointed experts who had proposed plans of desegregating the St. Louis Metropolitan area. The court also heard from several education experts who testified on the merits of the proposed plans. As Hungate adjourned these hearings, he issued a directive cautioning lawyers against inflammatory statements concerning the desegregation case. While the gag order had little to do with the relatively quiet Hazelwood School District's public opinions about the case, it was an obvious response to the McNary statements. Hungate noted that the American Bar Association Code of

⁸¹ Ibid.

⁸² Ibid.

Professional Responsibility prohibits lawyers from making inflammatory statements about a party involved in a particular lawsuit.⁸³

A new round of school board elections took place on April 6, as the issues surrounding the case continued to split the greater St. Louis community. In the Pattonville School District, a district which neighbors the Hazelwood School District, both incumbents were defeated because of their stance on joining the voluntary plan. Defeated incumbent Diane Moody said that she was defeated because people “just did not understand Pattonville’s stand on desegregation.” Victorious candidate Mike McCarthy said the current board had not understood the residents did not want in the voluntary plan and yet the board voted to participate. Unlike the Pattonville school board elections, the Hazelwood School District managed to avoid controversy because the two incumbents running for reelection ran unopposed.⁸⁴

The Consolidated Defense Crumbles

Despite the strong support from the citizens of St. Louis County for anti-court-ordered-desegregation candidates, the unified defense of the 17 school districts in opposing court-ordered desegregation began to crumble. On April 20, the Brentwood School District agreed to participate in the voluntary settlement, joining Kirkwood, Clayton, Ritenour, Pattonville and University City as districts already a part of the voluntary plan. In bringing Brentwood aboard, Hungate stayed “all further litigation” against the district as long as it participated in good faith. The Brentwood district, at the time of its inclusion in the voluntary plan, had an African-American population of 22-

⁸³ *Globe*, March 4, 1982, 19A.

⁸⁴ *Globe*, April 19, 1982, 1N, 2N, 4N.

percent. Despite the fact the deadline for joining the plan had already passed, in allowing Brentwood and other such districts as may want to be a part of the plan, Hungate implied that it was not too late for other districts to follow Brentwood's decision.⁸⁵ The Brentwood decision weakened Hazelwood's position. Hazelwood no longer had as strong of a claim that it should not be a part of the desegregation program because of its already existing African-American student population. The Brentwood School District was more integrated than Hazelwood, but still became a voluntary participant in the desegregation program.

The pattern of districts leaving the consolidated defense continued when the Ladue School District asked Judge Hungate to allow them to participate in the voluntary desegregation program on May 2. While the district had not given up hope on its plan of desegregation presented to the court, the district agreed to participate in the already existing voluntary plan. McKenna believed the district would have spent too much money defending its position, and, therefore, needed to join the existing plan, which would be in the best financial interest of the district.⁸⁶

While the shift of opinion in the Brentwood and Ladue districts weakened the opposition to court-ordered desegregation, on May 17 the opposition received a severe blow when the largest St. Louis County school district, Parkway, announced it would ask to join the voluntary plan. According to board president, Julian Cosentino, the board decided to join in order to decrease their liability in a future desegregation trial. Cosentino believed the board was acting in "the best interest of the Parkway School District." The district, with about 22,000 students, was the largest and most influential

⁸⁵ *Globe*, April 21, 1982, 3A.

⁸⁶ *Globe*, May 1, 1982, 3A.

district in St. Louis County. Susan Uchitelle hoped the decision of the large Parkway district would influence other districts join the desegregation program.⁸⁷

Another district, the Lindbergh School District, asked permission to join the voluntary plan on June 23. Board President Charles James explained the decision to join should “preserve the interests and integrity of the district” threatened by the lawsuit that could have lead to a mandatory metropolitan plan, which could have dissolved the Lindbergh School District. The Lindbergh School District had an African-American student population of less than one percent. Lindbergh, which had an extremely small African-American student population, became the first South St. Louis County district to join the desegregation plan.⁸⁸

The Hazelwood School Board remained determined to fight the idea of interdistrict desegregation and they were spending an enormous amount of time going over the issues of the case, despite the fact that some other larger districts had decided to leave the consolidated defense. According to Ann Gibbons the board was spending approximately “three or four nights a week in meetings. Mr. Baine took the brunt of it. He would report to us sometimes after being up all night preparing for the case.” The amount of time the Hazelwood School Board was spending on their defense was not, they believed, time wasted. Superintendent Lawson said he believed even if the case had gone to trial, Hazelwood had an excellent chance to be found not guilty in the case because of the diverse population of students attending schools in the district.⁸⁹

⁸⁷ *Globe*, May 17, 1982, 1A, 8A.

⁸⁸ *Globe*, June 24, 1982, 1A.

⁸⁹ Gibbons, phone interview and Lawson, phone interview.

Although Lawson continued to reiterate the Hazelwood School Board's main argument against desegregation, the district's defense was weakening. The estimated 18 percent African-American population of the Hazelwood district no longer seemed to be an adequate defense since Brentwood's decision to join the voluntary program. In addition, Hazelwood's defense of local control over its district weakened when the largest district in St. Louis County, Parkway, decided to give up some control of their district to the court. Even one of the most nonintegrated districts in the region, Lindbergh, decided to join the voluntary program. As the case progressed into the fall and winter of 1982-1983, Hazelwood found itself becoming more of an island opposing desegregation. As time progressed, the Hazelwood School District would change its mind concerning desegregation.

CHAPTER 3

VOLUNTARY SETTLEMENT

The event of the summer of 1982 increased the pressure on districts opposing the desegregation plan, especially the Hazelwood School District. Hazelwood was finding itself more isolated in its defense position. This pressure only continued to grow as the case progressed into the fall and winter of 1982. In addition, Hazelwood had to deal with an internal segregation issue as the lawsuit reached its settlement phase.

The pressure on the remaining defendants continued to grow when the Normandy School District had asked to join the voluntary program and on August 6, the Bayless School District asked to join the settlement. This brought the number of participating districts in the voluntary plan to ten, and the number seemed to keep growing, while the number of defendants continued to shrink.

A Plan of Mandatory Desegregation

The Hazelwood defense came under more pressure when on August 6 when Judge Hungate made public a broad outline of a mandatory desegregation plan for St. Louis and St. Louis County. This plan called for the elimination of local school boards and the creation of a central school board with four subregions and the wide-scale transfer of students and faculty. The financing would come from a uniform tax rate throughout the district and funds from the state of Missouri. Hungate said the idea of school consolidation was needed in the St. Louis area in order to solve the problems created in the St. Louis region by decades of government-imposed school segregation.⁹⁰ Hungate

⁹⁰ Judge Hungate's mandatory plan can be found in *Post*, August 7, 1982, 1A, 9A and *Globe*, August 7-8, 1982, 1A, 9A.

stressed in his order that he would not put a mandatory plan into place until the suburban districts are found liable for segregation and the voluntary plan fails because too few suburban districts would try it, or because their participation was too limited. The order stated that the judge would begin hearings on the liability of the suburban districts, but the order did not set a date for those hearings to begin.⁹¹

Hungate's plan would have been a major change in the way St. Louis City and County educated children. The plan called for the elimination of the current districts in St. Louis City and County, which would have created one superdistrict. This district would not include St. Charles and Jefferson counties until the court ruled such an expansion would be necessary to achieve the goals of complete integration. Four subregions with equal populations within the superdistrict would be used to assign students and faculty. After each national census, a review of each subregion would take place.⁹²

Busing students to new integrated schools was the central part of the Hungate plan. Justifying his use of busing to achieve integration, Hungate said school districts and the State of Missouri had used busing to achieve the current segregation of the region. He concluded by saying if the school districts were able to use busing to achieve segregation then a busing program could be used to create an integrated school system.⁹³ Hungate believed the new busing system would be more efficient than the busing of students currently taking place in the individual districts in the city-county regions. The central school board would decide where the buses would take individual students. The board would take into account the distance from the new school, distance and time

⁹¹ Ibid.

