Columbus and Dayton School Cases

I would like to try a dissent not so much to what the Court decides in these two cases, but to address the fabric of myths and fictions upon which the body of desegregation law rests. I expect to join Rehnquist's basic dissent, and I know that it is late in the day to write all that one could say about the intellectually and legally bankrupt path the federal courts started down with good reason, but have not had the good sense to abandon. But let's give it a try, in rather summary form.

Most of the general views that I have entertained for some time (wearing my "school board" hat in addition to my "judge's" robe) have been stated in Dr. Coleman's lecture that he gave at Chicago in April, 1978. We have a copy of this, but I understand - through the library some months ago - that the lecture never has been published. (I pause here to suggest that you have our library check with the Library of Congress to see what, if anything, of Dr. Coleman's views on school desegregation has been published either in book or periodical form within the past two or three years.)

I haven't had an opportunity to put my thoughts
together enough even enough to give you a skeleton outline. Accordingly, what I am now dictating does not purport to be more than identification of random thoughts and ideas that I hope you can weave into some sort of a draft opinion. The only sources you really need refer to are (i) my opinion in Keyes, and particularly from Part III C to the end; (ii) my opinion in Austin; what Bruce and I wrote in Dallas; and (iii) Dr. Coleman's lecture. Of course, at least some reference will be made to the more relevant decisions of this Court (e.g., Dayton I, Milliken I and II, etc.).

Dr. Coleman identifies correctly the principal constitutional and educational fictions and misapprehensions that have brought us to the present sad state of affairs well illustrated by the situation in Dallas. Perhaps we should commence with an identification of the fictions and fallacious assumptions relied upon by this Court and reaffirmed by its decisions in Columbus and Dayton. In essence, I suppose these are pretty much the same as those identified by Coleman, but they should be expressed — where appropriate — in the terminology used by the Court itself.

In over-simplified terms, the general rationale of Justice White's opinions runs along the following lines: since Brown (1954) there has been an affirmative duty to
desegregate schools (even though nobody knew about the affirmative part of this duty until late 1968 when Green was decided); a segregated school is one that is predominantly black (as Coleman points out this is presumed to be inherently bad whereas a predominantly white school is not bad unless it helps further the maintaining of predominantly black schools); if there are identifiable black schools (predominantly black) within a school district, the affirmative duty to convert them to some sort of racial balance has been on the school board since 1954 and the burden of proof is therefore upon it to establish that its segregative intent did not cause the continued existence of one or more predominantly black schools; as proving this negative in a way acceptable to many district courts is a virtual impossibility (e.g., Columbus), the next step is for the district court to conclude that there has been a system-wide violation of the affirmative duty to desegregate; having leaped to this conclusion (wholly without regard to the actual facts), the court then decrees a system-wide remedy; the system remedy must be coercive enough to assure the elimination of racially identified schools "root and branch", so that there is no "black" and "white" school remaining; ambiguous language in Swann, adopted today as the law of the
land, is that decreeing racial balance in each and every school is appropriate where there has been a system-wide violation, and the now accepted way of accomplishing this is to prescribe a ratio bearing some relation to the percentage of blacks to the total population; finally, in order to implement what the Constitution has been found to require, system-wide busing is decreed.

Although I have perhaps exaggerated to some extent, and used adjectives that one might not use in a Court opinion, I think the foregoing comes close to being precisely the prevailing sequence of "reasoning" in Supreme Court doctrine. It makes no sense, and I believe that this type of reasoning will be ridiculed when a detached history of desegregation decisions is written.

I would particularly like to emphasize near the outset the fallaciousness of the assumption, made with respect to cities of the size of Columbus and Dayton and larger, that there has been a system-wide violation of constitutional rights in the sense that but for such violation there would be no predominantly black schools in the school district. No rational human being could believe this to be true in such cities. Coleman refers to this assumption (not identified precisely in my terms) as fiction
and as romanticizing. He states:

"Any knowledge of urban areas, and of the residential segregation that develops in urban areas along ethnic, income, and racial lines leads immediately to the recognition that most segregation, whether ethnic, or class, or race, in urban areas is due to residential patterns." (Emphasis in original.) Coleman, p. 1.

This sort of segregation results from neutral causes (and not unconstitutional action or inaction by school authorities) and is not necessarily bad in the ethnic and pluralistic society that prevails in our country and particularly in the great cities.

