Chronicles Intelligence Assessment

What Are We Willing to Settle For?

by Joyce B. Haws

For nearly half a century, hundreds of school districts across the nation have battled exorbitantly expensive social engineering schemes forced upon them by federal courts under the guise of "desegregation remedial orders." These orders, which supersede local, state, and federal laws, are often devastating. Courts have stripped authority from local officials, told them how they must vote, and even ordered taxes to be levied. The expenses of carrying out these orders are often astronomical.

When settlements are suggested, weary school administrators and the public are often more than eager to negotiate. Settlements, however, are usually promoted by the court or plaintiffs to ensure continuation of court mandates long after a district is released from court control, and the district often fails to consider the consequences of a settlement.

In the **Indianapolis, Indiana**, desegregation case, Federal Judge S. Hugh Dillin ruled in February 1997 that about 5,500 black students from Indianapolis public schools must continue to be bused to districts in surrounding townships. While school officials had sought an end to the order, Judge Dillin said that it was his intent that the order be continuing and permanent.

Dillin's ruling was appealed in March 1998, and the Seventh Circuit Court of Appeals ruled that the transfers were never meant to continue indefinitely. The school district, however, under pressure to avoid continued litigation, agreed to a settlement, and Dillin closed the case.

Because of that settlement, busing in Indianapolis will continue for at least 18 more years. The settlement includes a pledge that no more than 85 percent of a particular school's staff will be of any one race. Townships may begin phasing out the transfer of students once their district's black population is more than 20 percent. If that percentage is not realized by the school year 2004-05, the phaseout can start anyway.

In **Cleveland, Ohio**, the federal court approved a six-year consent decree settlement in April 1994. Over two decades, student enrollment in the district, once about 150,000, had dwindled to about 70,000. Finally, a slate of candidates promoted by Cleveland's mayor won seats on the board by promising parents "less busing, more choice, and an early end to the 'desegregation' order." It was this school board that signed the consent decree.

The consent decree settlement will continue until July 2000; at that time, court oversight is supposed to end. The settlement was tied to a new educational plan for the district called "Vision 21" which, in effect, did away with the traditional neighborhood school concept and institutionalized a race-conscious assignment policy.

The district won release from the racial balancing component of the court order, and the consent decree was modified accordingly. However, a February 2, 1999, *Cleveland Plain Dealer* article reported that 35,000 students continue to criss-cross the city daily on 570 buses.

In the first week of June 1999, Leslie Myrick, director of student assignment in Cleveland, stated that the district continues to have a "goal" of 70 percent minority and 30 percent white enrollment in magnet schools. Myrick says "controlled choice" (a student assignment program used in a number of desegregation cases across the country, including Rockford's) is used when students first apply in an attempt to achieve that goal. After the initial enrollment period, if spaces are still available, they are filled by a lottery process regardless of race.

In apparent contradiction of the policy described by the director of student assignment, the new CEO, Barbara Byrd-Bennett, directed that letters be sent to parents encouraging them to place their children in schools near their homes. She called for a return to neighborhood schools to help build a sense of family and community. How this will work with magnet schools, which are designed to lure students away from their neighborhoods, remains to be seen.

Residents of Missouri have learned the price of "ending" the **St. Louis** "desegregation" case. The settlement does not actually put a stop to busing; it simply changes the financing of it—*for at least 16 more years.*

Since voters were told that a return to neighborhood schools depended on the passage of a new sales tax designed to raise $21 million, the tax passed. The state will continue to provide about $45 million of the $76 million it now pays annually under court order.

The settlement cuts the city into four pieces; new transfer students living in each area must attend particular county districts, lessening the longest rides from about 90 minutes to 70 minutes one way. County districts will accept new city students for the next three years and keep any current transfer students until they graduate. After three years, the county districts can choose whether to continue enrolling city students, for whom state funding will be available for the next decade. Most will probably continue to accept city students in order to receive the state funds. The city's magnet schools will be expanded.

"Desegregation" orders often involve not only blacks but other ethnic groups. On February 16, 1996, the *San Francisco Examiner* described an "alliance" between the NAACP and the **San Francisco** school district to achieve diversity quotas. Under a 1983 consent decree settlement, San Francisco's students are divided into nine ethnic and racial categories: American Indian, black, Chinese, Filipino, Japanese, Korean, Spanish-surnamed, other white, and other non-white. No group may exceed more than 45 percent of any school, and at least four groups must be represented at every school. Since 1983, the state has poured $300 million into the scheme and currently spends $37 million a year on it. Judge William Orrick continues to preside over the consent decree, which is supposed to

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end in 2002.