⁹² *Globe*, August 7-8, 1982, 1A, 9A.

traveled, special needs of the individual students, the burdens of busing imposed on African-American students and white students, and the general safety of the student.⁹⁴

Another aspect of the mandatory plan was the reorganization of the staff within the new superdistrict. Hungate wrote new hiring practices would guarantee an African-American faculty and staff in each building that reflected the African-American student population in each school. In addition, the faculty would be responsible for the implementation of a uniform curriculum and the creation of an elective ethnic course to foster a more cooperative atmosphere between the races.⁹⁵

Defendants in the desegregation case responded to Hungate's plan with immediate opposition. Michael Contini, president of the Bayless School District, said that Hungate has "been dangling the carrot all along. It's pretty obvious, but we're not going to bite." Board President of the Hancock Place School District predicted Hungate's actions might spur his board to fight harder. He said that Hungate's action would not make "our [board] members switch their minds. If anything, it might make them more adamant on the subject." Don Steed, member of the Mehlville School Board, said that he believed that Hungate appeared to have found the districts guilty before having a trial. In addition, Steed believed the decision by Hungate was a threat only designed to get schools to volunteer to join this existing desegregation plan.⁹⁶

⁹³ *Post*, 9A

⁹⁴ *Post*, 9A

⁹⁵ *Ibid.*

⁹⁶ *Post*, August 8, 1982, 1B.

Hazelwood Continues Its Fight Against Desegregation

While the Hazelwood School Board again remained publicly silent on Hungate's mandatory plan, the members of the board understood the seriousness of the actions by the district court. Joseph Donahue believed that "if the districts would not agree with the Hungate plan and still refused the voluntary plan, he would have created a superboard with transfers within the new district."⁹⁷ Ann Gibbons believed Hungate's actions were not "an idle threat." According to Gibbons, the threat of dissolving the district was real and the board needed to act in a way which would preserve the district.⁹⁸

The district court's announcement of the mandatory plan did not bring Hazelwood to change its stance on opposing the desegregation program. According to Gwendolyn Gerhardt, the board remained dedicated to fight desegregation. She said, "we really stuck to our guns." Gerhardt continued to maintain the district was not guilty and that Hungate "was fishing for something he wasn't going to find us guilty of." The district, according to Gerhardt, already had achieved integration and providing all students, regardless of race, a quality education.⁹⁹

While the pressure on the defendants in the desegregation case seemed to keep growing, the defendants received some positive news from the Reagan Administration's Department of Justice. The administration announced it would seek an end to mandatory busing plans used to desegregate schools in several major cities, including St. Louis. An official within the administration said the St. Louis case could be a target case for the

⁹⁷ Donahue, interview.

⁹⁸ Gibbons, interview.

⁹⁹ Gerhardt, interview.

Justice Department, especially if the mandatory order to dissolve the school districts of St. Louis County was ordered by the court.¹⁰⁰

Still vowing to fight the desegregation case, the Hazelwood School Board discussed the recent announcements of the Reagan Administration at its regular meeting on October 5. Superintendent Lawson interpreted the news to mean the Justice Department could, if requested, become involved on the side of the community which opposed desegregation. Lawson then requested the board's permission to send a letter to the Justice Department requesting its assistance and support for the position of the district. The school board unanimously authorized the superintendent to write William French Smith, Attorney General of the United States, requesting the department's aid in the District's litigation against court ordered busing.¹⁰¹

Attempts for a Voluntary Settlement

Hungate attempted to avoid a mandatory order for desegregation by appointing in Washington University Law Professor D. Bruce LaPierre on October 15. LaPierre had worked for three months in early 1980 as a volunteer recording secretary for a citizens committee to assist with developing the first court-ordered plan for desegregating St. Louis schools. Due to his time working on St. Louis desegregation in 1980, Hungate asked LaPierre in March 1981 to propose a plan for interdistrict voluntary desegregation. After extensive discussions, the result of LaPierre's work was that it became the basis for Hungate's July 1981 voluntary desegregation proposal.¹⁰²

¹⁰⁰ *Post*, September 26, 1982, 1A, 18A.

¹⁰¹ Hazelwood, October 5, 1982, Book 38.

¹⁰² D. Bruce LaPierre interview, February 17, 2003. LaPierre's quotes about the case came from his published accounts of the negotiations and direct quotes from newspaper sources.

Hungate appointed LaPierre as a Special Master to negotiate a settlement in the winter of 1982-1983. The court directed LaPierre to find out how willing the parties were settling the dispute before a liability over segregation hearing would begin. LaPierre's optimism about a settlement gave Hungate hope in reaching an agreement, which would avoid the possibility of a mandated desegregation plan.¹⁰³

The hopes for a voluntary settlement to the lawsuit seemed to get a positive boost when LaPierre reported to the court about progress made in discussions concerning a possible settlement. LaPierre told the court that if "progress continues during the next three weeks, I anticipate recommending to the court that the settlement conferences should continue." Hungate asked LaPierre to return to the court on December 15 to report about the negotiations.¹⁰⁴

The Defense Continues

Despite the news of a possible compromise agreement, eight of the district defendants in the case filed on November 23 to have the case dismissed because, they alleged, the NAACP had failed to cooperate in pretrial meeting over the liability of the county districts in the area's segregation problem. The eight districts, which included the Hazelwood School District,¹⁰⁵ said the responses to their questions from the NAACP were "purely token" and "so evasive as to constitute a complete failure to answer." The complaint centered around meetings between the civil rights group and the district defendants on October 27. The districts further alleged the NAACP's actions were

¹⁰³ LaPierre, D. Bruce, "Voluntary Metropolitan School Desegregation in St. Louis – An Opportunity Lost or a Second Chance?" Public Law Forum, (St. Louis University School of Law, 1982), page 100.

¹⁰⁴ *Globe*, November 22, 1982, 3A.

creating a hostile environment, which hurt the “good faith” discussions concerning the desegregation lawsuit.¹⁰⁶

Although the defendants had filed to have the case dismissed, on December 2 the district court set a trial date for the liability of the suburban districts in area segregation. Hungate set February 14 as the beginning of the hearings as to whether or not a mandatory plan of desegregation was necessary for the St. Louis area. Hungate emphasized in his announcement that he would merge districts only if after hearings, he found the suburban districts responsible for segregation and if a voluntary plan was not working.¹⁰⁷

By the middle of January 1983 the consolidated defense continued to lose members. The districts of Normandy, Affton, Wellston, Bayless, Hancock Place, Jennings and Maplewood-Richmond Heights had asked the court to join the voluntary plan. Bayless and Maplewood-Richmond Heights decided to join the plan despite their middle of November 1982 attempt to have Hungate dismiss the case due the lack of cooperation by the NAACP. The additional schools brought the number to 15 out of 23 suburban districts opting to be a part of the voluntary agreement.

Negotiating a Voluntary Settlement

After his report to the court on December 15, Lapierre began another round of negotiations centered on five principle elements. The first element dealt with the issue maintaining that the transfer of students would be strictly voluntary. The second element

¹⁰⁵ The other districts were Bayless, Maplewood-Richmond Heights, Mehlville, Rockwood, Valley Park, Webster Groves and the Special School District.

¹⁰⁶ *Post*, November 23, 1982, 4A.

¹⁰⁷ *Post*, December 2, 1982, 2A.

centered on the creation of a magnet school system that would attract white suburban students into the city school system. The third part of negotiations guaranteed the improving the quality of education within the city school system. The fourth element combined the first three to ensure that the transfer of students would have a substantial effect on desegregating the city schools. The final part of negotiations would ensure that any settlement would be a final resolution of the case. By the date the trial was to begin, some 250 hours of negotiations had taken place.¹⁰⁸ The day the trial was to begin, LaPierre asked the court for an extension to continue negotiations. Hungate granted a two-day delay, but warned attorneys representing the districts involved the trial would begin if settlement negotiations failed.¹⁰⁹

At this time, the Hazelwood School District's defense of local control of schools within the boundaries of the district became an important part of the settlement negotiations. While all day negotiations produced a settlement in principle on February 15, the Hazelwood School District had negotiated to protect itself from intradistrict transfers of students. Baine wanted a section of the proposal which called for "identifying options" for the transfer of African-American students who attend predominately African-American schools within predominately white districts removed from the settlement. Hazelwood was concerned with its Keeven Elementary school, which was more than 90 percent African-American. The district did not want to pay the cost of transferring students within its district when it could have achieved the necessary desegregation orders under the transferring of students from the city. While the section that Hazelwood objected to remained a part of the proposed settlement, the NAACP had assured

¹⁰⁸ LaPierre, "Voluntary Interdistrict School Desegregation in St. Louis: The Special Master's Tale," Wisconsin Law Review, 1987, pages 995-6.