In my view, and I say this only in legalistic terms, I doubt that any federal judge really believes what many of them still accept as proven fact. That is, even if the school boards in Columbus and Dayton have been guilty of some intentional neglect of their duty to desegregate, no one can believe that the number and degree of racially identified schools in these two cities have resulted from failure of duty by the board.

In short, our decisions make a mockery of the very language repetitively used to the effect that the remedy should not exceed the scope of the violation. I am sure
Rehnquist will make this point, but I would like to emphasize it.

Also, as Dr. Coleman makes clear, desegregation law as enforced by the federal courts has failed to accomplish its basic objectives: (i) as parents are free both to move to the suburbs or to choose private schools, those who can do so tend to leave court-run schools with the result that they are resegregated (e.g., Dallas and countless other cities); (ii) the schools from which this "flight" takes place, tend not only to be resegregated, but also to offer a poorer quality of education - at least this is the perception of parents and the judgment of many educators (see Coleman).

In summary, what perhaps could be Part I of a dissent would identify the fictions and false assumptions upon which the present "legal fabric" of our decisions is based, and indicate briefly the failure of the application of these fallacious views by court ordered racial balance and busing to achieve it. We have pursued what we call constitutional principles (never imagined until we came upon the slippery slope of Green and Swann) with results now widely recognized as ranging from disappointing to disastrous.

Part II of the dissent should be affirmative and on
the upbeat. As you know, I believe in the advantages of diversity in the public schools as well as in higher education. I am totally persuaded that, despite profound differences and difficulties, the white and black people of this country must learn to live together, be educated together, work together, and stop calling each other "racists". But forced integration (the Court euphemistically continues to refer to it as desegregation) is neither required by the constitution nor is it efficacious. As Coleman points out, black parents are even more anxious about good education for their children than white parents (on the average) and given the opportunity they will send their children to church schools or elsewhere to avoid deteriorating court run public schools.

In sum, the solution we should seek should be essentially voluntary, but there must be state legislation that provides the framework and perhaps support and incentives. I have thought for some time that something along the lines recommended by Coleman may be the answer (pp. 12 et. seq.). His quite summary description of the Wisconsin plan is something we should examine. In essence, as described by Coleman (pp. 10, 13) it provides, but does not require, for children within a city school district to
transfer on a voluntary basis to schools within the entire metropolitan area. There would, of course, be certain prescribed conditions: state funds would follow the child, transportation at public expense would have to be provided, the city school district would retain control over education within the city, the schools to which city pupils could transfer would have the right to limit the number of students coming in based on capacity, but could not reject students because of race. I suppose, also, that one could provide that transfers should not increase existing racial imbalance in a particular school.

State legislation would have to provide for this, as *Milliken* I would prevent a federal court from so ordering in the absence of an interdistrict violation. But where the state provided the framework for a voluntary transfer system, this would avoid most of the disadvantages of federal court coercion. The plan also could provide for specialized or magnet schools within the city, to which metropolitan kids could transfer. See the description of these, and the voluntary transfer program, provided in the innovative Dallas plan, with which Bruce is familiar.

L.F.P., Jr.
June 7, 1979

Re: 78-610 - Columbus Bd. of Education v. Penick
    78-627 - Dayton Bd. of Education v. Brinkman

Dear Byron:

    I will await the other writings in both of these cases.

    Regards,

Mr. Justice White

Copies to the Conference
MEMORANDUM

TO:       Paul
FROM:    Lewis F. Powell, Jr.

DATE: June 11, 1979

School Cases

Although I probably will "hold my fire" until the Dallas case next fall, I am anxious to have the benefit of your thinking along the lines we have discussed.

At the time the library obtained the Chicago speech of Dr. Coleman, it had not been published. I recently asked Bruce to check to see whether the library has anything Coleman has published on this subject within the last year or two.

In addition to following up on this, I suggest that you spend a couple of hours at the Library of Congress to see whether anything worthwhile has been published on school busing, and particularly its consequences in the past couple of years. I know from the press that a number of "studies" have been made as to the effect of school desegregation on public education. These, with varied results. It is possible that some recent scholarly work on the entire area may be helpful. My primary concern, however, is on the effect of busing to achieve racial balance where a court has ordered "system wide" remedies. I would think there also may be some scholarly support for Dr. Coleman's view that most of the school segregation in large cities results from social
and economic causes rather than any intentional discrimination by the school board or other government agencies.

I will try to remember to bring Jay's book to the Court. I believe it has a bibliography. It might save you a little time if you called Jay and asked him if he had discovered any good sources on the above questions.