In 1994, Patrick Wong was denied a place at top-ranked Lowell High School because Chinese-American children must score higher on admissions tests than those of other ethnic groups. Brian Ho and Hilary Chen were turned away from their neighborhood elementary schools because those schools had reached their quota of Chinese-Americans. The families of these children filed a class-action suit seeking to overturn San Francisco's "desegregation" plan.

The case, had it gone to trial, might well have ended the unconstitutional violation of the 14th Amendment nationally. Unfortunately, a settlement was reached in the case, allowing San Francisco to continue forced busing and banning the use of race only as a *primary* factor in school assignment. The school district now is planning socioeconomic balancing, arguing that separate neighborhood schools for rich and poor are inherently unequal.

Officials in the **Milwaukee, Wisconsin**, school district filed a suit in 1982 against 24 suburban districts, claiming that they had contributed to racial isolation in the city's schools. A settlement was reached to bus 5,700 minority students from the city to suburban schools and about 700 white suburban students to both regular and magnet schools in the city. The settlement also limits the percentage of African-American teachers in most schools.

The mayor of Milwaukee, John O. Norquist, however, has recently called for an end to the use of racial quotas in all aspects of education, and Wisconsin Gov. Tommy Thompson's proposed state budget calls for scaling back financial incentives for school districts taking part in a city-suburban "desegregation" plan. Other legislation is being considered to end racial balancing.

Little Rock, Arkansas, along with North Little Rock and Pulaski County schools, operates under a 1989 "desegregation settlement." Little Rock school officials say that the settlement (which mandates that Little Rock achieve racial balance, reduce the achievement gap between whites and minorities, and answer to a federally appointed "desegregation" monitoring office) is a heavy burden that has kept them from turning their attention to other problems.

Many "settlements" are little more than pledges or verbal promises, never finalized into binding consent decrees. Nevertheless, they are considered binding by social engineers.

When court supervision in **Omaha, Nebraska**, ended in 1984, the district "pledged" to maintain an integrated school system. Racial assignment has continued in Omaha. **Ferndale, Michigan**, was released from court control in 1995. At that time, Superintendent Marcie Martin swore an oath before U.S. District Judge Horace Gilmore to uphold the schools' carefully orchestrated racial mix.

Some social engineers have launched last-ditch efforts for settlements to continue racial balancing for as long as possible and to avoid a possible ruling that would set a precedent for undoing court-ordered racial control nationwide.

In **Charlotte-Mecklenburg, North Carolina**, an historic trial began April 19 before Federal District Judge Robert Potter. Some parents in Charlotte brought suit last year, arguing that the district unlawfully discriminated against students on the basis of race to achieve race-balance goals. Ultimately, the suit was expanded to include a challenge to the district's entire school desegregation plan, which involves magnet schools, attendance zones drawn on the basis of race, and mandatory busing.

The superintendent then proposed a controlled choice plan as a settlement in the case, hoping to continue racial balancing for several more years. The plan would have phased out the use of race when assigning children to schools, but it would not guarantee every child a place in the school closest to his home. Racial-balance requirements for schools would have ended after three years.

The trial went forward, however. While it ended in June, Judge Potter says he will need several months to review the testimony before ruling.

In **Rockford, Illinois**, plaintiff attorney Bob Howard appears determined to ensure that racial control of student assignment, through controlled choice and the use of magnet schools, will continue for many years. Local politicians and businessmen are pressuring the school board to settle "to achieve an early end to the case." But releasing the district while maintaining racial control is hardly an end, let alone an early end.

In November 1998, the Seventh Circuit Court of Appeals ordered the parties to discuss a possible settlement. Bob Howard demanded that the court order remain in effect over two more decades. A minimum of $148 million would be required for additional construction.

Howard demanded that the school board withdraw all pending appeals, that present "desegregation" orders be accepted, and that a petition to intervene in the lawsuit by three board members who have challenged the federal court's authority to order them to change their votes against judicial taxation be dropped. Not surprisingly, discussions of a settlement stopped.

On March 19, 1999, the Seventh Circuit closed the door to further appeals of funding orders but indicated that an end to the case was approaching:

> The board told us at argument that it thinks full compliance with the decree is achievable by 2002, and when full compliance is achieved, the decree must be dissolved. The next logical step, therefore, is for the board to propose to the magistrate judge, after consultation with the plaintiffs and the master, a modification of the decree that will include an appropriate termination date (perhaps a series of different dates for different programs) contingent on the achievement of specific targets demonstrating a reasonable approximation to full compliance by then.

The district court, however, has attempted to sidestep that "next logical step," ordering the district to pay three facilitators to help the parties "promptly identify and embrace a middle ground that will end this litigation."

There is no middle ground involving racial control of this nation's students.

It is enough of a blot on our nation's history that courts have issued orders requiring racial and ethnic quotas, calling such orders "desegregation" and "remedial." To settle for anything that would continue such racial control is irrational and immoral.