Hazelwood that the clause could be taken out at a later time, because the civil rights organization was more interested in resolving the larger case, and not fighting individual districts.¹¹⁰

On the morning of February 16, LaPierre returned to the district court with a preliminary agreement to the desegregation case. At the time of the announcement, 20 of the 23 St. Louis County school districts, of which Hazelwood was one of the 20, had agreed in principle to the settlement. The three remaining districts had yet to have their boards fully review the settlement and get back to LaPierre. He reported to the court that all 15 of the districts, which had previously asked to join the previous voluntary plan, had agreed to the preliminary agreement.¹¹¹

By February 22, all but one of the 23 county school districts had approved the “agreement in principle.” LaPierre reported to the court the only district not agreeing to the settlement was the Riverview School District, which Hungate ordered to stand trial for their alleged role in area segregation on April 11. The judge commended the other districts for having “the political courage in seeking to resolve a difficult question.” The settlement called for the transfer of 15,000 African-American city students on a voluntary basis, funded by the state of Missouri and a tax increase in the city of St. Louis, and the creation of more magnet schools within the city. A district that met its quota of a 25 percent African-American student population would avoid further litigation, and the 23 county districts would continue to exist with their current borders.¹¹²

¹⁰⁹ Ibid. 997.

¹¹⁰ *Post*, March 1, 1983, 11A.

¹¹¹ *Post*, February 16, 1983, 1A, 6A.

¹¹² *Post*, February 22, 1983, 1A, 6A.

Despite their initial approval of the settlement, the Hazelwood School Board began to consider their withdrawal from the agreement over the issue of intradistrict busing of students. Members of the Hazelwood School Board felt the clause could be a deal breaker for them. If they did rescind their approval, the district would stand trial with Riverview on April 11. Gerhardt said she would ask the board to reconsider its approval unless the clause unless the lawyers removed the clause. If allowed to remain in the settlement, Gerhardt said the clause would interfere with the board's ability to make independent decisions in the best interest of the patrons of the district.¹¹³

The possible claim of segregation within the Hazelwood School District centered on Keeven Elementary. According to Gerhardt, the parents of Keeven Elementary, which was over 90 percent African-American, did not want to transfer their kids away from their neighborhood school. Gerhardt contended the lawyers had promised to remove the clause, but they "had reneged on their agreement," and that "I have no qualms on reneging on my vote." Gerhardt believed the clause could be "a wedge to open the door to get in and manipulate" the decisions of the Hazelwood School District. James Arnac and August Bush Jr. agreed with Gerhardt and shared her concern over the clause.¹¹⁴ The issue of Keeven Elementary never became a major issue, because at a special meeting of the Hazelwood School Board, the members of the board decided to remain in the agreement and not withdraw its support because of the intradistrict transfer clause.¹¹⁵

The Hazelwood School District was no longer interested in fighting to stay out of the desegregation plan. While some board members believed it was a legal necessity to consider the voluntary plan, Lawson believed the district needed to adopt the plan

¹¹³ Ibid.

¹¹⁴ Ibid.

because the district was a part of a larger democratic tradition in America. Lawson continued by saying the district needed to ratify the desegregation settlement in order to remain a part of the team of districts responsible for education in St. Louis and County.¹¹⁶

The Final Settlement

LaPierre presented the final settlement plan to the district court on March 30. This plan was similar to the proposed plan agreed to in February. While basic principle of transferring African-American students from the city to the county remained intact, the final plan included several additional and fine-tuning provisions to the “agreement in principle” plan. The provisions would end the segregation of the races in schools in St. Louis City and St. Louis County.¹¹⁷

The settlement plan called for the creation of several new magnet schools in the city and county over the next five years. The composition of these magnet schools could range from 35 percent to 65 percent African-American, but no more than 20,000 students regionwide could attend magnet schools.¹¹⁸ In addition, the final draft included provisions in integrating the faculty and staff in each district in the region. Each county district agreed to have a teaching staff of at least 15.8 percent African-American and an administrative staff of at least 13.4 percent African-American. Each district would be responsible for recruiting minority applicants.¹¹⁹

The final provision of the voluntary settlement was the implementation of a five-year review of the case. Those districts that met their goals within five years, or any time

¹¹⁵ *Post*, March 8, 1983, 3A.

¹¹⁶ Lawson, interview.

¹¹⁷ LaPierre, *Wisconsin Law Review*, 1000-1.

¹¹⁸ *Post*, March 30, 1983, 1A, 7A.

later, could ask the court for a final judgment releasing it from its obligations in the settlement. Those districts unable to meet their goals would be subject to a review board ensuring that particular district was taking the steps necessary in achieving their goals.¹²⁰

The most direct response to negotiating the final draft was that the Riverview Gardens School District joined the other districts in ratifying the voluntary desegregation agreement.¹²¹ The Hazelwood School District gave final approval to the plan on the night of March 30 in a unanimous vote. After the vote, the district waited until a date for the court to hold hearings concerning the voluntary settlement.¹²²

The Final Legal Phase

At their first board meeting since the court received the plan's final draft, the Hazelwood School Board received a report from their attorney. Baine informed the board of an April 28 hearing concerning the fairness of the plan. At the meeting, Baine told the board, that any testimony would be allowed for those who wanted to express their feelings about the plan, including the state of Missouri, which still adamantly opposed the voluntary plan due to cost concerns. Most importantly, Baine prepared the board for the possible rulings Hungate could make concerning the settlement plan. While Hazelwood tabled any decisions concerning a possible rejection of the plan by the district court, they began to prepare for a possible next move if such an action were to be necessary.¹²³

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² *Post*, March 31, 1983, 1A.

¹²³ Hazelwood, April 12, 1983, Book 39.

The April hearings went on as planned and on July 5, 1983, almost two years after his original voluntary plan was proposed, Judge William Hungate gave final approval to the desegregation plan. The decision by the judge left the voluntary plan agreed to in March fully intact. The only addition to the plan was the publishing of the financing of the transferring of students in St. Louis and St. Louis County. To pay for the desegregation plan, Hungate ordered a \$.58 decrease in the property tax rate in the city of St. Louis voided. The State of Missouri would be responsible for paying for the rest of the plan. The district court estimated the cost for the first year of the plan was around \$37 million by the district court, while the city district estimated the cost as closer to \$87 million. The state estimated the cost to be around \$100 million for the school year.¹²⁴ In the conclusion to his order, Hungate commended the St. Louis area for its decisions.

If we have been sufficiently honest and open-minded in recognizing our problems, and
 If we have been sufficiently creative in conceiving new solutions, and
 If we are now sufficiently purposeful in putting those solutions into effect,
 We can reach our goals.

The history of American education is the long, turbulent record of a nation that was not afraid to risk failure or trouble or confusion in pursuit of a goal that at first seemed wildly impractical: to give every American child a chance to develop to the limit of his or her ability.

Life never was a series of easy victories. We cannot win every round or arrive at a neat solution to every problem. But a driving, creative effort to solve problems is the breath of life for a civilization or an individual.

This plan is not perfect, but the sun has its spots, a diamond has its flaws, gold will not rust, and the good will shine through.¹²⁵

Hazelwood Plans to Implement Desegregation

While the state of Missouri filed an appeal to the settlement, the Hazelwood School Board immediately began the task of implementing the voluntary settlement for the 1983-1984 school year. On July 19, Superintendent Lawson reported to the school

¹²⁴ *Post*, July 6, 1983, 1A, 4A, 5A, 6A.