I will give you with this memorandum the story in Sunday's Post about the effect of busing (resulting in resegregation) in Los Angeles' disastrous plan - that apparently involved busing of up to four hours per day for some children.

There also was an op-ed column in the Post one day last week written by the Chairman of the District of Columbia School Board. The library upstairs should be able to provide a copy. The only relevant portion of this column is the statement by the Board Chairman of the astonishingly broad responsibility that public schools now assume for kids in large cities. Education seems to be almost a peripheral activity. The impression I gained from the article is that the schools now are responsible for providing food, medicine, health facilities, all sorts of guidance that normally came from the family, and even clothing. In the District at least
they seem to be social service agencies. All of this emphasizes the incompetence of federal judges to operate school systems.

L.F.P., Jr.

ss
MR. JUSTICE STEWART, concurring in the result in No. 78-610 and dissenting in No. 78-627.

My views in these cases differ in significant respects from those of the Court, leading me to concur only in the result in the Columbus case, and to dissent from the Court's judgment in the Dayton case.

It seems to me that the Court of Appeals in both of these cases ignored the crucial role of the federal district courts in school desegregation litigation\(^1\) — a role repeatedly emphasized by this Court throughout the course of school desegregation controversies, from *Brown v. Board of Education II*, 349 U.S. 294, \(^2\) to *Dayton Board of Education v. Brinkman I*, 433 U.S. 406. \(^3\) The development of the law concerning school segregation has not reduced the need for sound factfinding by the district
courts, nor lessened the appropriateness of deference to their findings of fact. To the contrary, the elimination of the more conspicuous forms of governmentally ordained racial segregation over the last 25 years counsels undiminished deference to the factual adjudications of the federal trial judges in cases such as these, uniquely situated as those judges are to appraise the societal forces at work in the communities where they sit.

Whether actions that produce racial separation are intentional within the meaning of Keyes v. School Dist. No. 1, 413 U.S. 189; Washington v. Davis, 426 U.S. 229; and Village of Arlington Heights v. Metropolitan Housing Dev. Corp., 429 U.S. 252, is an issue that can present very difficult and subtle factual questions. Similarly intricate may be factual inquiries into the breadth of any constitutional violation, and hence of any permissible remedy. See Milliken v. Bradley I, 418 U.S. 717; Dayton Board of Education v. Brinkman I, 433 U.S. 406. Those tasks are difficult enough for a trial judge. The coldness and impersonality
of a printed record, containing the only evidence available to an appellate court in any case, can hardly make the answers any clearer. I doubt neither the diligence nor the perservance of the judges of the Courts of Appeals, or of my Brethren, but I suspect that it is impossible for a reviewing court factually to know a case from a 6,600 page printed record as well as the trial judge knew it. In assessing the facts in lawsuits like these, therefore, I think appellate courts should accept even more readily than in most cases the factual findings of the courts of first instance.

My second disagreement with the Court in these cases stems from my belief that the Court has attached far too much importance in each case to the question whether there existed a "dual school system" in 1954. As I understand the Court's opinions in these cases, if such an officially authorized segregated school system can be found to have existed in 1954, then any current racial separation in the schools will be presumed to have been caused by acts in violation of the Constitution. Even if, as the Court says, this
presumption is rebuttable, the burden is on the school board to rebut it. And, when the factual issues are as elusive as these, who bears the burden of proof can easily determine who prevails in the litigation. Speiser v. Randall, 357 U.S. 513, 525-26.

I agree that a school district in violation of the Constitution in 1954 was under a duty to remedy that violation. So was a school district violating the Constitution in 1964, and so is one violating the Constitution today. But this duty does not justify a complete shift of the normal burden of proof. 4/

Presumptions are sometimes justified because in common experience some facts are likely to follow from others. See County Court of Ulster County v. Allen, ___ U.S. __; Sandstrom v. Montana, ___ U.S. __. A constitutional violation in 1954 might be presumed to make the existence of a constitutional violation twenty years later more likely than not in one of two ways. First, because the school board then had an invidious intent, the continuing existence of that collective state of mind might be presumed in the
absence of proof to the contrary. Second, quite apart from the current intent of the school board, an unconstitutionally discriminatory school system in 1954 might be presumed still to have major effects on the contemporary system. Neither of these possibilities seems to me likely enough to support a valid presumption.

