8-5-2016

# Another 40 Years of Inequity: Two-Tier Schooling as the Lasting Legacy of Desegregation Policy in St. Louis, Missouri

Renee L. Racette
*University of Missouri-St. Louis*, rlracette@gmail.com

# Another 40 years of Inequity: Two-Tier Schooling as the Lasting Legacy of Desegregation Policy in St. Louis, Missouri

BY

Renée L. Racette

Ed. S. University of Missouri-St. Louis, 2013
M. Ed., Educational Administration, University of Missouri-St. Louis, 2009
B. A., Biochemistry and Women's Studies, University of Wisconsin-Madison, 2005

A Dissertation Submitted to The Graduate School at the University of Missouri-St. Louis
in partial fulfillment of the requirements for the degree
Doctor of Philosophy in Education
with an emphasis in Educational Leadership and Policy Studies

August 2016

Advisory Committee

Matthew Davis, Ph.D.
Chairperson
Lynn Beckwith, Ph.D.
Kathleen Brown, Ph.D.
Thomas Hoerr, Ph.D.
Claude Weathersby, Ph.D.

Abstract

The St. Louis Public Schools of St. Louis, Missouri were at one time the second largest segregated school district in the United States. In the years since *Brown v. Board of Education* ruling in 1954 and 1955, the school district of St. Louis has been attempting to desegregate as ordered by the courts. A group of North Side parents brought a lawsuit against the district and the State of Missouri that, after many years of litigation, found both parties to be liable for maintaining segregated schools, but an out-of-court settlement was reached. As a result of this suit and subsequent decisions, the 1975 Consent Decree, 1980 Intracity Settlement Agreement, and 1983 Interdistrict Settlement Agreement provided African American children in the city of St. Louis several new options for schooling that included both busing to majority white districts in St. Louis County and magnet schools within the city school district.

The focus of this study is the magnet school system that was created as an outcome of the litigation and the two-tiered school district it subsequently created over the last forty years. Magnet schools, also known as selective enrollment schools, are provided extra resources, staff members, and location in desirable neighborhoods whereas comprehensive schools, also known as neighborhood or open enrollment schools, are not provided these extra resources yet enroll large numbers of African American children. It will be argued that this lasting legacy of *Brown* is inherently unjust and unequal and in fact contributes to the systemic racism experienced by people of color in the city of St. Louis.

Throughout this dissertation, the terms African American and Black will be used interchangeably.

Table of Contents

## Chapter 1: Introduction

Public schools in the United States have an important function to educate students to become productive citizens, yet there are no federal laws outlining how schools should be organized or established, as supported by the 10th Amendment to the United States Constitution. States and local school boards throughout the U.S. have that responsibility as the framers of the Constitution intended with the division of federal and state powers. Specifically, the Missouri Legislature established free schools across the state in 1845. However, students of color in Missouri have not been given the same opportunity for, or access to, education as their white peers, as evidenced in 1847 when the Missouri Legislature barred African American students from learning to read, write or even assemble in public.[1] This prevailing mentality about the rights of African Americans was due to its admittance to the Union as a slave state, as part of the Missouri Compromise. In 1875, revisions to the Missouri Constitution included a provision for the establishment of racially separate schools for children.[2]

Due to Missouri's location along the Mason-Dixon Line and its status as a border state, the population of African American school-aged children continued to rise through the 1800s. As a result, African American adults used any means necessary to educate their children, going to great lengths, including instituting schools on riverboats, to ensure their next generation could read, write and participate in society as an educated equal to white people.[3] By 1875, these efforts combined with the continued influx of

---

[1] Justin D Smith, "Hostile Takeover: The State of Missouri, the St. Louis School District, and the Struggle for Quality Education in the Inner City," *Missouri Law Review*, 74, no 4. (2009): 1143-1169.

[2] Kimberly Norwood, "Minnie Liddell's Forty-Year Quest for Quality Public Education Remains a Dream Deferred," *Washington University Journal of Law and Policy*, 40, no. 1 (2012): 1-65.

[3] Smith, "Hostile Takeover."

African Americans to Missouri led to the creation of the first African American High School west of the Mississippi, located in St. Louis city. Sumner High School served as a magnet for Black families across the state and region because nowhere else could their children have access to this level of education.[4] Non-city residents who sent their children to Sumner High School had to pay $100 tuition to the district.[5] This caused many African American families to move into the city to gain access to the school system within the city limits.

The struggle of African Americans to gain access to education was significantly aided by the passage of *Plessy v. Ferguson* in 1896.[6] Legally, the district, city and state had to provide separate but equal public spaces, including schools. This ruling gave African Americans a legal method to push the local school board and the state to provide schools for their children, which was critical given the rising African American population in St. Louis City and the surrounding county areas. African American students living in the county surrounding St. Louis city were able to attend Sumner High School among other St. Louis Public Schools (SLPS) schools serving African American families.[7] Although the Black and white schools were definitively not equal, African American students still had better outcomes and access to education than in years prior to the passage of *Plessy.*

**History of Court Decisions**

The Board of Education operating in the city of St. Louis, Missouri, maintained separate schools for many years until the *Brown v. Topeka Board of Education* ruling in

[4] Melanie Adams, "Advocating for Educational Equity: African American Citizens' Councils in St. Louis, Missouri, from 1864 to 1927," (PhD diss., University of Missouri – St. Louis, 2014).
[5] Lynn Beckwith, Personal communication, June 23, 2016.
[6] *Plessy v. Ferguson,* 163 U.S. 537 (1896).
[7] Adams, "Advocating for Educational Equity."

two parts, first in 1954 and in a follow-up decision in 1955, forced a district remedy for the integration of all public schools.[8] At the time of the *Brown* decision, the St. Louis School Board was operating the second-largest segregated public school system in the country, ranked behind the Baltimore Public Schools of Maryland.[9] The St. Louis Public School district slowly integrated its schools, and, in a series of decisions between 1972 and 1983, the district was held liable for not desegregating with all deliberate speed and for using the neighborhood school concept to perpetuate segregation in the school system. In the later decisions, the State of Missouri was also named a constitutional violator alongside the SLPS district.

Proposed remedies to abolish the segregated system in SLPS included redrawing neighborhood boundary lines and integrating the technical school program. However, none of these policies were effective at integrating the schools, ultimately just shifting from de jure to de facto segregation, and these policies were seen to actually worsen segregation within the city of St. Louis.[10] Since the 1948 *Shelley v. Kraemer* decision about redlining and unconstitutional practices in mortgage lending and insurance of homes, the city of St. Louis and surrounding counties were undergoing immense and swift demographic changes.[11]

Magnet schools first appeared in St. Louis after 1976 as part of a consent decree between the defendant, the St. Louis Public Schools Board of Education, and plaintiffs,

---

[8] *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

[9] Gerald Heaney and Susan Uchitelle, *Unending Struggle: The Long Road to an Equal Education in St. Louis* (St. Louis, MO: Reedy Press, 2004); Smith, "Hostile Takeover."

[10] Smith, "Hostile Takeover"; Norwood, "Minnie Liddell's Quest."

[11] *Shelly v. Kraemer*, 334 U.S. 1 (1948); Colin Gordon, *Mapping Decline: St. Louis and the Fate of the American City*, (Philadelphia: Univ of Penn Press, 2009); Jeffrey Copeland, *Olivia's Story: The Conspiracy of Heroes behind Shelley v. Kraemer*, (St. Paul: Paragon House, 2010); Jeffrey D. Gonda, *Unjust Deeds: The Restrict Covenant Cases and the Making of the Civil Rights Movement*, (Chappell Hill, UNC Press, 2015).

African American families and children living in St. Louis, including Minnie Liddell.[12] She served as the Lead Plaintiff who spearheaded the charge in bringing this suit to court in cooperation with other African American adults and the Concerned Parents of North St. Louis.[13] Mrs. Liddell knew concretely, through firsthand experience with her own five children, the stark differences that existed between Black and white schools in the segregated school district of St. Louis. She fervently wanted her children to have access to a high-quality education that she knew was offered and available to white children. Her oldest son, Craton Liddell, was subjected to block busing due to overcrowding at his neighborhood school, Yeatman Elementary School. Block busing took students who were geographically assigned to one school and sent them elsewhere. Yeatman Elementary School was newly constructed and Ms. Liddell was upset that despite living in the attendance area for this new school, Craton was instead bused to a different school that was not new.

Every morning Craton walked down the street to board a bus with his class and teacher at an all-Black school close to his house in North St. Louis. In intact or 'block' busing, African American students were bused to formerly all-Black schools that were in horrible states of disrepair for the purposes of reducing overcrowded schools in North St. Louis.[14] In other examples, Black students from the north side were driven to an all-white school in a south St. Louis white neighborhood. These classes of children had to enter through the back doors of the white schools, experienced separate recess and lunch periods, had specific times when they could use the water fountains, and were never

[12] Smith, "Hostile Takeover." *Liddell v. St. Louis Board of Education*, 72C 100(1). *Consent Judgment and Decree.* U.S. District Court, Eastern District of Missouri (1975).
[13] Heaney and Uchitelle, *Unending Struggle;* Norwood, "Minnie Liddell's Quest."
[14] Smith, "Hostile Takeover"; Norwood, "Minnie Liddell's Quest."

integrated with the white students or faculty. In the early 1960s, almost 5,000 African American students were subjected to this policy.[15]

Initially, nine magnet elementary schools and two magnet high schools were created in SLPS as part of the Consent Decree in the *Liddell* suit, but they were not serving a substantial number of African American children.[16] By the 1978-79 school year, there were three secondary magnet schools, yet many African American students were not able to attend, and segregation continued to worsen in the city school system as white flight dramatically changed the demographic landscape of the city and region in that time period.[17]

The initial court-mandated remedies in the *Liddell* suit were continuously found to be insufficient by the courts, resulting in the 1980 Intracity Desegregation Plan. This led to another round of appeals with another out-of-court Settlement in 1983: the first voluntary desegregation settlement reached in the United States.[18] This agreement came on the eve of a pending decision by the U.S. Court of Appeals for the Eighth Circuit on the status of the most recent appeal to *Liddell* from the U.S. District Court for the Eastern District of Missouri.

The 1983 Interdistrict Settlement Agreement was a voluntary desegregation plan that was adopted by the St. Louis school district and 23 surrounding St. Louis County districts that outlined four major steps towards desegregating the SLPS: creation of a system for voluntary transfers of African American children in the city to participating county districts, the creation of a robust magnet school program in SLPS designed to

---

[15] Amy Stuart Wells and Robert L. Crain, *Stepping Over the Color Line: African American Students in White Suburban Schools* (United States of America: Yale University Press, 1997).

[16] Joan Little, "Magnets' Supply, Demand Unequal; City Whites and Blacks Face Shortage of Seats," *St. Louis Post Dispatch*, January 22, 1995.

[17] Heaney and Uchitelle, *Unending Struggle.*

[18] Smith, "Hostile Takeover."

attract white students from county districts to attend, funding for capital improvements to SLPS schools and lastly, and most significant to this study, a guarantee of quality education to those African American students left in highly segregated schools.[19]

Mandatory desegregation programs contributed more significantly than voluntary plans to white flight.[20] The 1983 Interdistrict Settlement Agreement discontinued mandatory busing within the city district and included several voluntary methods for integration. The voluntary busing plank of the desegregation plan was widely touted to be the most effective part of the plan, giving African American city students an opportunity to attend more racially balanced and higher performing schools in St. Louis County, albeit with the burden of a long bus ride.[21] In 1994, 13,500 African American students participated in the voluntary transfer program, leaving the city each morning for schools in St. Louis County.[22] By 1995, 40.6% of the African American students left in SLPS—those not participating in the inter-district transfer program—attended non-integrated schools.[23]

**Magnet Schools as a Remedy to Segregation**

Magnet schools have been a part of many desegregation plans across the United States since *Brown v. Board* required public schools to integrate.[24] Federal financial support for magnet schools was available in the form of the Magnet Schools Assistance

---

[19] Bruce La Pierre, "Voluntary Interdistrict School Desegregation in St. Louis: The Special Master's Tale," *Wisconsin Law Review* no. 971 (1987); Smith, "Hostile Takeover"; Norwood, "Minnie Liddell's Quest"; Cedric Powell, "From Louisville to Liddell: Schools, Rhetorical Neutrality and the Post-Racial Equal Protection Clause," *Washington University Journal of Law and Policy* 40, (2012): 153.

[20] David Armor, *Forced Justice: School Desegregation and the Law,* (New York: Oxford University Press, 1995).

[21] Powell, "From Louisville to Liddell."

[22] Joan Little and Cynthia Todd, "Discrimination in City Schools Lives On; But Basis is Magnet Schools, Not Race," *St. Louis Post-Dispatch*, February 20, 1994.

[23] Smith, "Hostile Takeover."

[24] Ellen Goldring and Claire Smrekar, "Magnet Schools: Reform and Race in Urban Education," *The Clearing House: A Journal of Educational Strategies, Issues and Ideas,* 76, 1 (2002): 13-15.

Program (MSAP). The MSAP provided resources in court-ordered or voluntary desegregation programs that created and maintained magnet schools. Magnet schools are a common option in desegregation plans, and in 1991, 30% of districts in the U.S. had desegregation plans that included magnet schools.[25] Specifically in the St. Louis settlement, both the State government and the State Board of Education were required to fund the large majority of the desegregation agreement.[26] Over the time period from 1983-1994, over $1 billion in state monies was spent by the SLPS to implement all parts of the desegregation plan.[27] Unfortunately, with this influx of money, financial resources stratified schools within the district, and a deep divide began separating students in magnet schools from those in traditional, comprehensive (neighborhood) schools. Specifically, the per-pupil cost was more than $9000 for magnet school students and under $7000 for students in neighborhood non-magnet schools.[28]

The goal of widespread desegregation in the SLPS through the use of magnet schools was largely unrealized in the early years after the 1983 Settlement Agreement, and there were several follow-up court interventions in the 1980s led by the Magnet School Review committee. This entity forced the district to open more magnet schools in an effort to provide more seats and further incentivize white students to return to the city school programs.[29] More African American students were using the voluntary busing option than the magnet school system, and hardly any white students were coming into the city from the county to attend the magnet schools.[30] Desegregation was not occurring

[25] Armor, *Forced Justice*.
[26] La Pierre, "Special Master's Tale."
[27] Little and Todd, "Discrimination in City Schools."
[28] *Christian Science Monitor*, "St. Louis Schools: Have-Nots vs. Have-Lots, Magnet Schools, created to aid integration, are criticized for the limited access they provide blacks, the majority of the city's students." May 23, 1994.
[29] Heaney and Uchitelle, *Unending Struggle.*
[30] Norwood, "Minnie Liddell's Quest."

to the extent expected by the Judge presiding over the Settlement Agreement. In August of 1988, presiding Judge Limbaugh ordered seven new magnets to be created that had affiliations with local cultural, educational, or business institutions.[31] Growth in magnet school enrollment was seen in the years following, with the population of students in the magnet schools going from 8000 in 1987 to 12,000 registered to attend in 1993.[32] This increase was partially due to the addition of three new magnet schools in the fall of 1993.[33]

In 1991, Missouri Attorney General William Webster brought a suit petitioning the court for unitary status for SLPS in an effort to relieve the State of financial responsibility in desegregating the schools.[34] Unitary status is the legal term used to show that a district had done everything it could to desegregate and that any remaining racial imbalance was the result of choice, not policy, thereby releasing the entity in question from any further legal requirements.[35] There were several consent decrees across the United States in the mid-1990s, but the biggest blow to state intervention and remedy for school segregation came when the U.S. Supreme Court decided in 1995 in *Jenkins v. State of Missouri* that there was no justification for an inter-district remedy for an intra-district segregation problem.[36] This decision followed an increasing number of court decisions across the nation that were shifting power to a process approach and away from the substantive equality approach of the past.[37]

---

[31] Virginia Hick, "Building Considered for Magnet School," *St. Louis Post-Dispatch*, January 26, 1989.
[32] Joan Little, "Enrollment Up at St. Louis Magnet Schools; Three New Schools Lead to 25% Increase," *St. Louis Post Dispatch*, August 26, 1993.
[33] Joan Little, "Judge Orders City to Buy Site for School; Court Wants Institution Close to Science Center," *St. Louis Post Dispatch*, July 8, 1993.
[34] Heaney and Uchitelle, *Unending Struggle;* Norwood, "Minnie Liddell's Quest."
[35] Wells and Crain, *Stepping Over*.
[36] *Jenkins v. State of Missouri* (Jenkins III), 515 U.S. 70 (1995); Heaney and Uchitelle, *Unending Struggle*.
[37] Powell, "From Louisville to Liddell."

In 1999, a settlement was finally reached that transitioned the Missouri Legislature and SLPS Board of Education away from legal responsibility and financial obligation for maintaining a legally enforceable desegregation plan while giving back local control of any desegregation efforts over the following ten years.[38] This decision indicated that unitary status had been achieved, and the transition to local control began even though 18,000 students in the SLPS attended non-integrated schools.[39] The state included a provision in the settlement agreement that postponed an accreditation determination of SLPS to allow the city school system time to rectify deficiencies.[40]

Magnet schools were continuously added to the SLPS system in an effort to attract more white students to the city schools and reverse declining enrollment, but these efforts were largely unsuccessful at doing so in significant numbers.[41]

**Problem Statement**

It is the belief of this author that the desegregation settlement put forth in response to the *Liddell* suit continues to be completely unacceptable and insufficient at resolving the lasting issue of segregation in the SLPS and proving this statement is the goal of this dissertation. Although the Interdistrict Settlement Agreement has been in existence since 1983, the SLPS system even in 2016 includes segregated schools in two tiers, magnet and comprehensive, which are both entirely separate and unequal as continually made evident by school accreditation status. While there exists no fully accredited comprehensive high schools, almost all the magnet schools are fully accredited with some even achieving accredited with distinction status. This study illuminates the grossly inequitable, tiered

[38] Smith, "Hostile Takeover."
[39] Ibid.
[40] Norwood, "Minnie Liddell's Quest."
[41] La Pierre, "Special Master's Tale."

system that currently exists in SLPS between these two school types. In the final chapter, a proposal is set forth to attempt to abolish this tiered system.

**Theoretical Frame**

Due to the nature of this study, two theoretical frames are employed to help tell the history of the desegregation litigation in the St. Louis Public Schools. Specifically, Critical Race Theory (CRT) empowers me as the author to contest the oppressive power structures in a culture.[42] Since this study focuses on the years 1954 to the present, historical analysis is also employed. Specifically, a frame of historical revisionism is used since the events, dates, costs and numerical outcomes of the various desegregation plans are known and have been recorded across many different sources. However, from what perspectives were these events recorded in local and national history? Has the story of the St. Louis schools desegregation been told accurately from the perspective of those on the margins, or have those with privilege in the dominant group told this story? I argue for a new interpretation of the desegregation litigation and tell this revised story using CRT.

The SLPS system's structure of power serves to benefit the majority race, and the different desegregation plans were one major part of this system. Because this study is an examination of power structures and who benefits from policy, critical race theory is applicable to this system. Gall, Gall and Borg state, "CRT is…a new analytic rubric for considering difference and inequity using multiple methodologies and displacement of taken-for-granted norms around unequal binaries."[43] One such binary is the tiered system

[42] Meredith D. Gall, Joyce P. Gall, Walter R. Borg, *Educational Research, An Introduction, Eighth Edition*, (New York: Pearson Publishing, 2007).
[43] Ibid, 516.

of schooling that exists in SLPS, that of the magnet and comprehensive schools, which is the primary focus of this study. Merriam explains that the crux of critical research is power dynamics, which is exactly where I centered my analysis of the two-tiered school system in SLPS.[44] For the St. Louis desegregation story, questions include who had power and access to high quality schools and who was in charge of maintaining and disseminating that power within and across schools and to children of different races? Merriam goes on to ask, "whose interests are being served by the way the educational system is organized, who really has access to particular programs"?[45] Answering that question is the focus of critical studies in education, which is why CRT is an appropriate frame to use in this study.

I would further argue that a rewriting of the three different Court plans' impact on children and families of color and its legacy to the city of St. Louis is absolutely necessary given its lasting and continuing harm on children in the city. Historical revisionists make "critiques of existing histories by subjecting them to new and sometimes politically radical interpretive frameworks."[46] Retelling the history of the desegregation in St. Louis is necessary in order to demonstrate the lack of equity that still exists today in the SLPS. Gall, Gall and Borg further state, "researchers in the critical-theory research tradition seek to apply a critical orientation toward educational practice that generates historical explanations for controversial or unjust educational practices that greatly differ from conventional, mainstream interpretations."[47] Public opinion of the magnet schools lauds them as successful schools supposedly granting access to high-

[44] Sharan Merriam, *Qualitative research: A guide to design and implementation,* (San Francisco, CA: Jossey-Bass, 2009).
[45] Ibid, 35.
[46] Gall, Gall, and Borg, *Educational Research*, 535.
[47] Ibid, 545.

quality education for the students attending them. However, little attention is paid to the quality of schools in the other portion of the system, that of the neighborhood, non-magnet, comprehensive schools. There is little public discourse regarding the fairness of this unjust, two-tiered system that has relegated thousands of students to sub-par educational institutions since its creation in the early 1970s.

**Purpose of the Study**

The purpose of this study is to critically analyze the Consent Decree of 1975, the 1980 Intracity Settlement Agreement, and the 1983 St. Louis Interdistrict Settlement Agreement of St. Louis, Missouri using the theoretical frames of Critical Race Theory and historical revisionism. Since one tenet of CRT is ending oppression, an alternative model to the current binary system of schools that exists in SLPS is proposed in the final chapter. By learning about the impacts of the actors, relationships, environments and structures, and processes, a deeper understanding of magnet school policy can be developed.[48]

**Significance of the Study**

When a problem is observed in society, is it not our responsibility as citizens to try to remedy that problem? Such is the quandary I see within the SLPS in its tiered system of education. I have worked in both magnet and comprehensive schools in my eleven-year tenure with SLPS and have seen firsthand the stark, lingering inequality that exists between the two school types. As my own race consciousness and awareness of my own "white privilege" have risen through critical scholarship and higher education, I realize the supreme importance of naming the racism and white supremacy that I observe

[48] Marcus Weaver-Hightower, "An Ecology Metaphor for Educational Policy Analysis: A Call to Complexity," *Educational Researcher*, 37 (2008): 153-167.

around me every day.[49] This dissertation is a way of witnessing racism and the impact of white supremacy in policy to a larger audience. CRT states that we must take radical steps to abolish racism and posits that a critique of existing liberal policy is necessary to move in a new direction towards equality. That is what I attempt to do with this study.

This study contributes to scholarly research in the field of CRT as it is applied to educational policy by exposing the tiered system of schools and the racist structures that contribute to the continued oppression of African American children in the city of St. Louis. Existing critiques of desegregation programs focus on inter/intra district busing policies, voluntary versus involuntary programs, and their impact on the racial balance in schools. CRT has not been used to aid in the critique of a desegregation plan involving magnet schools, which, as mentioned previously, were a component of most desegregation plans nationwide. While busing has faded out of popular policy and eventually dropped from legal mandates, magnet schools continue to exist and still have widespread support across the country. The widespread use of magnet schools is extremely problematic to consider and why this study is critically important and a necessary contribution to the literature.

Ideally, this study seeks to improve public school policy by exposing the injustice that has occurred over time in one large metropolitan school district in the United States of America. Applying CRT to the St. Louis desegregation decisions and agreements intensifies the impact of the critique being made against this policy and generates scholarly impetuous for radical change. We cannot be a country that calls itself the land of opportunity when so many of our non-white children are not given the same chance at life through a lack of access to high quality schools. The widespread use of magnet

[49] Peggy McIntosh. "White privilege: Unpacking the invisible knapsack." (1990).

schools, which contributes to tiered school systems across the country, is a lasting legacy of the aftermath of the *Brown v. Board of Education* decision that we can no longer tolerate and accept for our children of color.

**Delimitations**

This study is limited to the time period from the first *Brown v. Board* decision in 1954 to the present day in the city of St. Louis, Missouri. The primary focus of the study is on the actions of the SLPS in the years following the adoption of the 1975 Consent Decree, specifically the creation of both magnet and comprehensive schools. The quality of these schools were analyzed used the methods designed by the Missouri State School Board under the Missouri School Improvement Program (MSIP) V. The main tool of analysis was public records of the SLPS Board of Education, legal documents associated with the litigation of *Liddell,* and local print media accounts of both the magnet and comprehensive schools.

**Definitions**

**Allied Participant Observer:** As a professional in education who works directly in the SLPS schools and observes the magnet school process, this is my formal research perspective and location.

**Comprehensive (also neighborhood) school:** A school that draws students from a specific geographic area surrounding it with no admissions requirements.

**Consent Decree:** The first court decision regarding *Liddell,* came in December of 1975. It set up the first system of magnet schools in SLPS.

**Critical Race Theory (CRT):** A branch of Critical Legal Studies developed initially by Ladson-Billings and Tate that has emerged as a tool for critique of educational inequalities that exist in society.[50]

**Historical Revisionism:** The process of retelling history juxtaposed with a dominant story that has been accepted as fact.

**Intracity Settlement Agreement:** A 1980 plan established upon a Court of Appeals ruling that overturned Judge Meredith's initial decision on the challenge to the 1975 Consent Decree. It found the SLPS and State of Missouri violated the constitution by maintaining a segregated school system.

**Interest Convergence:** Derrick Bell stated that Blacks only gain racial equality when it converges with the interest of whites.[51]

**Magnet school:** A school with a specific curricular focus that employs selective enrollment criteria for the admission of students.

**Quota:** A ratio of two things, in this study primarily a ratio of Black to white students

**Racial Realism:** An idea of legal scholar Derrick Bell that states racism is persistent and permanent in society.

**Racism:** A matrix of systemic and structural conventions and customs that uphold and sustain oppressive group relationship based in race that has been found to limit status, income, and educational attainment.[52]

**St. Louis Public Schools (SLPS):** The public school district in the city of St. Louis

---

[50] Gloria Ladson-Billings and William Tate IV, "Toward a Critical Race Theory of Education", *Teachers College Record* 97, no. 1(1995): 47-68.

[51] Derrick Bell, "*Brown v. Board of Education* and the interest convergence dilemma," *Harvard Law Review,* 93 (1980): 518-533.

[52] Edward Taylor, David Gilborn, Gloria Ladson-Billings, *Foundations of Critical Race Theory in Education,* (New York: Routledge, 2009).

**St. Louis Voluntary Interdistrict Desegregation Settlement Agreement:** As a result of the *Liddell* suit, this agreement was put forth in 1983 involving 23 school districts, the state of Missouri and the U.S. Court of Appeals for the Eighth Circuit.

**Selective Enrollment:** The ability of a school to choose which students will attend annually and to reject students that do not meet specific admissions criteria.

**Unitary Status:** When a deciding court at the federal level finds a school district to have supported a sufficient amount of desegregation such that oversight by the court is no longer necessary.

**White Supremacy:** Mills asserts that White Supremacy is the unnamed global political system that has profoundly shaped the modern world. It is a system of privilege that is passed to white people without their consent or agreement and very rarely awareness of said privilege.[53]

**Summary**

The St. Louis Public School District was taken to court by a group of parents, including Minnie Liddell, beginning in 1972 and this case is still litigated in the present day. The Court found that SLPS violated the constitution by maintaining a segregated school system and the district held fiscally responsible by the U.S. District Court of Appeals for the Eighth Circuit, along with 23 other school districts and the state of Missouri. These districts entered into a voluntary settlement as an alternative to the pending decision by the Eighth Circuit Court to create one large metropolitan school district. The voluntary settlement allowed them to have ownership over the

[53] Charles Mills, *The Racial Contract,* (Ithaca, NY: Cornell University Press, 1997).

desegregation plan and its implementation, rather than being forced into a metro-wide merger of all the named school districts.

One consistent piece of the three different desegregation plans put forth by the court was the creation of magnet schools: schools offering specialized academic programs that would serve as integrated schools in the district. Unfortunately, these schools only further perpetuated inequality within the district as they formed one half of a tiered system of schools that gave more money and resources to the magnet schools and left the comprehensive schools to physically deteriorate and decline in achievement.

Chapter Two of this study highlights the literature around this topic, looking at other desegregation plans nationwide and highlighting several studies that have offered critiques of these plans. It also highlights the relevant literature within CRT and justifies why it is an appropriate theoretical frame to use in this study. Additionally, Chapter Two explains historical revisionism in the literature, why it is also appropriate for use in this study and other examples of its inclusion in educational policy scholarship.

Chapter Three illuminates the research design and methodology of this study, including a personal explanation of my position as an allied participant observer and my journey to becoming a scholar of critical race theory. Chapter Four discusses my findings in the historical documents analyzed, demonstrating how white supremacy has shaped the St. Louis desegregation litigation since its inception in 1972 while giving the reader information about the judges that presided over the case throughout its history and the main committees that were tasked with proposing and executing the desegregation orders. Chapter Five highlights the counter story about the desegregation orders, highlighting how policy was not pro-African American and not wholly beneficial for the

plaintiffs of the suit. Chapter Six focuses specifically on the non-integrated schools (NIS) and the different programs that were implemented in an effort to increase their quality while also highlighting how ineffective they actually were. Chapter Seven tackles some of the ways white supremacy impacted policy both at the state and local level. This chapter also discusses several glaring examples of how interest convergence played a major role in shaping policy that was exclusively ordered as supportive to African Americans, not whites. Lastly, Chapter Eight presents conclusions of the study and proposes a new and radical educational policy that offers an alternative model to the current tiered system of education in the St. Louis Public Schools.

# Chapter Two: Review of Literature

## Introduction

Several themes and topics relevant to this study are reviewed in this chapter, including historical revisionism, Critical Race Theory, whiteness positioning, and critiques of desegregation and magnet school policies in the U.S.

## Historical Revisionism

Educational history is a broad field that has many subfields and nuances. A question that can be posed is: From whose perspective has the educational history been written and for whose benefit are the events recorded? Educational researchers must examine policies and analyze how these issues have shaped the inequality in the educational systems around the nation over time. One of those issues is racial inequality in school systems. Reese and Rury state, "revisionist scholars argued that the schools reinforced existing patterns of discrimination and inequality".[54]

The field of historical revisionism in education came about in the 1960s and 1970s with examinations of colonial education in the publication of Bernard Bailyn's essay, *Education in the Forming of American Society.*[55] This essay was a first attempt at telling a new and different story about the history of education in the U.S. Bailyn launched a new field in education, one that garnered much support and interest.[56] Given the turbulence across the United States during the 1960s and 1970s, it is no surprise that

---

[54] William J. Reese and John L. Rury, *Rethinking the History of American Education* (New York: Palgrave Macmilliam, 2008), 1.
[55] Ibid.
[56] Bernard Bailyn, *Education in the Forming of American Society: Needs and Opportunities for Study* (Chapel Hill, NC: University of North Carolina Press, 1960).

these young revisionists were making waves and exposing the lie of schools as the great equalizer in society, serving the interests of all students, regardless of race. Now that a new field was developing, scholars, including Bailyn, Cremin, Katz, Spring, Kaestle and Schultz among others, adamantly took up the cause and began telling the story of educational history in new ways.[57] The revisionist perspective is one I wrote from in this study, as "revisionist themes of injustice and exploitation remain[ed] important in this broad body of work."[58] The revisionist style of writing history from a different perspective attempts to liberate oppressed people by highlighting their oppression and situating it within the larger progression of time. As stated by Gaddis, "the sources of oppression are lodged in time and are not independent of that time…which makes its [history's] liberating effects all the more powerful".[59] In this statement, Gaddis gives the educational historian important justification for the importance of using history in a liberating way.

**Educational Policy Critique**

Educational policy analysis is an extremely complex task, as many considerations must be made in thinking about what generated the policy, how it was implemented, what factors contributed to its creation, and how it is funded. Weaver-Hightower provides a poignant and purposeful way to consider policy, one that draws on the concept of ecology

[57] Lawrence A. Cremin, *The Wonderful World of Ellwood Paterson Cubberly: An Essay on the Historiography of American Education*. (New York:Teachers College Press, 1965); Michael B. Katz, *The Irony of Early School Reform: Educational Innovation in Mid-Nineteenth Century Massachusetts*, (Cambridge, MA: Harvard University Press, 1968); Joel H. Spring, *Education and the Rise of the Corporate State*, (Boston, MA: Beacon, 1972); Carl F. Kaestle, *The Evolution of an Urban School System: New York City, 1750-1850,* Cambridge, MA: Harvard University Press, 1973); Stanley K. Schultz, *The Culture Factory: Boston Public Schools, 1789-1860,* (New York: Oxford University Press, 1973).