¹²⁵ *Ibid.*, 13A.

board he had reviewed the Implementation Plan for the Desegregation Settlement and added the projected African-American enrollment for the 1983-1984 school year at 18.7 percent. Lawson believed the district could achieve the court mandated 25 percent without transfers, but the district should accept transfer students until the 25 percent in-district-quota was reached. At the board meeting, the district discussed the planned transfer of 25 city students into the district for the upcoming school year. The district would accept 12 elementary and 13 high school students into schools having the lowest percentages of African-American enrollment. Most of these students, according to Lawson, would transfer into the West High School subdistrict, which had an African-American student populations under 5 percent. The need for accepting transfer students into the East High School subdistrict was not needed, since its African-American student populations were estimated to be 28 percent for the 1983-1984 school year.¹²⁶

The next order of business concerning the desegregation issue at the July 19 meeting was dealing with the intradistrict transferring of students. In order to comply with the “identifying options” clause of the agreement, the board decided to ask parents to consider voluntarily transferring their African-American students to schools with lower percentages of minority students. The district concerned itself primarily with Keeven Elementary, which had an African-American student population of 98 percent. While Gerhardt had previously claimed all of the parents of Keeven wanted to send their children to the neighborhood school, Lawson reported to the board 44 students had been signed up to be transferred to predominately white elementary schools for the 1983-1984

¹²⁶ Hazelwood, July 19, 1983, Book 39.

school year. The schools that accepted these intradistrict transfers were the elementary schools Garret, Charbonier and Walker.¹²⁷

The cost of the planned transfers for the 1983-1984 school year was the next order of business at this meeting. Lawson told the board his office estimated the cost for the year would be \$280,922. The board unanimously approved the budget expenditure for the transfers and ordered their attorney and Lawson to submit the cost of the plan to the state as per the court settlement. Baine informed the board the state had appealed the settlement, but that the board should go ahead and submit the budget. According to the district's lawyer, state was unlikely to win its appeal because the district court and appellate court already established the state's liability for segregation.¹²⁸

Hazelwood continued its planning for transfer students at the school board meeting on August 16. Baine informed the board the appellate court had denied the state's appeal and the desegregation plan would become effective for the first semester of the 1983-1984 school year. Baine also reported the Missouri Attorney General, John Ashcroft, planned an appeal to the United States Supreme Court. The board asked their attorney if the appeal would affect the state's payments to the district for transfer students but Baine informed the board the denial of the appeal by the appellate court meant that the state would have to pay until a federal court determined that it no longer was responsible for the cost of the desegregation plan.¹²⁹

With the budget issues resolved, the school board began planning for the actual transfer of students from the city for the upcoming school year. Lawson explained to the board 13 junior high and senior high students would transfer from the city to West Junior

¹²⁷ Ibid.

¹²⁸ Ibid.

High and West High School. In addition, the district had accepted 11 elementary school transfers from the city. Lawson reported elementary schools in the West subdistrict and the Central subdistrict would receive the transfer students. According to the report, Armstrong Elementary would receive three transfer students, McNair Elementary 2, Lusher Elementary 4 and McCurdy Elementary 2.¹³⁰

In addition to dealing with the interdistrict transfers, the board at this meeting finalized their plans for the intradistrict transfer of students. Lawson told the board that the final total of intradistrict transfers from Keeven was 26. Elementary schools that needed the transfers to help bring their ratio of white students to African-American students closer to an acceptable ratio according to the voluntary settlement received the intradistrict transfers. Charbonier received 11 transfers, Walker, 10 transfers, and Garrett, 5 transfers.¹³¹

After the board dealt with the issues concerning the transfer of students, the Hazelwood School District accepted its first transfer students as the schools opened for the 1983-1984 school year. Lawson reported to the board at its September 6 meeting all 25 had transferred from the city with very little difficulty. Although a handful of city students missed their busses on the first day, according to the Lawson report, administrators found alternate ways to get them to their respective new schools. He also stated that the transferring of the 25 intradistrict students went very well.¹³²

The transition of the Hazelwood School District from defendant to participant in the desegregation plan by giving the transfer of students its full attention. Once the issues

¹²⁹ Hazelwood, August 16, 1983, Book 39.

¹³⁰ Ibid.

¹³¹ Ibid.

¹³² Hazelwood, September 6, 1983, Book 39.

surrounding the voluntary settlement became resolved, the district spent most of the summer working out the arrangements to guarantee the successful transfer of students from the city.

The district remained committed to the voluntary settlement of the desegregation case. Even though the district reached a resident African-American student population of 25 percent during the 1992-1993 school year, it accepted transfer students until the final settlement of the case in 1999, which released the Hazelwood School District from the transfer agreement.¹³³ The release from the voluntary desegregation plan allowed the district to make the transfer of students from the city into the district a part of its history.

CONCLUSION

The history of America's racial problems is a mark against an otherwise impressive history of creating a strong democratic government. Race became a major focus in twentieth century America as the United States attempted to solve racial segregation problems in its educational systems. The Supreme Court, in its landmark decision in *Brown v. Board of Education*, ruled separate schools based on race were inherently unequal. The 1954 Brown decision polarized American society. People supporting racial integration worked to bring integration into the nation's schools, while people opposing school integration worked just as diligently to keep the white race and the African-American students separate in the classroom. As the battle over segregation evolved, those who worked for school integration, people such as Thurgood Marshall and Martin Luther King, became visible symbols of change, while those who worked against the movement, people such as Orval Faubus and George Wallace, became visible symbols of tradition.

The battle for school integration arrived in St. Louis in 1972. The case originally dealt with school segregation in the St. Louis City Public School System, but in 1981 it expanded, including school districts in St. Louis County. Many of the county districts opposed the transfer of African-American students from the city to the county districts. The Hazelwood School District, in St. Louis County, opposed this transfer of students into its district. While people who opposed segregation generally did so for racial reasons, the Hazelwood School Board's defense against school desegregation provided a unique look into the study of people opposing school desegregation. The all-white Hazelwood School Board based its defense on the fact that it operated an already

¹³³ Uchitelle, interview.

integrated district. This argument provided Hazelwood its strongest defense for its stance on St. Louis area desegregation. Unfortunately, Hazelwood also provided a constitutional argument of locally controlling neighborhood schools as a reason for opposing desegregation. Due to district issues, this defense position weakened the district's legal argument and opened Hazelwood to criticism for its actions.

Hazelwood's already integrated status provided the district with its strongest defense against the lawsuit. The district's enrollment contained a 16 percent African-American population, which exceeded the 15 percent minimum the court-appointed desegregation expert, Edward Foote, proposed in a 1981 voluntary proposal to desegregate county schools. In addition, then Superintendent Dr. Thomas Lawson stated the district's African-American population grew as families moved out of North St. Louis City, a predominately African-American region, and into the Hazelwood School District. This geographic advantage provided Hazelwood a chance to integrate gradually and naturally. The district also argued their minority population would continue to grow and that participation in a desegregation plan for the entire St. Louis area would prove unnecessary in enabling the district to meet the court's definition of integration.

The St. Louis desegregation case reached a voluntary settlement in early 1983. This settlement called for the transfer of African-American students to county school districts in order to achieve a 25 percent minimum African-American student enrollment. Hazelwood began receiving city transfer students during the 1983-1984 school year into the western half of the district, which had an African-American student populations under five percent. The eastern half of the district did not receive transfer students since its African-American enrollments were above 25 percent for the 1983-1984 school year.

The entire district reached the 25 percent goal during the 1986-1987 school year. During the 1992-1993 school year, resident African-American populations exceeded 25 percent, validating the district's stance against the proposed regionwide desegregation plan.

While Hazelwood continued receiving transfer students until 1999, when court supervision of the desegregation program ended, the district could finally claim, at least statistically, an integrated status. The district's African-American population continued growing. The 2000 census reported the district's minority population at 34.7 percent, increasing from 17.6 percent during the 1990 census.¹³⁴

While Hazelwood's integrated status provided it with a strong legal defense, the district's argument of local control over its neighborhood schools weakened its defense. The Hazelwood School District weakened its defense by claiming its policies were not in violation of federal law, and, therefore, should not have local control of its schools revoked. This argument, the most common defense throughout the nation regarding school integration, hampered the Hazelwood defense.