Much has changed in 25 years, in the nation at large and in Dayton and Columbus in particular. Minds have changed with respect to racial relationships. Perhaps more importantly, generations have changed. The prejudices of the school boards of 1954 (and earlier) cannot realistically be assumed to haunt the school boards of today. Similarly, while two full generations of students have progressed from kindergarten through high school, school systems have changed. Dayton and Columbus are both examples of the dramatic growth and change in urban school districts. It is unrealistic to assume that the hand of 1954 plays any major part in shaping the current school systems in either city. For these reasons, I simply cannot accept the shift in the litigative burden of proof adopted by
Because of these basic disagreements with the Court's approach, these two cases look quite different to me from the way they look to the Court. In both cases there is no doubt that many of the districts' children are in schools almost solely with members of their own race. These racially distinct areas make up substantial parts of both districts. The question remains, however, whether the plaintiffs showed that this racial separation was the result of intentional system-wide discrimination.

The Dayton case

After further hearings following the remand by this Court in the first Dayton case, the District Court dismissed this lawsuit. It found that the plaintiffs had not proved a discriminatory purpose behind many of the actions challenged. It found further that the plaintiffs had not proved that any significant segregative effect had resulted from those few practices that the school board had previously undertaken with an invalid
intent. The Court of Appeals held these findings to be clearly erroneous. I cannot agree. As to several claimed acts of post-1954 discrimination, the Court of Appeals seems simply to have differed with the trial court's factual assessments, without offering a reasoned explanation of how the trial court's findings fell short.\footnote{The Court of Appeals may have been correct in its assessment of the facts, but that is not demonstrated by its opinion. I would accept the trial judge's findings of fact.}

Furthermore, the Court of Appeals relied heavily on the proposition that the Dayton School District was a "dual system" in 1954, and today this Court places great stress on the same foundation. In several instances the Court of Appeals overturned the District Court's findings of fact because of the trial court's failure to shift the burden of proof.\footnote{Because I think this shifting of the burden is wholly unjustified, it seems to me a serious mistake to upset the District Court's findings on any such basis. If one accepts the facts as found by the District Judge,}
there is almost no basis for finding any constitutional violations after 1954. Nor is there any substantial evidence of the continuing impact of pre-1954 discrimination. Only if the defendant school board is saddled with the burdens of proving that it acted out of proper motives after 1954 and that factors other than pre-1954 policies led to racial separation in the district's schools, could these plaintiffs possibly prevail.

For the reasons I have expressed, I must dissent from the opinion and judgment of the Court.

The Columbus case

In contrast, the Court of Appeals did not upset the District Court's findings of fact in this case. In a long and careful opinion, the District Judge discussed numerous examples of overt racial discrimination continuing into the 1970's. If Just as I would defer to the findings of fact made by the District Court in the Dayton case, I would accept the trial court's findings in this case.
The Court of Appeals did rely in part on its finding that the Columbus board operated a dual school system in 1954, as does this Court. But evidence of recent discriminatory intent, so lacking in the Dayton case, was relatively strong in this case. The particular illustrations recounted by the District Court may not have affected a large portion of the school district, but they demonstrated that the district was not being operated in a racially neutral manner. The District Court found that the Columbus board had intentionally discriminated against Negro students in some schools, and that there was substantial racial separation throughout the district. The question in my judgment is whether the District Court's conclusion that there had been a system-wide constitutional violation can be upheld on the basis of those findings, without reference to an affirmative duty stemming from the situation in 1954.

I think the Court's decision in Keves v. School Dist. No. 1, 413 U.S. 189, provides the answer:
"We hold that a finding of intentionally segregative school board actions in a meaningful portion of a school system, as in this case, creates a presumption that other segregated schooling within the system is not adventitious. It establishes, in other words, a prima facie case of unlawful segregative design on the part of school authorities, and shifts to those authorities the burden of proving that other segregated schools within the system are not also the result of intentionally segregative actions." 413 U.S., at 208.

The plaintiffs in the Columbus case, unlike those in the Dayton case, proved what the Court in Keyes defined as a prima facie case. The District Court and the Court of Appeals correctly found that the school board did not rebut this presumption. It is on this basis that I agree with the District Court and the Court of Appeals in concluding that the Columbus school district was operated in violation of the Constitution.

The petitioners in the Columbus case also challenge the remedy imposed by the District Court. Just two Terms ago we set out the test for determining the appropriate scope of a remedy in a case such as this:

"If such violations are found, the District Court in the first instance, subject to review by the Court of Appeals, must determine how much incremental segregative effect these violations had on the racial distribution of the . . .
school population as presently constituted, when that
distribution is compared to what it would have been in the
absence of such constitutional violations. The remedy must
be designed to redress that difference, and only if there
has been a systemwide impact may there be a systemwide
remedy."