[58] Reese and Rury, *Rethinking History*, 6.

[59] John L. Gaddis, *The Landscape of History: How Historians Map the Past* (New York: Oxford University Press, 2002, 146).

to provide a framework for analysis.[60] Ecology is the study of how organisms interact with and in their environment, considering both biotic and abiotic factors. Weaver-Hightower situates this concept in policy analysis and expands it further in stating, "a policy ecology consists of the policy itself along with all of the texts, histories, people, places, groups, traditions, economic and political conditions, institutions, and relationships that affect it or that it affects."[61]

Policy ecology consists of four major categories: actors, relationships, environments, and structures.[62] The various parts of St. Louis desegregation efforts are examined through these four categories in an attempt to highlight the complexities within this policy in a strategic and organized way. This method is precisely what is necessary for this study as Weaver-Hightower explains, "a policy ecology metaphor creates … new progressive potentials and effective means for critiquing policies that serve the interested of only the few and for creating the kind of policy that makes a difference for educators and their students."[63] It is the hope of creating new potential policy that draws me to this framework, since I argue that magnet schools in St. Louis serve to benefit only a few, not the majority, of students in the city.

**Critical Race Theory Overview**

The field of Critical Race Theory (CRT) is an offshoot of Critical Legal Studies (CLS), and its application to the field of education can be primarily traced to a paper coauthored by Gloria Landson-Billings and William Tate in 1995.[64] CLS was not

[60] Weaver-Hightower, "Ecology of Policy."
[61] Ibid, 155.
[62] Ibid.
[63] Ibid, 163.
[64] Gloria Ladson-Billings and William Tate IV, "Toward a Critical Race Theory of Education", *Teachers College Record* 97, no. 1(1995): 47-68.

equipped to provide strategies for societal transformation: the impetus for CRT. Taylor asserts that CRT "holds the promise to inform educational strategies and renew efforts of resistance," which is why is it appropriate to apply in this study.[65] CRT provides a set of operating paradigms that allows educational researchers to talk about topics like race, the permanence of racism, white supremacy, and white privilege in scholarly ways.[66]

The first claim of CRT that legal scholars Derrick Bell and Richard Delgado have prominently and repeatedly stated is that racism is permanent, normalized, and a major influence in United States society.[67] Employing the primary strategy outlined by CRT, this study first highlights how racism is a major part of the St. Louis desegregation litigation. Bell has a very pessimistic, albeit realistic, view of the permanence of racism outlined in his piece, *Racial Realism.*[68] Bell states, "In spite of dramatic civil rights movements and periodic victories in the legislatures, Black Americans by no means are equal to whites. Racial equality, is, in fact, not a realistic goal."[69] While he acknowledges that this viewpoint is not be popular, he contends that because the courts have made little to no progress successfully eliminating the vestiges of racism, people of color must accept it in an effort to move forward with different strategies to become equal.[70] This harsh reality is experienced over multiple generations in families of color and is unfortunately the first place any Critical Race scholar must start from in order to justify the work she must do and situate it within the scholarship.

---

[65] Edward Taylor, David Gilborn, Gloria Ladson-Billings, *Foundations of Critical Race Theory in Education*, (New York: Routledge, 2009).

[66] Ibid, 12.

[67] Derrick Bell, "*Brown v. Board of Education* and the interest convergence dilemma," *Harvard Law Review*, 93, no. 3 (1980): 518-533; Derrick Bell, *Faces at the Bottom of the Well*, (New York: Basic Books, 1992); Derrick Bell, "Racial Realism", *Connecticut Law Review* 24, no. 2 (1992): 363-379; Richard Delgado, *Critical Race Theory: The Cutting Edge*, (Philadelphia, PA: Temple University Press, 1995).

[68] Derrick Bell, "Racial Realism," *Connecticut Law Review* 24, no. 2 (1992): 363-379.

[69] Ibid, 363.

[70] Derrick Bell, *Silent Covenants: Brown v. Board of Education and the Unfulfilled Hopes for Racial Reform*, (New York: Oxford University Press, 2004).

Kimberle Crenshaw furthers the discussion of oppression by including class, gender, and sexuality, in addition to many others, as categories by which people on the margins are oppressed.[71] She states "through an awareness of intersectionality, we can better acknowledge and ground the differences among us and negotiate the means by which these differences will find expression in constructing group politics."[72] This study touches on class oppression, but mainly focuses on race since that was the primary focus of the various St. Louis Desegregation decrees, settlements and court orders. That focus is not to discount all other forms of oppression but rather to shine the spotlight on a single oppression that people on the margins experience through their interaction with the St. Louis Public Schools (SLPS).

The second claim of CRT is that storytelling is the preferred method to expose racism because it honors the perspective of the oppressed individual.[73] These stories are what explain the racism that surrounds and envelops people of color every day of their existence and helps highlight the abuses they experience at the hands of the oppressor. These stories are crucial to the process of combatting racism by bringing it forth into public discourse through narration and the sharing of personal experience with racism. Delgado explains this concept further by providing three reasons why storytelling is crucial in the field of CRT. He states,

> 1. Much of reality is socially constructed, 2. Stories provide members of outgroups a vehicle for psychic self-preservation and 3. The exchange of stories from teller to listener can help overcome ethnocentrism and the dysconscious conviction of viewing the world in one way.[74]

---

[71] Kimberle Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," *Stanford Law Review* 43, no.6 (1991): 1241-1299.
[72] Ibid, 1129.
[73] Gloria Ladson-Billings and William Tate IV, "Toward a Critical Race Theory of Education", *Teachers College Record* 97, no. 1(1995): 47-68.
[74] Richard Delgado, "Storytelling for Oppositionist and Others: A Plea for Narrative", *Michigan Law Review* 87, no. 8 (1989): 2411-2441.

By bringing forward the experiences of those people relegated to the margins of society, their experience is given value and can be used to expose the racist trappings of society. Their experience as oppressed must be heard in order to move forward with new policy and continue the fight towards a more just system of education.

The third claim of CRT is that liberalism demands a critique for its role in attempting to combat racism, since it has shown no ability to abolish racism through incremental change.[75] Americans have witnessed the slow and ineffective progress of liberalism in educational policy since the 1954 *Brown v. Board of Education* decision and the enforcement of myriad desegregation policies around the country in the years after that fateful decision. Unfortunately, the law has not been favorable to people of color, and CRT argues that new methods are essential to achieve the drastic and dramatic changes necessary for equality for all people. Zamudio, Russell, Rios, Bridgeman state, "liberal education reforms fail to address the basic problems that underlie the marginal education that students of color routinely receive."[76] It is time for a new direction; CRT provides a path on which to forge ahead.

Continuing in this strand of thought is the fourth claim of CRT, that the main benefactors of civil rights legislation have been white people.[77] Derrick Bell pioneered the term "interest-convergence" to explain the discrepancy in who the benefactors of liberal policy have been, and he has written extensively on this subject.[78] Bell uses the case of *Brown v. Board of Education* to expose the benefit to white Americans of this

---

[75] Gloria Ladson-Billings, "Just what is critical race theory and what's it doing in a nice field like education?" *Qualitative Studies in Educatio*n 11, no. 1 (1998): 7-24.
[76] Margert M. Zamudio, Caskey Russell, Fransisco A. Rios, Jacquelyn L. Bridgeman, *Critical Race Theory Matters: Education and Ideology*. (New York: Routledge, 2011), 40.
[77] Ladson-Billings, "Just what is CRT."
[78] Bell, *Brown v. Board.*

decision. Specifically, Bell states, "the decision helped to provide immediate credibility to America's struggle with communist countries to win the hearts and minds of emerging third world people."[79] United States politicians around the world had mud on their faces because of the atrocities occurring on the home front, causing them to lose leverage and political power against Communism. *Brown* gave politicians a way to save face and show something was being done against segregation. Bell goes on to explain, "segregation was viewed as a barrier to further industrialization in the South," again showing how the ruling of *Brown* was a moment of interest convergence for white people.[80]

Mary J. Dudziak furthers this idea by expanding on why the United States was forced to act on segregation in the face of the Cold War.[81] She states, "the international focus on U.S. racial problems meant that the image of American democracy was tarnished".[82] The United States legislative branch was in a difficult position, forced to endorse concrete legal proceedings to eliminate segregation back home in order to fight communism abroad.[83] News stories of the unfair treatment of African Americans were making international press and made the United States look like a hypocrite in its fight against Communism.

Choosing CRT as the frame of analysis for this study is an intentional one due to the liberating nature of this work. Gloria Ladson-Billings states, "adopting and adapting CRT as framework for educational equity means that we will have to expose racism in education and propose radical solutions for addressing it…we will have to take bold and

---

[79] Ibid, 76.
[80] Ibid, 77.
[81] Mary L. Dudzaik, "Desegregation as a Cold War Imperative," *Stanford Law Review* 41, no. 1 (1988): 61-120.
[82] Ibid, 61.
[83] Bell, *Brown v. Board.*

sometimes unpopular positions."[84] Educational scholars who use CRT are accepting the charge to first name the injustice they see in school systems in the U.S. Then, we must come up with new ways to combat the injustice we've exposed. Naming the injustice victims of racism experience is one way in which the victims can be heard.[85] Bell furthers this claim by stating, "most critical race theorists are committed to a program of scholarly resistance and most hope scholarly resistance will lay the groundwork for wide-scale resistance".[86] The challenge posed by CRT is not to be accepted lightly, but in this study, I am extremely frank, as unpopular as it may be.

**Whiteness and White Supremacy**

The position of white educators and scholars has been taken up in the literature and it is worth reviewing for this study. Zeus Leonardo explains, "a critical pedagogy of white racial supremacy revolves less around the issue of unearned advantages, or the *state* of being dominant, and more around direct processes that secure domination and the privileges associated with it."[87] White people across all classes are given significant advantages in society due to their race and are able to walk through life without knowledge of being white. Their experience is completely opposite the experience of people of color who are constantly reminded of their race in daily interactions that yield microaggressions and other negative outcomes. Leonardo goes on to state, "although they [white people] clearly benefit from racism in different ways, whites as a racial group

[84] Ladson-Billings, "Just what is CRT," 22.
[85] David Solorzano and Tara Yosso. "Critical Race Methodology: Counter-Storytelling as an Analytical Framework for Education Research," *Qualitative Research* 8, no. 1 (2002): 23-44.
[86] Derrick Bell, "Who's Afraid of Critical Race Theory?" *University of Illinois Law Review* 893, (1995): 893-910, 897.
[87] Zeus Leonardo, "The Color of Supremacy: Beyond the Discourse of 'white privilege," *Educational Philosophy and Theory* 36, no. 2 (2004): 136-152, 137.

secure supremacy in almost all facets of social life."[88] Educational institutions and schools are one major place where this idea becomes elucidated.

The acts of white supremacy in schools systems have been intentionally hidden, which is what helps maintain the inherent power structures for white students and families. Leonardo describes this process: "set up a system that benefits the group [whites], mystify the system, remove the agents of actions from discourse, and when interrogated about it, stifle the discussion with inane comments about the 'reality' of the charges being made."[89] Leonardo pushes the theme of white supremacy as an alternative frame compared to discussions utilizing the concept of white privilege, explaining, "through discourses of supremacy the racial story unfolds, complete with characters, action, and conflicts. More important, resolution of the plot transforms into a discreet and pedagogical possibility."[90]

David Gillborn gives scholars three questions to consider when investigating policy and the benefactors of the policy. He states, "First…who or what is driving education policy…second…who wins and who loses as a result of education policy priorities…finally…what are the effects of policy."[91] These questions highlight the inequalities of policy and the white benefactors behind the scenes. He goes on to summarize, "…race inequity and racism are central features of the education system. These are not aberrant nor accidental phenomena that will be ironed out in time, they are fundamental characteristics of the system. *It is in this sense that education policy is an*

[88] Ibid, 140.
[89] Ibid, 148.
[90] Ibid, 150.
[91] David Gillborn, "Education policy as an act of white supremacy: whiteness, critical race theory and education reform," *Journal of Education Policy* 20, no. 4 (2005): 485-505, 492.

*act of white supremacy"* (italics in original).[92] He further explains that unless policy is intentionally working to level the playing field between students of different races, the system will function to support white supremacy through policies such as tracking, testing, and funding.[93]

**Major Desegregation Policy Critiques**

Many studies exist debating the effectiveness of desegregation plans around the U.S. A few of the major books written are *The Carrot or the Stick for School Desegregation Policy,* by Christine Rossell and *Forced Justice,* by David Armor.[94] Both books take a comprehensive approach to explaining what different local school boards across the country did in desegregation efforts.. They use metrics like the index of dissimilarly (how evenly two races are distributed across a region), index of racial isolation (ratio of how much a particular racial group is exposed to itself), index of exposure (how much interacting different racial groups have to each other), and ideas from sociology like the harm and benefit thesis (segregation between the city and suburban districts is harmful to city students) to show how much a district was able to desegregate.[95]

David Armor has significant research experience in the field of desegregation policy analysis. He was called on to testify in different desegregation suits across the country and was considered a leading authority in analyzing success of desegregation

---

[92] Ibid, 498.
[93] Ibid.
[94] Christine Rossell, *The Carrot or the Stick for School Desegregation Policy: Magnet Schools or Forced Busing,* (Philadelphia, PA: Temple University Press, 1990); David Armor, *Forced Justice: School Desegregation and the Law,* (New York: Oxford University Press, 1995).
[95] Armor, *Forced Justice.*

efforts.[96] He has a background in educational law, policy, and sociology, which combine to give him important perspective on the myriad issues facing local and state school boards in desegregation efforts. His background in social science gives him the ability to include effective analysis of the issue of housing segregation as it connects to liability of districts in maintaining segregated schools. Armor explains the harm and benefit thesis by stating that segregated schools are harmful to the education of non-white children and desegregation is beneficial to both children of color and white children.[97] He guides the reader through the major court cases after *Brown*, explains the harm and benefit thesis through social science research, links housing segregation to school segregation and its connection to important court decisions, and analyzes mandatory and voluntary desegregation plan effectiveness. His research is comprehensive and shows that most desegregation efforts resulted in little long-term integration in schools.

Christine Rossell is another major player in desegregation research and litigation starting in the 1970s through the 1990s and is considered an expert on different measures to gauge desegregation effectiveness.[98] She compares voluntary and mandatory desegregation plans in 119 districts across the country, including an analysis of how they have changed over time, how these plans are measured for effectiveness, and the effect of magnet schools on desegregation policy. One of her main philosophical arguments is that while originally she contended that mandatory desegregation plans were more effective, once magnet-voluntary plans entered the policy landscape after the *Swann* decision, everything changed. She concludes that voluntary plans with magnet schools (as an incentive) are more effective at interracial exposure, what she considers the best measure

[96] Ibid.
[97] Ibid.
[98] Rossell, *The Carrot or the Stick.*

of desegregation. She states, "voluntary desegregation plans produce significantly more interracial exposure over time than mandatory desegregation plans."[99] Her work goes against 30 years of previous research that had focused primarily on the success of mandatory desegregation policies. She was able to prove through the use of two major data sets, one of 119 school districts, and the other of 20 large city desegregation programs, that voluntary desegregation plans resulted in longer lasting racial integration.[100]

*Exacerbation of White Flight*

While the mandatory busing of students is not the focus of this study, it does have importance to the larger discussion of desegregation programs throughout the U.S. due to the impact it had on the demographic landscape of cities and subsequently schools. Busing was a major component of court ordered desegregation plans in St. Louis and around the country from 1971-1976 and phased out by the early 1980s in lieu of expanded voluntary measures of desegregation, such as magnet schools.[101]

To specifically demonstrate the effect of busing on population figures, Rossell explains,

> at the same time that white racial intolerance was declining, white flight was increasing. With the advent of the post-*Swann* mandatory reassignment plans, white enrollment losses in the north…rose to 10 percent…and in the South…white losses went to 7.5 percent.[102]

The 1970s were a time when more and more courts were mandating cross-district busing, but it had the consequence of driving whites from the cities altogether. Mandatory busing became more unpopular as time went on and Rossell quotes a 1982 Gallup poll

[99] Ibid, 95.
[100] Ibid.
[101] Ibid.
[102] Ibid, 13.

that found "77 percent of the white population opposed the busing of school children for the purpose of racial balance."[103]

Armor also confirms these assertions in explaining that the major reason small improvements to Black exposure are seen as outcomes of desegregation policies is primarily due to the loss of white students caused by their mass exodus from the cities.[104] Without large numbers of white students remaining in public school systems, there was not a mathematical way schools could desegregate to the levels expected by the courts. It just was not possible to fully and completely integrate the schools with the students left after white flight from districts across the country, and St. Louis was very typical in this way. Mentioned previously is the contribution that busing had on the increase in white flight to the suburbs. Rossell explains this shift, "social science research suggests that there is greater white flight when whites are reassigned to minority schools, when the busing distance is longer and there are alternative to the public schools available.".[105]

Whether forced or voluntary, intra-district busing was not helping to solve the problem of segregated schools, and in the mid-1970s, districts and courts around the country began looking for new ways to integrate the public school systems as data continued to show the increasing white student migration out of the city center towards the suburbs.[106]

***Magnet Schools: Intentionally Designed for White Students***

Policy makers designed magnet schools as a new type of school with specialized curricula and flush with resources. Magnet schools first appeared in two federal district

[103] Ibid, 13.
[104] Armor, *Forced Justice.*
[105] Rossell, *The Carrot or the Stick,* 37.
[106] Ibid.

court settlements: one in Buffalo, New York and the other in Milwaukee, Wisconsin.[107] These were the first court plans to rely significantly on magnet schools to achieve desegregation. Metz explains, "magnet schools were made *formally* different from others…there quickly developed a perception that they were superior."[108] Inherent in their design, magnet schools provided more than what the traditional neighborhood school offered students. Rossell explains, "the superior resources in magnet school and the innovative curricula 'earn' the participation of whites.".[109]

Magnet schools were designed from the beginning to attract white students so that largely non-white districts could put forth the façade of integrated schools. Armor states, "Other than mandatory assignment, the only effective way to attract sizable numbers of white students to predominantly minority school is to install magnet programs that offer specialized curriculum or instructional styles not available in regular neighborhood schools".[110] Again, it is the recruitment of white students, not offering a higher quality school to African Americans, that was the impetus behind magnet schools. However,

Metz explains, "While implicit superiority in the magnet schools was a strength in the short term…in the long run it sparked controversy because it undermined the formal claim that the schools of the city were all equal".[111] If magnet schools were superior, what did that do to the public perception of neighborhood schools?

Even though magnet schools were highly specialized and filled with extra resources and special programs, high white enrollment did not always follow. Metz states, "there were longer waiting lists for Blacks at magnet schools than there were for

---

[107] Ibid.
[108] Mary H. Metz, *Different by Design: The Context and Character of Three Magnet Schools*, (New York: Routledge & Kean Paul, 1986), 20.
[109] Rossell, *The Carrot or the Stick*, 188.
[110] Armor, *Forced Justice*, 223.
[111] Metz, *Different by Design*, 21.

whites, and in some cases Blacks were on waiting lists while there were open spaces for whites.".[112] This fact links back to the ideas quoted above, that whites were still not comfortable sending their children to schools in majority African American neighborhoods. One sociology study found when the enrollment ratio exceeded 50% African American, white parents did not allow their children to attend and the school then had empty "white" seats.[113]

Interest convergence theory has been previously discussed and is a part of Rossell's analysis of the effectiveness of voluntary versus mandatory magnet programs. Rossell states, "voluntary-magnet school plans may be more effective desegregation tools than mandatory plans because they structure the environment so that the white interest in a superior education converges with the interest of Blacks in achieving racial equality".[114] This assertion demonstrates if a superior school product is put forth, just by the nature of its being exclusive, white families will be drawn to enroll their children. However, magnet schools will not overcome the purely racist mindset of some white families.

**Summary and Conclusion**

Critical Race Theory is an important part of this study and serves as the backbone for the examination of SLPS policy over the last half-century. The perspective of historical revisionism has a contested place in the history of education, but due to the nature of the subject in this study, it is extremely relevant and useful. Magnet schools were created for the main purpose of attracting white students back into districts whose student populations had been decimated by white flight in the years immediately

[112] Ibid, 21.
[113] Rossell, *The Carrot or the Stick*.
[114] Ibid, 203.

following the *Brown* decision. They were not designed with African Americans in mind, and their lingering nature is only testament to the stronghold white supremacy has on educational policy in the United States. The lasting legacy of a two-tiered system is that some schools, faculty, and students have been relegated to a school they concretely know is different because it was designed that way. Rossell states, "the principals, teachers, and students in the regular [non-magnet] schools may feel as if they are the stepchildren of the school system.".[115]

[115] Ibid, 201.

# Chapter Three: Methods

## Introduction

In this study, the problem of tiered schooling within the St. Louis Public Schools (SLPS) is the focal point of the research. Since *Brown v. Topeka Board of Education,* public school districts around the country have grappled with the best and most effective way to desegregate schools, often coming up shorthanded. Schools in urban areas across the United States have not largely been successfully desegregated, yet significant amounts of money have been spent by legislatures and state and local school boards towards this end since the initial 1954 court decision and others that followed *Brown*. Specifically, the St. Louis Public Schools have maintained two tiers of schools since the inception of magnet schools in 1976 as part of its policy efforts to achieve desegregation. This system of tiered schools prevents all students in the city from having access to high-quality schools and the extra resources allotted to the magnet school programs.

This study aims to highlight this discrepancy in an effort to abolish this unequal system of schools through the use of Critical Race Theory as both a tool of liberation and of proposing radical change. The purpose of this study is not only to name the racist and classist practices of the SLPS that developed as a result of lawsuits, court decisions, and settlements, but also to propose an alternative system for achieving equality in the school system. Critical Race Theory requires that injustice is not only named and exposed but also that radical solutions are proposed to help abolish the injustice.

In this chapter, I outline and justify the chosen research design, situate myself as a researcher, describe the methods for data collection and analysis, explain the major

sources of data for this study, discuss the limitations of the data, and outline a timeline for the research process.

**Research Design**

This study is qualitative in nature and specifically focuses within the field of critical research as I highlight power structures and how they have been reinforced over time.[116] Merriam states that the purpose of critical research is to change, emancipate or empower the subjects highlighted in the study.[117] In critical research orientation, it is not enough to simply name injustice; the researcher must also outline a plan for change to alleviate the injustice observed in the data. Some quantitative data are included in the study to supplement and enhance the critical policy analysis, but the research orientation remains entirely qualitative.

Within the orientation of critical qualitative research, this study examines the development and implementation of a specific educational policy within the SLPS since 1954. This nature of this study lends itself to incorporating elements from the field of historical analysis as a part of the research design. This study is not solely looking at one moment in time but rather is taking the approach of a comprehensive investigation of desegregation policy over time, hence justifying a historical orientation. The methods of data collection are aided in validity and reliability by inclusion of historical methods in the design.

*Historical Revisionism*

[116] Sharan Merriam, *Qualitative research: A guide to design and implementation*, (San Francisco, CA: Jossey-Bass, 2009).
[117] Ibid.

As introduced in Chapter Two, historical revisionism is a process by which scholars look at history and reframe the outcomes of policy decisions through the impact they had on people at the margins of society, often people of color or members of the lower class. From Reese and Rury, "Katz and the other revisionist educational historians argued that the public schools were not heralds of freedom and democracy, but had served as instruments of ideological domination and economic exploitation.".[118] This frame is exactly where my study will fit into the existing scholarship. Schools have been presented to society as the great equalizer across lines of difference, but as this study shows, that is not the case in St. Louis with school desegregation policy. Using the lens of historical revisionism, this study contributes to the literature in this field and broadens the scope of what is known about how policy decisions negatively impact people on the margins. Reese and Rury further explain this justification as they argued that schools "had usually reinforced class inequities and social injustice.".[119]

Magnet school policy can also be considered curriculum for purposes of this discussion because magnet schools are traditionally organized schools that contain specialized programming within their curricular options. Watkins states, "the historical role of the curriculum vis-a-vis African Americans has been an oppressive one that supports racial inequality, class divisions and white hegemony".[120] A revisionist lens is imperative to expose these inequalities and generate impetus for radical change in the case of magnet school policy.

---

[118] Reese and Rury, *Rethinking the History*, 3.
[119] Ibid, 3.
[120] William H. Watkins, "Blacks and the Curriculum: From Accommodation to Contestation and Beyond," in *Race and Education: The Roles of History and Society in Educating African American Students*, (Boston, MA: Allyn and Bacon, 2001), 40.

*Critical Race Theory*

Within the field of critical research, I outlined in Chapter Two how Critical Race Theory is my main theory to highlight oppression. How these two fields approach research has been explained in Chapter Two, so in this chapter I instead focused on identifying my location as a researcher with regards to race, class, and gender, as these intersect to form my position and must be fully and transparently explained in order to demonstrate my ability to dissect these oppressions and explain how they intertwine in harming people of color and those in poverty.

**Position of the Researcher**

As a white scholar of CRT, it is important to explain who I am and where I am located philosophically. It is critical to consider my position with regards to qualitative research, since as Merriam notes "the researcher is the primary instrument for data collection and analysis.".[121] Critical Race Theory explains that everyone has a unique perspective that situates their experience as a result primarily of their gender, race, and class. Why is my location important to the research? I must situate myself with my white, upper middle class, female identity clearly for the audience in order to be transparent about my perspective and where I come from as a researcher. Since I benefit from white privilege and participate both intentionally and unintentionally in white supremacy, I must be transparent and honest about how my whiteness has impacted me in order to demonstrate my ability to critique a system that disenfranchises those from a different location. Knowing my location and clearly articulating it for my audience are important starting points in a qualitative CRT analysis if my voice is going to have any

[121] Merriam, *Qualitative Research,* 15.

credibility. Merriam explains that because the researcher is the primary vehicle for data collection and interpretation in qualitative research, the researcher must identify and explain biases and shortcomings ahead of data analysis.[122] What follows is my attempt to lay bare for the reader my location as a researcher.

*Who I am*

I am a white female who has worked in the SLPS since 2005. I originally came to St. Louis as a member of Teach for America and was not traditionally educated as a teacher. I taught chemistry and Advanced Placement chemistry at Central Visual and Performing Arts High School. In my time with the district, I have also worked at Roosevelt High School and Gateway STEM High School, providing me with extraordinary experiences in both magnet and comprehensive schools. Currently, I am an administrator, a position I have occupied for five years. I am an insider with regards to the SLPS system yet an outsider with regards to the receivers of school desegregation policy. Since I am not a person of color, I must be cognizant of how I represent the communities I am studying: not speaking for them in harmful or misleading ways, but rather witnessing publically the harm that policy has caused their community. As a white person, naming the harm that almost exclusively white-policy makers are responsible for is a demonstration of my anti-racist identity and an effort to use academic avenues to bring awareness to the lasting impacts of white supremacy on marginalized communities.

As a young child, my race and class never negatively impacted my educational outcomes; in fact, they afforded me great opportunity. At six years old, I move with my family to Indiana from Kansas as a result of my father receiving a job offer at a local

[122] Ibid.

hospital. He was offered jobs in two other cities, but he and my mother specifically chose Indiana as it had the highest-rated school system of the three offers he received. So, from the beginning of my formal schooling, my parents clearly exercised choice with regards to the educational system in which they placed my brothers and me. That choice was a result of their location, both racially and financially. I first began to peel back the layers of my privileged position as a Women's Studies major in college. It was in the pursuit of that degree that I got my first exposure to understanding the immense privilege I had been granted by my whiteness and class position.

I was never subjected to harmful education policy as a K-12 student; rather, I had access to a high-quality public school system throughout my educational career. Both of my parents and half of my grandparents have advanced degrees, and my extended family has all completed an undergraduate education at a minimum, with several possessing advanced degrees. My family history is one that exudes privilege with regards to educational opportunity since generations of my family have had access to both high quality K-12 schools and the ability to pursue higher education with financial support from the family when needed.

Additionally, I am not native to St. Louis; therefore I did not grow up within or around the complex social system I am studying. This city is a unique case study for researching educational systems, and people experience the educational landscape here very differently, depending on their race, gender, and class. Thus, I did not have the same experience I am studying. Merriam describes the emic (insider) and etic (outsider) perspectives in the description of qualitative research.[123] I feel I have both perspectives, to some degree. While I did not grow up or experience the SLPS firsthand, I now work

[123] Ibid.

inside the system and have experienced the two different school types (magnet and comprehensive) I am researching.

**Data Sources and Categories**

For the purposes of this study, data used is from primary source documents of varying types. This study does not heavily rely upon secondary source documents, as the critique of desegregation policy being made in this study has not been primarily featured in the literature. As outlined in Chapter Two, while analysis has been made about the various St. Louis desegregation plans, it has largely focused on inter/intra district busing, so secondary sources are going to be limited in the new knowledge they can provide this study.

Several different types of data are used in this study, and they are described next using explanations found in Merriam and Gall, Gall, and Borg.[124] Personal documents as a formal description include examples of written communication to parents about the magnet school enrollment process, personal communication between individuals, and letters from members of the district to the superintendent or legal counsel. Public records in this study refer to documents that are official in nature, emanating from a public organization or a legal entity such as the Missouri Supreme Court. Some examples of public records would be school board minutes, desegregation policy literature, handbooks, court testimony, and school achievement reports. Merriam explains that while newspapers could be considered part of the public record, and because they are written for an audience in a specific time to convey a specific message, they are given the

[124] Merriam, *Qualitative Research*; Gall, Gall and Borg, *Educational Research*.

further classification as popular culture documents.[125] Newspapers represent an important archival data source for this study, specifically because of the variety of racial perspectives they represent. Quantitative records were also integrated into this study and include enrollment data, school budgets, test scores, and any information that is primarily numerical.

A majority of the data used in this study comes from public or archival records, specifically newspaper articles, school board minutes, and transcripts or decisions from court proceedings.

**Data Collection Procedures**

The summer of 2015 is when the majority of data collection occurred, primarily at the following local institutions: Missouri History Museum, St. Louis City Library, SLPS Board of Education Archives, Mercantile Library at UMSL, and the St. Louis County Library. During this period, time was spent in the archives of the previously mentioned institutions, where I gathered information about magnet and comprehensive school policy through sources like Microfilm, card catalogue, and historical groups of files. The SLPS Board archives were accessed and copies of historical documents were made, organized by theme and date, and catalogued. Date ranges were gleaned from the newspaper record of important events to help organize and guide the research.

**Data Sources**

While working within these archival institutions, these data are used to demonstrate adopted policies and their implementation narrative after the *Brown* decision and as a result of the 1975 Consent Decree, 1980 Intracity Settlement and 1983

[125] Merriam, *Qualitative Research.*

Interdistrict Settlement Agreement. The *St. Louis Post Dispatch* has an important role to play in this study. As the largest and oldest newspaper still published in St. Louis, it was a major source of data on the perception of implementation of the desegregation plan. However, it is a primarily white, conservative institution and only offers one perspective to the story, so it does not stand alone as a data point. The *St. Louis Argus* and *St. Louis American*, two examples of prominent African American newspapers, were used as a counterpoint to the dominant narrative from the *St. Louis Post-Dispatch.* As other non-dominant, less well-known news sources were found, they were also included in data collection.

There has been other scholarship written about the St. Louis desegregation plan, and it has been included as relevant to this policy analysis and critique. These pieces of scholarship provide important context to this study, but also serve to highlight areas of deficiency in the existing literature, since their focus is mainly on inter/intra district busing. Other sources of data include the Missouri Department of Elementary and Secondary Education (DESE), the accreditation-granting institution of Missouri. This source was used to cross-reference historical enrollment patterns and school quality measures where data exists. The Missouri History Museum and the three identified library systems contain many different historical documents that were investigated and incorporated into the study as relevant. Transcripts of the legal proceedings of the different courts involved in the litigation over time with SLPS were included as they provide another piece of the story that was presented to different presiding judges at different levels of the judicial system.