Although Hazelwood made the argument that its internal policies did not violate federal law, at the time of the legal negotiations of a settlement an issue of segregation surfaced within the Hazelwood district. The issue centered on Keeven Elementary School, which was located on the eastern half of the district. Keeven contained over 90 percent African-American students, while some elementary schools on the western side of the district enrolled over 90 percent white students. The voluntary settlement asked that participating districts identify options for remedying possible segregation within each district. Hazelwood School Board member, Gwendolyn Gerhardt, argued the Keeven issue did not apply to the desegregation case, arguing that parents who sent their children

¹³⁴ Missouri Department of Elementary and Secondary Education Web Site, www.dese.state.mo.us.

to Keeven wanted to send their children to their neighborhood school. The district's argument concerning Keeven parents who wanted their children to remain in a neighborhood school proved damaging. When the district asked Keeven Elementary parents if they wished their children transferred to a predominately white elementary school in the district, 44 children signed up to transfer. While only 26 African-American Keeven students transferred from the school for the 1983-1984 school year, the district's original stance against intradistrictly transferring of students needed modification.

A strong or weak legal defense did not stop Hazelwood's opposition towards desegregating students from the city into the county. Several times during the desegregation case, Hazelwood led the defendants' efforts. In January 1981, the district immediately opposed being included in the case after the NAACP and the St. Louis City School Board petitioned the court to add the suburban St. Louis school districts to the original desegregation case. When Judge William Hungate announced a plan for voluntary desegregation in St. Louis City and County during the summer of 1981, the Hazelwood School District became the first county district to announce publicly its opposition towards the plan. In September 1981, the defendants, led by Hazelwood, petitioned for Hungate's removal from the lawsuit's suburban aspect. Even after negotiations began for a possible voluntary case settlement, the Hazelwood School District sought case dismissal as they struggled with the NAACP in pretrial meetings.

The Hazelwood School District found widespread support for its defense position. After the July 1981 offer for a voluntary desegregation plan, only four county districts signed on to the plan. St. Louis County Executive, Gene McNary, and Missouri Attorney General, John Ashcroft publicly supported the defendants. The Missouri General

Assembly and the United States House of Representatives passed legislation supporting the anti-busing cause. In addition, the Reagan Administration's Department of Justice investigated the possibility of helping school districts around the country fight court-ordered desegregation.

Support for the Hazelwood defense also came from within the district. At their public sessions, the Hazelwood School Board heard from person after person in support of the district's desegregation stance. Although the school board took no official polls, the board believed 90 to 95 percent of its patrons supported the board's decisions. The district continued to fight, even after Hungate's 1982 announcement of a possible mandatory order of desegregation. The board spent three or four nights per week meeting formally, and informally, and discussed strategy in their fight over desegregation. The district remained committed to their defense even after several county districts began joining the voluntary plan following the Hungate announcement concerning a possible mandatory order of desegregation.

Despite its legal defense, Hazelwood, along with the other 22 St. Louis County school districts, did join a volunteer desegregation plan in 1983, before its defense faced trial in the desegregation case. Hazelwood remained defensive even during the lawsuit's settlement phase. The district remained committed to its position favoring local control of its schools, and even considered withdrawing from the voluntary desegregation plan over the issue. Since Hazelwood became a full participant in the voluntary settlement in March 1983, it did not remain committed to protecting Keeven as a neighborhood school.

Although Hazelwood, at least according to the voluntary settlement, quickly achieved an integrated status, the Keeven issue remained a problem for the district. In

fact, while the overall minority population in the Hazelwood School District has increased since the settlement, the minority population distribution remained uneven. A racial comparison of the current school situation reveals that the district is not as integrated in 2003 as its 1981-1983 defense claimed it would be. While the district's overall racial composition is currently 55.5 percent African-American and 42.4 percent white, some of the schools in the district do not reflect these numbers. Several schools in the district have large percentages of African-American students, while others do not. These schools include East High with an 88% African-American population, and Kirby Middle has 94%, while the following elementary schools are heavily African-American: Keeven (100%), Jury (99%), Townsend (98%), Twillman (94%), Granneman (95%) and Jamestown (95%) elementary schools. At the same time, several district schools have predominately white student populations. These schools include West High School (79%) and West Middle School (74%). The white populations of the elementary schools include Lawson (75%), Garrett (75%), McCurdy (83%) and McNair (84%) elementary schools. Even though West Middle, Lawson and Garrett meet the 1983 voluntary settlement's required African-American percentages, these schools' white-to-African-American student populations are not indicative of the district's overall racial makeup.¹³⁵

The district's scores on the 2002 statewide standardized tests through the Missouri Assessment Program has created further race distribution problems within the district. The Hazelwood students' scores indicate an achievement gap between white and African-American students. Thirty percentage points separated the percentage of white and African-American third graders scoring in the top two categories on the

¹³⁵ "Student Statistics of the Schools of the Hazelwood School District for the 2002-2003 School Year," Office of the Superintendent of the Hazelwood School District, report printed on April 9, 2003.

communication arts test in the Hazelwood district. While African-American leaders are currently stressing the minority improvement compared to past years, if the gap does not narrow, questions regarding how individual school districts teach to different races will only increase.¹³⁶

The achievement gap in Hazelwood could become an even larger issue as the district begin to plan for redistricting in order to solve overcrowding problems in several of its schools. Dr. Chris Wright, who became Superintendent of the Hazelwood School District in July 2002, identified overcrowding as a major concern for the district, and redistricting as a possible solution.¹³⁷ The district began dealing with its overcrowding concern in July 2002 when it started construction of a new elementary school in the eastern half of the district.¹³⁸ If the district decides upon another solution for its overcrowding which involves redrawing district boundaries, it must carefully avoid any aspect of racism.

If Hazelwood wants to remain in full control of its neighborhood schools, it will have to address racial issues very carefully. The April 8, 2003 school board elections will give direction to racial issues in the district. For the first time in the history of the district, the Hazelwood School Board will have its first African-American member, Desiree D. Whitlock.¹³⁹

Hazelwood's participation in the 1981-1983 St. Louis County desegregation lawsuit should be a reminder to the district that education in a diverse region can become very controversial. At the same, this diversity can bring about many educational

¹³⁶ *Post*, October 24, 2002, 1A.

¹³⁷ "Hazelwood School District News," Hazelwood School District, Winter 2003, page 3.

¹³⁸ *Ibid.*

¹³⁹ *Post*, April 9, 2003, 5B.

opportunities. If racial issues do arise in the district as it redistricts, the hope is that the Hazelwood School District has learned from its experience in the desegregation lawsuit and can avoid racially insensitive decision in the future.

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Appendix A Timeline of St. Louis Area Desegregation

- 1954** *Brown v. Board of Education of Topeka, Kansas, et al.* The Supreme Court declared segregated schools inherently unequal.
- 1955** *Brown II.* The Supreme Court ordered segregated school systems to desegregate “with all deliberate speed.”
- 1957** President Dwight D. Eisenhower sent federal troops to protect nine African-American students entering Central High School in Little Rock, Arkansas.
- 1962** Under the protection of the U.S. Army, James Meredith was the first black student to enter the University of Mississippi.
- 1964** Congress passes the Civil Rights Act, which granted powers of enforcement to the Department of Health, Education and Welfare and to the Department of Justice.
- 1968** *Green v. County School Board of New Kent County, Virginia.* The Supreme Court ruled freedom-of-choice plans inadequate.
- 1972**
February 18 A group of North St. Louis City parents filed a civil rights complaint with the U.S. District Court. The complaint claimed that the St. Louis School Board, school officials and the State of Missouri had been responsible for segregation in the St. Louis school system.
- 1974** *Milliken v. Bradley.* The Supreme Court rejected a cross-district busing plan for Detroit citing that the district court had not found liability of the suburban districts for segregation.
- 1976**
December 13 The National Association for the Advancement of Colored People entered the case on the plaintiff’s side of the St. Louis case.
- 1977**
March 28 The U.S. Department of Justice intervened as a friend of the court in the St. Louis desegregation case. The Department of Justice and the City of St. Louis became plaintiffs; the state Board of Education became a defendant.
- October 17 The St. Louis desegregation case began.
- 1979**

April 12 U.S. District Judge James Meredith ruled in favor of the St. Louis School Board and against the NAACP and the Justice Department.