Dayton Board of Education v. Brinkman I, 433 U.S.
406, 420.

In the context in which the Columbus case has reached us, I cannot
say that the remedy imposed by the District Court was impermissible
under this test. For the reasons discussed above, the District
Court's conclusion that there was a system-wide constitutional
violation was soundly based. And because the scope of the remedy is
tied to the scope of the violation, a remedy encompassing the entire
school district was presumptively appropriate. In litigating the
question of remedy, however, I think the defendants in a case such
as this should always be permitted to show that certain schools or
areas were not affected by the constitutional violation.

The District Court in this case did allow the defendants to
show just that. The school board proposed several remedies, but it
put forward only one plan that was limited by the allegedly limited
effects of the violation. That plan would have remedied racial
imbalance only in the schools mentioned in the District Court's opinion. Another remedy proposed by the school board would have resulted in a rough racial balance in all but 22 "all-white" schools. But the board did not assert that those schools had been unaffected by the violations. Instead, it justified that plan on the ground that it would bring the predominately Negro schools into balance with no need to involve the 22 all-white schools on the periphery of the district. The District Court rejected this plan, finding that it would not offer effective desegregation since it would leave those 22 schools available for "white flight." The plan ultimately adopted by the District Court used the Negro school population of Columbus as a benchmark, and decreed that all the public schools should be 32% minority, plus or minus 15%.

Although, as the Court stressed in Green v. County School Board, 391 U.S. 430, a remedy is to be judged by its effectiveness, effectiveness alone is not a reason for extending a remedy to all schools in a district. An easily visible correlation between school
segregation and residential segregation cannot by itself justify the blanket extension of a remedy throughout a district. As Dayton I made clear, unless a school was affected by the violations, it should not be included in the remedy. I suspect the defendants in Columbus might have been able to show that at least some schools in the district were not affected by the proven violations. Schools in the far eastern or northern portions of the district were so far removed from the centers of Negro population that the unconstitutional actions of the board may not have affected them at all. But the defendants did not carry the burden necessary to exclude those schools.

The remedy adopted by the District Court used numerical guidelines, but it was not for that reason invalid. As this Court said in Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1, "Awareness of the racial composition of the whole school system is likely to be a useful starting point in shaping a remedy to correct past constitutional violations. In sum, the very limited use made of mathematical ratios was within the equitable remedial discretion of the District Court." 413 U.S., at 25.
On this record, therefore, I cannot say that the remedy was improper.

For these reasons, I concur in the result in *Columbus Board of Education v. Penick*, and dissent in *Dayton Board of Education v. Brinkman*. 
Rule 52(a), F.R.Civ.P., reflects the general deference that is to be paid to the findings of a district court. "Findings of fact shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge of the credibility of the witnesses." See United States v. United States Gypsum Co., 333 U.S. 364, 394-95.

"School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles. Because of their proximity to local conditions and the possible need for further hearings, the courts which originally heard these cases can best perform this judicial appraisal." Brown v. Board of Education II, 349 U.S. 294, 299.

"Indeed, the importance of the judicial administration aspects of the case are heightened by the presence of the substantive issues on which it turns. The proper observance of the division of functions between the federal trial courts and the federal appellate courts is important in every case. It is especially important in a case such as this where the District Court for the Southern District of Ohio was not simply asked to render judgment in accordance with the law of Ohio in favor of one private party against another; it was asked by the plaintiffs, students in the public school system of a large city, to restructure the administration of that system." Dayton Board of Education v. Brinkman (I), 433 U.S. 406, 409-10.
4/ In *Keyes* the Court did discuss the affirmative duty of a school board to desegregate the school district, but limited its discussion to cases "where a dual system was compelled or authorized by statute at the time of our decision in *Brown v. Board of Education* . . . ." 413 U.S., at 200. It is undisputed that Ohio has forbidden its school boards racially to segregate the public schools since at least 1888. See *Dayton I*, 433 U.S., at 410 n. 4; Ohio Rev. Code Ann. §3313.48 (1972); *Board of Education v. State*, 45 Ohio St. 555, 16 N.E. 373; *Clemons v. Board of Education*, 228 F.2d 853, 858.