There are specific data sources not chosen for inclusion in this study, specifically, personal interviews with magnet or comprehensive school attendees or their parents. Due to the timeline for completion for data collection and the proposed scope of study, these were excluded. However, there is an expressed intent to come back to this part of the study at a later date and include these important perspectives. Focusing on the official record allows the critique to be made solely with policy evidence, not memory or personal experience, therefore allowing a critique of the implementation of policy based on non-opinion sources. To me, that lends credence to the claims of white supremacy since the data sources remain objective in nature.

**Sample Process**

Purposeful sampling was used to choose which magnet and comprehensive schools are included in the study.[126] Those chosen for inclusion demonstrated strong historical narratives in both the news media and in board policy. Specifically, criterion sampling was used to select schools that are either magnet or comprehensive in their classification for the district.[127]

These stories include the gifted and talented magnet programs, visual and performing arts magnet programs, ROTC magnet programs, and the science and math focused magnet programs. These magnet programs were the most prevalent ones the courts continued to fund throughout the litigation.

The work and policies of committees appointed by the court were included as they appeared in the records. Additionally, non-integrated school (NIS) policies and programs were also investigated, and specific policies were highlighted due to the

[126] Merriam, *Qualitative Research;* Gall, Gall and Borg, *Educational Research.*
[127] Gall, Gall, and Borg, *Educational Research*.

prevalence of data explaining and documenting their impact over time. This study does not claim to be completely comprehensive regarding every policy made during the implementation of the Settlement; rather, it purposefully highlights those policies that significantly contributed to the continued oppression of students in NIS and the ways white supremacy played a role in shaping policy.

**Data analysis**

Data are reported chronologically in a narrative format to trace the development, implementation, and effect of policy over time. Various schools are included to gauge the impact of policy and to compare/contrast the effects of policy on the two school types. Since most of the data sources are primary in nature, there is no prior interpretation to rely upon. Although some documents may have a filter from the author that may cloud the truth and reality of the African American experience, these documents represent the "official" record and have been analyzed as such with an eye towards a critical analysis. Historians and librarians were used to attest to both reliability and validity of data sources discovered. The interpretation of documents and records throughout this process has been solely the responsibility of the researcher.

Both dominant and non-dominant news sources were used in addition to public record official documents, allowing varying perspectives to be highlighted and contrasted in this study. Gall, Gall, and Borg list several techniques to judge the accuracy and authenticity of historical documents: external and internal criticism.[128] External criticisms ask the following questions of the data: Is the origin of the document accurate? Is it genuine? Is it the original copy? Who wrote it, when and where? Internal criticisms

[128] Ibid.

ask the following questions of the data: Is the material contained inside the document accurate? Is the stated material consistent for the time it was written? Could events have happened in the sequence described? Does the author have expertise in this area to speak with authority? Does the author have bias? I asked myself both types of questions as I dove into the archival data.

The data analysis process started with a thorough reading for comprehension of information contained in the pieces found in the archives. Articles were summarized for inclusion and quoted as necessary in each analysis chapter. Content analysis is a procedure for describing communication and is used as appropriate with newspaper stories selected for inclusion in this study.[129]

After the data were read and analyzed, I then drew conclusions and made interpretations from the data. The literature provided possible criteria for confirming interpretations from document-based data. As quoted in Gall, Gall and Borg some criteria are, "internal coherence, external coherence, correspondence between theory and data, fruitfulness of the theoretical suppositions and the trustworthiness, credentials and status of author and supporters of interpretation."[130] With regards to the official documents of the Board of Education, they were considered authentic and not questioned for authenticity since they were retrieved directly from the Board's archives. However, studies have shown that Board documents may omit some perspectives or the experiences of marginalized children within the district, which is where this study is located. Using the official record to document how actual Board policy and legal mandates serve to continue to marginalize children of color within the SLPS is a larger goal of this study.

---

[129] Gall, Gall and Borg, *Educational Research*; Merriam, *Qualitative Research*.
[130] Gall, Gall and Borg, *Educational Research,* 293.

Because this study uses both historical revisionism and CRT as its research methods, the data analysis procedures must fit into those models. There is not one specific way outlined in the literature to conduct research or analyze data using these models; rather it is an interpretation the researcher must develop throughout the analysis. The methods of data analysis described in this section demonstrate flexibility, while also providing space to maintain scholarly acceptance in the educational landscape at large. Also, the positioning of this researcher as the primary point of analysis affirms the necessity for locating myself so clearly at the beginning of this chapter.

**Limitations**

As suggested earlier, the primary limitation with historical research of this nature is that data simply may not exist or was not found in the archives I chose for this study. While I was attempting to be as comprehensive as possible in the different sources I chose, there are pieces of the history that were probably not present in these locations or were overlooked in my searches. Owning that this study does not claim to be comprehensive of all policy or all harm done to the African American community in this time period is one way I acknowledge that gaps inevitably exist in my retelling of the history.

Since I was the one to interpret and analyze the data, my lens and perspective must be made clearly transparent for the reader, which is why I've included the thorough explanation at the start of this chapter about my location and perspective as a researcher. Since I am not a person of color or someone who has grown up in St. Louis, I have clear limits about what I can understand and synthesize as an outsider to this city. While I have spent several years studying St. Louis and over ten years working within the SLPS,

I cannot compensate for not living the experience that is the school choice conundrum facing inhabitants of St. Louis city at some time in their lives.

Lastly, one major limitation of this study was not including interviews with people who have either attended the identified schools or enrolled their children in these schools. Interviews were omitted from this study strategically and deliberately, and while this could be perceived as a glaring void, it provides a clear direction for future research and scholarship. I recognize the value of interviews and personal accounts of the injustices experienced by students attending under-resourced schools and intend to come back to these data sources in time.

At the present, the study design is complete and comprehensive in scope with solely the written records of the desegregation policy in St. Louis. To include interviews would bog down this study and ultimately delay its release. Merriam justifies this approach by stating, "one of the greatest advantages in using documentary material is its stability. Unlike interviewing and observation, the presence of the investigator does not alter what is being studied. Documents are objective sources of data compared to other forms".[131] While Board documents may be skewed in their intent or outcomes, they do not have a problem with memory or injecting opinion where fact only should be recorded.

This study focuses on the written record to investigate if the SLPS, State of Missouri judges, and committees appointed by the court have indeed acted in ways that perpetuate the subordination of people of color and maintained both separate and unequal schools. By focusing entirely on the written record, the study speaks louder and with more authority since people's interpretation of events or their emotional connection to the

[131] Merriam, *Qualitative Research,* 155.

study does not enter into the data. To clearly demonstrate the effects and impacts of white supremacy over time through school policy, I intentionally save the voice of the oppressed individuals for the second part of this story, focusing first on the specific policies that have created this apartheid-like system and illuminating them for a larger audience. As Ms. Minnie Liddell once said about herself, I too vow, "to be a fly in the authorities' buttermilk," bringing to light the grave injustice being done to children of color within the St. Louis Public School system.[132]

[132]Robert Tabscott, "Minnie Liddell's Quest." *St. Louis Beacon*, Sept. 29, 2009, accessed via https://www.stlbeacon.org/#!/content/20621/minnie_liddells_que February 3, 2015.

# Chapter 4: Setting the Framework

## Introduction

In undertaking a research project of this magnitude, covering over 40 years of policy-making, involving more than 6,000 legal briefs filed with a multitude of judges in several different levels of court, and impacting more than 100,000 children, it would be arrogant and shortsighted of me to assume I would be able to completely cover the entire story. I state, from the start, that I am cognizant of the holes in the story I tell in this dissertation. As I continue to research this saga and dive deeper into specific parts of the desegregation policy at play in the St. Louis Public Schools, those holes will become smaller, but as a historian, I will never be able to recreate the story as it originally happened with complete accuracy. This study is not intended to be a deep history; rather, it is intended to show how a critical analysis allows one to clearly see the heavy hand of white supremacy at work in public policy that superficially intended to aid a marginalized and oppressed community.

This chapter attempts to outline for the reader the different parties and individuals who had influence over desegregation policy in SLPS, while organizing them into categories of protagonist and antagonist, white supremacists and active resistors. Some actors were actively supporting structures that benefited white students and their families, whereas others were working subversively to dismantle the oppressive system of public schooling in the SLPS school district. There were also others who were working for the benefit of the African American children and families who were the intended benefactors of the litigation that Ms. Liddell originated in 1972.

Throughout this story, it is critical to acknowledge the role that white supremacy plays throughout the course of the saga. Similar to a bass drum beating cadence for an orchestra, it is always there in the background, keeping the beat for all the other instruments in the arrangement. Sometimes the score calls for the bass drum to have a more prominent role; at other times, it is faint and hardly discernable to the untrained ear.

What I am attempting to do for the reader is lay bare the facts and figures clearly demonstrating how the invisible hand of white supremacy has been steadily beating cadence in the St. Louis Public Schools for quite some time. The policies enacted continue to oppress children, and the dual system created by these policies has been established to oppress children for the foreseeable future. In court documents as early as the 1970s, policymakers knew that the plan was not working for the majority of African American children, yet they continued to push for more of the same, year after year.

**Metro-wide plan**

The newly elected Board of Education President, Mr. James E. Hurt, Jr., first proposed a regional integration plan in 1967.[133] From the *Globe Democrat*, "Convincing St. Louis County residents that helping St. Louis Public Schools solve their problem will serve their own self-interest is part of the large task Mr. Hurt has set for himself and fellow board members in the coming year."[134] This position was a very radical one for the President of the Board of Education to take and a position that led to whites viewing him as a traitor to his race because of his strong advocacy for the African American students and families of SLPS.

[133] Gus H. Lumpe, "Problems That Face St. Louis' Public Schools," *St. Louis Globe-Democrat*, October, 21/22, 1967.
[134] Ibid.

A decade later, the new president of the SLPS Board of Education was again beginning to warm up to the idea of a metro-wide desegregation plans after a report from the U.S. Civil Rights Commission came out in support of such ideas.[135] The Rev. Donald E. Mayer, Board of Education president stated, "It's a strong possibility…[in the report to Judge Meredith] the idea that a metropolitan solution should be studied, that we ought to get into that. It may be a strong part of our proposal…[the U.S. Civil Rights Commission Report] was encouraging and adds substance to what the board has been saying for a long time."[136] This position is significant because again, the president of the Board of Education, along with Dr. James DeClue, a member of the St. Louis School Board's Citizens Task Force, was advocating for African American children in ways that made white readers squeamish, especially given that they had fled the city to retreat to all-white enclaves in the county. The proposition that they be forced to integrate with the city school system was in direct opposition to the mentality that led to such dramatic white flight.

The district knew it could not get meaningful, widespread desegregation with the racial demographics of the system present in the mid-1970s, and by continually pushing for a metro-wide plan, it was trying to share the perceived burden of desegregation with the surrounding districts. As reported by Sheila Rule in the *St. Louis Post-Dispatch*,

> "The board said: 'When it is considered that the City of St. Louis, whose boundaries are coterminous with those of the school district, is neither a true economic nor a social unity, but to the contrary, merely part and parcel of a broader community, the conclusion is compelling that only a metropolitan plan, encompassing the neighboring two tiers of the school districts in St. Louis County, with their low ratio of minority students, will

[135] Linda Eardley and Victor Volland, "Board of Education proposed city-county desegregation study," *St. Louis Post-Dispatch*, February 16, 1977.
[136] Ibid.

> provide the opportunity to achieve the necessary viability and stability of the racial mix of the whole area.[137]

The district knew mathematically desegregating a district that was roughly 70% Black and 30% white was going to be a statistical impossibility. By reaching into the county for white students, the district perceived it could meet the goals of a racially balanced school system; without a more even demographic mix of children, it was impossible.

**Setting The Stage for Litigation**

In the twenty-year period following the *Brown* decision, SLPS struggled to integrate for several reasons, but the most central cause of the problem of segregated schools was segregated housing patterns, which were firmly entrenched across the city. An article in March of 1970 from the *Globe-Democrat* highlighted this problem, stating, "St. Louis…may no longer be free to allow segregated residential patterns to take their course in the form of separate schools for whites and Negroes." The article went on to explain, "In the quarter century from 1942 to 1976, white enrollment in the SLPS plunged from 78 to 37 per cent, while Negro enrollment climbed from 22 to 63 per cent."[138]

There was an underlying fear held by white policymakers, specifically on the Board of Education and at the city level, that any policy changes towards a forced integration would lead to a continued exodus of whites, only exacerbating the racial separation and disproportion. The Superintendent of SLPS in 1970, William Kottmeyer, was quoted in this article explaining that large-scale integration would "prompt the most

---

[137] Sheila Rule, "Junior Highs proposed for city integration," *St. Louis Post-Dispatc*h, February 28, 1977.
[138] Andrew Wilson, "Integrated Schools Decline," *St. Louis Globe-Democrat,* March 4, 1970.

massive exodus of whites to the county that you've ever seen."[139] He and others in SLPS knew that any policy supporting integration would face opposition and would further divide and alienate the majority of white residents in the city. Daniel Schlafly was a board member from 1953 to 1981 and was an active member of the school board, helping to shape the direction of the district through this time period.[140]

The pressure to integrate increased again in 1973 when a federal court ordered the Nixon administration to take action against eight St. Louis area school districts as reported in the *Globe-Democrat* on February 17, 1973. The article references the 1971 Supreme Court decision. The directive came from the Department of Health, Education and Welfare (HEW) and pushed districts closer to busing as a means of desegregation.[141] Pressure was mounting on policy- makers to do something, or they would be forced into litigation with the Federal government, which they stood no chance of winning.

*Financial woes exacerbate issues*

In addition to its struggles with how to successfully address segregation in the city's schools, the SLPS were also dealing with a declining tax base and population that would not support tax levees for the school system. According to Kathryn Waters, "St. Louis has had a substantial decline in property values in the last four years and the voters have turned down five proposed tax levy increases since 1971."[142] This loss of revenue and inability to increase the tax levy left the school district in terrible financial shape. In

---

[139] Ibid.

[140] Daniel L. Schlafly, *28 Years on the St. Louis School Board 1953-1981* (St. Louis: Daniel L. Schlafly, 1995). The sources I encountered failed to quote him specifically but several committee members highlighted his importance to this story and his lengthy commitment to the SLPS Board of Education, therefore he deserves a mention.

[141] Charles J. Oswald, "Local Districts told to step up integration," *St. Louis Globe-Democrat,* February 17-18, 1973.

[142] Kathryn Waters, "Court asked to overturn state school aid system," *St. Louis Globe-Democrat,* August 7, 1975.

May of 1975, the Missouri Board of Education lowered the district's rating from AAA to AA status, an indicator of financial health of school districts statewide.[143]

**Judge Meredith**

Judge Meredith was the first judge to preside over the litigation of the Liddell case: the Consent Decree signed in December of 1975. The most powerful part of this first decree was the assignment of blame for racial segregation to the St. Louis Public Schools, specifically charging the district with "perpetuating racial segregation and discrimination."[144] Judge Meredith likely knew that St. Louis whites would not accept a forced busing remedy to the problem of segregation, and thus used the moment of change to bend towards interest convergence for whites, giving them a perk imbedded within the integration efforts of the court. Here is the first example of the persistent drumbeat of white supremacy in the story of the desegregation litigation in St. Louis.

The Consent Decree began a system of magnet schools that would "be designed to make them so attractive that students of both races from all areas of the city would want to attend them."[145] Judge Meredith's ruling seemed in line with popular opinion for the white majority: that it was much more effective to use a carrot than a stick to bring integration to the white population of St. Louis.

Paul B. Rava, one of the attorneys for the SLPS, explained the shift "from compulsory to voluntary action, which is better than when it's mandated from the outside," lending credence to the common sentiment towards incentivizing integration for

[143] William C. Lhotka, "Setbacks for city schools," *St. Louis Post-Dispatch*, May 31, 1975.
[144] Kathryn Waters, "No-busing desegregation plan will go in effect next fall," *St. Louis Globe-Democrat*, December 25, 1975.
[145] Ibid.

whites.[146] Here is an example of white supremacy dictating policy through interest convergence: while African Americans brought the suit against the district for the awful conditions of their schools on the North Side and the dire situation they were in, the judicial remedy to this problem was building better schools that would in turn attract white students back to the district, effectively flipping the narrative from the plight of the African American students of the district to the benefits that could be conjured up for the white students.

According to a May 4, 1976 *St. Louis Post-Dispatch* article, Judge Meredith explained that choice would be the solution to the school integration problem facing SLPS, and the proposed school choice method of magnet schools was the best way to proceed demonstrating that interest convergence would rein in the litigation. The elected SLPS Board of Education also came out in support of choice and voluntary integration in that same *Post-Dispatch* article in 1976.[147] Again, they both held the interest of white students and families as the primary concern as they created policy in wake of the litigation brought against the district by African American families.

However, even with the promise of higher-than-average quality schools, white citizens of St. Louis were reluctant to apply for the new magnet schools. Linda Eardley reported, "Samuel Miller, Director of the magnet school program, said Tuesday that considerably more than 3,000 of the approximately 4,500 students who have signed up to attend the nine magnet schools set to open this fall are black. 'We are still recruiting, and at this point we still need white applicants,' Miller said." [148] Superintendent Robert Wentz also voiced the same concern saying he "was hopeful that enough white students

[146] Ibid.
[147] Linda Eardley, "Plans to pair some black, white schools," *St. Louis Post-Dispatch*, May 4, 1976.
[148] "Whites Sought to shift magnet school ratio," *St. Louis Globe Democrat,* August 11, 1976.

could be attracted to achieve the racial balance required by a consent decree signed last December."[149] However, four months after the opening of the first magnet schools in St. Louis, "that program involve[d] about 2,500 of the city's 88,500 students."[150] Roughly 2.8% of the students in the city of St. Louis were able to get access to the new elite magnet schools in the first year, hardly enough to have a statistically significant impact on district-wide integration efforts.

**Details of the 1975 Consent Decree**

The nine magnet schools proposed in 1976 by the district and citizens' advisory committee were "an elementary school that would stress discipline and the basics; a career-oriented junior high school; an elementary school stressing individualized learning; an elementary school emphasizing biology; an elementary school with computerized instruction; a junior high school concentrating on the arts, a school that would teach students to be fluent in Spanish as well as in English; a mathematics and science high school, and an arts high school."[151]

In addition to the formation of nine new magnet schools, the original Consent Decree also contained other ways for integration within schools to be fostered including developing programs of emphasis, pairing six high schools with 60 students each to attend special content talks at institutions around St. Louis, pairing of schools to share in extracurricular activities (sporting events, newspaper clubs, drama and music performances), team teaching, a guest speaker program to highlight accomplishments of both races, and the creation of a Vocational Information Center which would highlight

[149] Victor Volland, "4-1 Black lead in magnet school applications," *St. Louis Post-Dispatch,* August 10, 1976.
[150] Ted Gest, "Board of Education Contends Ruling may jeopardize City's schools," *St. Louis Post-Dispatch,* December 28, 1976.
[151] Linda Eardley, "Plans to pair some black, white schools," *St. Louis Post-Dispatch,* May 4, 1976.

voc-ed options in the city.[152] All of these programs would be funded by the School Board and did not involve the citizens' advisory committee, which was required as part of the Department of Health Education and Welfare grant application for the magnet schools.[153]

The Consent Decree gave the white citizens of St. Louis a palatable way to address the claims of the Concerned Parents of North St. Louis and begin new efforts, albeit minor, to desegregate the public schools. By focusing on choice instead of forcing integration through a mechanism like cross-district busing, policy was written with white students and families in mind, and those white families were specifically pandered to in order to achieve the goals of the Consent Decree.

*Funding of the Consent Decree*

Initially, funding of the Consent Decree was the responsibility of the SLPS Board of Education and was very minimal, with the district assuming responsibility for increases in transportation costs in addition to the costs of the new programs.[154] The district had tried five different times since 1971 to get a school tax levy passed, and finally in April of 1976, the city approved one by a narrow margin, earning 50.9 percent of the total vote.[155] This particular vote highlighted the deep racial division within the city, according to *St. Louis Argus*: "The intensely property-conscious South Side nearly did us in this time again, voting against humanity by an incredible two-to-one margin. North Side voters, mostly Black, favored the tax increase three to one but failed to get out

[152] Ibid.
[153] Ibid.
[154] "School Board submits desegregation plans," *St. Louis Argus*, May 6, 1976, 16.
[155] "A $12,700,00 teamwork victory," *St. Louis Argus* Editorial, April 29, 1976, 12.

the vote as well as did the organized South Siders."[156] The tax increase may have finally passed because citizens realized the district had clear next steps for integration, and white families may have seen they would benefit from the newly formed school designs. Whatever the reason, this barely passing vote by the citizens of the city was a critical step towards funding the many needs of the beleaguered district.

Leading up to and during the summer of 1976, there was a lot of action on the part of the school board to secure federal funds to operate the magnet schools. Specifically, Sam Miller, Director of the magnet school program, said, "the district expects to receive $1,500,000 in federal Emergency School Aid Act (ESAA) funds to finance the program…but that amount is less than half the funds requested by the school board last February…the district has received no word as to whether a second application for $3,500,000 submitted in July, will be approved. That money will go for two more magnet schools and additional magnet programs to be set up in September and January."[157] The district simply did not have the money to initiate the magnet schools and without the federal funding, would not have been able to run the schools effectively with their increased and highly specialized personnel and program requirements.

In the second semester of the 1976-1977 school year, the Board of Education again appealed to the Federal Government for emergency aid to further support their desegregation efforts, specifically $4.69 million dollars.[158] Robert Joiner reported in the *St. Louis Post-Dispatch*, "The board says it wants to use the funds to continue its Magnet School Program in an effort to desegregate the city's high schools and elementary

[156] Ibid.
[157] Kathy Rogers, "Magnet school officials negotiate funding," *St. Louis Argus,* August 5, 1976, 2.
[158] Robert L. Joiner, "School Board seeks US aid to cut bias," *St. Louis Post-Dispatch*, February 17, 1977.

schools."[159] Again, the district was in a situation where they could not expand magnet schools, meeting the objectives of the Consent Decree, without the support of the federal government. Because the district was without a tax increase from 1971-1975, the reserve funds had been severely depleted; thus, federal funds were critical to the success of the magnets.[160]

In the summer before the second year of implementation of the Consent Decree, Superintendent Wentz made it clear to the public that the district was behind the magnet school program, with or without federal funding. Dennis Hannon of the *South Side Journal* writes, "One measure of the value of the program is the school system's commitment to it. The magnet schools will survive even if supporting federal funds from the ESAA were lost…such a loss 'might mean some restructuring of priorities' (the board uses the federal money to spend about $400 more per child in the magnet schools than it does in the rest of the system), but he [Supt. Wentz] said he hopes to see the magnet schools become a permanent part of the St. Louis educational picture."[161] The *South Side Journal* audience was almost exclusively white families, and they were being explicitly pandered to in this article; the magnet school children get $400 more dollars each and Superintendent Wentz himself was personally guaranteeing to meet the special financial needs of the magnet schools. As a white man, he was giving white families his word that their special schools would continue to be the best the district had to offer. Again we see that the plaintiffs of the suit, the African American families predominantly on the North Side, were an after-thought of policy makers.

---

[159] Ibid.
[160] St. Louis Public Schools, "Hard times…$111 million and still shrinking," *School and Home*, August 1977, 1.
[161] Dennis Hannon, "Magnet schools: first year success spurs hope for future permanence," *South Side Journal*, June 22, 1977, 1.

*The NAACP Counter Story about the Consent Decree*

The legal support for the plaintiffs of the Liddell case was aided tremendously by the addition of the NAACP to the plaintiff side. The U.S. Court of Appeals ruled the NAACP could intervene on behalf of the plaintiffs on December 13, 1976.[162] Prior to that, Mr. Joseph S. McDuffie was serving as one of the main lawyers for the Concerned Parents of North St. Louis.[163]

While the status of the NAACP intervention was in court, they publically commented on the magnet school plan at the start of the 1976-1977 school year and filed a brief with the Court about the inadequacy of the plan. In this brief, the NAACP stated, "The School Board tells this Court in effect that everybody is happy back on the plantation. We are not."[164] The lack of a system-wide plan to address segregation in the SLPS was the main contention of the NAACP; the plaintiffs of the segregation lawsuit were not receiving enough of a remedy from the Consent Decree. The white citizens of St. Louis did not want a system-wide remedy such as busing since it was leading to racial conflict in cities like Boston and Detroit. Whites were unsupportive of citywide solutions like busing and were largely not favorable towards any system-wide measures probably due to racism they felt and internalized fear at integration.

Once allowed to intervene on behalf of the plaintiffs, the NAACP continued to question the remedy of magnet schools. Mrs. Althea T. L Simmons, the national education director "said at a press conference here yesterday that the magnet school program offering specialized curriculums in certain schools was simply, 'a method of

[162] Lilyann J. Mitchell, "Desegregation Plan Includes Busing," *St. Louis Argus,* December 16, 1976, 1.
[163] Kathy Rogers, "NAACP files objections to Court's desegregation decree," *St. Louis Argus,* January 22, 1976, 1.
[164] Kathy Rogers, "Token desegregation of schools, NAACP says," *St. Louis Argus,* August 12, 1976, 2.

delaying meaningful desegregation.'"[165] The Board of Education fought the addition of the NAACP to the plaintiff's council, and this battle reached the Supreme Court in the winter of 1977. Specifically, "By a 4-4 vote, with Justice Thurgood Marshall not voting, the Court refused to delay the effect of a ruling by the United States Court of Appeals for the Eighth Circuit here…the NAACP has contended that the [consent] decree does not go far enough in integrating the school system. Many schools have all-black or all-white student enrollments."[166]

The Board of Education knew that the addition of the NAACP was going to push the district to desegregate as much as possible and that token desegregation enacted through magnet schools was not going to be sufficient. Specifically in the first year of operating, the magnet schools at that time involved only 2,500 students of a total population of 85,000; approximately 2.9% of the district had access to the specialized schools.[167] The district knew the NAACP would be fighting for a plan that involved a much higher percentage of the children of the district, and that meant more drastic measures at integration were coming.

*Further Funding Issues of the Consent Decree*

The first major financial setback came in the summer of 1976, when the Department of Health, Education and Welfare (HEW) initially denied federal funding for the new magnet schools because of policies the district employed that "encouraged segregation," specifically the permissive transfer and gifted student programs.[168] "Policies that have perpetuated the segregation of black and white students in St. Louis

[165] "NAACP criticizes magnet program," *St. Louis Post-Dispatch*, December 29, 1976.
[166] Ted Gest, "Supreme Court refuses to bar NAACP from city schools case," *St. Louis Post-Dispatch*, February 23, 1977.
[167] Ibid.
[168] Kathy Rogers, "HEW Rejects city school grant," *St. Louis Argus*, June 10, 1976,1.

public schools have been cited by the U.S. Office of Education in temporarily disqualifying the school district from eligibility for federal desegregation funds."[169] The district's racist polices were named by an agency of the federal government and prevented a large sum of money from coming to the district, creating an urgency to pass new policy relatively quickly because the district could not develop the high quality programs promised by the Consent Decree without those funds.

The *St. Louis Argus* ran an editorial from its publisher that day criticizing the school board. In that editorial Dr. Eugene Mitchell said,

> The board has failed to monitor its programs. That failure seems to indicate a lack of commitment by board members to desegregate our public schools. A successful plan for integration requires two ingredients. First, it must be recognized that segregation does exist in our schools system. Second, parents, school personnel and board members must make an earnest and dedicated effort to end it. The rejection of our application for badly needed funds should spur board members to promptly grapple with the problem and to make the necessary recommendation as soon as possible.[170]

The Board was now exposed by a federal agency as continuing to support segregation in specific Board policies; there was no denying the Board's responsibility in making conditions worse for African American children. The drumbeat of racism was being laid bare for the public.

The threat of withholding funds was enough to immediately spur the Board of Education to institute policy changes; without the funds, the magnet schools would not have been able to open in the fall of 1976, and the Board would have been in contempt of court. They were facing quite a quagmire: they had promised specialized schools and without the federal funds, they would not be able to run those schools. Board action was swift. "With little debate the St. Louis Board of Education Monday night voted to

---

[169] Robert L. Joiner, "Segregation cited in magnet school aid ban," *St. Louis Post-Dispatch*, June 8, 1976.
[170] Eugene N. Mitchell, "From the publisher's desk, a plan is needed," *St. Louis Argus*, June 10, 1976, 12.

change three school policies that had encouraged a racial imbalance in student enrollment in the system…the quick adoption of the new policies was triggered by the announcement last week from the HEW that the district was not eligible to receive federal magnet school funds because the old policies resulted in segregation."[171] In this instance, interest convergence is clearly seen on the part of the Board of Education; they had no choice but to change segregation-enhancing policy because they could not run the mandated magnet schools without the federal funds.

**Year Two Challenges**

Once the NAACP was added as a plaintiff, they immediately began putting pressure on the district for the marked lack of integration of the magnet schools within the city boundaries. "The Court [U.S. Court of Appeals for the Eighth Circuit], ruled that the Magnet School Program is not sufficient and further decreed that the NAACP be allowed to submit an alternate desegregation plan. Further, the Court ordered that the School Board come up with an acceptable plan to be implemented by the beginning of the 1977-1978 school year and stated that this plan must be the final for desegregating the SLPS."[172] The Court gave the NAACP the power to propose an alternate plan.

In the same issue of the *St. Louis Argus*, Dr. James DeClue, who was at that time the chairman of the Education Committee for the St. Louis branch of the NAACP, wrote the issue's guest editorial. He stated, "These 4,000 students [in the magnet schools] represent approximately 3.5 percent of the total school population; approximately 96 percent of the students are retained in totally segregated schools. This is in direct violation of the laws. This represent nothing more than a token attempt to desegregate

[171] Kathy Rogers, "Board changes policies to meet HEW regulations," *St. Louis Argus*, June 17, 1976, 1.
[172] Lilyann J. Mitchell, "Desegregation Plan Includes Busing," *St. Louis Argus*, December 16, 1976, 1.

the schools in the City of St. Louis, and one which was doomed to failure as a desegregation effort, from its inception."[173] He was concise and named the problem: not enough African American students were benefiting from magnet school policies, and resulting in continued segregation on the part of the SLPS Board of Education.

**Year Three and Four- Funding Challenges Continue**

Leading up to year three of the first Consent Decree on desegregation in SLPS, funding issues again presented themselves. Going into its third year of operating magnet schools, the Board of Education "approved an application for $2,125,997 in federal desegregation funds to help finance the magnet school program next school year."[174] This request was for operational costs to support 10 of the 11 magnet schools the district was running. One magnet school could not be included in the application because it did not stay within the expected racial ratio. This application was initially denied: "'This year the federal review teams have turned down the St. Louis system's $2.1 million application in the first round of approvals,' said Lynn Beckwith, school system director of federal programs. Beckwith said the HEW officials specified that St. Louis was bypassed in the initial round because they thought projects here were doing less for desegregation than efforts in other districts."[175]

Shortly after that article was published, "The Missouri Advisory Committee to the U.S. Commission on Civil rights…voted to investigate the matter of quality integrated education in the St. Louis area."[176] A little over a month later, "federal officials have asked St. Louis school officials to explain why the Rock Spring and Pruitt schools, for

[173] Dr. James A. DeClue, "Magnet Schools no answer," *St. Louis Argus*, December 16, 1976, 12.
[174] J. Pulitzer, "Schools to seek $2.1 million in new desegregation funds," *St. Louis Post-Dispatch*, February 22, 1978. Section 3A.
[175] "Magnet Schools battle under way," *St. Louis Globe-Democrat*, May 5, 1978.
[176] Scott Anderson, "Civil Rights Commission to investigate schools," *St. Louis Argus*, May 11, 1978.

students who have disciplinary problems, have not been desegregated."[177] Because several district schools were segregated by official SLPS policy, the Office of Civil Rights (OCR) flagged this fact as a reason why funding would continue to be denied. It was apparent that there were many deeply seeded racial issues across the city's schools, and federal pressure was mounting from many different angles.