June 6 The NAACP appealed the ruling to the 8th U.S. Circuit Court of Appeals.

1980

March 3 The Court of Appeals reversed Judge Meredith's ruling and ordered the immediate planning for systemwide desegregation.

April 3 School officials disclosed a draft of a desegregation plan.

May 21 Judge Meredith approved the plan.

June 3 In explaining why he approved the plan, Judge Meredith attributed the primary responsibility for segregated schools to the State of Missouri and its officials.

September 3 Schools in the City of St. Louis open and the transfer of students began without incident.

December Judge William Hungate took over the case from the retiring Judge Meredith.

1981

January 9 The St. Louis School Board asked the court to order a metropolitan school desegregation plan that would include all districts in St. Louis County and St. Charles and Jefferson counties.

January 16 The NAACP asked the court to order a metropolitan school desegregation plan.

March 27 Edward Foote filed a proposed voluntary plan of desegregation for the entire metropolitan area. The basis for the plan was that each participating district achieves a predetermined percentage of African-American student enrollment.

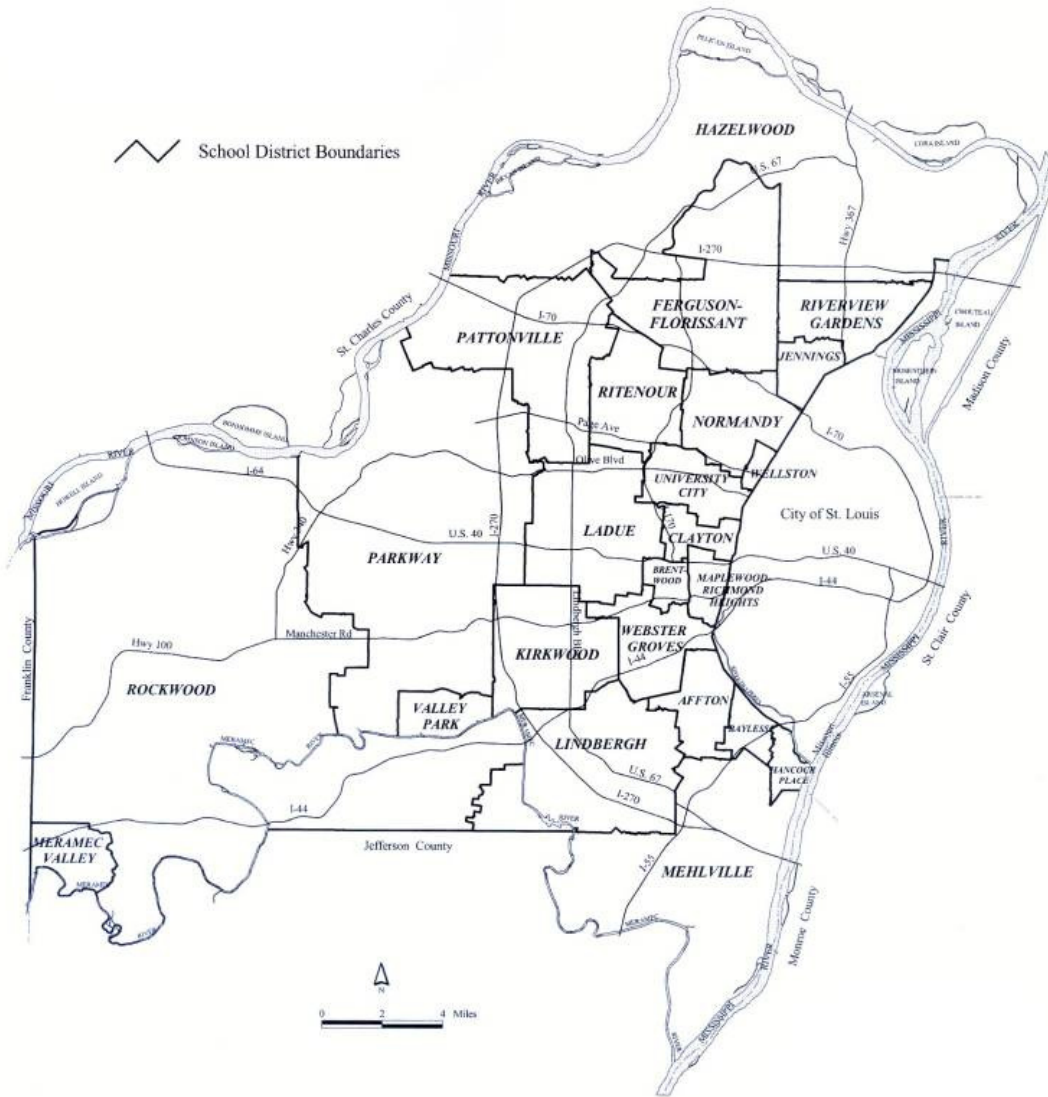
July Judge Hungate ordered the establishment of a voluntary desegregation plan for the entire region. The plan allowed each district to accept African-American transfer students until it has reached a twenty-five percent total of its overall student population. The judge gave each district until August 6 to inform the court if they will participate in the plan for the upcoming school year.

- August 6 Five St. Louis County districts agreed to participate in the voluntary desegregation program.
- August 24 Judge Hungate ordered the draft of mandatory cross-district plan to be developed. In the order, he also added 18 St. Louis County school districts as defendants. Not added as defendants were the five districts that had already accepted the voluntary plan. The Pattonville School District asked the court to join the voluntary plan.
- September 9 Twelve St. Louis County school districts asked Judge Hungate to disqualify himself from the case.
- September 28 Judge Hungate disqualified himself from deciding the liability of the 17 remaining defendants for segregation in St. Louis.
- November 16 Filed with the court were four plans of desegregating St. Louis County and St. Louis City.
- 1982**
- February 25 The 8th Circuit Court of Appeals ruled that Judge Hungate should not step down as the primary judge for the liability phase of the case.
- March 1 Judge Hungate began feasibility hearings for the four plans of mandatory desegregation.
- August 6 Judge Hungate announced the broad outlines of a mandatory plan that would include the merger of all school districts in St. Louis and St. Louis County, including the creation of a central school board and a large-scale transfer of students. He said he will impose the plan if the voluntary plan fails and the courts found the suburban districts liable for segregation in the region.
- September By the start of the 1982-1983 school year, nine districts have agreed to participate in the voluntary plan of desegregation.
- October 15 Judge Hungate appointed Washington University Law Professor D. Bruce LaPierre as Special Master to negotiate a voluntary plan of desegregation.
- 1983**
- February 22 Twenty-two of the twenty-three St. Louis County school districts voted to accept a voluntary agreement to remedy the problem of

segregation in the St. Louis region. Only the Riverview School District rejected the agreement.

- March 30 All 23 St. Louis County school districts approve a final settlement plan and submit it to the court.
- April 28 Judge Hungate began a fairness hearing concerning the negotiated settlement.
- July 5 Judge Hungate gave final approval to the voluntary desegregation plan and commends
- September The transfer of students between the city and county began without incident.
- 1999**
- March 12 U.S. District Court Judge Stephen Limbaugh, who assumed oversight of the desegregation case after Judge Hungate retired, ordered the gradual phaseout of the transferring of students across district line.
- 2003**
- Missouri announced funds for desegregation will run out by 2006 and districts still wishing to transfer students must assume the costs.

Appendix B Map of St. Louis County School Districts¹⁴⁰



¹⁴⁰ St. Louis County Government Web Site, www.co.st-louis.mo.us, current as of 4/01/03.