5/ The Columbus school district grew quickly in the years after 1954. In 1950-51 the district had 46,352 students. In 1960-61, over 83,000 students were enrolled. Attendance peaked in 1971-72 at just over 110,000 students, before sinking to 95,000 at the time of trial. Between 1950 and 1970, an average of over 100 classrooms a year were added to the district.
Although the Dayton district grew less dramatically, the student population increased from 35,000 in 1950-51, of whom approximately 6,600 were Negro, to 45,000 at the time of trial, of whom about 22,000 were Negro. Twenty-four new schools were opened in Dayton between 1954 and the time of trial.

For example, the District Court concluded that faculty segregation in the Dayton district ceased by 1963. The Court of Appeals reversed, saying:

"In Brinkman I, supra, 503 F.2d at 697-98, this court found that defendants 'effectively continued in practice the racial assignment of faculty through the 1970-71 school year.' This finding is supported by substantial evidence on the record. The finding of the district court to the contrary is clearly erroneous." [footnotes omitted]. 583 F.2d 243, at 253.

Thus, in considering certain optional attendance zones that the District Court found had not been instituted with a discriminatory intent, the Court of Appeals wrote:

"In reaching these clearly erroneous findings of fact, the district court once again failed to recognize the optional zones as a perpetuation, rather than an elimination, of the existing dual system; failed to afford plaintiffs the
burden-shifting benefits of their prima facie case; and failed to evaluate the evidence in light of tests for segregative intent enunciated by the Supreme Court, this court and other circuits in decisions cited in this opinion." 583 F.2d 243, 255.

The Court of Appeals opinion relied upon the same theory in overturning the factual conclusions of the District Court that school construction and site selection had not been undertaken with a discriminatory purpose in Dayton. Thus, it is impossible to separate the conclusions of law made by the Court of Appeals from its rulings that the District Court made clearly erroneous findings of fact.

8/ The two clearest cases of discrimination involved attendance zones. The near-Bexley optional zone operated from the 1959-60 school year through the 1974-75 school year. This zone encompassed a small area of Columbus between Alum Creek and the town of Bexley. The area west of the creek was predominately Negro; the area covered by the option was predominately white. Students living in that zone were given the option of being bused entirely through
the City of Bexley to "white" Columbus schools on its eastern border. The District Court concluded that:

"Nothing presented by the Columbus defendants at trial, at closing arguments, or in their briefs convinces the Court that the Near-Bexley Option was created or maintained for racially neutral reasons. The Court finds that the option was not created and maintained because of overcrowding or geographical barriers.

Quite frankly, the Near-Bexley Option appears to this Court to be a classic example of a segregative device designed to permit white students to escape attendance at predominately black schools." 429 F.Supp. 229, 245.

The Moler discontiguous zone affected two elementary schools in the southeastern portion of the school district. A majority of the students in the Alum Crest Elementary School were, at all relevant times, Negro. Through 1969, no more than 8.7% of the students at the other school, Moler Elementary, were Negro. The District Court found:

"Between September, 1966 and June, 1968, about 70 students, most of them white, were bused daily past Alum Crest Elementary from the discontiguous attendance area to Moler Elementary. The then-principal of Alum Crest watched the bus drive past the Alum Crest building on its way to and from Moler. At the time, the Columbus Board of Education was leasing 11 classrooms at Alum Crest to Franklin County. There was enough classroom space at Alum Crest to accommodate the students who were transported to Moler. When the principal inquired of a Columbus school administrator why this situation existed, he was given no reasonable explanation."
The Court can discern no other explanation than a racial one for the existence of the Moler discontiguous attendance area for the period 1963 through 1969." 429 F.Supp. 229, 247.

The Denver school district at the time of the trial in Keyes had 96,000 students, almost exactly the number of students in the Columbus system at the time of this trial. The Park Hill region of Denver had been the scene of the intentional discrimination that the Court believed justified a presumption of system-wide violation. That region contained six elementary schools and one junior high school, educating a small portion of the school district's students, but a large number of the district's Negro students.
Too much importance to 1954-3
Error in chart below; correct by May 1956-4
Excellent description of "more likely than not" analysis as to a permanent

The Federal Reserve anchors are the link of the financial

The Committee, through the use of the Federal Reserve System, is

in controlling the quantity of the nation's

The Committee is planning a reformation of the new-\v.

The region containing the embryonic features and can

Another high report suggesting a Welt location of the federal

Afficen's acquisition put a fixed number of the decision's reaching