According to the *St. Louis Post-Dispatch*, eventually

> The U.S. Department of Health Education and Welfare…released almost $1.4 million for the city's magnet schools and special educational pilot programs after agreeing to a compromise on racial irregularities that had held up money…the amount of money allocated for the magnet schools is about $1.1 million less than the St. Louis Board of Education had sought for the program…the waiver indicates the HEW is satisfied with the district's promises to correct some assignment policies…The investigators had said the district's policy of assigning students to the city's two tutorial schools…increased racial isolation at the schools. HEW also cited two instances of large numbers of student transfers that increased racial isolation.[178]

This cutback was a major problem for the continuation of the magnet school program. Linda Eardley reported, "The programs at some of the magnet schools in St. Louis would be weakened under budget cuts recommended by the U.S. HEW…many supplies, librarians, counselors and teacher aides would be cut at many schools."[179] The district relied heavily on federal grants for the new programs, and without this money the district would not be able to maintain the high level of specialization in the magnet schools. So again, the district acquiesced in yet another move of interest convergence for the white patrons of the schools and modified the offending policy. The district was granted the federal funds, albeit at a reduced amount.

---

[177] Joseph Pulitzer, "U.S. tells city to explain two segregated schools," *St. Louis Post-Dispatch*, June 22, 1978.
[178] James E. Ellis, "Magnet School grant less than requested," *St. Louis Post-Dispatch*, September 19, 1978.
[179] Linda Eardley, "Cutbacks called severe blow to magnet programs," *St. Louis Post-Dispatch*, September 20, 1978, Section 1-4E.

The district made a fourth application to the HEW for grant money in the second semester of the 1978-1979 school year. Charles Burgess reported, "The St. Louis school system is trying to get more federal money for its magnet school program for next year…a request for $2,425,665."[180] With another round of funding requested, again the SLPS were caught in a situation of needing a waiver due to racial bias in programs the Board of Education operated. "The chief complaint this year…is the operation at Vashon High School of an all-black branch of the O'Fallon Technical High School vocational training center. School system officials have denied that deliberate discrimination is involved, but have promised to close the branch and take other steps to bring the entire O'Fallon program into compliance with OCR regulations."[181] The district got another slap on the wrist, was forced to change the offending, segregationist policy, and then was rewarded with HEW funds to operate the magnet schools for another school year.

The district would not change policy solely on the merits of improving the district for African American children The only entity that was proven time and time again to effect change in segregationist district policy was the federal government with its large purse strings. Money was the only consistent motivator for the district, specifically the Board of Education, forcing long overdue changes to policies that were historically detrimental to the African American children served by SLPS.

**Legal Challenges to the Consent Decree**

Throughout the implementation of the 1975 Consent Decree, there was a series of legal challenges in court over which Judge Meredith presided. Specifically, between October of 1977 and March of 1978, the newspaper record shows increasing amounts of

[180] Charles E. Burgess, "Magnet school program seeks federal money," *St. Louis Globe Democrat*, May 1, 1979.
[181] Ibid.

testimony between experts on both sides of the litigation grappling with major issues of the case. The first of the main two legal arguments was to determine if the SLPS Board of Education "policies deliberately perpetuated separation of races."[182] The second was what policy the Board should implement to desegregate the district.

*Experts as Witnesses*

Many different desegregation experts were called to testify from around the world in this case. William B. Field was one called by the plaintiffs; as a consultant, he had helped the Concerned North Side parents prepare the material in the original 1972 filing. He offered several staggering statistics in his testimony, specifically stating, "of 78 construction projects put into operation in the years 1954-1973, 61 were in black areas of the city. 'The black population was effectively corralled in these small school zones' he said."[183] He went on to say, "In 1972-1973, only 7 percent of the 105,000 students in the system were in racially non-identifiable schools for part of a day and only 4.5 percent for the full day" and "between 1967 and 1972, 90 percent of the students bused to relieve overcrowding were black and were taken from largely black attendance areas in North St. Louis to predominantly white schools in south St. Louis. However, no white students were bused to predominately black schools when white schools became overcrowded."[184] The case was building showing that the SLPS had indeed acted in ways to support the intentional and deliberate segregation of the races.

This renewed court battle highlighted for Judge Meredith the burden that had been placed on African American students in SLPS. The plaintiffs "contend that between

[182] Charles E. Burgess, "Schools' policy has stalled integration, witness testifies," *St. Louis Globe Democrat,* February 7, 1978.
[183] Ibid.
[184] Ibid.

1954 and 1962 the School Board perpetuated racially segregated schools through its power to draw attendance zones, grant transfers and make special assignments."[185] Additionally, "One problem the court must address is the scope of the violation," argued J. Gerald Hebert, attorney for the U.S. Department of Justice, another plaintiff in the case.[186] The Consent Decree did not do enough to fix the scope of the problem, and testimony against the district continued to build.

Another expert called to testify was David L. Colton, a Washington University professor who served as the university's director of the Center for Educational Field Studies.[187] His testimony centered on the cost of desegregation plans and a study he had completed for the Danforth Foundation. He testified that desegregation plans are "used to influence policymakers and policy outcomes…defendants tend to exaggerate the significance of costs…the financial plight of the schools is cited as a justification for delay in implementation…on the other hand 'plaintiffs try to minimize attention to costs, asserting that cost considerations do not justify perpetuation of past unlawful practices.'"[188] While at one point Dr. Colton was a volunteer advisor for the Board of Education, in his testimony he clearly favors the plaintiffs and shows that costs in other districts held liable in crosstown busing desegregation decisions were manageable and did not spell doom for the district. "He said estimates of the possible costs of large-scale desegregation here, ranging up to $20 million, might be evidence that there was overestimation of cost figures as a tactic here."[189] By throwing around such large

---

[185] James E. Ellis, "School Board denies cover-up of racial data," *St. Louis Post Dispatch*, February 7, 1978.
[186] Charles E. Burgess, "Misleading data used to show integration lag, school board says," *St. Louis Globe Democrat*, February 10, 1978.
[187] Charles E. Burgess, "Integration costs fuel disputes," *St. Louis Globe Democrat*, February 12, 1978.
[188] Ibid.
[189] Ibid.

numbers in testimony, the judge and others could be stunned into inaction on the issue of integration.

*Draft plans, revised and rewritten*

As drafts of possible desegregation plans were brought to the Court by the Board of Education, additional controversies emerged. Charles Burgess wrote, "A new controversy over the alleged withholding of information by the St. Louis Board of Education surfaced…This time the arguments centered on whether the final draft of an alternative desegregation plan was provided in December to attorneys for various parties in the case…it was not, according to testimony by Stephen M. Daeschner…director of evaluation for the school system."[190] Also highlighted in this article was that "Daeschner emphasized that the proposals were prepared hastily in about seven days and that they 'were only in draft form.'"[191] The district rushed to design desegregation plans for the court without prudently working through the finer details.

Other experts took a different approach in testimony, blaming the federal government and housing practices for the issues of segregation facing the SLPS. Called by the defendants, George D. Wendel, St. Louis University (SLU) professor and director of SLU's Center for Urban Programs, had a critical perspective for Judge Meredith. He "testified in line with the board's contention that continued segregated conditions in the city schools have been caused by factors beyond the control of the school system." [192] Wendel went on to say, "Financing, foreclosure and advertising practices in federal housing programs 'helped steer displaced black persons' into older housing units

[190] Charles E. Burgess, "More secrecy charges in desegregation case," *St. Louis Globe Democrat,* February 14, 1978.
[191] Ibid.
[192] Charles E. Burgess, "U.S. programs blamed for segregation," *St. Louis Globe Democrat,* March 15, 1978.

throughout the West End and North St. Louis as whites left."[193] His testimony supported the Board of Education's stance that they were not legally responsible for the segregation of city schools and to deny the severity and scope of the harm to African American children attending sub-par schools.

*Pandering to white fragility and skittishness about integration*

Dr. Wendel, in testimony before the Court, explained a 1977 study he authored that showed "evidence that court-ordered desegregation may lead to whites abandoning the public school system. That study's, financed by the Danforth Foundation…principal conclusion…was that desegregation plans…must encompass suburban as well as central city students."[194] This explanation was the second half of the fear-mongering employed as a tactic for the defense: to show that any desegregation plan would lead to further white flight, in effect negating any efforts to integrate, therefore strongly suggesting that desegregation plans be metro-wide in scope. Merging the city and county schools was the most disturbing aspect of desegregation to the white community, representing an affront to the security they paid for by moving to the county initially.

Further in his testimony, "Wendel expressed fear that such a [metro] desegregation plan 'might be hostile to good education' and to neighborhood stability, particularly in predominantly white South St. Louis."[195] This sort of fear mongering was effective with white families in St. Louis, contributing to the growing hostile racial environment around integration efforts. Busing had already been a lightning rod for fear;

---

[193] Ibid.
[194] Jon Sawyer, "Practicalities of school desegregation questioned," *St. Louis Post-Dispatch*, March 16, 1978.
[195] Charles E. Burgess, "Racial school quotas may bring white exodus, judge told," *St. Louis Globe Democrat*, March 17, 1978.

now there was a new threat to the sanctity of white schools, forcing the whites that fled for the suburbs to integrate with the city students as well.

What the NAACP counsel Richard Fields was able to highlight from this study, however, was the intentional selection of the neighborhood school concept to subversively maintain the segregated system. Jon Sawyer reported, "Wendel attributed the popularity of the neighborhood school concept in part to the fact that it presents an acceptable 'rationalization for opposing desegregation'…he [Wendel] conceded that given present housing patterns the maintenance of neighborhood schools would have the effect of freezing school populations on the basis of race."[196] The district used the neighborhood concept within a segregated city, which in turn created segregated schools. The district never looked back or considered another policy: this refusal to meaningfully integrate the school system was the cornerstone of the case being made by the plaintiffs.

As testimony continued, the defense brought another witness, University of Minnesota Professor Clifford P. Hooker, who claims, "the best scholarly analyses show that massive desegregation plans accelerate white flight and cause very limited improvement of black student achievement."[197] However, when questioned by plaintiff counsel Richard Fields, Hooker "said that if the School Board is found guilty of violating the constitutional rights of Black students, a judicial remedy must be imposed without regard to speculation on the potential effects of any desegregation plan."[198] If a constitutional violation was found, it was clear even the defense's experts knew that a city or possibly metro-wide plan would be legally required and probably the best plan at large-scale integration.

---

[196] Jon Sawyer, "Practicalities of school desegregation questioned," *St. Louis Post-Dispatch*, March 16, 1978.
[197] Charles E. Burgess, "'Fine distinctions' in schools case," *St. Louis Globe Democrat*, March 23, 1978.
[198] Jon Sawyer, "Practicalities."

According to *The St. Louis Globe Democrat*, Judge Meredith made it clear, "he will not rule on a plan until he determines if there has been a violation of students' constitutional rights."[199] There was not going to be a decision for several months, until mid-summer.[200]

**New Decision, Further Appeals, Long Awaited Implementation**

Judge Meredith released his decision regarding the appeal to the 1975 Consent Decree on April 12, 1979, "finding the St. Louis Board of Education not guilty of intentional segregation."[201] By stating that he did not find a constitutional violation, he effectively released the district and state from any wrongdoing, saying what they were trying with the initial implementation of magnets showed good faith towards fixing the school segregation problem.[202] Ms. Minnie Liddell called this "decision 'a slap in the face' to education for Black students but said the ruling fits in well with the past negative civil rights decisions coming out of Meredith's Court".[203]

[199] "New effort to make schools plan work," *St. Louis Globe Democrat* February 26, 1978.
[200] Ibid.
[201] Scott F. Anderson, "No fault, no busing, no 'justice,'" *St. Louis Argus,* April 19, 1979, 1.
[202] Heaney and Uchitelle, *Unending Struggle.*
[203] Scott Anderson, *St. Louis Argus,* "Black leadership answers Meredith", April 19, 1979, 13.

The *St. Louis Argus* was one major avenue for African Americans to voice their concerns and the editorial cartoon on April 26, 1979 was one example of how this verdict was seen.

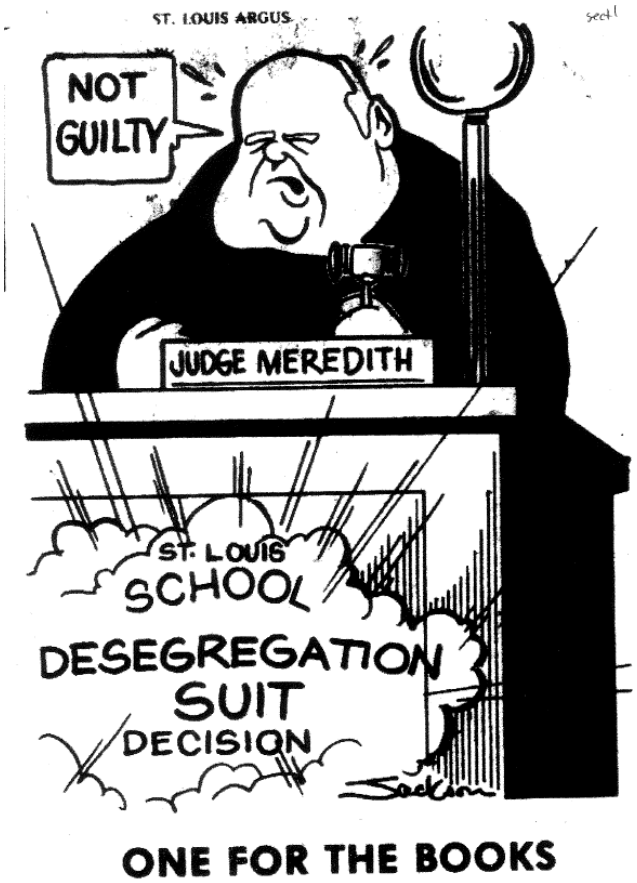


*Figure 1. St. Louis Argus Editorial Cartoon.* April 26, 1979, 12.

Fortunately, the plaintiffs were not silenced with this decision and promptly filed an appeal to the U.S. Eighth Circuit Court of Appeals. Although this appeal took almost a year to decide, the Circuit Court overturned Judge Meredith's decision in a monumental victory for Black children in the city of St. Louis as it set a legal precedent for all other challenges to come, requiring a system-wide remedy for a system-wide violation.[204] Veronica Banks reported, "The appellate court reversed Meredith's decision Monday and

[204] Heaney and Uchitelle, *Unending Struggle.*

noted: 'The district Court was clearly in error as to the constitutional requirement imposed on defendants who have formerly discriminated to state law.'"[205]

*Meredith's Decision Overturned*

The overturning of Meredith's decision marked a turning point for the plaintiffs as both the district and state were found to be in violation of the constitution and could no longer escape responsibility for desegregating the public schools of St. Louis. This was a major turning point in the *Liddell* litigation as being named as constitutional violators meant both the district and state were now legally responsible for the remedy.

The *St. Louis Argus* ran several editorials in the March 6, 1980 edition celebrating the decision and highlighting its importance for the readers of this weekly newspaper. "This week's Court of Appeals ruling, which found the public schools have deliberately promoted racial segregation, is one of the most significant events in this city's history. Everyone is reacting to it, and there are disturbing comments about city-county busing, 'white flight,' and widespread defection to private schools."[206]

The district was given 60 days to come up with a plan, involving some amount of voluntary Inter-district transfers, which would be presented to Judge Meredith for approval and implementation.[207] Edward Foote, dean of the Washington University School of Law, was appointed the chairman of the Citizen Advisory Committee, which was responsible for gathering public input on a plan compiled by an internal

[205] Veronica L. Banks, "Victory in eight-year integration battle!" *St. Louis Argus*, March 6, 1980, 1.
[206] Argus Editorials, *"Brown* back in town", *St. Louis Argus*, March 6, 1980, 10.
[207] Heaney and Uchitelle, *Unending Struggle.*

Desegregation Committee of the SLPS Board of Education.[208] This plan would then be sent to Judge Meredith for final approval.[209]

Many parents and citizens were vocally opposed to parts of the plan, specifically white parents on the south side of the city as well as those in the 24 county districts who would be expected to participate in the voluntary transfer program.[210] The *St. Louis Argus* quoted several African American members of the Citizen's Committee from a public meeting, including former Board of Education president Anita Bond and concerned citizen A. A. Albert, both of whom favored the metropolitan plan to bring true integration to both the city and county systems.[211] Mr. Albert was a fixture at Board meetings and was outspoken advocate for African American children.[212] The division was very clear: white parents and majority white county districts did not want to be bused or be required to participate in integrating schools versus Black families and activists who saw busing as a necessary step towards integration, as long as white children were expected to be bused too.

*1980 Intracity Settlement Details*

The 1980 Intracity Settlement was approved by the Board of Education on April 29, 1980 and called for busing of 4,400 white students and 3,200 Black students, with an additional 3,400 Black students being bused to alleviate overcrowding and setting up the 'feeder school concept'. In addition, the Board proposed the creation of four new magnet schools while still leaving six city high schools with all-black enrollments.[213] However,

---

[208] Ibid.
[209] Veronica L. Banks, "First desegregation draft endorsed-with reservations", *St. Louis Argus,* April 10, 1980, 1.
[210] Heaney and Uchitelle, *Unending Struggle.*
[211] Banks, "First desegregation draft."
[212] Beckwith, personal communication.
[213] Heaney and Uchitelle, *Unending Struggle.*

data reported by the *St. Louis Argus* showed a different picture, instead busing 1,067 Blacks and 1,035 whites alongside the creation of eight new magnet schools and five new specialty programs.[214] This discrepancy might be due to one source counting magnet school students being bused with those being bused purely for integration efforts in regular school environments.

While *Unending Struggle* explains that six high schools would be left untouched by integration efforts, the *St. Louis Argus* is specific about the continued harm to black students in non-integrated settings: "between 22,714 and 28,840 Black students would remain in predominately Black schools, [Superintendent] Wentz admitted, but he said, "This couldn't be helped."[215] However, to be clear: the continuation of these predominantly Black schools could not be helped with a remedy that only involved the city school district. Without the involvement of the county districts and their large white populations, the city district could never fully integrate a system that was 75:25 black to white.

With such a high number of Black students not being reached with any integration efforts, Veronica Banks explained in the *St. Louis Argus*, "Attorney Joseph McDuffie…said that the plan had several weaknesses...'as far as I'm concerned they have not followed the direction of the suit as outlined by the Court of Appeals…This plan holds no hope for the Blacks in the city, of ever having anything other than what they were accustomed to.'"[216] The Citizen's Committee "remained resolute in its unanimous calls for a metro-wide plan despite the other efforts they endorsed."[217]

---

[214] Veronica L. Banks, "Citizen Committee reacts: plan goes to Meredith," *St. Louis Argus,* May 1, 1980, 1.
[215] Ibid.
[216] Veronica L. Banks, "Plan goes to Meredith," *St. Louis Argus,* May 1, 1980, 1.
[217] Banks, "Citizen's Committee Reacts."

By the end of the month of May 1980, Judge Meredith released his revised version of the plan presented to him by SLPS Board. Ultimately, 7,000 students would be bused for various reasons (magnet schools and integration efforts); the State of Missouri was to pay half of the $22 million price tag; and the SLPS BoE, State, Department of Justice, and the county school districts had until July 1 to develop a voluntary pupil exchange plan."[218] Ms. Liddell was not happy with the plan, however, stating, "This plan is totally unacceptable. It insures that the Black child will be once again forgotten by the plan in years to come.'"[219]

*Familiar Opposition Becomes Increasingly Vocal*

As the summer of 1980 wore on, anti-plan vocalization continued from the *St. Louis Argus* with an editorial by the publisher, Eugene N. Mitchell, stating,, "It was more of a plea that an order, since nothing voluntary can be ordered, and the plea has fallen on predictably deaf ears…Next year…there will be all-Black schools in St. Louis…and all-white schools in Affton, Mehlville and Fairview. Integrated education, supposedly an ideal goal, will continue to touch only a small minority of students."[220]

By mid-June, eight county districts of 23 were receptive to a metro-level plan, whereas the majority of others including Lindbergh, Ladue, Mehlville and Affton-Bayless were publically opposed to supporting the cross-district parts of the plan.[221] Missouri, represented by Attorney General John D. Ashcroft, did not accept responsibility for paying half of the bill and predictably filled suit albeit with severe

[218] Veronica L. Banks, "Meredith hints at metro integration; appeal planned," *St. Louis Argus,* May 22, 1980, 1.
[219] Ibid.
[220] Eugene N. Mitchell, "Voluntary Desegregation," *St. Louis Argus,* June 12, 1980, 10.
[221] Veronica L. Banks, "Eight county districts interested in joining city desegregation," *St. Louis Argus,* June 12, 1980, 1.

public consternation from the SLPS BoE.[222] This appeal was quickly litigated before and denied by Judge Meredith July 29th, 1980.[223] With little fanfare, school started about a month after this appeal decision.. According to the *St. Louis Argus*, "A large percentage - perhaps more than half – of the city's Black students will attend segregated schools in spite of the order. Complete integration was not possible…because Black pupils constitute a 76 percent majority."[224] Heaney and Uchitelle state, "Absenteeism appeared to be the only expression of opposition. There were no organized boycotts, no protest demonstrations, and no public displays of hostility."[225]

Reporting on progress to Judge Meredith in November, Foote noted, "thousands of Black pupils have been turned away from magnet school, while almost all white students applying to such schools have been enrolled…ten of the 34 schools targeted for integration remain outside the court's guidelines with Black enrollment levels that are higher than were planned."[226] The committee's recommendations including making the specialized programs available more broadly to Black students in non-integrated settings. It became very clear that with a 75:25 ratio of Black to white students in the city, "any attempts at meaningful integration were going to fall short without involving the majority-white county districts."[227]

In December 1980, Judge Meredith received a plan from the State of Missouri that both the court expert, Dr. Gary Orfield, and plaintiff counsel, Joseph McDuffie, said "provided no assurance of a significant increase in integration even if every suburban district accepted its terms. In fact it specifically renounced the idea of any concrete

---

[222] Veronica L. Banks, "State challenges desegregation order," *St. Louis Argus,* June 19, 1980, second section, 1.
[223] Veronica L. Banks, "State to pay $11 million," *St. Louis Argus,* July 31, 1980, 1.
[224] Veronica L. Banks, "Desegregation begins," *St. Louis Argus,* August 28, 1980, 1.
[225] Heaney and Uchitelle, *Unending Struggle.*
[226] Steve Korris, "Orfield, Foote outline problems in report," *St. Louis Argus,* November 20, 1980, section 2, 1.
[227] Heaney and Uchitelle, *Unending Struggle.*

desegregation goals."[228] Judge Meredith declared the plan submitted was insufficient and gave a new deadline of February 2, 1981 for the State to submit a revised plan that would provide more specifics about how many seats would be open for transfer to the county among other demographic information about county districts.[229]

When the *St. Louis Argus* pushed the U.S. Department of Justice for information, they were met with silence, "I [Robert Reinstein, Special Assistant to the Director of the Department of Justice, Civil Rights Division] can neither verify nor deny reports that the U.S. Department of Justice is considering a metropolitan plan for city and county schools in the St. Louis area…It is our official policy not to make statement unless a decision is final and official."[230] In the same article, Ms. Banks reported that Judge Meredith had resigned from the case due to health reasons, and Judge William L. Hungate would be taking over supervising and litigating this contentious lawsuit.[231]

*Judge Hungate takes over Liddell*

Judge Hungate was appointed to oversee the *Liddell* case and while there was some question about his qualifications and record as a legislator, ultimately no parties in the *Liddell* suit appealed his ability to fairly adjudicate the case.[232] He took a very hard line approach to this case, having witnessed the obstructionism by the state, and he would not allow the state to continue to delay the issue, in fact he issued a rebuke to the State of Missouri on March 4, 1981 "for not having filed a voluntary city/suburban school

[228] Veronica L. Banks, "Orfield says state's plan 'renounced' integration goals," *St. Louis Argus,* December 25, 1980, 1.
[229] Heaney and Uchitelle, *Unending Struggle.*
[230] Veronica L. Banks, "Justice department silent on metropolitan school plan," *St. Louis Argus,* December 25, 1980, section 2, 1.
[231] Ibid.
[232] Heaney and Uchitelle, *Unending Struggle.*

desegregation plan within the sixty-day time limit set by Judge Meredith."[233] It was clear he meant business and the State, county districts, and other parties in the suit needed to get on board with developing a plan for the voluntary exchange of city/county students.

The state and Dr. Foote's committee went back and forth developing a plan over the next few months with Judge Hungate eventually approving a plan on July 2nd, 1981 that covered "permissive interdistrict transfers, specialized magnet schools, and educational programs designed to increase and promote constructive experiences for students of different races…with the state paying the costs and expenses of the plan for the first year."[234] As expected, the state filed an appeal, which was denied by the Eighth Circuit Court, but by the end of July, only five county districts had signed on to the plan.[235] Judge Hungate then began legal proceedings against the 18 districts that did not voluntarily sign on to participate. There were several months of back and forth, with Attorney General Ashcroft again petitioning the Supreme Court and being continuously denied.[236]

Judge Hungate, in August 1982, issued an order declaring that if the remaining recalcitrant districts didn't get in line with the voluntary exchange, their districts would be "abolished and a uniform tax rate would be applied with mandatory student reassignments by race."[237] The parents in the majority-white districts were potentially going to be forcibly pushed into becoming a part of the regional solution to integration. Judge Hungate again used Dr. Foote and Bruce La Pierre (professor at Washington University Law School) as special masters in the case to help broker a settlement between

[233] Ibid.
[234] Ibid.
[235] Ibid.
[236] Ibid.
[237] Ibid.

all the county districts and SLPS. Both the State and U.S. Department of Justice refused to sign the agreement.[238] Drs. Foote and La Pierre went back and forth between the 23 county districts and SLPS, eventually brokering a compromise and getting all parties to participate in "the nation's most extensive effort to integrate the schools of a major metropolitan area" on June 1, 1983.[239] This was seen as a tremendous accomplishment yet represented a moment of intense interest convergence for the districts, as the consequence of not agreeing to the settlement was prosecution.

*Interest Convergence for the County Districts*

The brokering of a Settlement of this size was only possible because Judge Hungate had pushed the county districts into a corner. If they gambled and didn't join the Settlement Agreement, they would then be open to a lawsuit, which could be even more detrimental to them because they did not know what the Judge could then order them to do. This ruling represents another moment of interest convergence for the white county districts. In the Settlement Agreement, they knew they would be getting a specific number of city students (which was capped at 25%). They would also be getting money from the State to "educate" these transfer students, and they would not be responsible for the cost of transportation, nor would they be open to any further litigation.[240] If they didn't sign on, the Judge could do any number of things to them and they would not be in control of his decision the way they had been able to negotiate the Settlement Agreement. Ultimately, they all took the known option, which carried a

[238] Ibid.
[239] Ibid.
[240] Ibid.

significant financial incentive and put the fears of a city-county school district merger to rest.

*Details of the 1983 Settlement Agreement*

The Settlement agreed upon racial goals for the county districts of between 15% and 25% minority enrollment, established the Voluntary Interdistrict Coordinating Council (VICC) to supervise the transfer process, granted a financial benefit to the receiving district for each city student they accepted, called for the creation of five new magnet schools in the city (of which the state would pay half of the operating costs), and established a 20:1 student: teacher ratio for the non-integrated city schools.[241] It also included funds for "the city schools to get more nurses, counselors and social workers, as well as funds so that principals could institute 'school of emphasis' programs" and provisions for remedial programs (Saturday School, role-model programs).[242]

As expected, the State Attorney General, John Ashcroft, appealed the decision; however, the Supreme Court did not take up his appeal. This final denial exhausted his options for further appeals. The Eighth Circuit set up a Budget Review Committee (BRC) to develop the financial strategy for the Settlement moving forward, and on February 8, 1984 the Settlement Agreement that started in litigation in 1972 was finally decided.[243]

**Later Decisions and Court**

There were several judges that presided over the case from the first consent decree in 1975 to the final settlement and phase out in 1999 and beyond. They were U.S.

[241] Ibid.
[242] Ibid, 125.
[243] Ibid.

District Judge James H. Meredith, U.S. District Judge William L. Hungate, U.S. District Judge Stephen N. Limbaugh, U.S. District Judge George F. Gunn Jr., and Eighth Circuit Court of Appeals Judge Gerald W. Heaney.

*Judge Meredith*

While he has received expansive explanation above, he deserves review here as the initial judge to rule against any constitutional violation by the SLPS in the 1975 decision. After the Eighth Circuit Court of Appeals overturned his decision and returned it to his court to preside over the resulting Consent Decree, he had to take a different approach. Then, as litigation was getting active again with the addition of the NAACP and the momentum leading to the 1980 Settlement Agreement, he experienced bad health.

*Judge Hungate*

Judge Hungate also received introduction in the previous section, specifically as related to the 1980 and 1983 Settlements. He was seen as a little bit of a livewire. The lawyers never quite knew what to expect from him, and the county school districts felt a certain amount of fear that he might mandate a city-county merger of schools and form a metropolitan school district, united to educate all of the children in the regional St. Louis area. This unpredictability served him well as it in some respects and helped get the county districts to agree to the 1983 Settlement.

*Judge Limbaugh*

Judge Limbaugh presided through the 1980s over the Intra-city Plan and the Settlement Agreement. He was one to carry a "big stick" and did not hesitate to show

oppositional parties the broad and equitable powers of the District Court. An article in the June 8, 1989 *Post-Dispatch* stated, "A federal judge threatened Wednesday to place the SLPS administrators or even to put the school system into receivership because of delays in implementing desegregation programs."[244] Also, the article reports, Judge Limbaugh reminds all readers of the federal court's power by stating that no conditional use permits would be needed by the SLPS to complete construction required by the desegregation program.[245] He was using his broad and equitable powers to override city permit policy in an attempt to get the magnet school construction moving faster. In *Order L(2468)89*, he minces no words: "This Court has already made one finding of contempt by the City Board. If the Court finds evidence substantiating further acts of contempt…the Court will not hesitate in replacing key administrative personnel with persons more receptive to court supervision."[246] Judge Limbaugh was transferred off the *Liddell* case on September 4, 1991 and Judge Gunn took over at that date.[247]

*Judge Gunn*

Judge Gunn exercised his power primarily in the implementation of the Capital Improvements Order. In one example of the power he exercised, he forced the SLPS to buy a very specific piece of land that would later become the new magnet school for investigative learning, currently named Compton-Drew Investigative Learning Center. Although the district had plans and litigation pending to purchase other land around the St. Louis Science Center, Judge Gunn wanted the school as close as possible and forced

[244] Tim Bryant, "U.S. Judge Warns St. Louis Schools," *St. Louis Post-Dispatch*, June 8, 1989, 8.
[245] Ibid.
[246] Judge Limbaugh, *Order L(2468)89*, June 7, 1989.
[247] Heaney and Uchitelle, *Unending Struggle.*

the SLPS to purchase two different tracks of land.[248] He is also the judge that presided over the construction of the Gateway Elementary and Middle School complex on the site of the former Pruit Igoe housing projects, one of the other major new construction projects of the Capital Improvement Plan. Additionally, he was the judge that presided over the unitary status hearings of the mid to late 1990s, eventually ruling on a decision to phase out the state payments for the magnet and non-integrated schools.

*Judge Heaney*

Judge Heaney served on the Eighth Circuit Court of Appeals and over a period of eighteen years wrote over two dozen opinions in the *Liddell* case starting in 1981.[249] He was appointed to the Appeals Court in 1966 by President Lyndon B. Johnson and wrote opinions that included strategies for integration in St. Louis.[250] He co-authored one of the most well-known books on St. Louis desegregation efforts titled, *Unending Struggle.*[251]

**Committees Set Up by the Court**

Before a deeper analysis of policy can begin, it is important to introduce to the reader the various committees appointed by the court over the years to monitor, evaluate, and recommend policy for the desegregation of the St. Louis Public Schools. This section highlights the major policy influencers while explaining whom they were fighting for since they each had a special interest that they were protecting and advocating for throughout their tenure. Not all of the specific committee members are reviewed but remain a point for further exploration and research, especially given the tremendous

[248] Joan Little, "Judge Orders City to Buy Site for School; Court wants Institution close to science center," *St. Louis Post-Dispatch,* July 8, 1993, 3A.
[249] Michael D. Sorkin, "Judge Gerald Heaney dies; brought integration to St. Louis schools," *St. Louis Post-Dispatch,* June 24, 2010.
[250] Dennis Hevesi, "Gerald Heaney, a Judge who ruled for the desegregation of public schools, dies at 92," *New York Times*, June 22, 2010.
[251] Heaney and Uchitelle, *Unending Struggle.*

influence they had shaping local desegregation policy. Some of the major players are named as deemed important by this author.

*Desegregation Monitoring Committee (DMC)*

Dr. Edward Foote was the chairman and was tasked with developing a voluntary transfer plan by Judge Hungate.[252] He was routinely used to report to the court as an expert on the SLPS desegregation plans.