Appendix C
African-American Enrollment in
St. Louis County School Districts
October 1982¹⁴¹

<u>School District</u>	<u>Total Enrollment</u>	<u>Percentage African-American</u>
Affton	2,067	2.4
Bayless	1,336	0.5
Brentwood	867	25.0
Clayton	1,654	4.0
Ferguson-Florissant	12,669	40.0
Hancock Place	1,478	1.0
Hazelwood	17,066	16.0
Jennings	2,332	50.0
Kirkwood	4,541	17.5
Ladue	3,156	14.0
Lindbergh	5,618	0.5
Maplewood-Richmond Heights	1,451	27.0
Mehlville	9,552	0.5
Normandy	7,278	84.0
Parkway	20,033	2.0
Pattonville	6,848	3.5
Ritenour	6,456	12.5
Riverview Gardens	5,060	42.0
Rockwood	10,402	1.5
University City	5,626	80.0
Valley Park	634	1.0
Webster Groves	3,658	21.0
Wellston	1,261	99.0

¹⁴¹ *Post.* February 23, 1983, 19A.

Appendix E
African-American Population in
St. Louis County by Municipality
April 1982¹⁴³

<u>Municipality</u>	<u>Percentage</u> <u>African-American</u>
Bellefontaine Neighbors	2.8
Bellerive	5.0
Bel-Nor	12.3
Bel-Ridge	25.7
Berkeley	49.0
Beverly Hills	72.0
Black Jack	18.0
Breckenridge Hills	14.4
Brentwood	12.3
Bridgeton	1.8
Charlack	5.7
Clayton	2.6
Cool Valley	53.7
Country Club Hills	11.0
Ferguson	13.8
Flordell Hills	21.1
Florissant	1.7
Glen Echo Park	46.1
Greendale	20.5
Hanley Hills	28.1
Hazelwood	4.5
Hillsdale	79.5
Jennings	27.2
Kirkwood	6.6
Maplewood	7.8
Moline Acres	32.8
Normandy	29.8
Norwood Court	67.7
Olivette	15.9
Overland	4.0
Pasadena Hills	24.2
Pasadena Park	9.7
Richmond Heights	14.2
Rock Hill	32.6
St. Ann	2.0
University City	42.9
Vinita Park	31.7
Vinita Terrace	26.9
Webster Groves	7.2

¹⁴³ *Post.* April 19, 1982, 6A.

Appendix F
Text of Hazelwood School District's
Amicus Curie Brief, March 1981

The Hazelwood Board of Education had directed its counsel to file a brief in defense of the common rights of the citizens of the Hazelwood School District, as citizens of that District and of the county. The counsel is directed to present an argument resisting the Court's mandate to establish itself as a legal gardener performing an exorcism of the roots and branches of racial mistakes.

The Hazelwood School Board is deeply concerned that the Court would attempt to involve this District in such a gardening attempt when the Hazelwood School District was found by that Federal District Court not to be operating a dual school system and the Supreme Court of the United States reviewed with favor the history of the development of the Hazelwood School District noting the lack of any dual taint.

The Hazelwood School District believes that the rights of the citizens of the District under Article IV and the Ninth Amendment to the Constitution of the United States may not be clipped or pruned aside in the Court's attempt to trim implied branches of social disjunction.

Well intended, if not learned bodies, aiming at a perception of what truth really was and what apparent deviations would constitute a danger to society as a whole, have given us such colorful and "legal" occurrences such as the Salem Witch Trials and the earlier purifications of the Court of Inquisition. The Hazelwood School Board believes that it was to protect the citizens of the United States from such purifications that Article IV and the Ninth Amendment to the Constitution were written. In 1835, Alexis de Tocqueville wrote in his famous Democracy in America:

"I have visited two nations in which the system of provincial liberty has been most perfectly established, and I have listened to the opinions of different parties in those countries. In America, I have met with men who secretly aspired to destroy the democratic inclinations of the union, in England I have found others who openly attacked the aristocracy; but I found no one who did not regard provincial independence as a great good. In both countries, I heard a thousand different causes assigned for the evils of the State; but the local system was never mentioned amongst them. I heard citizens attribute the power of the prosperity of their country to a multitude of reasons; but they *all* place the advantages of local institutions in the foremost rank."

We, the Board of Education of Hazelwood School District, believe that the Court's pursuit of unattained goals conflicts with the best interests of the citizens of the district, the County, and the nation. We have, therefore, directed our counsel to file an Amicus Curie Brief to reaffirm what has already been established that is, that the Hazelwood School District has never operated a dual school system and under no circumstance should be a party to the litigation before the District Court in the City of St. Louis.

Appendix G
Text of the September 11, 1981
***West Gazette* article**

With an equal mixture of the colors black and white you get gray. Here in St. Louis many metropolitan school districts are also getting gray as a result of the possible forced mixture of blacks and whites in their schools. This is because of a court order for the city of St. Louis to desegregate its schools. Finding a satisfactory way to desegregate is the problem.

On July 2, Judge William Hungate came out with what he called an “acceptable” voluntary desegregation plan whereby participating county school districts would set up situations to make spaces available for any black student from St. Louis City who chose, to change schools. Judge Hungate gave metropolitan school districts approximately six weeks to respond to this plan. At the end of six weeks there were five districts who volunteered to participate. These districts were the City of St. Louis, Clayton, Kirkwood, Ritenour, and University City. Later the Pattonville District joined in.

In order to find out more about the situation, Hazelwood West journalists joined with other area high school journalists in an exclusive interview with the coordinator for the voluntary desegregation plan, Ms. Susan Uchitelle. Ms. Uchitelle further explained, “Any student from county districts may attend magnet schools in the city. These students will be provided with transportation and tuition at the expense of the state.

Presently 17 county school districts, including Hazelwood, are not interested in this plan, to the degree that they are involved in a court case in order to determine whether or not they are liable though past practices to help St. Louis desegregate. If the county districts are found guilty of perpetrating segregation in the city then the result could be a “mandatory-voluntary” plan where districts would be forced to participate in the present Hungate voluntary plan.

So the real question is, “Why not desegregate on a voluntary basis?” If Ms. Uchitelle’s version of the plan seems acceptable, our school district should have no objection. The state or federal government would pick up the tab for busing and tuition expenses; plus, according to the plan, no student would be forced to go anywhere. All county students are given free choice as to whether or not they would like to go a magnet school.

The possibilities for this plan should be seriously considered. It would be an excellent opportunity for our district to help out in bettering the education of its students through magnet schools without any expense and little inconvenience.

In the interview, a question was also raised about a district which would like to participate in the plan, but does not have enough room for city transfer students. In this case, it would show that the district is at least making an effort to comply with the court order.

Even if our district is not found responsible for the gradual segregation of blacks in the city and whites in the county, the Ms. Uchitelle interview convinced us that we should take advantage of the plan so it can be used for the students’ benefit.

Appendix H
Text of the September 25, 1981
***West Gazette* article**

In the last issue of the West Gazette, the desegregation issue was discussed from the viewpoint of the coordinator of Judge William Hungate's voluntary desegregation plan, Ms. Susan Uchitelle. We felt that there is another view to be represented; that of the Hazelwood School Board.

Desegregation in St. Louis city and county started out as voluntary plan designed to make county students willing to go to magnet schools in the city. This seemed like a feasible program until Judge Hungate, who came up with the plan, found out that only five metropolitan districts were going to participate. This lack of cooperation has caused Judge Hungate to consider a "mandatory-voluntary" program where the county schools would have to be a part of his voluntary plan. The district feels that this isn't fair to the students and parents of the Hazelwood district.

Why isn't the district willing to participate in this plan? There are several reasons, but the main reason deals with the theory of neighborhood schools. Many Hazelwood residents chose this area to live in because of the schools, and their taxes support and better the Hazelwood School District. Taking this into consideration, once can understand the districts' residents opposition to a desegregation plan that would call for busing students to city schools.

Another factor making this plan impractical is the cost. More buses would be needed and the cost of gasoline alone would be astronomical. Federal courts would force the state to pay for the plan and the state just doesn't have the funds to spend. The only way the state could afford it would be to cut down on aid to the districts and this would bring about a need to raise property taxes, which many citizens would oppose.

The way the situation looks now the district is strictly opposed to the voluntary desegregation plan and unless drastic changes are made in the plan in the near future, the district is, rightfully, likely to stay against it.