We should settle for nothing less than a complete end of judicial tyranny and its resulting devastation of our school districts, disenfranchisement of our people, and racial and ethnic control of our children.

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"All the News Unfit to Print"

Signs of the Times

Vol. 1 No. 9 September 1999

We open this, the final *Signs of the Times* to be devoted entirely to Clinton's war in Kosovo, with an eloquent summary of the war by Canada's answer to Pat Buchanan, David Orchard. In an op-ed in the *National Post* (June 23), the prominent Tory declared the idea that NATO attacked Yugoslavia to solve a humanitarian crisis about as credible as Germany's claim in 1939 that it was invading Poland to prevent "Polish atrocities." In the meantime,

> In an all out effort to convince public opinion that Yugoslavia deserved the onslaught, Western politicians and media are churning out endless accusations of Serb atrocities, while the proven and infinitely greater atrocities of NATO—launching an aggressive war, using internationally outlawed cluster bombs and firing depleted uranium ammunition into Yugoslavia—are buried.

But why did NATO attack Yugoslavia, and why are the Serbs ("Canada's staunch allies in both World Wars") being demonized? Orchard offers his answer:

> During the war, Bill Clinton elaborated: "If we're going to have a strong economic relationship that includes our ability to sell around the world Europe has got to be the key; that's what this Kosovo thing is all about. . . . It's globalism versus tribalism." "Tribalism" was the word used by 19th century free trade liberals to describe nationalism. And this war was all about threatening any nation which might have ideas of independence. . . . In a March 28 *New York Times* article, Thomas Friedman wrote: "For globalization to work, America can't be afraid to act like the almighty superpower that it is . . . The hidden hand of the market will never work without a hidden fist—McDonald's cannot flourish without McDonnell Douglas, the designer of the F-15. And the hidden fist that keeps the world safe for Silicon Valley's technologies is called the United States Army, Air Force, Navy and Marine Corps."

Orchard, a leading opponent of NAFTA north of the border, concludes that globalization undermines both democracy and national sovereignty, the only guarantors of human rights: "Unfortunately for Messrs. Clinton, Chretien et al; that message was not lost on millions around the world watching NATO bombs pulverize Yugoslavia."

Among the few satisfied with the outcome in Kosovo are the drug lords of the Kosovo Liberation Army, who may look forward to managing the global market in dope from their *Serbenfrei* fiefdom. Not so, according to the Clinton administration. As Reuters reported on June 23 ("U.S. has seen no evidence of KLA drug trafficking"), State Department spokesman James Rubin declared that "the U.S. government has never identified credible evidence of these drugrunning charges."

> "We've seen reports in newspapers and elsewhere," Rubin said. But although American intelligence agencies have looked into the issue, "we have never developed credible evidence of our own," he said.

Pity they don't read *Chronicles* inside the Beltway. As for the future, far from disarming the terrorist group, Rubin envisaged its metamorphosis into

> "a national guard along the lines of the U.S. National Guard. That's an aspiration. And if that aspiration is achieved, then obviously they would have weapons."

Eat your heart out, Escobal!

By the time the KLA is converted into a "national guard," there will be no Serbs left in Kosovo. Their ethnic cleansing was forecast by "Mr. Massacre," William Walker, even before the war (*Globe and Mail*, February 17) and by Pentagon spokesman Kenneth Bacon, who declared in the first week of June that Kosovo will not be a pleasant place for the Serbs under NATO and that nobody would try to stop them if they wanted to "return to Serbia." With the KLA murdering the remaining Serbian civilians, Radio Free Europe (June 16) quoted U.S. Army Gen. John Craddock as stating that disarming the KLA is up to the "discretion" of the respective peacekeeping troops and that "our soldiers are not instructed to routinely disarm the KLA." German army spokesman Lt. Col. Dietmar Jeserich was quoted in the same report as stating: "The KLA is walking the streets with its weapons, but the authority lies with KFOR." NATO's policy of allowing the KLA to terrorize defenseless Serbian civilians gave the lie to Gen. Sir Michael Jackson's appeal for Serbs to stay.

Among the many things that went unreported in the American press were the reactions of those who actually pressed the triggers in NATO's war. In Europe, however, the awful facts are coming out. Take, for instance, the sensational confessions of a Spanish air force officer, reported in the Spanish weekly *Articulo 20* (June 14):

> Captain Adolfo Luis Martin de la Hoz, who returned to Spain at the end of May after having participated in the bombings since the beginning, is . . . categoric: "The majority, even if not all, of my colleagues are against the war in general, and against this war of barbarity in particular." . . . The suspicions that NATO's repeated bombings of civilian victims and non-military targets are not the result of "errors"