*Magnet Review Committee (MRC)*

Dr. Tracy Libros served as the director of the Magnet Review Committee, and she felt that magnet schools had an important role to play in the desegregation plan, thus hijacking of the plight of the plaintiffs in the original case.[253] The mindset that magnet schools were the panacea of addressing the wrongs of a segregated school system was perpetuated by the work of this committee and others like it. One task it was responsible for was evaluating each magnet school bi-annually.[254] As explain in *Unending Struggle*, "On May 14, 1987, Judge Limbaugh relieved the existing Magnet Review Committee of its responsibilities and appointed a panel of three nationally known educators to develop a long-range plan for the magnet schools in St. Louis."[255]

*Magnet Review Panel (MRP)*

This group consisted of three education experts, Charles V. Willie (professor of education at Harvard), Eugene Reville (superintendent of Buffalo, New York), and John

[252] Heaney and Uchitelle, *Unending Struggle.*
[253] "Introduction," *Metropolitan Education,* University of Wisconsin-Madison. Number 4 (Spring 1987): 43-44.
[254] Dr. Tracy Libros, "Current status of the St. Louis plan: the magnet school component," *Metropolitan Education* Number 4 (Spring 1987): 94-97.
[255] Heaney and Uchitelle, *Unending Struggle.*

A. Murphy (superintendent of Prince George County Public Schools, Maryland).[256] They were appointed by Judge Limbaugh as a way to break through the logjam that the MRC was facing. They were all outsiders, so they did not have any local ties influencing them any particular way. They were responsible for authoring the *Long-Range Comprehensive Plan For the Magnet Schools of St. Louis, Missouri*, which was ordered by Judge Limbaugh in L(1436)87.[257]

*Budget Review Committee (BRC)*

Originally set up by the Eighth Circuit Court of Appeals in response to a state appeal of Judge Hungate's original Settlement Agreement in 1983, it was tasked with monitoring the flow of funds for magnet schools, transfer of pupils, and the remedial programs that would be created in the SLPS district.

*Desegregation Monitoring Advisory Committee (DMAC)*

This committee existed throughout the 1980s and primarily focused on monitoring the magnet schools. It was also responsible for monitoring all of the specialized programs through the B-Components of the NIS. Both DMAC and Committee on Quality Education were part of the Intra-city Settlement Plan of 1980.[258]

*Committee on Quality Education (CQE)*

Without a doubt, this committee was the first and most vocal champion of the non-integrated schools. No other entity fought as hard to ensure that the children in NIS would not be left behind and that the part of the desegregation agreement having to do

---

[256] Ibid.

[257] Magnet Review Panel, *Long-Range Comprehensive Plan for the Magnet Schools of St. Louis Missouri*, September 14, 1987.

[258] Kenneth C. Brostron, "Implementing the Desegregation Plan: A participant's perspective," *Metropolitan Education,* Number 4 (1987): 86-88.

with their protection would not be forgotten as magnet schools received more and more attention and funding. As an example, Faith A. Sandler wrote in *Metropolitan Education*, "of the black students attending school within the city of St. Louis during the past academic year [1985-1986], 67 percent attended NIS…57 percent of the black public school students from the city attended school in non-integrated settings."[259] This committee consistently highlighted gaps in spending, and Ms. Sandler wrote, "In 1984-85, the spending level for all provision of the Settlement Agreement was 86 percent. For provisions for NIS only, the spending rate was 53 percent…three of the eleven special provision of the Settlement Agreement for NIS have, as of fall 1986, been unimplemented: After school classes, Saturday classes, and the Motivational Experiences Program."[260]

A brief filed by the CQE stated, "In addition, the Court has likened the role of the Committee to that of a 'watchdog' for the interests of students attending all-black schools." [261] The members of the CQE knew they were speaking up for those students who were truly left behind and took this responsibility seriously, naming for the Court time and time again the discrepancies they saw in the implementation of the Court's orders.

*Education Monitoring Advisory Committee (EMAC)*

EMAC took over for the CQE in the early 1990s. It served the same purpose: to be a watchdog for the NIS and ensure that the best interest of the students in those schools was being promoted in desegregation litigation.

---

[259] Faith A. Sandler, "Current status of the St. Louis plan: special programs for non-integrated schools," *Metropolitan Education* Number 4 (1987): 98-103.

[260] Ibid.

[261] Committee on Quality Education, *L(2065)88 CQE Response to proposed 88/89 Settlement Plan L(2031)88 Status of B-Components for non-integrated schools,* July 22, 1988, 11.

*Voluntary Interdistrict Coordinating Committee (VICC)*

VICC was established in the 1983 Settlement Agreement to monitor and coordinate the student exchanges between the city and county districts. It included representatives from the State Department of Education, all school districts involved in the Settlement, and a member representing the NAACP and Liddell plaintiff group.[262]

[262] Heaney and Uchitelle, *Unending Struggle.*

Chapter Five: African American Reactions and Reservations to Desegregation Plans

**What Agency and Community in Desegregation Efforts?**

As early as 1970, in an article describing the loss of integration in schools, the superintendent of SLPS William Kottmeyer was quoted as saying, "It [busing] creates distance and remoteness. It causes further breakdown between the home and school, and until an intimate relationship there is re-established, everything else will be artificial whistling in the wind."[263] Is he defending a district that is desperately trying not to alienate its white constituents, or is he trying to preserve agency and community in African American neighborhoods on the north side of the city? While we may never know his intent, as policy was enacted over the following 40 years based on his position, one thing was clear: dividing up schools in the north side was never given a second thought as communities were chopped up as necessary.

A few years after this article was published, at the outset of the consent decree made in December of 1975, Minnie Liddell was extremely excited at the prospects of her organization having a voice in the plans for integration. As quoted in the *Globe-Democrat* by Kathryn Waters, Minnie stated:

> We want the plan to be one that comes from the total community, and that's why we agreed to only general language. There's nothing that ties you down to what eventually might take place…We wanted them [the board] first to admit the schools were segregated and commit themselves to doing something about that. We wanted to handle it in two phases – initially a consent judgment, and then we'll get busy with a plan that has total involvement of the community…this is what has been wrong in some other areas. A bunch of experts have come in and decided what would be good. That's why we refused to put this ball game together at once.[264]

[263] Andrew Wilson, "Integrated schools decline," *Globe-Democrat,* March 4, 1970.
[264] Kathryn Waters, "School plan aim: avoid violence," *Globe-Democrat*, December 26, 1975.

While her enthusiasm is inspiring, it is clear Ms. Liddell knew even at that early date in the bigger picture of the *Liddell* suit that they were up against quite a monster, fighting the system to do right by the children of the African American neighborhoods of St. Louis.

The involvement of the community was required in the 1975 Consent Decree and also in the different proposals to the judge, but how much community input was actually present in the final drafts of the plan? While the Concerned Parents of North St. Louis initially endorsed the 1975 Consent Decree, as they witnessed the implementation over the first few years, they grew increasingly dissatisfied. Sheila Rule reported in the *St. Louis Post-Dispatch,* "Mrs. Minnie Liddell…called the proposed plan [for integrated junior high schools] 'totally inadequate.' 'The plan is totally inadequate because it deals with such a small number of students…I understand better ideas were submitted to the board but the board completely ignored those sources."[265] The district struggled with meaningful desegregation in light of the radical imbalance in racial composition of the student body of the city.

*Voices of Opposition*

Throughout the litigation of the *Liddell* case, the Citizens' Advisory Board continued to be largely ignored by the Board of Education. Regarding the initial magnet school implementation, this organization expressed concerns about the newly created magnet school entrance requirements that required students to interview and present portfolios of artistic talent. "The Citizens' Committee, set up to review all magnet programs, has expressed its dissatisfaction of the district's second proposal which was

[265] Sheila Rule, "Junior Highs proposed for city integration," *St. Louis Post-Dispatch*, February 28, 1977.

submitted without consultation with the committee, members said."[266] They knew their children wouldn't have a fair shot at gaining entrance to schools with demanding entrance requirements, but in order to convince the white families of the city the magnet schools were something "elite," these requirements were instituted anyway.

After the 1980 Intracity Decision, the Black parents and Citizen's Committee members again expressed concern with how inadequate the new plan was at integrating the majority of Black children in SLPS and the large number that would still remain in non-integrated school settings. While the plan was being debated, a member of the committee, Mattie Devine stated, "'Several parents have expressed concern that the clustering of the schools in north St. Louis has placed this double burden on the students because they are bused and a segregated system is still maintained in many schools facilities.'"[267] The plaintiffs were again not happy with the plan because it did not provide substantial relief from the segregation that would inevitably continue. However, who was listening to them? Who cared to hear their cries?

According to an editorial run in the *St. Louis Argus* after the 1980 Intracity Settlement was finalized and sent to Judge Meredith, *"*Nearly half of the Black students in the public schools of St. Louis will be attending segregated schools next year…we are worried, however, about Cleveland and Roosevelt. These schools, with long-standing white traditions, could become the arenas where the city's fears and prejudices will clash. Black students in these schools will be a good way from home."[268] The Black citizens and committee members watching this litigation unfold knew that their children were being sent into hostile environments far away from their homes and were not hopeful

[266] Kathy Rogers, "First come-first serve basis for magnet school admission," *St. Louis Argus.* July 8, 1976, 2.
[267] Veronica L. Banks, "Double burden for Black students," *St. Louis Argus,* April 17, 1980, 1.
[268] Editorial Board, "Questioning the school plan," *St. Louis Argus,* May 1, 1980, 10.

things would go peacefully. How could this seem like an improvement to them? How did this decision hold their best interest as a core belief?

**School Location Racism**

One hurdle for any efforts at meaningful integration involved the physical location of the schools to be integrated. As the St. Louis Board of Education Citizens' Advisory Committee met to determine the location of the original five magnet schools (called for in the 1975 Consent Decree), they encountered opposition to locating those schools in the northwest area of the city.[269] Mrs. Liddell said, "The school board's magnet school plan favors students living in South St. Louis and ignores the northwest."[270] While people on the committee recognized that the north side schools were indeed incredibly overcrowded and were initially told magnet schools could be located anywhere in the city, when put to a vote, those north and northwest locations were seen at unfeasible and were voted down in favor of central or south side locations.

In the first school year of the consent decree, 1976-1977, several magnet schools were having trouble recruiting white students. Even before the school year started, the programs were significantly under-enrolled compared to the number of white students anticipated and legally needed to fill the racial quotas set by the Court. About a month before the 1976-77 school year began, the magnet schools were short 1,000 white students for all levels of programs.[271] This fact caused a certain amount of panic by the BoE because if the racial balance of 50:50, with variance of 60:40 allowed was not met,

[269] *St. Louis Argus* Editorial, "Approval withheld on magnet schools in northwest city," May 20, 1976, second section, 1.
[270] Ibid.
[271] Kathy Roger, "White students needed in magnet schools," *St. Louis Argus,* August 12, 1976, 1.

the federal magnet funds would be withheld, leaving the district in a very difficult financial situation.

A little over a month into the first semester, the situation at the magnet schools located on the north side was dire. Writing in the *St. Louis Post-Dispatch,* Victor Volland reported, "Overall black enrollment was 55.6 per cent, although in two elementary schools on the predominately black North Side white enrollment was under 10 per cent…many schools, particularly those on the North Side, have had difficulty attracting white students."[272] The departure from the expected racial ratios threatened to lead to a loss in federal funding: "Several magnet schools in St. Louis are in danger of losing federal aid because the have attracted too few white students to meet federal civil rights guidelines…last year, the school system lost about $80,000 in federal aid for the Academy of Basic Instruction because there were only six white students among 120 students in grades one through eight."[273]

Unfortunately, in the third school year of the magnet school plan, 1978-1979, the situation had not improved, with several magnet schools still majority black and exceeding the ratio set by the Court. The *St. Louis American* reported, "The schools that are further south are the ones at which the racial ratio is closer to the 50:50, Minnie Liddell…said…Some whites do not feel comfortable sending their children into black neighborhoods on the north side, she said. The program doesn't affect enough students…it only involves about 10 percent of the entire student population."[274]

---

[272] Victor Volland, "Enrollment in 11 magnet schools still 800 students short of goal," *St. Louis Post-Dispatch,* November 1, 1976.
[273] "Some magnet schools may lose federal funds," *St. Louis Post-Dispatch,* November 22, 1977.
[274] Daphne Walker, "Magnet schools to recruit more whites," *St. Louis American,* November 16, 1978, 1.

There was not much more the district could do to convince white parents to send their children to school on the north side, as the deeply-seeded racist fear of the Black neighborhood whites held was too great to be overcome by the promise of a specialized school. This fear came up throughout the litigation of *Liddell*, and it was prominently seen again when the majority-white county districts were grappling with the possible merger with the city district in the litigation of the 1983 Settlement Agreement. White parents were not willing to compromise what they viewed as their child's safety for the promise of a more elite education offered by a magnet school.

This fear explains why so few white county students came into the city when the interdistrict transfers started after the 1983 Settlement. White parents would simply not compromise what they saw as the safety of their children whereas Black parents, without widespread access to quality schools, did choose to send their children into potentially hostile environments in the hope the new school would be better than the current one. Black parents valued access to a potentially higher quality school over the risk of sending their child to a majority-white environment.

**Neighborhood Schools Shifting for 20:1 Ratio**

The SLPS district struggled to reduce the class size in the non-integrated schools (NIS), specifically on the north side of the city. While some students were supposed to be transferring out to the county as one relief for overcrowding, in addition to some attending magnet schools, there simply was not enough room at the NIS by any stretch of the imagination. The magnet schools were being held to strict court-mandated racial quotas, and, despite the interest of Black families, there was more demand than seats available. From the BoE *Report on Class Size Reduction*,

> Achieving a maximum class size of 20:1 in the NIS elementary and middle schools by re-assigning students would require the reassignment of over 20,000 students. In addition, operating costs would increase by almost $11 million and capital expenditures by over $100 million. These costs are in addition to the $1.1 million increase required to implement the Board's 1987-1988 Student Reassignment Plan, which would provide an average class size of 24:1 in the NI and magnet element and MS. [275]

The Board was up against an impossible task and, unfortunately, did not see success in this area of the Settlements.

*Overcrowding and How it was Litigated*

There were times during the many years of Court monitoring that the SLPS Board of Education filed briefs that were strongly opposed to the recommendations of the various committees and panels. Specifically, when discussing grade-level changes, the district occasionally held firm on what schools to shift or grades to move based on what it would do to the children and neighborhoods impacted.

It was well established that in the fall of 1988, the NIS were overcrowded; the *Capital Improvement Plan* had recently been ordered; and the district was still facing overcrowding in the NIS with no relief in immediate sight. A memo from Glen Campbell, Executive Director of the Desegregation Monitoring Office, to Jerome Jones, Superintendent, on December 9, 1988 details this overcrowding:

> 10 NI elementary schools have school-wide average pupil-teacher ratios in grades of 21:1 or higher…13 of 41 NI elementary schools have no classrooms in excess of 21 students…9 schools have 3 or fewer graded classrooms in excess of 21 students…13 schools have from four to nine graded classrooms with more than 21 students…A review of the construction schedule for the chronically overcrowded schools discloses that none is scheduled for completion of work that would yield additional classroom space by the start of the 89/90 SY (p.2)…Any other work would not be completed on the schools most critically in need of space until 1991-1992. [276]

---

[275] Board of Education, *Report on Class Size Reduction,* May 28, 1987, 2.
[276] Glen Campbell, *Memo to Jerome Jones,* December 9, 1988, 3.

Mr. Campbell knew the Committee on Quality Education (CQE) would be entering a proposal to the Court because there was no relief for students in the NIS coming any time in the near future. This chronic overcrowding was one of the most significant harms being experienced by the plaintiffs at the time the *Liddell* case started in 1972, and here in 1988 it continued to be an issue for which no party had an immediate solution that both preserved neighborhoods and led to a minimal amount of disruption for the children.

The *CQE Report L(2242)88* wanted the district to move fifth graders attending identified overcrowded non-integrated elementary schools to middle schools that they would normally flow into and proposed doing this on a block-by-block basis so that all students would have consistency, essentially getting them to middle school early. The problem arose in that the CQE was proposing this change in the middle of the school year as a relief to overcrowding that had been exposed to the Court in the fall after student enrollments were analyzed. It would send the teachers and their entire classes to new schools, but it couldn't guarantee that the students would truly be going to the middle school they would normally attend as a sixth grader, since all were mixed in classes at the elementary level without regard to future middle school assignment.

The district knew this move would be incredibly harmful to the students, the staff, and ultimately the neighborhood. Shifting students for one semester to when they would possibly matriculate to another middle school in the fall was simply not acceptable. Additionally, the district had specifically created middle schools for sixth through eighth graders, and the thought of putting fifth graders into that middle-school environment was not sound educational practice. Would this "early maturing" of fifth graders have happened in a predominantly white school district?

The district filed a response, *L(2260)89,* which stated, "The CQE proposal has not been endorsed by any party and the BOE does not recommend that the proposal be approved by the Court. Due to the disadvantages noted above, the Board would prefer not to implement the CQE proposal at this time."[277] The Board was specific in its response that the CQE proposal would be exceptionally harmful to students and teachers.

**Magnet Policies that Kept Black Children Out**

Whether it was testing for access to gifted classrooms, size requirements for Naval uniforms, or even prior educational experience with the Montessori program offered only in the magnet schools, African American students faced additional barriers to enrolling in the magnet schools. Two of these policies are highlighted. Gifted education was intentionally omitted because it requires significant further study, and, for the purposes of this dissertation, it was not highlighted.

*NJROTC Size Requirements*

At Cleveland NJROTC High School, students are required to wear a naval uniform every day as part of the specialized program. Unfortunately, at the start of the 1987-88 school year, three students were admitted to NJROTC who couldn't fit into the standard size uniform. Glen Campbell sent a memo to Jerome Jones about this situation, letting him know what steps his department, the Desegregation Monitoring Office, was going to take to alleviate this from happening again.

Mr. Campbell explained, "For the first time, to our knowledge, applicants for Cleveland NJROTC have been accepted through the Magnet School Reservation System this year but have been rejected at the school because their uniform size requirements

[277] Board of Education, *BoE Response L(2260)89 to CQE L(2242)88,* January 6, 1989.

exceeded the largest sizes available…We have learned that students are required to wear the standard Navy issue uniform and that the largest sizes issued are 22 for females and 46 (slacks) and 50 (coat) for males…Unless there is another way around the problem, we should indicate size limitations in recruitment material for the NJROTC."[278]

*Montessori Programs*

Montessori is a unique instructional method that engages students in a non-traditional way. It is a much more relaxed way of learning and is constructivist in nature. Unfortunately, in a memo from Glen Campbell to Gene Uram, he explains, "We should also revise Montessori brochures and recruitment information so that parents are aware that students may not be admitted above the kindergarten level if they have not had prior Montessori training."[279]

**Advocacy for NIS to the Courts**

As mentioned previously, the Committee on Quality Education (CQE) was one of the strongest advocates for supporting the non-integrated schools (NIS). This committee knew that magnet schools were not going to solve the large problems for African American children in the district, and the committee continued pushing for the improvement of the NIS. From *L(2130)88*, the CQE gave this response to the *DMAC Student Assignment Report L(2120)88*:

> As we wait for the level of integration to increase, thousands of students are passing through non-integrated schools. Whether 20 or 22,000 students attend all-black schools, both the district and the Appellate Court have ordered that full

[278] Glen Campbell, *Memorandum to Jerome Jones RE: Rejection of Applicants for NJROTC*, October 5, 1987.
[279] Glen Campbell, *Memorandum to Gene Uram RE: Revision of Recruitment Information on NJROTC and Montessori*, October 9, 1987.

> implementation of compensatory programs and improvements in educational quality be provided to these students.[280]

The CQE continued pushing for the necessary capital improvements and programs for the NIS but were mostly unsuccessful.

**BoE Pushing Back Against Court Release of Monitoring**

The Board of Education was clearly aware of its shortcomings in providing a quality education for the children of the district, specifically African American children who were left in the NISs because there were simply not enough seats in the magnets. It is especially painful given the number of vacancies that existed in the magnet schools for white students. An August 14, 1995 *BoE Desegregation Report and Policy Statement* read:

> It has been conclusively demonstrated that there are not enough magnet school seats at the pre-school and elementary levels (B-3, 4)…The complex system of priorities required by the Magnet Plan has resulted in unfairness, unintended consequences and a widespread perception of unequal treatment (B-5)…Several aspects of desegregation in St. Louis have not been fully implemented. Thus, the BoE and the State of Missouri have not met a threshold requirement for release from judicial supervision: full implementation for a reasonable period of time. Moreover, the effectiveness of several significant aspects of the desegregation remedies has not been adequately assessed (A-4)…The quality education programs in City schools have also not been proven effective to the extent practicable (A-5)…The Board will work to maintain and expand its successful system of magnet schools. Magnets have received broad approval and support from parents, students, community groups, interested citizens, cultural institutions, businesses and others in the St. Louis area. The long waiting lists continue to attest to the popularity of the magnet schools (B-3)…There are often thousands of black city students who wish to enroll in magnets, but who cannot be admitted because of a lack of a sufficient number of white students to racially balance the schools in accordance with the present guidelines. *In a number of instances where black City students are denied admission because of racial balance, there are in fact many vacant seats available in the very schools for which the students have applied* (B-6). [emphasis added][281]

---

[280] Committee on Quality Education, *L(2130)88: CQE response to DMAC student assignment plan report L(2120)88.* Filled September 21, 1988, 3.

[281] SLPS Board of Education, *Desegregation Report and Policy Statement,* August 14, 1995.

As this extended segment from the BoE policy statement shows, by 1995, the district was well aware of its shortcomings for its African American students and its unfairness to Black children in the magnet quotas. The BoE knew the policy was impacting Black children in negative ways yet did not seem to know how to approach equalizing this inequity.

# Chapter Six: The Non-Integrated Schools

## The Children Left Behind

For all the attention given to the magnet schools, what is most appalling about the legacy of *Liddell* litigation is that the large majority of African American students in SLPS did not have access to these elite schools. The 1975 Consent Decree and Settlements (1980, 1983) minimally acknowledged this discrepancy with provisions to ensure that the non-integrated schools (NIS) received supports, but unfortunately these supports were insufficient in remedying the harm caused by many years of segregation.

### *20:1 Pupil: Teacher Ratio*

One of the main provisions outside of the magnet school remedies, first written in the 1980 Settlement, was the establishment of a 20:1 pupil-teacher ratio across all of the NIS. This provision provided an easy data point by which the Court and various committees could monitor and measure success or failure throughout the tenure of the *Liddell* suit. Because the persistently overcrowded schools on the city's north side were part of the harm, the 20:1 ratio gave what the Court saw as an easy fix to this harm experienced by the plaintiffs.

The monitoring of class size was a major focus of the superintendent, Jerome Jones, and the Executive Director of the Desegregation Monitoring Office, Glen Campbell. Their focus on system-wide monitoring is evident in this example, also highlighted in the previous chapter, from a memo sent from Campbell to Jones on December 9, 1988. Campbell writes:

> 10 NI elementary schools have school-wide average pupil-teacher ratios in grades of 21:1 or higher…13/41 NI elementary have no classrooms in excess of 21

> students…9 schools have 3 or fewer graded classrooms in excess of 21 students…13 schools have from four to nine graded classrooms with more than 21 students…A review of the construction schedule for the chronically overcrowded schools discloses that none is scheduled for completion of work that would yield additional classroom space by the start of the 89/90 SY (p.2)…Any other work would not be completed on the schools most critically in need of space until 1991-1992.[282]

Campbell and Jones were up against a wall: they knew that they would be found in contempt of court, yet they did not have many options for alleviating the chronic overcrowding on the north side of the city.

*Schools of Emphasis*

Schools of Emphasis (SoE) were part of the original 1975 Consent Decree and followed in the 1980 and 1983 Settlements as well as a program that would remain in the NIS in an attempt to provide a "better" education in that environment. Unfortunately, the budgets were cut annually, and principals and district officials struggled to spend all of the money allocated, partially due to the district struggling to fund their part of the program. What principals could actually purchase with SoE monies was difficult to discern and confusing for principals to navigate. This fact caused them to chronically underspend the allotted amount, which then gave the Courts and Committees reasons to reduce the funding every subsequent year. Couple that annual challenge with the turnover principals faced every year, and it is no wonder the schools struggled to maintain programs and spend their budgets. No one appeared to know what they were doing, and there was not long term stability for this program. From the SLPS Division of Evaluation and Research *SoE Follow Up Report*:

> SLPS guidelines stated that SoE programs should not provide remediation, duplicate existing Board requirements, or focus on areas already receiving

[282] Glen Campbell, *"Pupil=teacher ratio in NI elem/MS,"* Memo to Jerome Jones, December 9, 1988, 3.

> sufficient curricular attention" (p.2)…During the first year of program operations (1984-1985) the SoE budget was $1.57 million…the budget for the 1988-1989 SY was $647,503 or $10,800 per NIS. Of the $4.1 million allocated for SoE during its first three years (FY 85-87), SLPS only spent 51%. (p. 4)[283]

Even when principals were able to gain some autonomy and make decisions about how to spend the SoE money, they were met with a court system that would deny requests in arbitrary ways. From the SLPS Division of Evaluation and Research document titled *Guidelines for SoE Programs:*

> During the 90-91 SY, each grade level of schools will receive the same proportion of the overall SOE budget as it received during the 89-90 SY. Subsequent to the 90-91 SY, the superintendent or his designee will determine the overall allocations for each grade level of schools. (p.2)

The *Guidelines* go on:

> Principals are advised, however, that the State of Missouri has sometimes objected to funding in-service training and equipment. Requests in these areas must be supported by clear statements as to why such expenditures are necessary. (p.3)[284]

Thus, principals supervising a school with a SoE program were required to supply the Court with extra justification to use money for teacher professional development, known as in-service training, presenting principals with yet another barrier for using funds. Probably one of the most important items a principal could spend money on, training teachers in the SoE model and how to effectively implement it, was something the district knew the state would fight and in effect advised them against allocating funds in that way. This problem shows the larger disconnect between the policy set by the Court and committees and the reality of running an effective school-based program.

---

[283] SLPS Division of Evaluation and Research, *SoE Follow up Evaluation Report,* September 1, 1989.
[284] SLPS Division of Evaluation and Research, *Guidelines for SoE Programs,* March 3, 1990.

*MERRY (incentives to attend school)*

The Motivation and Recognition program started in school year 1987-88 at eleven schools, expanding to 34 schools by school year 1988-89 with an annual budget of $20,000.[285] The funds were used to cover travel to district math and science competitions. For SY 88/89, only 63% of the MERRY budget went directly to schools, with high schools receiving $500 and middle/elementary schools receiving $300.[286] However, only 58% of NIS received funds in SY 88/89, a total of 34 schools, while 57% of NI elementary schools did not see any funds and the total 88/89 budget left 17% unencumbered.[287] While it was a program that saw a lot of traction with a minimal budget, the mindset that any money must be helpful to the NIS was pervasive in the writing of the Division of Evaluation and Research. From the report,

> MERRY also helped 633 students in interscholastic events. While cost effective, MERRY's $20,000 budget appears unable to serve all non-integrated schools; fewer than 50% of elementary pupils were reached. Late budget approval by the court (fall 1988) postponed implementation; State intervention with funds (spring 1989) delayed allocation to schools. These problems together with SLPS delays in processing some expenditures resulted in about 17% of MERRY's 1988-189 budget remaining unencumbered. (p. 11)

The report goes on,

> MERRY is a useful motivation/recognition program designed for disadvantaged students in the non-integrated schools. At very low cost, the program is reaching a large number of students, and this formative evaluation shows that MERRY should receive continued support...During pilot implementation MERRY has been...funded so that meaningful appropriations could not be made to all non-integrated schools and at the same time be applied to district wide interscholastic activities...unable to provide appropriations to all non-integrated elementary schools…Nonetheless, other findings indicate program strengths which clearly outweigh start-up problems. MERRY is...cost-effective and beneficial within a minimal budget. [288]

---

[285] SLPS Division of Evaluation and Research, *MERRY: A Formal Evaluation of the Motivation and Recognition experiences program*, August 1, 1989.
[286] Ibid.
[287] Ibid.
[288] Ibid.

Possibly because it was seen to have a broad impact for a seemingly small amount of funds, in July of 1989, Maritz Inc. pledged to support the program of increasing attendance in the NIS, scheduling this program to go into effect across the district the start of the next school year, September, 1989.

This author has a specific critique of MERRY dealing with the travel to district math and science competitions. If the district sponsors a competition for students, why would the district not spend the money to ensure that all schools have a chance to attend? Why was this program necessary to ensure participation of NIS in district competitions? Additionally, the impact of MERRY is slightly exaggerated because while every student attending a MERRY school is counted in the SLPS Division of Research and Evaluation as a receiver of funds, not every child is being recognized by incentives for good attendance or participation in the math contest, as examples.

*Other Supplemental Programs*

In the early days of the 1983 Settlement Agreement, there were three main supplemental programs used by both integrated and non-integrated schools. They were School Partnership, Pairing and Sharing, and Springboard to Learning.

According to the *SLPS BoE Information Report on the Distribution of Services:*

> Intracity Deseg Plan funding for services for three supplemental programs (School Partnership, Pairing and Sharing, Springboard to Learning)…Previous research showed unevenness in implementation of School Partnership Program, which was the result of 'natural factors.' Pairing and Sharing includes guided field trips that bring together black/white children, take children to cultural/historical sites for 2 hour - half day experiences. School Partnership provides a variety of classroom/school programs sponsored by business, cultural, and government institutions. They typically consist of 6 weekly sessions lasting 1 hour, 525 programs in over 110 schools in 83/84 SY. Springboard to Learning is

> weekly classroom programs lasting a semester with an international studies focus.[289]

Unfortunately, these programs were not implemented evenly in Integrated/Non-Integrated schools. From the same report:

> When services from all three supplemental programs are taken together, there is a small difference in average service units per student favoring regular integrated schools. Also students in non-integrated schools did spend somewhat less time in programs than did their counterparts in integrated or magnet schools.[290]

Students in NIS were receiving less of the specialized support that was designed to be providing them the direct remedy for being in a non-integrated space: yet another example of how students in NIS were continuously left behind throughout the litigation and implementation of the *Liddell* case.

*Libraries, Nurses, Social Workers*

One part of the initial remedy was to ensure that all NIS had functioning libraries, nurses, and social workers, yet throughout implementation, the watchdog committees found that these services were not present nor up to suitable standards. EMAC *Report G(574)92,* contained nine recommendations for change in addition to highlighting the fact that libraries were not functioning at Early Childhood Education Center III, Cook, Ford, Hickey, Sherman and Sigel elementary schools at the time of the EMAC visit.[291] This report represents just one example of the highlighting of ongoing issues around implementation of NIS programs.

*Remedial Need is Unmet*

---

[289] SLPS Division of Evaluation and Research, *Information Report Distribution of Services from the School Partnership, Pairing and Sharing, and Springboard to Learning Intracity Desegregation Programs 1983-1984.* March 1, 1985.
[290] Ibid, 8.
[291] EMAC, *G(574)92 EMAC Report to the Court*, June 3, 1992.

It should not be surprising that analysis of the remedial opportunities available to students in NIS shows that students attending those schools did not have full access to the relief provided by the Court for them. From *CQE Report L(1469)87,* table six shows that for elementary and middle school children, remedial need is met for 4% of students through the Intracity plan, 14% through the Settlement Agreement of 1983, 37% through Chapter I (now called Title I), resulting in 45% of identified student needs unmet by any of the Court orders.[292] Students were classified as needing services based on a score below the national mean on the C.A.T in spring of 1986. What this table shows is the very low proportion of students receiving aid from either of the Settlement Agreements. *CQE Report L(1469)87* goes on to explain,

> The Settlement Agreement divided the "B components" for NIS into two major categories: instructional programs and motivational programs. The specific instructional provisions for NIS had as their cornerstone further reductions in pupil-teacher ratios and after-school, Saturday, and summer school experiences. (p.4) [293]

It continues,

> Students attending NIS have the right, under the law, to additional compensatory services and programs. If additional remedial needs exist, then it is the responsibility of all parties and committees to find ways to meet these needs without further jeopardizing students who are already the victims of racial injustice. We will not solve the problem by ignoring it or contending that it does not exist. (p.6) [294]

The CQE consistently raised the same concerns for the Court; however, the Court, BOE and State were slow to generate meaningful policy that effectively addressed the committee's concerns.