Appendix I
Text of Hazelwood Letter to Patrons
December 1981

To the Patrons of the Hazelwood District:

As the year 1981 comes to a close, it appears appropriate that the Board of Education of the Hazelwood School District restate its commitment to locally controlled, free, public education for all the citizens of the State of Missouri, but particularly for those who reside in the Hazelwood School District. There is probably no single issue facing the citizens of this District of any greater magnitude than that of the preservation of the integrity and the independence of the School District and the importance of that statement to this Board should be weighed in light of the Board's deep concern over other issues of severe proportion such as school closings, declining enrollment, curriculum adjustments and a decline in the ability of the federal, state and local funding sources to meet increased educational needs.

The Board has devoted a great deal of time and taxpayers' resources to determine that the allegations of the Plaintiffs in the St. Louis Desegregation Case are totally without merit. The Board finds and truly believes that access to public education is open, available and free to all who would seek it. The Board believes that it is not a penalty to require those who would seek the advantages of the Hazelwood School District, which are many, to come and reside in the District and to join with the other residents in sharing the burdens and the fruits of a locally controlled District.

The greatest injustice that could be done to the taxpayers and residents of the Hazelwood School District would be to turn over any portion of control over the education of the children of the district to a Judge or Judges who answer to no one, whose judgments have proven to be fallible and changeable, and yet the roots and vestiges of those fallible judgments remain to haunt taxpayers generation after generation.

With the support of the patrons, the District will continue in its efforts. The Hazelwood Board of Education wishes you a joyous Holiday Season.

HAZELWOOD SCHOOL DISTRICT
Charles E. Sweeney, President
Hazelwood Board of Education

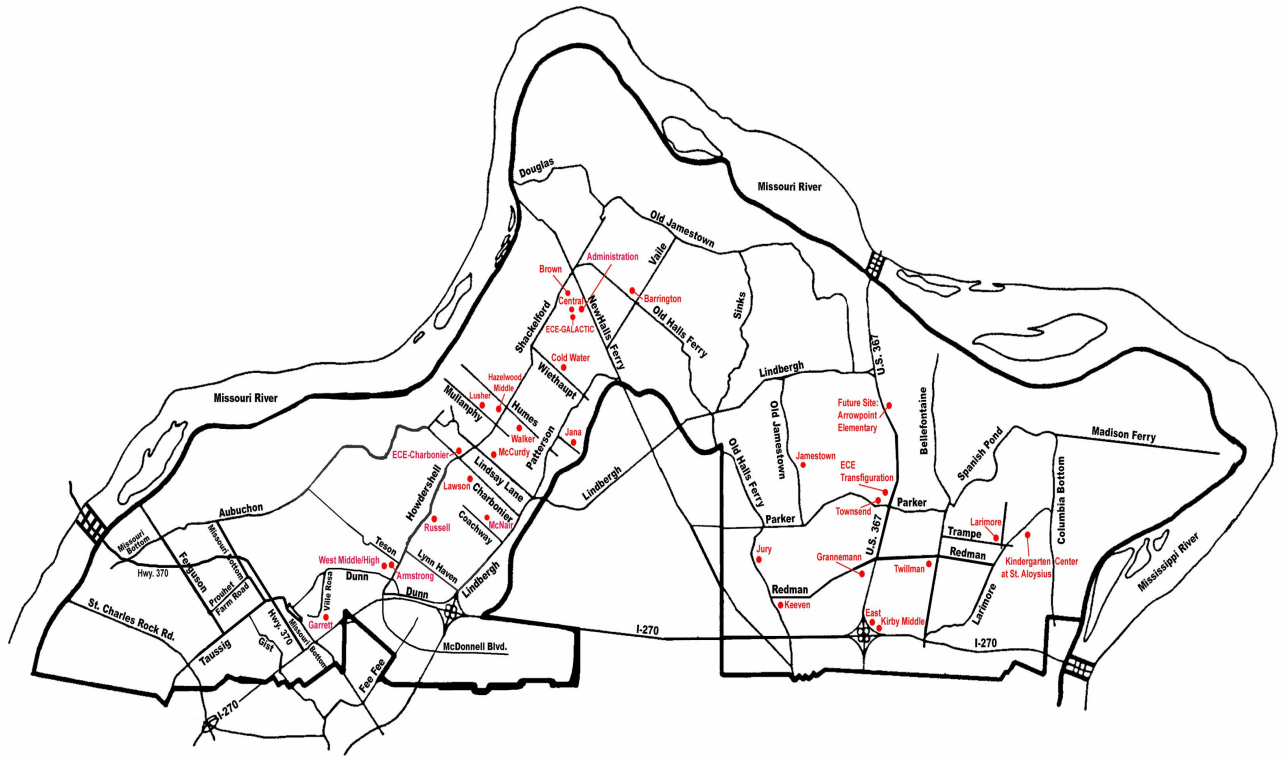
Appendix J
State Desegregation Expenditures
Per St. Louis County School District
1984-1993¹⁴⁴

School District	For transfers Into District	For Transfers Out of District	Total*
Affton	\$ 12,875,354	\$ 93,099	\$ 14,062,649
Bayless	5,459,513	122,676	5,762,189
Brentwood	8,736,276	21,455	8,757,731
Clayton	21,343,481	19,903	22,863,384
Hancock Place	6,543,306	237,057	6,780,363
Hazelwood	7,901,245	304,486	8,205,731
Kirkwood	20,348,442	46,295	21,578,097
Ladue	18,254,958	20,400	18,905,358
Lindbergh	28,833,826	72,885	29,204,932
Mehlville	36,123,030	253,681	43,654,548
Parkway	121,308,062	110,479	127,418,541
Pattonville	40,761,404	77,332	42,413,736
Rockwood	52,754,232	43,762	68,135,023
Ritenour	19,025,529	363,114	19,655,943
Valley Park	6,774,013	36,708	6,810,721
Webster Groves	11,012,288	129,756	11,587,355

* - includes money for transfer students and transportation costs for individual districts.

¹⁴⁴ *Post*, March 19, 1995, 1B

APPENDIX K MAP OF THE HAZELWOOD SCHOOL DISTRICT¹⁴⁵



¹⁴⁵ Hazelwood School District Web Site, www.hazelwood.k12.mo.us.

Appendix L
Racial Comparison
Individual Hazelwood Schools
April, 2003¹⁴⁶

School	Total in School	Number and % African-American	Number and % White
<i>High Schools</i>			
Central	2520	1146 (45%)	1342 (53%)
West	1622	294 (18%)	1276 (79%)
East	1805	1586 (88%)	212 (12%)
<i>Middle Schools</i>			
Hazelwood	1044	435 (42%)	582 (56%)
West	995	218 (22%)	735 (74%)
Kirby	1436	1346 (94%)	88 (6%)
<i>Elementary Schools</i>			
Armstrong	505	242 (48%)	245 (49%)
Keeven	524	522 (100%)	1 (0%)
Brown	439	201 (46%)	222 (51%)
Lawson	418	75 (18%)	312 (75%)
Cold Water	551	247 (45%)	296 (54%)
Barrington	529	355 (67%)	153 (29%)
Garrett	422	94 (22%)	315 (75%)
Jana	557	171 (31%)	376 (68%)
Jury	476	466 (99%)	6 (1%)
Larimore	534	380 (71%)	146 (27%)
Lusher	507	145 (29%)	349 (69%)
McCurdy	405	57 (14%)	337 (83%)
McNair	469	49 (10%)	394 (84%)
Russell	526	132 (25%)	378 (72%)
Townsend	542	530 (98%)	9 (2%)
Twillman	726	682 (94%)	42 (6%)
Walker	443	145 (32%)	285 (64%)
Granneman	567	542 (95%)	23 (4%)
Jamestown	624	594 (95%)	23 (4%)
District Totals	19182	10654 (55.5%)	8147 (42.4%)

¹⁴⁶ "Racial Statistics of the Hazelwood School District," Office of the Superintendent of the Hazelwood School District, accurate as of April 9, 2003.