---

[292] Committee on Quality Education, *L(1469)87 CQ Report on Remedial Programs*, June 3, 1987.
[293] Ibid.
[294] Ibid.

**The Physical State of the NIS**

While the general physical conditions of the district's schools were widely known to be deplorable, the main issue the Court chose to focus on was the overcrowding, with a goal to getting the NIS to achieve the 20:1 pupil/teacher ratio in all schools. The *Capital Improvement Order* was very specific in calling for the renovation of 105 schools across all school types: magnet, integrated, and non-integrated.[295] However, the relief for overcrowding and poor conditions was to be provided to the NIS first. There were several pieces of litigation around how the district was prioritizing the NIS, and the Board provided analysis using the term "construction month" to show how the NIS were indeed receiving the majority of time and work on building improvements.[296]

The CQE found in *L(2251)88* that the district was properly prioritizing the NIS elementary schools that were most in violation of the 20:1 ratio in the first two years of construction:

> [T]he construction schedules set forth by the Board in *L(2222)88* do indicate that some priority is placed upon renovation at NIS…It is unfortunate that a contempt citation in late August, 1988 was required before such a priority could be recognized in the construction schedules. While 15 months have passed since the capital order was issued, there has yet to be any interior renovations, gymnasiums or classroom additions begun at NIS in desperate need of added capacity. While this delay carries certain costs to students attending NIS, the schedules now filed by the Board indicate that priorities have shifted toward construction at NIS. [297]

The state continued to insist that the district was mishandling the *Capital Improvements Order* so much so that the Court had to step in to tell the State to stand down from further legal proceedings on this matter. In *Memorandum and Order L(2311)89* Judge Limbaugh states,

---

[295] U.S. District Court, *L(1570)87: Capital Improvement Order*, September 3, 1987.
[296] Board of Education, *L(2221)88 BoE Report on Construction*, October, 1988.
[297] Committee on Quality Education, *CQE Report L(2251)88 on Capital Improvements planning and NIS*, December 29, 1988: 19.

> The Court finds no violation of its directives, and the construction schedule to be in compliance with both the spirit and intent of this Court's orders…the State is mistaken in its belief that the Court ordered all renovation work completed and the NIS before any work began at integrated schools and/or magnets…as a final note, the Court is disturbed by the caliber of the State's motion. The contents were essentially a collection of factual inaccuracies, statistical distortions, and insipid remarks regarding the Court's handling of this case…the State in its wisdom shall desist in filing further motions grounded in rumor and unsubstantiated allegations of wrongdoing.[298]

Judge Limbaugh acknowledged that the district was attempting to give priority and explained that the state needed to stand down on the aggressive tone taken throughout the fillings.

## Funding Deficiencies

Time and time again over the course of the Settlements, the Committee on Quality Education highlighted places where NIS students were not receiving the proper levels of financial support as written into the Court Orders.

### *Schools of Emphasis*

One example was in the annual funding and spending for Schools of Emphasis. From *CQE Report L(1468)87*,

> Implementation is 'scattered and imbalanced'…In the 86/87 school year, 24,000 black children attended NIS. As one of the most far-reaching enrichment provisions for all-black schools, this program is of vital importance in achieving a fully implemented and equitable remedy (p.6)…Since this program began, the School of Emphasis program has experienced a funding decrease of 43 percent (p. 15)…The High School budget spent 26% in fiscal year 1985 and 42% in fiscal year 1986 (p 16)…There is wide variance in what schools receive and how they spend it on their students…huge discrepancies between elementary, middle and high school percentage expended as well…Four types of categories existed for SoE Themes, specialized content area, basic skills enhancement, social skills, and specialized instructional technique (p.29)…Of all the school types, high schools grossly underspent their budgets, fiscal year 1985 they only spent 26% and in fiscal year 1986 only spend 42%.[299]

---

[298] U.S. District Court Eastern District of Missouri, *L(2311)89 Memorandum and Order*, February 17, 1989.
[299] Committee on Quality Education, *L(1468)87 CQ Report on SoE Program,* June 3, 1987.

The CQE was very specific and did not mince words when highlighting where the issues came from and how the Court was partially responsible for not approving budgets expeditiously each school year, requiring principals and district officials to go above and beyond to get access to SoE monies. Continuing from *L(1468)87*,

> The SoE program is one of several programs designed, approved and budgeted for NIS. The intent of the program is the provision of unique educational opportunities for students who do not want to or are not able to attend integrated schools. The program is to provide resources for local school staffs to design and implement focused enrichment activities which meet the needs of their students …The total approved budget for this program has been cut in half during the four-year implementation period…A variety of financial constraints have hindered the program. Much of the funding approved for Schools of Emphasis did not reach the schools. Budget freezes, late authorization to spend, and confusion over which expenditures are allowable have resulted in under spending and considerable frustration on the part of schools staffs (p.3)…Perhaps the most disconcerting aspect of this confusion about the types of expenditures which local schools may make in conjunction with their SoE program is the effect on staff morale...more pervasive, however, is an attitude that little effort toward planning for the SOE or expanding its impact should be committed because of the perceived uncertainty over the program's future (p.44)…Recommendation: The District Court should do all within its power to rule on desegregation budgets as promptly as possible. (p. 56) [300]

The CQE recognized how difficult and demoralizing it was at the school level for staff to implement a program without having certainty from year to year about major issues such as if the budget was going to remain in place or what would be approved as an expenditure. These negative factors contributed to the chronic under-spending of SoE monies and eventual discontinuation of this NIS program.

*After School/Saturday School*

Another program serving students in the elementary and middle NIS was the After School/Saturday School program. It was part of the B-Component provisions of

[300] Committee on Quality Education, *L(1468)87 CQ Report on SoE Program,* June 3, 1987.

the Settlement Agreement, meaning it was exclusively part of the remedy for the NIS. Yet the CQE found the implementation of this program to be extremely lacking as evidenced by their report *L(1987)88*. The CQE wrote,

> The AS/SS program is not primarily remedial in nature, and it falls far short of serving all students in NIS who need or want additional instructional opportunities. Furthermore, the current implementation design is counterproductive. While the programs as currently offered has some strengths that should be retained, it suffers from the same difficulties experienced by other B components: lack of district commitment, insufficient resources, understaffing, and a reluctance to comply with the spirit of the Settlement Agreement which requires that students in NIS be provided compensatory educational opportunities (p.2)…The Committee on Quality Education finds the similarities in implementation difficulties between these programs and other B components of the Settlement Agreement to be particularly disconcerting. A lack of planning and supervision as well as unclear program objectives seem to consistently plague the B provisions of the Settlement Agreement for NIS. The recommendations offered by the Committee and provided at the beginning of this report require commitment and appropriate planning for full and effective program implementation. (p.48)[301]

Again, here was a NIS program that was supposed to provide significant remedy to students, yet, at the building level, relief was not felt. Schools had trouble implementing this program with fidelity year after year with budgets always in jeopardy, not released in a timely manner to building principals, or with expenses not being approved until late in the school year.

*High School Remediation*

The district, Court, and various committees struggled with how enrichment programs should look at the high school level. The CQE reported, "We find these academic achievement levels at the non-integrated high schools particularly alarming."[302] They were originally called Enrichment and Extended Learning Labs in the 1980-1981

[301] Committee on Quality Education, *L(1987)88 Committee On Quality Education: Status Report on After-School and Saturday Programs*, June 6, 1988.
[302] Committee on Quality Education, *Assessment of Remedial Services in Non-Integrated Schools, L(1469)87*, June 3, 1987.

school year and by the 1984-1985 school year they became known as Remedial Centers.[303] From the CQE report *L(1469)87,* "Originally designed to provide enrichment experiences, the district determined that remedial needs were urgent enough to warrant a redesign of these labs, and the Court approved such a redesign."[304] These centers struggled to perform and were recommended for elimination in the *Desegregation Program Review,* yet they were preserved under the premise that they would need to be seriously revamped to provide a better service for 9th grade students in need of remediation.[305] The Court in *L(3113)90* also expressed concerns about the Remedial Center services provided to students.

As a reboot to this struggling program, the superintendent and the Curriculum Office of SLPS proposed computer-aided instruction, and in January 1991, the Division of State and Federal Programs began teaching this new skill. [306] While this program came with promises of being tested and validated, a research review conducted by the SLPS Division of Evaluation and Research did not find such claims validated.[307]

During the evaluation of this new program over a period of five visits, two of the four non-integrated high schools did not have computers, and in the two schools with computers, the math component was not administered at all and the reading/language component was implemented with problems.[308] Because of renovations, Beaumont was located at McKinley for a period of time and wouldn't return to its home location until the 1993-94 school year: three years after the program began.

---

[303] M. James Kedro, SLPS Division of Evaluation and Research, *An Evaluation of High School New Century Computer Integrated Skills Facilities (NCCISF, formerly Remedial Centers)*, December 1992.
[304] Committee on Quality Education, *Assessment of Remedial Services.*
[305] Joyce D. Gang, SLPS Division of Evaluation and Research, *Elementary and Middle School Enrichment/Extended Learning Laboratories and Secondary Remedial Centers,* July 1986.
[306] Kedro, *High School New Century Computer Integrated Skills Facilities*.
[307] Ibid.
[308] Ibid.

There were many physical problems that contributed to the challenges associated with getting this program running. Mr. M. James Kedro noted in his *Evaluation,*

> Evaluators noted classroom physical problems to accommodate computers. For example, NCCISF teacher reported that the wiring at Sumner was not adequate for initial computer installation. At Northwest [then a NIS], an initial lack of air conditioning in the lab contributed to computer malfunctions. At Vashon, a phone line could not be installed in the lab for contacting New Century to rectify computer complications…At the end of the 1991-1992 school year, Northwest closed as a high school; its NCCISF lab was moved to the Beaumont site, where it will be stored for a year while Beaumont continues to be renovated."[309]

When assessing how many students this program was able to impact, the picture is no less grim. Across all four NIHS (both with and without computers), 387 students were enrolled at the start of the NCCISF classes, yet only 215 (54%) finished the second semester.[310] While the NCCISF was able to cut one teacher and one aide due to the computer-aided instruction, the centers came with a $102,000 installation price tag.[311]

While money was spent on high school remedial programs, both the CQE and the SLPS Division of Evaluation and Research showed that the money was not making a statistically significant improvement for the students the funds were designed to serve. From *CQE Report L(1469)87,* "The Committee on Quality Education has expressed to the Court its sincere belief that under spending and unimplementiation of desegregation provisions cannot be tolerated if the remedy is to be achieved. The obvious need to provide additional instructional time and remedial services to students in non-integrated schools is undeniable."[312]

In 1989, even Superintendent Jerome Jones knew the remedial programs were not working, and in a memo to the BoE, he admitted, "Recent evaluations of the secondary

---

[309] Ibid.
[310] Ibid.
[311] Ibid.
[312] Committee on Quality Education, *Assessment of Remedial Services in Non-Integrated Schools, L(1469)87,* June 3, 1987.

remedial reading and mathematics centers showed that they are failing to meet the needs for which they were intended."[313]

*Magnet versus NI School Funding Levels*

A stark reminder of the gross inequity in the implementation of the Court's orders over the period from 1975-2009 is the difference in funding amounts for magnet and non-integrated schools. While this subject deserves a much deeper analysis, for the purposes of this dissertation only one example is highlighted. Documents with specific school-level budgets, while found during this author's data collection, deserve much more attention than can be paid in this dissertation and have been omitted from this document.

An artifact that deserves attention are the minutes from a Desegregation Task Force Meeting held on March 24, 1994 during a time of mounting pressure to return local control to the district and remove state funding. The information reports "desegregation appropriations for 1993-1994 are $58,485,587 for the 25 magnet schools, $6,306,907 for the 25 non-magnet integrated schools, and $19,999,481 for the 47 non-integrated schools."[314] This contrast starkly shows without a doubt where the bulk of the state funds were going within the district. It is no wonder that the NIS were not able to improve the conditions of their students when such a large proportion of money was not, in fact, going to help tem but rather going to help ensure that the magnet schools were the best environments for learning in the metro St. Louis area.

**Black Students' Destiny Tied to that of White Students**

From the start of the 1975 Consent Decree, the plaintiffs raised justified concerns that magnet schools were not enough of a solution for the large number of Black children

[313] Jerome Jones, *Memorandum: Revisions in desegregation programs*, June 23, 1989.
[314] Desegregation Task Force Meeting, *Information for the St. Louis Area*, March 24, 1994.

who were experiencing harm from the segregated school system of SLPS. Those early concerns have been documented in a previous chapter and won't be repeated here. However, as time passed and the court monitoring of the 1980 Intracity Agreement got underway, other entities besides the NAACP and the plaintiff organizers began to highlight the same inequities raised in the mid-1970s. From a letter to Judge Hungate from DMAC on November 16, 1981,

> We remain concerned, as last year, about the great number of Black students who, due to their race, federal funding regulations and increasing budgetary constraints, are not able to attend magnet schools. (p. 2)[315]

The letter continues,

> The Board has explained to the Committee this policy gives county students an incentive to enroll in magnet schools and provides the Board with a means for increasing the actual number of white students in the system. The more white students enrolled in the system, the Board has reasoned, the greater the opportunity for black students to attend schools in an integrated setting. (p. 29) [316]

It was clear to the committee the burden that remained on Black students who were not able to gain entry into a magnet school. The fate of Black children rested on decisions of white children, primarily those from the county, who were being expected to leave their intended county school for a magnet school in the city school system their parents were trying to escape in the first place. The tying together of the educational opportunities for Black city children with white county children was an incredibly unfair and unjust outcome and one of the major flaws of the Settlement Agreements.

Creating elite schools, the magnets, that had specialized curriculum, extra teaching staff, well-developed themes, and then setting ratios on how many Black and white children could attend when the district itself was 70-75% Black was an extremely

---

[315] Desegregation Monitoring Advisory Committee, *Letter to Judge Hungate and Second Report to the Court*, November 16, 1981.

[316] Ibid.

short-sighted decision by the Court. For the Black children who remained in NIS, while there was relief in the form of the B-Components of the Settlement Plan that relief has been shown to fall far short of helping their schools become highly functioning and effective.

From the same report to Judge Hungate, in the fall of 1981, seven of seventeen magnet schools were below their target enrollments, with 6,721 Black and 715 white students on waiting lists.[317] This racial discrepancy continued throughout the next two decades as the district continued in its struggle to attract white students into the magnet system, particularly those in the county who were a primary target of the Court's efforts. While Black students could elect to transfer to county schools and did in large numbers, which was not the situation all Black families wanted for their children.

**Deficit Mindset Festers in NIS**

Upon reading the data, it is clear that NIS were not held to the same standards as the magnet schools and in the first half of the Settlement, the CQE highlights this fact for the Court on many occasions. From *CQE Report L(1469)87*,

> An analysis of achievement test data for students attending non-integrated schools reveals that a significant number of students score below national norm in one or more of the subjects tested. Students attending NI HS score alarmingly low on these tests.... The CQE concludes that the current level of service delivery falls far short of the measurable academic need of students attending NIS (p.2)…Given the fact that the number of students in such settings [NIS] is much higher than anticipated, and that the level of implementation is somewhat less than originally contemplated by the Settlement Agreement and accompanying budgets, we believe it is important to candidly discuss the services being provided to these students (p.4)…While the numbers have decreased each year, there are still 24,000 black city students attending all-black schools (p.7)…Compensatory and remedial programs for all-black schools were built into the desegregation plan for St. Louis as a means of ensuring that students attending these schools were provided substantive relief from the abiding inequities of racial discrimination.

[317] Ibid.

> Evidence entered by plaintiff counsel demonstrated that these schools did not receive the resources or administrative attention due to them as part of the SLPS system. The intervention of the federal courts was intended to enjoin discrimination and to assure just compensation for past wrongdoing (p.8)…The committee is concerned, however, that a scaling down of these programs will result in significant areas of need going unmet. As the legal battles rage on, and budget freezes plague the prospects for successful desegregation of the SLPS, our concerns are with the students who have a right to relief and are not receiving it. (p. 9) [318]

The CQE highlights the 24,000 students in NIS who qualified for relief but who were not receiving that relief while also pushing back against a State constantly trying to reduce funding for the remedial programs.

In the CQE *Research Agenda, L(1988)88*, the committee explained, "In nearly every respect, the non-integrated schools (NIS) fall short of providing equal educational opportunity for the 22,000 students who attend them (p. 2)…An analysis of the above cited precedents would lead to the reasonable conclusion that the compensatory and remedial programs and services constitute a cornerstone component of the Settlement Agreement (p 7)."[319] In plain language, the CQE is highlighting for the Court the gross inequity after the first decade of implementation of the Settlements.

The CQE consistently highlights the deficits the NIS were suffering from, yet the situation did not improve for the NIS. Six months after the CQE released its research agenda quoted above, they released a response to the revised *Settlement Plan L(2031)88 about the B-Components for NIS*. From the *CQE Response L(2065)88,*

> It is a tragic irony that this goal of improvement in non-integrated schools, which affects the largest number of plaintiff class students, has been the most delayed in implementation (p. 12)…At the close of five years of Settlement Agreement implementation, non-integrated schools are without the significant improvements promised by parties to this case (p. 26)…The Board spent only 58% of their budget for [student/teacher] ratio reductions in the 1987-1988 fiscal year.

---

[318] Committee on Quality Education, *CQ Report L(1469)87 on Assessment of Remedial Services at NIS*, June 3, 1987.
[319] Committee on Quality Education, *L(1988) CQE Research Agenda*, June 8, 1988.

> Although 26 teachers were required and budgeted, only 10 positions were filled (p. 27)…CQE has found fault with the Board's budget proposals and implementation designs, believing them to be unresponsive to the documented academic needs of students attending non-integrated schools (p. 2)…Through various reports and responses, the CQE has demonstrated that the academic needs of students attending non-integrated schools remain to be met through this desegregation plan (p. 4)...It does, however, graphically demonstrate the slow pace of implementation and the incomplete implementation of B component programs and services over the past five years of the Settlement Agreement. While budget levels proposed for the sixth year for some B components may facilitate wider service delivery, they still do not promise to serve all students attending non-integrated schools…In addition, the Court has likened the role of the Committee to that of a "watchdog" for the interests of students attending all-black schools. (p. 11) [320]

The CQE quickly gained a reputation with the Court and other entities involved in the litigation for noting the gross inequities in the NIS and the ineffectiveness of the NIS remedies for the plaintiff children. The CQE was caustic in naming the inequity of the relief offered to NIS while putting this criticism permanently in the legal record in the form of reports to the Court, status updates, and research agendas, to name a few types of documents filed. Unfortunately, this outspokenness led the Court to dissolve the committee, paving the way for a new entity to monitor implementation and "success" of the programs for NIS.

*NIS remedies consistently shown to not work*

After the Court dissolved the CQE, Education Monitoring Advisory Committee (EMAC) took over the role of watchdog for implementation of policy in the NIS. As the case continued into the 1990s, the Court was receiving increasing amounts of performance data about NIS. Included in reports to the Court, attendance and

[320] Committee on Quality Education, *L(2065)88 CQE response to proposed 88/89 settlement Plan L(2031)88 Status of B Components for NIS*, July 22, 1988.

achievement data continued to demonstrate that the NIS were not performing at the level the Court expected. From *EMAC Response G(1053)94*,

> Generally, reported data indicate no significant improvement in overall attendance, retention/reclassification and attrition rates for each school level…more importantly, reported student outcomes suggest the judicial objectives envisioned in the *Liddell* remedy are yet to be accomplished (p.1)… Evaluators note that magnet students' attendance rates consistently exceeded those for students enrolled in integrated and nonintegrated schools, across school levels, for the last five years (p. 3)…Moreover, reported data indicated these difference portend a widening gap in student outcomes between regular and magnet schools (p.5)…Drop out data in nonintegrated schools ranges from 19.5%, 23.2%, 16.7% for school year 90/91, 91/92, 92/93 where that data for magnets is 3.1, 5.6 and 4.3 respectively (p. 9, Table 3 High School Dropouts by School Type)…Data provided in the instant report, as well as previously reported academic achievement deficits, point to an increasing need to examine and redesign programs and services to fully realize the judicial goals and objectives envisioned for students in St. Louis Public Schools (p. 11)…Continued, demonstrated student outcome deficiencies strongly suggest that the judicial objectives envisioned for students in the St. Louis Public Schools have not been attained. (p.12)[321]

These data (attendance, dropout rate, achievement scores) allowed the EMAC to push back against the State's attempts to declare that SLPS had reached unitary status. The data showed that the non-integrated schools were not achieving at a level comparable to the magnet schools and that more remedy was in order to right the continued wrong of a segregated school system. The EMAC continued to highlight for the Court the fact that judicial objectives were still not being met and demanding more remedy for the NIS.

At the start of the 1994-1995 school year, as the State continued to litigate towards unitary status and release of Court oversight while the EMAC continued to emphasize that NIS were not meeting judicial objectives. From *G(1751)95*,

> Essentially, students in NI HS have been without an effective remedial/enrichment program since 1991…Now, six months later, no Board plan addressing the original goals and objectives of the secondary SoE program has

[321] Education Monitoring Advisory Committee, *G(1053)94: EMAC response to Board of Education evaluation report G(1026)94*, February 4, 1994.

> been submitted for Court review and approval. In effect, these students will have been deprived for five years of the availability of an effective compensatory educational program (p. 4)…The sparse quantifiable data available in Board reports indicate that historically, implementation of remedial programs/services in NIS has not positively affected students. Impeding factors have been documented on numerous occasion; for example, delayed budget decisions, reduced budgets and staff allocations, ineffective planning, reduction in staff/program development activities, and ineffective service delivery (p. 6) …The Board contends that the district is not required to make available AS/S programs to all students in need, just those eligible students who voluntarily participate, and can walk to the school or whose parents can provide transportation...Clarification regarding this matter is necessary, as the 1983 Settlement Agreement at 42-44 states that all students in need are to be provided remedial programs/services. No data are presented indicating how remedial needs for other students are addressed. (p.14) [322]

Although critical of how NIS remedies had been implemented, EMAC did provide recommendations for the Board in report *G(1751)95*. Paraphrased from this report are these recommendations:

Recommendation 1: The Court should require the board to redesign the annual status reports to include cumulative data for related student outcome measures;

Recommendation 2: The Court should require the board to include in annual status reports how remedial and enrichment needs of students unable to participate in the AS/S programs are addressed and alleviated;

Recommendation 3: The Court should require the Board to submit within 90 days a comprehensive evaluation of Counseling and Tutoring Services (CATS) operating at 9 NI MS;

[322] Education Monitoring Advisory Committee, *G(1751)95: EMAC response to Board's annual status report on restructured remedial programs G(1679)95,* September 15, 1995.

Recommendation 4: The Court should require the Board to submit a comprehensive plan for immediate implementation of an effective remedial/enrichment program at the HS level.[323]

These specific recommendations reflect EMAC's desire to help the NIS get on track in providing relief to the plaintiff children.

[323] Education Monitoring Advisory Committee, *G(1751)95: EMAC response to Board's annual status report on restructured remedial programs G(1679)95*, September 15, 1995.

Chapter Seven: Interest Convergence and White Supremacy

## Schools For White Students

What is most disturbing for this author is how a lawsuit that initially was about the conditions of segregated schools for Black children was hijacked and turned into a mandate to create highly special and elite magnet schools with the sole purpose of attracting white county students, in addition to white city students, into the public school system so that some schools could have integrated populations of students. This hijacking is the main example of how the hand of white supremacy is ever-present in policy making. Unless the people making and enforcing policy are cognizant of the impact and influence of white supremacy society, they will continue to follow the same bass drum beat of the racist ways of the past. Policymakers took the victim, Black children, and flipped the story, instead making it about white children and attracting them back into the city school system for the sake of integrated education. The story should have remained about working to improve the conditions of the schools Black students were attending.

### *Description of the Major Magnet Themes*

As a component of all three major pieces of desegregation litigation in St. Louis (1975 Consent Decree, 1980 Intracity Settlement Agreement and 1983 Interdistrict Settlement Agreement), magnet schools were a defining feature of the efforts to integrate the public schools by attracting white students (either city or county) back into the public school system of SLPS. As plans for the magnet schools became more formalized, several themes developed and were implemented by the early 1990s. These themes were

visual and performing arts; math/science/technology; ROTC; and to a lesser extent, classical/gifted and foreign language.

In a 1988 order, Judge Limbaugh approved a comprehensive *Long-Range Magnet School Plan, L(2090)88,* which established specific goals for the magnet program in an effort to better organize the choices available to parents and streamline the expectations of the BoE around magnet school enrollment. These measures of success were a) enrollment of approximately 14,000 students in magnet schools; b) necessary resources for effective program implementation; c) a high quality educational program consistent with magnet themes; d) stable racial balance in each magnet school; and e) a total enrollment in all magnets of at least 1,640 white county students.[324]

The Court was very specific in the requirements for recruiting county white students, yet the district was never able to reach those goals. In the late 1980s the Court established, "By Court Order, county whites must be 40 percent of all whites in interdistrict magnet schools."[325] County white students remained an elusive demographic, and while seats were reserved for these students who never matriculated into the SLPS system, thousands of Black children were kept out of the magnet schools in an effort to maintain the racial ratios set by the Court.

According to a *Recruitment and Counseling Reference Manual,* the major magnet themes and number of schools in each cluster in 1993 were gifted education (two schools), early childhood education (two schools), military (two schools), international

[324] Order of the Court, *L(2090)88 Comprehensive Long-Range Magnet Plan,* August 1988.
[325] Magnet Review Panel, *Long-Range Comprehensive Plan for the Magnet Schools of St. Louis Missouri*, September 14, 1987.

studies (three schools), visual and performing arts (four schools), general academic (seven schools), and math-science technology (three schools).[326]

*Location of the Magnets*

As mentioned previously, the location of new magnet schools was exceptionally contentious because policymakers knew that locating magnet schools in all-Black neighborhoods would not work to recruit or retain white students. This concern bubbled up from the first attempts of the district to operate magnet schools in the late 1970s.

[326] Chester A. Edmonds, *St. Louis Public Schools Recruitment and Counseling Center Reference Manual*, Revised October, 1993.

In the *Elementary and Middle Magnet School Location Study* by the SLPS Planning Division and submitted to the Court on March 20, 1984, one can clearly see that the south side of the city had more magnet programs than the north.[327]

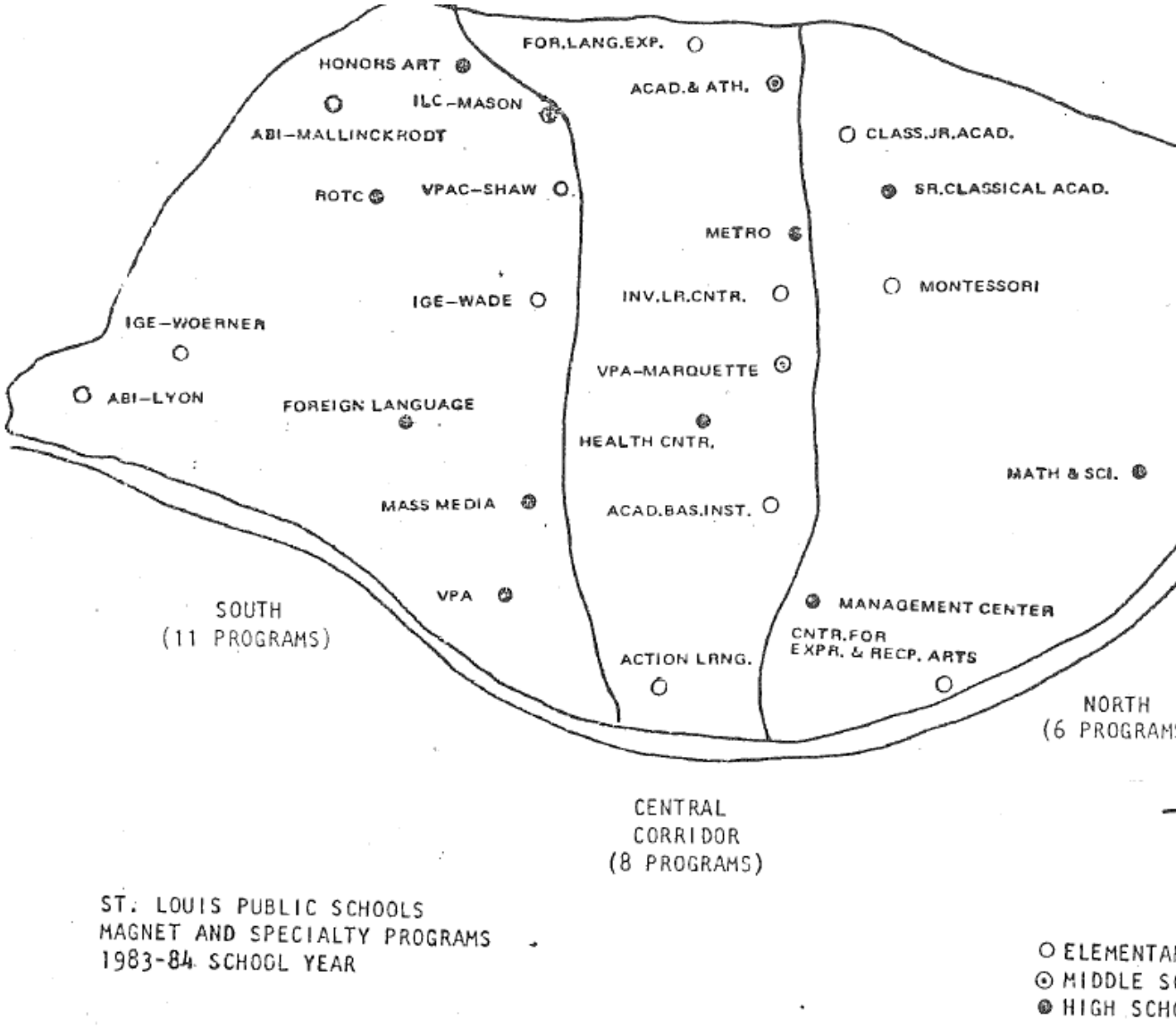


*Figure 2. St. Louis Public Schools Planning Division*, Elementary and Middle Magnet School Location Study, *March 20, 1984, 6.*

[327] SLPS Planning Division, *Elementary and Middle Magnet School Location Study*, March 20, 1984.

In this study, the Planning Division was transparent about the need to add programs on the north side of the city, however, actuality turned out quite different than what was proposed.

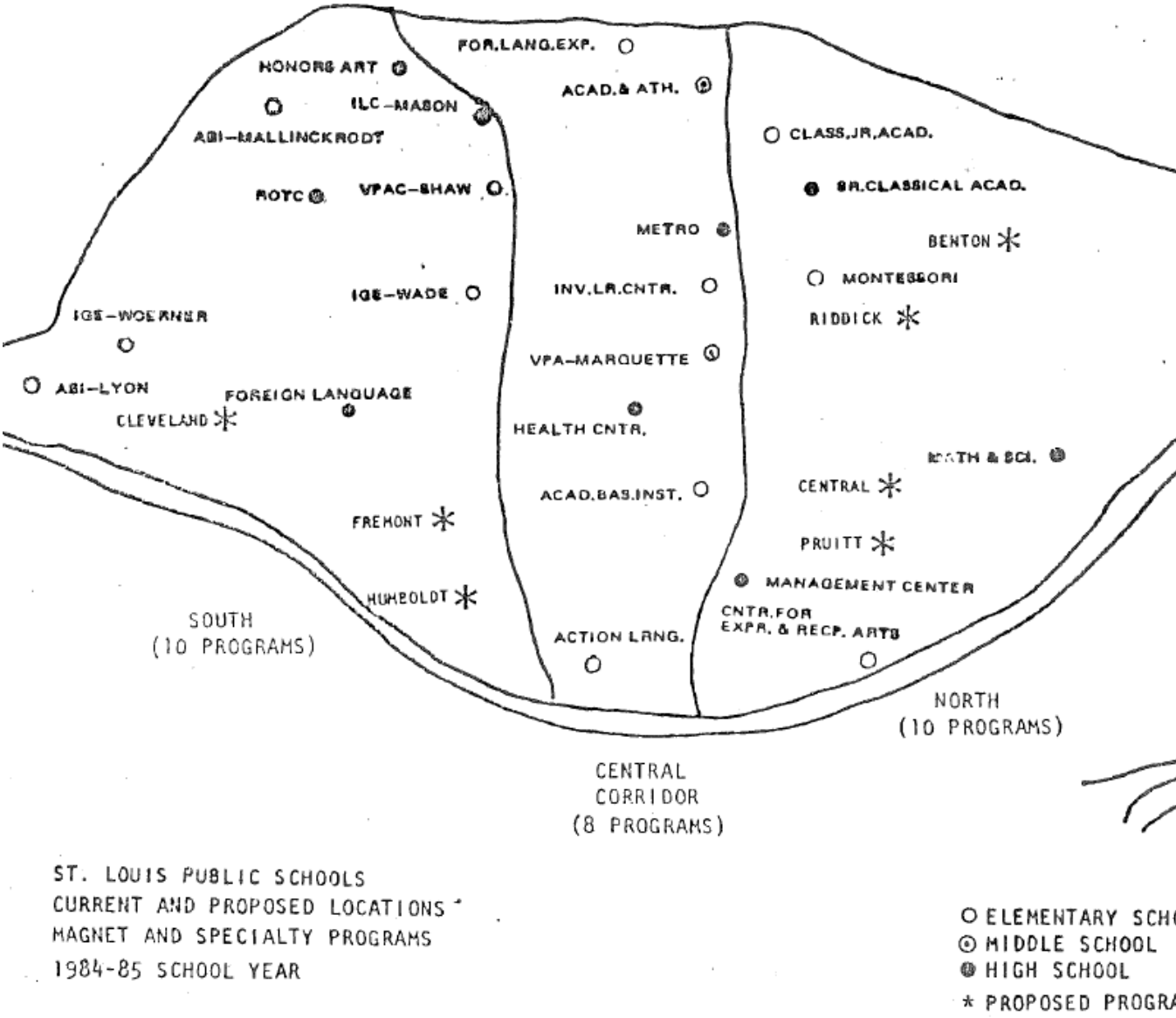


*Figure 3.* St. *Louis Public Schools Planning Division*, Elementary and Middle Magnet School Location Study, March 20, 1984, 14.

*The Real Estate Market and Marketing of the Magnets*

As early as 1978, the local real estate publication, *St. Louis Realtor*, knew that the magnet schools were going to play a role in marketing city living to prospective white

homeowners in the city. This marketing helped build the reputation of the magnet school system as a group of elite, specialized schools that offered something more than the traditional school. By directly reaching out to the relators of the city, SLPS solidified the brand of the magnets as elite schools that could be used to convince white families of the great benefits of living in the city. From a 1978 article in *The St. Louis Realtor,*

> Realtors will find it easy to talk up the advantages of the Magnet Schools. Like any other excellent products, they help sell themselves. As part of the St. Louis Public Schools, the magnet schools offer specialized education in a number of areas, as well as a strong basic education…Choice is the key factor. When parents and students choose the type of school they desire, children want to learn, the satisfaction is reflected in better grades and better attitudes about school.[328]

Another propaganda document created for a Realtor Convention in April of 1992 was developed by the Recruitment and Counseling Center under the direction of Chester A. Edmonds. This document was again aimed at realtors working with new-to-the-city families who would possibly be making their decision to purchase a home around what schools were available. It contained explanations of how students were assigned to neighborhood schools, the division of schools by type and grade levels, and a brief history of desegregation in SLPS, specifically discussing the Intracity Plan of 1980 and the Interdistrict Plan of 1983. It also highlighted some of the Quality Education provisions included the Summer Educational Experiences (SEE) and the Schools of Emphasis (SoE). Lastly, this document contained information about how the magnet lottery process worked.[329]

---

[328] *St. Louis Realtor, "*Magnet Schools Help Sell City Living," February 1978.
[329] Chester A. Edmonds, *Gateway to the St. Louis Public Schools,* April 16, 1992.

*Recruitment of City and County Whites*

Throughout the implementation of the Consent Decree, 1980 and 1983 Settlements and various follow-up Court orders, SLPS struggled to attract white county students in large numbers, which is not surprising given that most of those families left the city system and relocated to the county to gain access to a majority-white school district. However, that reason did not stop the Court and various committees from continuing to try to recruit white students back to the city. In the first year of the county-city transfer of white children, although 553 county whites were expected to show up on day one of school, only 300 county students matriculated at the start of the school year 1983-1984 according to an interoffice Memorandum from Campbell to Superintendent Jones.[330] Convincing white suburban families that their children would be better served in the city school system was a hard sell.

Various committees were specific in naming their efforts to recruit the elusive county white student back to the district. For example, the *U.S. District Court Order L(1478)87* on June 9, 1987 stated:

> They [responding committees and BoE] all accept BRC chairperson's recommended budget however, they wish to include the following items…They believe these items are necessary to the magnet program and aid in attracting white county students.[331]

Some committees were cognizant of how elitist they were being in these special efforts to attract white students. DMAC was one committee to highlight this elitism:

> With the approval of the interdistrict portion of the overall remedy, magnet schools took on another purpose: functionally, they are intended primarily to increase possibilities for integration by drawing white students into the system—from majority white county district (with transportation provided) or from private

[330] Glen Campbell, *Memorandum to Dr. Jerome Jones RE: County to City Interdistrict Transfers*, September 9, 1983.
[331] U.S. District Court of Eastern MO, *Response of the Court [L(1478)87] to Order L(1450)87 and Responses L(1464)87, L(1465)87, L(1466)87 and L(1467)87*, June 9, 1987.

> schools.... Efforts to attract white students outside the City's public schools to city magnets generally have not resulted in the response envisioned by the Settlement Agreement (p. 23-24)...The appropriation of special resources to these schools and the process of self-selection has resulted, when weighed against the long delay in delivery of programs to NIS, in an image—if not a fact –of elitism and unequal opportunity. (p. 24) [332]

It seems clear that all the parties recognized that what was happening was unfair to the students in the NIS, yet year after year budgets continued to grow for magnet schools as did waiting lists of Black students. Meanwhile, NIS conditions failed to improve.

By the mid-1990s, the majority of white secondary students in the city had chosen and been accepted to a magnet high school, whereas at the elementary level, there were still waiting lists for white students. According to *BoE Reply G(2384)94*, "The bulk of those students unable to be placed were elementary students…the waiting list of white magnet high school applicants is virtually empty (p.9)…75% of all available city white secondary students are in magnet schools." (p.10) [333]

The Board of Education was facing pressure from the Court to reach the 14,000 magnet school enrollment goals and struggled to adjust the available seats to meet demand. Elementary school seats were in much higher demand than high schools; however, more seats were available at the high school level partially because the schools were designed to hold many more students. Secondly, high schools were not as successful at recruiting students, maybe due to fears of violence or higher competition from private/parochial schools.

---

[332] Desegregation Monitoring Advisory Committee, *Second report to court on judicial objectives and court ordered programs, L(2262)89,* January 9, 1989.
[333] Board of Education, *G(1284)94 BoE Reply to EMAC Plan G(1242)94*, July 20, 1994.

**White Fear in Enrollment Changes**

As early as the 1980 Settlement, policy appeared to be made due to the fear of further white flight from the city, obviously influencing decisions that were not in the best interests of the plaintiffs. The *St. Louis Argus* reported, "[NAACP National General Counsel Thomas I.] Atkins said that the fear of 'white flight' allegedly caused the weak plan. 'We don't agree with a plan which is based on the fears of white folks who may leave the city…what we want is a plan which would include the maximum feasible amount of desegregation.'"[334] Through Atkins, the African American community was voicing its displeasure with the direction of the new Settlement and the excessive pandering to white families in the "remedies" presented.

The fear of changes impacting white enrollment ran throughout the implementation of the *Liddell* decision, appearing again in *L(1673)87,* the city's response to the *Magnet School Report.* The *Magnet School Report, L(1585)87* outlined the continuation of the three distinct subject categories of magnets in the city system (international studies, math/science/technology, and visual and performing arts), the continuation of the gifted and military magnets (which were newer additions), and the continuation of the sibling priority, and it expressed support for the unified funding formula for all magnet schools.[335]

The City of St. Louis, however, responding in legal brief *L(1673)87,* wanted to raise the number of seats for Black students because of how white seats were underutilized, but the City inserts into the report the recurring fear that any change in the ratios might be unfavorable to the white audience the schools were trying to attract:

---

[334] Veronica L. Banks, "NAACP To Appeal Desegregation Plan", *St. Louis Argus,* July 10, 1980, 1.
[335] *L(1585)87 Magnet School Report*.

"Such an increase should only be done slowly and incrementally with active monitoring of the impact on white enrollment" (p.11). [336] This fear about ratio-reporting to the Court was constant throughout the litigation, and any time discussions about shifting the ratio occurred, white fear served to shift the conversation from remedying harms to the African American community to ensuring that white people in the city continued to choose magnet schools for an integrated educational experience for their children.

**Capital Improvement Priorities**

A 1985 report, commissioned by Harvard University's Graduate School of Education, analyzes the first-year effects of the voluntary desegregation program. One opinion is this, "Despite high marks given to most magnet school teachers, suburban white parents and students were quite critical of the condition of the physical plants in which magnet schools were housed. They spoke of peeling paint, falling plaster, poorly maintained restrooms, and inadequate cafeteria services."[337] County white students coming to the city were attending schools with conditions with which city students were all too familiar, yet the physical building conditions were the main reason citied for why county students left the city. City white students who attended the magnet schools expressed similar concerns:, "While white magnet students and parents believe that their schools are better, physically, many are in need of repair. Also, better maintenance would help improve them as learning environments. Parents and students [white]

[336] City of St. Louis, *L(1673)87 City of St. Louis Response to Magnet School Report L(1585)87*, November 3, 1987: 11.

[337] Charles V. Willie and Michael K. Grady. *Desegregating Schools in the St. Louis Metropolitan Area: An analysis of first-year effects of a voluntary interdistrict transfer program*, February 1985, Graduate School of Education, Harvard University, Cambridge, Massachusetts.

commented on the need for laboratory equipment, paint, plaster, general cleanliness, additional text books, and more."[338]

The Court had to deal with the physical infrastructure of the district if it was to build a system of schools that white families would choose to attend. Again, we see the flipping of policy to appease the white audience rather than addressing the concerns of the African American plaintiffs who had won the Settlements. The schools did not receive widespread structural upgrades as a matter of the normal course of action in the district and the city continued to struggle in gaining support to pass bonds and raise tax levies. When white families were asked and specifically outlined for the Court the deplorable physical conditions of the schools, using that as a reason not to attend city schools, we see another example of interest convergence in improving the school conditions in the years to come.

*The Major Magnet Projects*

The need to significantly improve the infrastructure of the magnet schools was also reported in the Magnet Review Panel's *Long-Range Comprehensive Plan for the Magnet Schools of St. Louis, Missouri.* This panel of outside experts drew information from the *Capital Order L(1570)87* to provide cost estimates for the improvement of twelve current magnets (with twelve other existing magnet schools not needing renovation) and the construction of three new magnets. Their estimate was $55,723,415 for the capital costs of the new Magnet Plan, and $30,282,653 for the anticipated cost for the long-range magnet plan.[339]

---

[338] Ibid.

[339] Magnet Review Panel, *Long-Range Comprehensive Plan for the Magnet Schools of St. Louis, Missouri,* September 14, 1987.

The *Capital Improvement Plan* further ruled on by Judge Limbaugh in August of 1988 contained specific provisions for magnet-school construction that were highlighted in a news release from SLPS in December indicating which buildings were going to experience construction work first. The press release stated,

> Contracts totaling $380,875 for development of architectural designs and construction documents for five magnet school renovation projects were approved this week by the St. Louis BoE. The contracts are the first construction-related agreements in a federal court-ordered four-year plan to revamp the magnet school system of SLPS…The court order [from Limbaugh in August] authorized spending a total of $51.5 million, of which 71.5% would be provide by the state, in the Magnet Capital Improvements Plans. The plan supplements an earlier order to spend $114.7 million on general repairs and updating of St. Louis schools.[340]

As noted above, in the first-year desegregation report from Harvard's School of Education in 1985, white county students criticized the magnet schools for not being in conditions comparable to county schools and in need of serious repair, which explains why these schools received so much attention in the form of an additional $85.7 million. This was a huge moment of interest convergence on the part of the Court towards the expectations of white county families who were being courted to attend the city's magnet schools.

*The Asbestos Issue*

As the SLPS district provided cost estimates and building reports to the Court and the Budget Review Committee, one piece that had to be included in the renovation projects was asbestos abatement, which was required in all public facilities as a result of federal litigation in the late 1980s. These additional construction costs were to be borne by the State as part of the *Capital Improvements Plan L(1570)87,* but as to be expected,

---

[340] Charles E. Burgess, SLPS Public Affairs Division, *First Magnet Capital Improvement Design Pacts Awarded,* December 1, 1988.

the State did not agree that they should be responsible for these additional renovation costs. The State filed *L(2505)89* claiming it did not have the responsibility of paying for the asbestos abatement in the *Capital Improvements Plan*.[341]

The Board of Education immediately filed a reply: "Asbestos abatement costs are clearly desegregation related, and are a necessary component of the Board's system-wide capital improvements program. The Eighth Circuit to date has not ruled that asbestos removal costs are not desegregation related".[342]

The Court did find asbestos abatement part of the necessary improvements to the district's buildings, and this item began to show up in the BoE Reports to the Court about the Capital Improvement Program (CIP). For example, *BoE Report G(683)93* covering the period from October 1, 1992 through December 31, 1992 showed that $217,372 had been awarded in that quarter, that $21,730,912 had been awarded since the CIP began, and that $15,984,344 remained as projected costs of asbestos abatement.[343] Asbestos removal was a necessary expense to bring the schools into compliance with new federal regulations. The state was eventually held responsible for this expense.

*City Obstruction of Construction*

One of the schools identified for conversion to a magnet school was Busch School in south St. Louis, in the Holly Hills neighborhood. The city Board of Public Service "voted to Deny Approval by reason of the fact that use would be detrimental to the public health, safety and morals or general welfare and that the use would cause serious injury to

[341] State of Missouri, *State Response About Asbestos L(2505)89*, June 26, 1989.
[342] Board of Education, *L(2542)89: BoE reply to the State Response L(2505)89 of orders from costs of asbestos abatement in school facilities L(2478)89*, July 18, 1989, page 7.
[343] Board of Education, *BoE Report G(683)93 on Capital Improvements Program,* January 1983.

the neighboring property values."[344] The response was likely due to the Board facing pressure from white homeowners in the area around Busch School who did not want Black students to be bused into their lily-white neighborhood to attend an integrated school.

Judge Limbaugh was exasperated at city officials, and Tim Bryant from the *St. Louis Post-Dispatch* wrote that Limbaugh's Court Order, "accused them of manipulating zoning and building ordinances to 'impede the progress being made' in school desegregation.[345] The *St. Louis Post-Dispatch* article continues, "As evidence of the Federal Court's power in the desegregation case, Limbaugh's second order said that no conditional use permits would be required for school construction linked to the desegregation plan."[346]

Judge Limbaugh's frustration with both the City and the BoE in delaying the *Capital Improvements Plan* is obvious. As a result, he stated in *Order L(2469)89,*

> The equitable power of this Court will not be limited by any city agency or entity…What is necessary is for all parties and local officials to understand that federal court orders will be carried out as intended. The renovation and rehabilitation found to be necessary by this Court and by the United States Court of Appeals for the Eighth Circuit, for the safety, health and educational needs of all students in the St. Louis city public schools, will be accomplished without any interference.[347]

Judge Limbaugh would not accept any delays of this nature around any part of the *Capital Improvements Plan*.

---

[344] Darlene A. Plump, Secretary Board of Public Service, *Letter to Richard Brook BoE*, May 23, 1989.
[345] Tim Bryant, "U.S. Judge warns St. Louis Schools," *St. Louis Post-Dispatch*, June 8, 1989, 8.
[346] Ibid.
[347] Judge Limbaugh, *Order L(2469)89*, June 7, 1989.

**Board Members, Elections, Policy Making**

*Anti-Desegregation Faction*

In the late 1980s, a contingent on the elected school board was opposed to carrying out the desegregation orders of the Court and specifically of Judge Limbaugh. This group of five members were named by fellow board member Rev. Earl E. Nance "a disruptive element."[348] Board Member Thomas S. Bugel, identified as the leader of the faction, was opposed to the move of a magnet school into the Holly Hills neighborhood. What is significant about his position is that the Holly Hills neighborhood is in deep south St. Louis City and is a majority-white neighborhood. Introducing a magnet school into this area would bring African American students into this majority-white area, which the Holly Hills Homeowners Association vehemently opposed.[349]

The *St. Louis Argus* staff identified this disruptive element and printed opposition to them in an editorial published on September 22, 1988: "According to the *Riverfront Times,* three of the four individuals elected last November belonged to a group that carries the banner for white rights, the Metro South Citizens Council…the Council vehemently opposed school desegregation and supports other conservative causes."[350] Rev. Nance Jr. and the others on the All-City Public School team opposing the Metro South Citizens Council used the Black press to highlight their new candidacy and to expose the opposition (the existing board members) for their deplorable, obstructionist tactics.

---

[348] Virginia Hick, "Board Factions argue over magnet schools", *St. Louis Post-Dispatch,* April 26, 1989, 7A.
[349] Ibid.
[350] *St. Louis Argus, "*All-City public school team," September 22, 1988, section 2, 5.

A month later, in another *St. Louis Argus* article, this white coalition was named again in blocking efforts supporting the *Capital Improvement Plan*. In an article discussing the renovation plans, their obstruction emerges again: "To further compound the problem, an all-white south-side anti-tax and anti-busing group appears at every juncture to prevent not only construction progress but schools' efforts across the board."[351]

*Obstruction of the Court's Orders*

With the severe overcrowding in the NIS, the district struggled to make the 20:1 ratio in all classrooms, as explained in a previous chapter. Additionally, because members of the Board of Education were not always supportive of the Superintendent's suggestions or proposals for change, the mandates of the Court were often delayed or not implemented in a timely fashion. In the first years following the passage of the *Capital Improvement Order, L(1570)87,* it became clear the district was struggling to fulfill court orders related to construction of new classrooms and relief for students in the NIS.

Eventually, Judge Limbaugh had seen enough delays and excuses put forth by the BoE to the Court that he issued *Order L(2468)89* chastising the Board of Education and the further delays they were requesting from the court. He wrote, "The Court has reason to believe that such nonfeasance will continue…It has become apparent to the Court that implementation of the Capital Improvements and Magnet Plans is seriously in jeopardy due to the failure of the City Board and its administrators to attend to matters necessary to

[351] Malaika Horne, "Efforts to renovate schools begins," *St. Louis Argus*, November 22, 1988, 1.

carry out Court directives." [352] He was not going to continue to passively allow this delay to prevent the remedies intended to the plaintiffs.

Judge Limbaugh went on to explain more specifically, "Considering that the City Board is already in contempt for failing to make any good faith efforts to meet the 20:1 pupil/teacher ratio last year, a delay until 1991-1992 to building additional classrooms is not a prudent decision."[353] He received the BoE's request for additional time but was not satisfied with the reasons given for the delay: one example of the sort of judicial activism Judge Limbaugh showed in favor of the plaintiffs and against the BoE.

**State Obstructionism**

Throughout the entirety of the litigation of *Liddell*, the State of Missouri (both the Attorney General and the State Legislature) took an extremely aggressive approach towards all Court decisions and committee recommendations; the State fought every decision to the furthest extent of the law. The State did not want to be held accountable for payment of any desegregation remedy and tried to highlight incompetence from the BoE at every opportunity.

*State Obstruction Starts Early*

Because the State was named a constitutional violator alongside the district, the State was expected to pay significant amounts of money to support the desegregation efforts in both the 1980 and 1983 Settlements. As early as 1980 at the release of the first order,

> The state cried 'foul' to U.S. District Judge James H. Meredith's order that it must pay for one-half desegregation for the city schools and filed an appeal this week to stay the proceedings…the primary areas of concern include: jurisdiction of the

[352] Judge Limbaugh, *Order From the Court, L(2468)89,* June 7, 1989, 1.
[353] Ibid, 2.

> court to tell the state what it must do; the inflation of the estimated cost of transportation, and the lack of involvement by the federal government in sharing the burden of cost to implement the plan.[354]

The State of Missouri was in disbelief that the Court would expect it to pay such huge reparations for the harm caused by maintaining a segregated school system as long as it had, and the State was willing to legally challenge the ability of Judge Meredith to make such an order. Flexing the legal muscle of Attorney General John Ashcroft was a mechanism the State had used throughout the *Liddell* proceedings time and time again in filing responses and briefs challenging the legal rights of the Court to mandate that the State pay for different parts of the Settlements.

The *St. Louis Argus* consistently wrote a counter-narrative to this dominant story. Education reporter Veronica L. Banks brought one such counter-narrative from the SLPS BoE to the public by directly quoting from the board's brief criticizing the State's response to the 1980 decision: "The state should comply with the provisions in Meredith's order and cease and desist from interfering with, impeding and crippling the implementation of provisions in the order. This position is in direct contradiction with the professed intention for the State to comply with the law of desegregation."[355] Giving voice to the board in a public fashion highlighted the gross inequity the State was propagating with their obstructionist stance and demonstrated that the *St. Louis Argus* was firmly on one side of the decision.

In an editorial on the same day, the *St. Louis Argus* went further, with Donald R. Thompson naming the racism directly:

> Missouri Attorney General John D. Ashcroft seems to rise out of the desegregation plan approved by the Senior U.S. District Judge James H. Meredith

[354] Veronica L. Banks, "State Challenges Desegregation Order", *The St. Louis Argus*, June 19, 1980, section 2, 1.
[355] Ibid.

> like the Ku Klux Klan rose out of the Reconstruction Era….Although the desegregation issue is not his business, he still, however, has the right to appeal the decision, but he should provide an appropriate alternative in that case. Ashcroft did not provide an alternative, he just began screaming against desegregation.[356]

The *St. Louis Argus* served an important role in naming the racism of the State in fighting against the Court's order, not just in the appeal itself, but also specifically highlighting the appeal contained no alternative mechanism to eliminate the segregated school system. This obstructionism continued throughout the duration of the *Liddell* litigation and included delay of payments to the Board, refusal to fund in-service training, and appealing almost every report submitted to the Court by the Board or the Court's various committees.

*Initial refusal to pay*

While Judge Hungate did not permit the obstruction to the 1980 decision, the State never ceased litigating against its responsibility to pay as one of the constitutional violators. At the time of the 1983 Settlement, the State was expected to pay a significantly increased amount of funds to the BoE to support the expansion of the magnet schools and also programming in the NIS, called the *Quality Education Plan*. As expected, Attorney General Ashcroft filled an appeal to these new orders.

From the State brief to the Eighth Circuit Court of Appeals,

> The entire plan is challenged as being beyond the scope of any violation found and thus violative of the law as determined by Swann v. Charlotte-Mecklenburg BoE and Milliken v. Bradley (p.1)…In addition to being excessively expensive, the quality education plan is not related to desegregation since the plan seeks to upgrade the entire St. Louis school system (p. 3)… Thus, there is no violation by the state which justifies the remedy of paying for one-half the district's costs to remedy years of bad management practices in neglecting its buildings' repairs

[356] Donald R. Thompson, "To the Point", *The St. Louis Argus*, June 19, 1980, second section, 2.

> (p.4)…The state should not be responsible for capital construction costs for any local district (p.5)…The concept of magnet schools to lure county youngsters has been perverted to allow the City Board to dump the costs of educating its youngsters onto the State. When viewed in this light, the magnet school costs are excessive and unrelated to desegregation. State Defendants object to all items related to the operational costs of magnet schools in the settlement plan (p. 7)…However, in this extraordinary scenario, parties have reached a settlement forcing a non-consenting party to bear the financial costs (p.14)…We offer our essential philosophy that education must first emphasize the attaining of competency in fundamental skills as well as the development of an early childhood education program. This is particularly true for disadvantaged youth. The package developed by St. Louis is an uncoordinated, unworkable mishmash compiled too hastily by the same administrators responsible for the current state of education in the city school district. (p.15) [357]

The State never was able to highlight any gains from the Settlements but consistently and fervently fought against any further payments.

*Overzealous Litigation by the State*

The previous examples are a few of the ways the State litigated against every court order to pay for the Settlements. As time went on, the Court began to grow weary of the language used by the State. In his response to several state briefs, Judge Limbaugh told the State their tone was not appropriate:

> The Court finds no violation of its directives, and the construction schedule to be in compliance what both the spirit and intent of this Court's orders…The State is mistaken in its belief that the Court ordered all renovation work completed at the NIS before any work began at integrated schools and/or magnets…As a final note, the Court is disturbed by the caliber of the State's motion. The contents were essentially a collection of factual inaccuracies, statistical distortions, and insipid remarks regarding the Court's handling of this case. Contrary to the State's laments, this Court has never been too busy to attend to any of the continuous problems emerging daily in this case; nor has this Court ever engaged in the inappropriate behavior of 'continued deference to the Board's unsupervised discretion (p. 2).[358]

---

[357] State of Missouri Attorney General John Ashcroft, *State Response H(1957)83, H(2118)83, H(2140)83,* October 17, 1983.

[358] Judge Limbaugh, *Court Order L(2311)89 on State Order L(2222)88, City Response L(2274)89, CQE L(2251)88 and City Board's Latest Status Report L(2289)88,* February 17, 1989.

Judge Limbaugh was not going to allow the State to continue to unabashedly berate the efforts of the district and committees. He did not mince words in this order or others during his tenure presiding over the case.

*Consistently Delaying Payments*

Found in the BoE archives is a letter from SLPS legal counsel Kenneth C. Broston to the Assistant Attorney General for the State of Missouri dated November 23, 1987. In this letter Mr. Broston states,

> The timeliness of State desegregation payments has been troublesome for many years. The State's recent payments show a lack of responsibility on the part of the State to make timely payments and that's the purpose of this letter. The State's payment for November 2, 1987 pursuant to Order L(1654)87 was not timely made…The wire transfer on the capital improvements fund which we agreed would be made on November 6, 1987 was in fact not made until November 9, 1987. These are examples of a long history of days of delay in receiving payments by the State.[359]

These payments would have been in the range of $10-20 million dollars and were critical to the daily operation of the district, used to pay contractors or to purchase supplies for schools as examples. The State Legislature's delay of these payments put an additional burden on SLPS to cover whatever expenses might post on their various accounts. Without the State funds present, the district was threatened with having to default unnecessarily on payments to third parties.

While the State's delay in payment is a minor example in the bigger picture of implementation of such a large desegregation plan, given the State's history of obstructionism and combativeness with each legal decision, it was necessary to include to show how malicious the State could be against the orders of the Court.

---

[359] Kenneth Brostron, *Letter to the State Assistant Attorney General*, November 23, 1987.

*Unitary Status Litigation*

By the mid-1990s, the State was ready to begin a new fight against paying more money to the SLPS. The emphasis changed towards declaring that SLPS had reached unitary status, indicating there was no longer a harm experienced as a result of a segregated system and justifying the State's stopping payments. The State, Judge Gunn, SLPS, EMAC, and other parties had to agree to these terms, which proved exceptionally difficult, especially given that students in NIS were consistently performing lower than their peers in the magnet school system.

One way the State chose to attack the issue of chronic underperformance by the NIS was to attempt to lower the metrics needed to declare that unitary status had been reached. If the bar could be lowered far enough, the district could meet the expectations, and a phase-out of payments and Court oversight could begin. From *State Response G(1301)94*,

> The State continues to urge the Court to accept its argument that academic achievement improvement as demonstrated by test scores (or, for that matter, the other measures proposed) is an inappropriate and unlawful standard by which to attempt to determine whether unitary status has been achieved. At the very least, before any goals for the Quality Education programs in the nonintegrated schools are established which may impact on the Court's determination of unitary status, an evidentiary hearing should be conducted so that all factors relevant to student achievement can be considered in determining whether the standards chosen by City Board are appropriate and reasonable under present funding levels. [360]

The State wanted to be able to open the legal door to an evidentiary hearing, which would then allow them to bring forth a multitude of arguments for why the district was already in unitary status, with the ultimate goal of avoiding the issue of chronic underperformance by the NIS.

---

[360] State of Missouri, *State Response G(1301)94 to City Board's Interim Report regarding goals for the quality education programs,* August 8, 1994 3-4.

# Chapter 8: Now What

In order to stay true to the theoretical frame of critical race theory, this author has a moral responsibility to propose a radical alternative to the system that has maintained segregated schools in St. Louis Public Schools. This chapter is an attempt to think differently about how schools, specifically at the high school level, are organized in SLPS. In a town that requires an answer to the question, "Where did you go to high school", proposing new policy, specifically at the high school level, seems appropriate. The division that has been outlined in the preceding chapters is not going to dissipate with more time, the 40 year history of the *Liddell* litigation has clearly shown us that.

## Present-Day Divisions in Quality

In 2016, a very stark division exists in SLPS between the magnet and comprehensive schools, specifically at the high school level. One only has to look at the most recent state assessment results to see that the magnet schools do significantly better than those schools without theme or special admissions requirements. Who can be surprised by this fact? When schools were created to be extra-special, a step above the rest, and appealing the standards of white county families, what did policymakers think would happen after 40 years of this inequity? When African American students were left behind in overcrowded, non-integrated schools, with budgets that went largely unspent and less than a fraction of the resources given to the magnet schools, who is surprised that this division persists despite unitary status being declared almost 20 years ago? The question now becomes, what will be done with the knowledge that this division exists and has deep roots in white supremacy? When will the time come to take honest and

authentic steps towards ensuring equity for all students that live in the city of St. Louis? When will the systemic racism that permeates this division be addressed and rectified?

Researchers have used the St. Louis Public Schools frequently as a unique case study in desegregation because of the immense scope of the 1983 Interdistrict Settlement Agreement and the nature of a city/county voluntary exchange of pupils. One study from 2015 found that "magnet schools in St. Louis are racially segregated (15 of 18 school have Black student enrollments more than 50%) and are located in poorer Black neighborhoods (13 of 18 magnets are in communities where the average median Black family income is below the city's median Black family income)."[361] The district still has a majority of non-white students; full integration has never been met in the broader public school landscape of the city.

*Neighborhood elementary schools receiving positive press*

While the neighborhood high schools struggle to achieve accreditation status, several neighborhood elementary schools have recently been recognized for earning that status. Specifically, Oak Hill Elementary (south side of St. Louis), Mann Elementary (Tower Grove South) and Carver Elementary (Central West End) are three schools highlighted in a recent *St. Louis Post-Dispatch* article by Elisa Crouch that stated, "Now, fully half of St. Louis schools are doing well enough to be considered accredited–if the state were to accredit individual buildings. But the approach has not been a universal success. Half of the schools are still below the state's standard." [362] These three schools were the focus of that article, yet no middle or high schools were mentioned because

[361] Ain A Grooms and Sheneka M. Williams, "The reversed role of magnets in St. Louis: Implications for Black student outcomes," *Urban Education*, 50, no. 4 (2015), 454-473.

[362] Elisa Crouch, "Once-lagging neighborhood schools now drive improvement at St. Louis Public Schools, *St. Louis Post-Dispatch*, January 24, 2016.

none of them have reached the accreditation standards of the state. The district does not have any high-performing neighborhood schools on the north side; all of the schools highlighted in the *St. Louis Post-Dispatch* article are located on the south side of the city. Another narrative brought forth in the article was the acknowledgement that the improvements seen at a few neighborhood elementary schools are not replicated at the corresponding neighborhood high schools. The article also notes that magnet schools are those most desired by families, a preference that dates back to the inception and founding principle of magnet schools as elite. Elisa Crouch reports in the *St. Louis Post-Dispatch*,

> The most sought-after schools in St. Louis are its magnet and choice schools — schools that admit children based on academic and behavior criteria, and have an area of focus, such as international studies or the arts. Neighborhood schools will accept any child within their attendance boundaries. By the time children reach third grade, neighborhood schools have become a default for children who are multiple grade levels behind. They feed into the three comprehensive high schools, Roosevelt, Vashon and Sumner, which rank among the least successful high schools in the state.[363]

Here the magnet/neighborhood division is apparent; clearly, a tiered system of schools that have different expectations for children persists even into 2016.

The District recently hosted its first "Neighborhood School Open House" on Saturday, April 2, 2016 with the expressed intent of showing the community the wonderful things happening in non-magnet elementary schools. Elisa Crouch reported,

> St. Louis Public Schools will hold its largest open house in recent memory on Saturday in an attempt to recruit more students and showcase the improvements that have been made in many parts of the district. From 9 a.m. to noon, doors at 33 neighborhood elementary schools will be open for any parent, student, alum or resident interested in learning about a building's academics and activities. Principals will be at each school, as well as teachers and students to welcome visitors and answer questions.[364]

---

[363] Elisa Crouch, "Once-lagging neighborhood schools now drive improvement at St. Louis Public Schools," *St. Louis Post-Dispatch,* January 24, 2016.

[364] Elisa Crouch, "St. Louis district opens its neighborhood elementary schools Saturday for tours," *St. Louis Post-Dispatch,* March 31, 2016.

SLPS realized that in order to combat the deeply perceived contrast between magnets and neighborhood schools, it must aggressively market the neighborhood schools and strategically work to repair the damage that caused this divide. A deeply imbedded notion is that neighborhood schools are somehow 'beneath' the magnet schools in quality; changing this perception will take a concerted effort by the SLPS, one they are beginning to take steps to address.

**What could be done?**

Knowing that the neighborhood high schools continue to struggle while success is being seen at some neighborhood elementary schools, I propose abolishing the neighborhood high school concept entirely while providing every student in the district the choice of what high school to attend. Doing so could be a first step in abolishing the tiered system of education that has been established in SLPS. Some might say this will dilute the special nature of the magnet program, however, I would argue that the greater harm is maintaining a dual system where some children are provided more opportunities than others. The perpetuation of a dual system leads a group of students in the comprehensive high schools to internalize a message that somehow they are 'less than' the magnet school students. This distinction was a large part of the reasoning behind the impetus for *Brown;* separate schools are inherently unequal. More study is needed to measure the depth of the impact of this negative self-perception.

If the district focused on excellence for all K-8$^{th}$ grade schools, regardless of school type, it could then be free to allow complete choice for all high school students. If all SLPS eighth graders were expected to apply to and attend a magnet school for high school, the tiered system would be a step closer to being abolished, and true equity could

start to enter the educational landscape of St. Louis Public Schools. Starting at the high school level, this proposal would put an end to the "drop out factory" mentality that persists at the neighborhood high schools. As long as SLPS continues to allow students to graduate from high schools that are unaccredited and consistently low-performing, the lasting legacy of unequal schooling continues.

Of the three existing neighborhood high schools, radical changes have already been proposed for two of them, Sumner and Vashon High Schools. Superintendent Adams has acknowledged that little positive growth for those schools has occurred, and he is showing another way forward, as Elisa Crouch reports in the *Post-Dispatch*,

> In the past two years, about half of St. Louis district schools have shown significant improvement. But two that remain at the bottom of the pack are Sumner and Vashon high schools, where more students dropped out last year than graduated…For several years, Adams has directed much of his focus on St. Louis Public Schools' lowest performing schools…Fifteen of those schools showed improvement last year over 2014 — six did so well they would be considered fully accredited standing on their own. But those efforts haven't made much of a difference at Sumner or Vashon.[365]

Adams recognizes that something different must be done for the neighborhood high schools, and my recommendation to his proposal would be a step towards true equity for the students of St. Louis Public Schools.

In my proposal, the current entrance requirements for the existing magnet and choice high schools would be honored. For students who do not meet the entrance criteria for any city high school, the district would pool together and then divide the students by a proportion to each of the magnet schools based on the size of each school and preference of the student. That way the children deemed "unacceptable" by the various magnet school entrance requirements would not continue to be hyper-

[365] Elisa Crouch, "Two troubled St. Louis high schools – Vashon and Sumner – set for overhaul," *St. Louis Post-Dispatch*, February 12, 2016.

concentrated into the neighborhood high schools. Instead, they would be given a choice about where to attend and placed into schools in proportions determined by each current magnet school size. Closing the comprehensive high schools is a necessary first step to shifting the current policy of concentrating the students who are deemed unacceptable and instead treating them like the brilliant young people that they are. The chronic underperformance of comprehensive high schools lends imperative to the need to do something radically different.

By eliminating all three comprehensive schools, the district would preserve more resources for additional staff at the remaining magnet and choice schools, i.e. social workers, nurses, cafeteria staff, and security personnel. Resources could then be concentrated in all the magnet or choice schools to do a better job of supporting all students. Ensuring all students full-time access to supports like nurses and social workers would help the transition and merging of all high school students. Additionally, by closing three schools, a more robust supportive alternative environment could be established for students who are removed from school for severe disciplinary infractions such as drug possession.

The other benefit to this plan is that the program currently in place to support students that have dropped out could be expanded with the funds freed up by the closing of three schools. This program, called K12 Credit Recovery, has proven successful in helping students who struggle with the traditional school model graduate with a diploma. Whether they are young parents, full time workers, students in this program complete virtual classes under the supervision of certified teachers. This model could be expanded to more locations with the surplus funds.

Lastly, the SLPS have a large population of homeless students. Other districts in the region, Maplewood Richmond Heights and Jennings School Districts, have district sponsored housing for some of their homeless student population. SLPS could replicate these incredible successful programs with the additional funds from the closing of these three schools. While these two districts have a much smaller population of homeless students, the model they are using has been successful in supporting the students selected for participation and support. SLPS could use some of the funds saved by closing the identified schools to open housing of this type for its neediest and most vulnerable students.

**Conclusions**

While I can already hear the principals of magnet schools complaining about how this proposal will "water down their programs" and potentially allow a "bad" element into their schools, providing new additional resources for them will help to mitigate their concerns. Ultimately, every educator purports to believe that any students can achieve. Allowing all students access to the high schools showing excellence would be a move towards equity for all. By providing additional support for the magnet high schools, all students will be given an option to attend a school of their choice, regardless of their special education status, attendance record, or academic performance. It is time for the district to take on equity and stop pretending that students attending neighborhood high schools have access to excellent schools.

I fully acknowledge that closing two of the oldest high schools for African Americans in St. Louis will be negatively received by a community that has experienced many school closures and destruction of neighborhoods. By instead repurposing these

schools, their historical significance can be maintained for the community while breathing new life into them with existing successful magnet programs. Ultimately SLPS has too many high schools to operate in a manner that maintains fiduciary responsibility and all students have a right to access magnet high schools.

By taking an affirmative action approach to high-school placement, the SLPS would be demonstrating to the region and the country that it truly believes all students deserve quality schools in both written policy and observed mission. While it would be an uncomfortable change, fighting for equity has never been neat or pretty. Equity comes only when those with power and position sacrifice that power and position for those without similar access. It is time that SLPS recognizes that the system of tiered schooling set up by years of privileging whites be dismantled by direct action. Anything less than radical change only maintains the status quo of inequity for the children of St. Louis and continues to perpetuate the divisions caused by explicit segregation and policy steeped in white supremacy.

## References

Adams, Melanie. 2014. *Advocating for Educational Equity: African American Citizens' Councils in St. Louis, Missouri, from 1864 to 1927* (Doctoral dissertation). Retrieved from UMI Dissertation Publishing (3621146).

"All-City public school team." *St. Louis Argus,* September 22, 1988: page 5.

Anderson, Scott F. "No fault, no busing, no 'justice'." *St. Louis Argus,* April 19, 1979: 1.

---. "Civil Rights Commission to investigate schools." *St. Louis Argus,* May 11, 1978.

Anderson, Scott F. "Black leadership answers Meredith." *St. Louis Argus*, April 19, 1979: 13.

Archbald, Douglas. "School Choice, Magnet School, and the Liberation Model: An Empirical Study." *Sociology of Education* 77 (2004): 283-301.

Argus Editorials. "Brown back in town." *St. Louis Argus* (St. Louis, MO), March 6, 1980: 10.

Armor, David. *Forced Justice: School Desegregation and the Law.* New York, Oxford University Press, 1995.

Ashcroft, John. *State Response H(1957)83, H(2118)83, H(2140)83*. October 17, 1983.

Banks, Veronica L. "Desegregation begins." *St. Louis Argus,* August 28, 1980: 1.

---. "Eight county districts interested in joining city desegregation." *St. Louis Argus,* June 12, 1980: second section, 1.

---. "Citizen Committee reacts: plan goes to Meredith." *St. Louis Argus*, May 1, 1980: 1.

---. "Double burden for black students." *St. Louis Argus,* April 17, 1980: 1.

---. "First desegregation draft endorsed-with reservations." *St. Louis Argus,* April 10, 1980: 1.

---. "Justice department silent on metropolitan school plan." *St. Louis Argus*, December 25, 1980: second section, 1.

---. "Meredith hints at metro integration; appeal planned." *St. Louis Argus*, May 22, 1980: 1.

---. "NAACP To Appeal Desegregation Plan." *St. Louis Argus,* July 10, 1980: 1.

---. "Orfield says state's plan 'renounced' integration goals." *St. Louis Argus*, December 25, 1980: 1.

---. "State challenges desegregation order." *St. Louis Argus*, June 19, 1980: second section, 1.

---. "State challenges Desegregation Order." *St. Louis Argus*, June 19, 1980: second section, 1.

---. "State to pay $11 million." *St. Louis Argus*, July 31, 1980: 1.

---. "Victory in eight-year integration battle!" *St. Louis Argus,* March 6, 1980: 1.

Bailyn, Bernard. *Education in the Forming of American Society: Needs and Opportunities for Study.* Chapel Hill: University of North Carolina Press, 1960.

Baybeck, Brady and E. Terrence Jones. *St. Louis Metromorphosis: Past Trends and Future Directions.* St. Louis: Missouri Historical Society Press, 2004.

Beckwith, Lynn. Personal communication, June 23, 2016.

Bell, Derrick. "*Brown v. Board of Education* and the interest convergence dilemma." *Harvard Law Review* 93, no. 3 (1980): 518-533.

---. *Faces at the Bottom of the Well.* New York: Basic Books, 1992.

---. "Racial Realism." *Connecticut Law Review* 24, No. 2 (1992): 363-379.

---. "Who's Afraid of Critical Race Theory?" *University of Illinois Law Review* 893 (1995): 893-910.

---. *Silent Covenants: Brown v. Board of Education and the Unfulfilled Hopes for Racial Reform.* New York: Oxford University Press, 2004.

Brostron, Kenneth C. "Implementing the Desegregation Plan: A participant's perspective." *Metropolitan Education* 4 (1987): 86-88.

---. *Letter to the State Assistant Attorney General.* November 23, 1987.

Bryant, Tim. "Pilot Neighborhood Magnet Plan Schools, Developers, City Cooperate in Effort to Attract Families." *St. Louis Post Dispatch,* March 19, 1989.

---. "US Judge Warns St. Louis Schools." *St. Louis Post Dispatch,* June 8, 1989.

Burgess, Charles E. "U.S. programs blamed for segregation." *St. Louis Globe Democrat,* March 15, 1978.

---. "Misleading data used to show integration lag, school board says." *St. Louis Globe Democrat*, February 10, 1978.

---. "Integration costs fuel disputes." *St. Louis Globe Democrat,* February 12, 1978.

---. "'Fine distinctions' in schools case." *St. Louis Globe Democrat*, March 23, 1978.

---. "Magnet school program seeks federal money." *St. Louis Globe Democrat*, May 1, 1979.

---. "More secrecy charges in desegregation case." *St. Louis Globe Democrat*, February 14, 1978.

---. "Racial school quotas may bring white exodus, judge told." *St. Louis Globe Democrat*, March 17, 1978.

---. "Schools' policy has stalled integration, witness testifies." *St. Louis Globe Democrat*, February 7, 1978.

---. *First Magnet Capital Improvement Design Pacts Awarded.* St. Louis Public Schools Public Affairs Division, December 1, 1988.

Campbell, Glen. *Memorandum to Dr. Jerome Jones*, December 9, 1988.

---. *Memorandum to Gene Uram RE: Revision of Recruitment Information on NJROTC and Montessori*, October 9, 1987.

---. *Memorandum to Dr. Jerome Jones RE: Rejection of Applicants for NJROTC*, October 5, 1987.

---. *Memorandum to Dr. Jerome Jones RE: County to City Interdistrict Transfers, Desegregation Monitoring Office*, September 9, 1983.

---. *Memorandum to Dr. Jerome Jones RE: Pupil=teacher ratio in NI elem/MS*, December 9, 1988.

City of St. Louis. *L(1673)87 City of St. Louis Response to Magnet School Report L(1585)87*, November 3, 1987: 11.

Committee on Quality Education. *L(1468)87 CQE Report on SoE Program*, June 3, 1987.

---. *L(1469)87 CQE Report on Remedial Programs*, June 3, 1987.

---. *L(1987)88 CQE Status Report on After-School and Saturday Programs*, June 6, 1988.

---. *L(1988) CQE Research Agenda*, June 8, 1988.

---. *L(2065)88: CQE Response to proposed 88/89 Settlement Plan L(2031)88: Status of B-Components for non-integrated schools*, July 22, 1988: 11.

---. *L(2130)88: CQE response to DMAC student assignment plan report L(2120)88*, Filled September 21, 1988: 3.

---. *L(2251)88 CQE Report on Capital Improvements planning and NIS,* December 29, 1988.

Copeland, Jeffrey. *Olivia's Story: The Conspiracy of Heroes behind Shelley v. Kraemer.* St. Paul: Paragon House, 2010.

Cremin, Lawrence A. *The Wonderful World of Ellwood Paterson Cubberly: An Essay on the Historiography of American Education.* New York: Teachers College Press, 1965.

Crenshaw, Kimberle. "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color." *Stanford Law Review* 43, no. 6 (1991): 1241-1299.

Crouch, Elisa. "Once-lagging neighborhood schools now drive improvement at St. Louis Public Schools." *St. Louis Post-Dispatch,* January 24, 2016.

---. "St. Louis district opens its neighborhood elementary schools Saturday for tours." *St. Louis Post-Dispatch,* March 31, 2016.

---. "Two troubled St. Louis high schools – Vashon and Sumner – set for overhaul." *St. Louis Post-Dispatch,* February 12, 2016.

DeClue, James A. "Magnet Schools no answer." *St. Louis Argus,* December 16, 1976: 12.

Delgado, Richard. "Storytelling for Oppositionist and Others: A Plea for Narrative." *Michigan Law Review* 87: 2411-2441.

---. *Critical Race Theory: The Cutting Edge.* Philadelphia: Temple University Press, 1995.

Desegregation Monitoring Advisory Committee. *Letter to Judge Hungate and Second Report to the Court,* November 16, 1981.

---. *Second report to court on judicial objectives and court ordered programs, L(2262)89,* January 9, 1989.

---. *Information for the St. Louis Area,* March 24, 1994.

Dudziak, Mary L. "Desegregation as a Cold War Imperative." *Stanford Law Review* 41 (1988): 61-120.

Eardley, Linda and Victor Volland. "Board of Education proposed city-county desegregation study." *St. Louis Post-Dispatch,* February 16, 1977.

Eardley, Linda. "Cutbacks called severe blow to magnet programs." *St. Louis Post-Dispatch,* September 20, 1978: 1-4E.

---. "Plans to pair some black, white schools." *St. Louis Post-Dispatch,* May 4, 1976.

"Editorial: A $12,700,00 teamwork victory." *St. Louis Argus,* April 29, 1976: 12.

Editorial Board. "Approval withheld on magnet schools in northwest city." *St. Louis Argus*, May 20, 1976: 1.

---. "Questioning the school plan." *St. Louis Argus*, May 1, 1980: 10.

Edmonds, Chester A. *Gateway to the St. Louis Public Schools.* St. Louis Public Schools Recruitment and Counseling Division, April 16, 1992.

---. *St. Louis Public Schools Recruitment and Counseling Center Reference Manual.* St. Louis Public Schools Recruitment and Counseling Division, Revised October, 1993.

Education Monitoring Advisory Committee. *G(574)92 EMAC Report to the Court*, 3, 1992.

---. *G(1053)94: EMAC Response to Board of Education Evaluation Report G(1026)94,* February 4, 1994.

---. *G(1751)95: EMAC response to Board's annual status report on restructured remedial programs G(1679)95,* September 15, 1995.

Ellis, James E. "School Board denies cover-up of racial data." *St. Louis Post Dispatch,* February 7, 1978.

---. "Magnet School grant less than requested." *St. Louis Post-Dispatch,* September 19, 1978.

Gaddis, John L. *The Landscape of History: How Historians Map the Past.* New York: Oxford University Press, 2002.

Gall, Meredith D., Joyce P. Gall, Walter R. Borg. *Educational Research, An Introduction.* 8th ed. New York: Pearson Publishing, 2007.

Gang, Joyce D. *Elementary and Middle School Enrichment/Extended Learning Laboratories and Secondary Remedial Centers.* St. Louis Public Schools Division of Evaluation and Research, July 1986.

Gest, Ted. "Board of Education contends ruling may jeopardize city's schools." *St. Louis Post-Dispatch,* December 28, 1976.

---. "Supreme Court refuses to bar NAACP from city schools case." *St. Louis Post-Dispatch,* February 23, 1977.

Gillborn, David. "Education policy as an act of white supremacy: whiteness, critical race theory and education reform." *Journal of Education Policy* 20, no. 4 (2005): 485-505.

Goldring, Ellen and Claire Smrekar. "Magnet Schools: Reform and Race in Urban Education." *The Clearing House: A Journal of Educational Strategies, Issues and Ideas* 76 (2005): 13-15.

Gonda, Jeffrey D. *Unjust Deeds: The Restrict Covenant Cases and the Making of the Civil Rights Movement.* Chapell Hill, UNC Press, 2015.

Gordon, Colin. *Mapping Decline: St. Louis and the Fate of the American City*. Philadelphia: University of Pennsylvania Press, 2009.

Grooms, Anin and Sheneka M. Williams. "The reversed role of magnets in St. Louis: Implications for Black student outcomes." *Urban Education* 50, no. 4 (2015): 454-473.

Hannon, Dennis. "Magnet schools: first year success spurs hope for future permanence." *South Side Journal*, June 22, 1977: 1.

Heaney, Gerald and Susan Uchitelle. *Unending Struggle: The Long Road to an Equal Education in St. Louis.* St. Louis: Reedy Press, 2004.

Hevesi, Dennis. "Gerald Heaney, a Judge who ruled for the desegregation of public schools, dies at 92." *New York Times*, June 22, 2010.

Hick, Virginia. "Building Considered for Magnet School." *St. Louis Post-Dispatch*, January 26, 1989.

---. "Board factions argue over magnet schools." *St. Louis Post-Dispatch*, April 26, 1989: 7A

Horne, Malaika. "Efforts to renovate schools begins." *St. Louis Argus*, November 22, 1988: 1.

"Introduction." *Metropolitan Education* No. 4 (1987): 43-44.

Joiner, Robert L. "Segregation cited in magnet school aid ban." *St. Louis Post-Dispatch*, June 8, 1976.

---. "School Board seeks US aid to cut bias." *St. Louis Post-Dispatch*, February 17, 1977.

Jones, Jerome. *Memorandum: Revisions in desegregation programs*. June 23, 1989.

Kaestle, Carl F. *The Evolution of an Urban School System: New York City, 1750-1850.* Cambridge: Harvard University Press, 1973.

Katz, Michael B. *The Irony of Early School Reform: Educational Innovation in Mid-Nineteenth Century Massachusetts.* Cambridge: Harvard University Press, 1968.

Kedro, M. James. *An Evaluation of High School New Century Computer Integrated Skills Facilities (NCCISF, formerly Remedial Centers).* St. Louis Public Schools Division of Evaluation and Research, December 1992.

Korris, Steve. "Orfield, Foote outline problems in report." *St. Louis Argus*, November 20, 1980: section 2, 1.

La Pierre, Bruce. "Voluntary Interdistrict School Desegregation in St. Louis: The Special Master's Tale." *Wisconsin Law Review* 971 (1987): 971-1040.

Ladson-Billings, Gloria. "Just what is critical race theory and what's it doing in a nice field like education?" *Qualitative Studies in Education* 11, no. 1 (1998): 7-24.

Ladson-Billings, Gloria and William Tate. "Toward a Critical Race Theory of Education." *Teachers College Record* 97 (1995): 47-68.

Leonardo, Zeus. "The color of supremacy: Beyond the discourse of 'white privilege". *Educational Philosophy and Theory* 36, no. 2 (2004): 137-152.

Lhotka, William C. "Setbacks for city schools." *St. Louis Post-Dispatch*, May 31, 1975.

Libros, Tracy. "Current status of the St. Louis plan: the magnet school component." *Metropolitan Education* no. 4 (1987): 94-97.

Limbaugh, Stephen N. *Order of the Court: L(2090)88 Comprehensive Long-Range Magnet Plan*, August 1988.

---. *Order of the Court: L(2311)89 on State Order L(2222)88, City Response L(2274)89, CQE L(2251)88 and City Board's Latest Status Report L(2289)88.* February 17, 1989.

---. *Order of the Court: L(2468)89.* June 7, 1989.

Little, Joan. "Judge orders City to buy site for school; Court wants institution close to Science Center." *St. Louis Post Dispatch*, July 8, 1993.

---. "City schools want to shift magnet seats to younger children." *St. Louis Post Dispatch*, June 23, 1994.

---. "Enrollment up at St. Louis Magnet Schools; three new schools lead to 25% increase." *St. Louis Post Dispatch*, August 26, 1993.

---. "Great Gateway; new magnet schools complex impresses 2,000 who turn out for Open House." *St. Louis Post Dispatch*, August 28, 1995.

---. "Magnet schools still popular choice." *St. Louis Post Dispatch*, December 2, 1994.

---. "Magnets' supply, demand unequal; City Whites and Blacks face shortage of seats." *St. Louis Post Dispatch*, January 22, 1995.

---. "School will belong to rare breed; magnet facility is under construction next to Science Center." *St. Louis Post Dispatch,* April 26, 1995.

---. "Top magnet programs fail to attract pupils." *St. Louis Post-Dispatch*, August 25, 1993.

Little, Joan and Cynthia Todd. "Discrimination in city schools lives on; but basis is magnet schools, not race." *St. Louis Post-Dispatch,* February 20, 1994

Lumpe, Gus H. "Problems that face St. Louis' Public Schools." *St. Louis Globe-Democrat,* October 21-22, 1967.

Magnet Review Panel. *Long-Range Comprehensive Plan for the Magnet Schools of St. Louis Missouri.* September 14, 1987.

"Magnet schools battle under way." *St. Louis Globe-Democrat*, May 5, 1978.

"Magnet schools help sell city living." *St. Louis Realtor*, February 1978.

McIntosh, Peggy. "White privilege: Unpacking the invisible knapsack." 1990.

Merriam, Sharan. *Qualitative research: A guide to design and implementation.* San Francisco: Jossey-Bass, 2009.

Metz, Mary H. *Different by Design: The Context and Character of Three Magnet Schools.* New York: Routledge & Kean Paul, 1986.

Mills, Charles. *The Racial Contract.* Ithaca, NY: Cornell University Press, 1997.

Mitchell, Eugene N. "From the publisher's desk, a plan is needed." *St. Louis Argus*, June 10, 1976: 12.

---. "Voluntary Desegregation." *St. Louis Argus*, June 12, 1980: 10.

Mitchell, Lilyann J. "Desegregation plan includes busing." *St. Louis Argus*, December 16, 1976: 1.

Monti, David. "Administrative Discrimination in the Implementation of Desegregation Policies." *Educational Evaluation and Policy Analysis* 1, no. 4 (1979): 17-25.

"NAACP criticizes magnet program." *St. Louis Post-Dispatch*, December 29, 1976.

"New effort to make schools plan work." *St. Louis Globe Democrat*, February 26, 1978.

Norwood, Kimberly. "Minnie Liddell's Forty-Year Quest for Quality Public Education Remains a Dream Deferred." *Washington University Journal of Law and Policy* 40 (2012): 1.

Oswald, Charles J. "Local districts told to step up integration." *St. Louis Globe-Democrat,* February 17-18, 1973.

Plump, Darlene A. *Letter to Richard Brook, Board of Education.* St. Louis City Board of Public Service, May 23, 1989.

Powell, Cedric. "From Louisville to Liddell: Schools, Rhetorical Neutrality and the Post-Racial Equal Protection Clause." *Washington University Journal of Law and Policy* 40 (2012): 153.

Pulitzer, Joseph. "Schools to seek $2.1 million in new desegregation funds." *St. Louis Post-Dispatch*, February 22, 1978: 3A.

---. "US tells city to explain two segregated schools." *St. Louis Post-Dispatch*, June 22, 1978.

Rogers, Kathy. "First come-first serve basis for magnet school admission." *St. Louis Argus*, July 8, 1976: 2.

---. "NAACP files objections to Court's desegregation decree." *St. Louis Argus,* January 22, 1976: 1.

---. "Token desegregation of schools, NAACP says." *St. Louis Argus*, August 12, 1976: 2.

---. "White students needed in magnet schools." *St. Louis Argus,* August 12, 1976: 1.

---. "Board changes policies to meet HEW regulations." *St. Louis Argus*, June 17, 1976: 1.

---. "HEW Rejects city school grant." *St. Louis Argus*, June 10, 1976: 1.

---. "Magnet school officials negotiate funding." *St. Louis Argus,* August 5, 1976: 2.

Reese, William J. and John L. Rury. *Rethinking the History of American Education*. New York: Palgrave Macmillan, 2008.

Renzulli, Linda A. and Lorraine Evans. "School Choice, Charter Schools, and White Flight." *Social Problems* 52, no. 3 (2005): 398-418.

Rosenbaum, James E. and Stefan Presser. "Voluntary Racial Integration in a Magnet School." *The School Review* 86, no. 2 (1978): 156-186.

Rossell, Christine. *The Carrot or the Stick for School Desegregation Policy: Magnet Schools or Forced Busing.* Philadelphia: Temple University Press, 1990.

Rule, Sheila. "Junior Highs proposed for city integration." *St. Louis Post-Dispatch,* February 28, 1977.

Sandler, Faith A. "Current status of the St. Louis Plan: special programs for non-integrated schools." *Metropolitan Education* 4 (1987): 98-103.

Saporito, Salvatore. "Private Choices, Public Consequences: Magnet School Choice and Segregation by Race and Poverty." *Social Problems* 50, no. 2 (2003): 181-203.

Sawyer, Jon. "Practicalities of school desegregation questioned." *St. Louis Post-Dispatch,* March 16, 1978.

"School Board submits desegregation plans." *St. Louis Argus,* May 6, 1976: 16.

Schlafly, Daniel L. *28 Years on the St. Louis School Board 1953-1981*. St. Louis: Daniel L. Schlafly, 1995.

Schultz, Stanley K. *The Culture Factory: Boston Public Schools, 1789-1860*. New York: Oxford University Press, 1973.

Smith, Justin D. "Hostile Takeover: The State of Missouri, the St. Louis School District, and the Struggle for Quality Education in the Inner City." *Missouri Law Review* 74, Issue 4, Article 8, (2009): 1143-1169.

Solorzano, David & Tara Yosso. "Critical Race Methodology: Counter-Storytelling as an Analytical Framework for Education Research." *Qualitative Research* 8, No. 1 (2002): 23-44.

"Some magnet schools may lose federal funds." *St. Louis Post-Dispatch,* November 22, 1977.

Sorkin, Michael D. "Judge Gerald Heaney dies; brought integration to St. Louis schools," *St. Louis Post-Dispatch,* June 24, 2010.

Spring, Joel H. *Education and the Rise of the Corporate State*. Boston: Beacon, 1972.

St. Louis Public Schools Board of Education. *BoE Report G(683)93 on Capital Improvements Program*. January 1983.

---. *BoE Response L(2260)89 to CQE L(2242)88.* January 6, 1989.

---. *Desegregation Report and Policy Statement*. August 14, 1995.

---. *G(1284)94 BoE Reply to EMAC Plan G(1242)94*. July 20, 1994.

---. *L(2221)88 BoE Report on Construction.* November, 1988.

---. *L(2542)89: BoE reply to State's Response L(2505)89 to Motion for orders requiring State Participation in costs of asbestos abatement in school facilities L(2478)89*. July 18, 1989.

---. *Report on Class Size Reduction.* May 28, 1987.

St. Louis Public Schools Division of Evaluation and Research. *Guidelines for SoE Programs.* March 3, 1990.

---. *Information Report Distribution of Services from the School Partnership, Pairing and Sharing, and Springboard to Learning Intracity Desegregation Programs 1983-1984.* March 1, 1985.

---. *MERRY: A Formal Evaluation of the Motivation and Recognition Experiences Program.* August 1, 1989.

---. *SoE Follow up Evaluation Report.* September 1, 1989.

St. Louis Public Schools Planning Division. *Elementary and Middle Magnet School Location Study.* March 20, 1984.

St. Louis Public Schools. "Hard times…$111 million and still shrinking." *School and Home*, August 1977: 1.

"St. Louis Schools: Have-Nots vs. Have-Lots, Magnet Schools, created to aid integration, are criticized for the limited access they provide blacks, the majority of the city's students." *Christian Science Monitor*, May 23, 1994.

State of Missouri. *State Response About Asbestos L(2505)89*. June 26, 1989.

---. *State Response G(1301)94 to City Board's Interim Report regarding goals for the quality education programs.* August 8, 1994.

Tabscott, Robert W. "Minnie Liddell's Quest." *St. Louis Beacon*, Sept. 29, 2009, accessed via https://www.stlbeacon.org/#!/content/20621/minnie_liddells_que.

Taylor, Edward, David Gillborn, Gloria Ladson-Billings. *Foundations of Critical Race Theory in Education.* New York: Routledge, 2009.

Thompson, Donald R. "To the point." *St. Louis Argus*, June 19, 1980: second section, 2.

Tyack, David & Larry Cuban. *Tinkering Toward Utopia: A Century of Public School Reform.* Cambridge, MA: Harvard University Press, 1995.

U.S. District Court Eastern District of Missouri. *L(1570)87: Capital Improvement Order*. September 3, 1987.

---. *L(2311)89 Memorandum and Order*. February 17, 1989.

---. *Response of the Court [L(1478)87] to Order L(1450)87 and Responses L(1464)87, L(1465)87, L(1466)87 and L(1467)87*. June 9, 1987.

Volland, Victor. "Botanical Garden to help cultivate magnet program." *St. Louis Post Dispatch*, July 22, 1993.

---. "Enrollment in 11 magnet schools still 800 students short of goal." *St. Louis Post-Dispatch*, November 1, 1976.

---. "4-1 Black lead in magnet school applications." *St. Louis Post-Dispatch*, August 10, 1976.

Walker, Daphne. "Magnet schools to recruit more whites." *St. Louis American*, November 16, 1978: 1.

Waters, Kathryn. "School plan aim: avoid violence." *St. Louis Globe-Democrat*, December 26, 1975.

---. "Court asked to overturn state school aid system." *St. Louis Globe-Democrat*, August 7, 1975.

---. "No-busing desegregation plan will go in effect next fall." *St. Louis Globe-Democrat*, December 25, 1975.

Watkins, William H. "Blacks and the Curriculum: From Accommodation to Contestation and Beyond." *Race and Education: The Roles of History and Society in Educating African American Students.* Boston: Allyn and Bacon, Boston, 2001.

Weaver-Hightower, Marcus. "An Ecology Metaphor for Educational Policy Analysis: A Call to Complexity." *Educational Researcher* 37 (2008): 153.

Wells and Crain. *Stepping Over the Color Line: African-American Students in White Suburban Schools.* New Haven: Yale University Press, 1997.

West, Kimberly. "A Desegregation Tool That Backfired: Magnet Schools and Classroom Segregation." *The Yale Law Journal* 103, no. 8 (1994): 2567-2592.

"Whites Sought to shift magnet school ratio." *St. Louis Globe Democrat*, August 11, 1976.

Willie, Charles V. and Michael K. Grady. *Desegregating Schools in the St. Louis Metropolitan Area: An analysis of first-year effects of a voluntary interdistrict transfer program*. Cambridge: Harvard Graduate School of Education, 1985.

Wilson, Andrew. "Integrated schools decline." *St. Louis Globe-Democrat,* March 4, 1970.

Zamudio, Margaret, Caskey Russell, Francisco Rios, Jacquelyn Bridgeman. *Critical Race Theory Matters: Education and Ideology.* New York: Routledge, 2011.