

SEP 14 1982

Honorable Terrel H. Bell  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Dear Secretary Bell:

I am writing to remind you that this Department's suit involving the desegregation of students in Chicago's public schools (United States v. Board of Education of the City of Chicago) requires the United States to explore ways in which the desegregation proposals advanced by the Chicago Board can be assisted by federal funding.

The obligation to search for funds arises from the Consent Decree entered into between the United States and the Chicago Board of Education on September 24, 1980. The Decree provided that the Chicago Board, without contesting the liability issue, would develop a comprehensive student desegregation plan and that the parties, including the United States, would "make every good faith effort to find and provide every available form of financial resources adequate for the implementation of the desegregation plan." A group was formed in late 1980 to address this task within the Department of Health, Education, and Welfare.

Chicago's desegregation plan, which we have supported, has been under submission to the United States District Court for more than six months. We had anticipated a court decision on the plan well before the end of this fiscal year, and, consequently, had deferred further correspondence with your Department on this matter.

Our view is that the United States' responsibility to assist in the implementation of Chicago's desegregation plan is contingent upon court approval of the Consent Decree. We are, however, now fearful that approval will come too late to have an impact on funds that might have been available during the current fiscal year and that, as a result, promising desegregation programs (which the Board has already started without waiting for court approval) will suffer.

cc: Records  
Chrono ✓  
Turner  
Wilkinson, J.  
Keeling  
Ross, A.  
Thome, L.

In my view, the United States' obligations under the Consent Decree to assist the Chicago school system with its desegregation programs is strengthened by and entirely consistent with this Administration's policy with respect to remedies in school desegregation cases. In accordance with this policy, this Department has encouraged and supported the Chicago Board's efforts both to create as many stably desegregated schools as is practicable through attractive educational programs that will induce voluntary, desegregative student transfers and to enhance the educational programs at the many schools that will remain all-minority.

We consider the Chicago desegregation plan to be an exciting example of what can be accomplished voluntarily with community support. In many respects, it has the potential to serve as a model for desegregating other school systems without resort to mandatory transportation. The federal government has enthusiastically endorsed the Chicago Plan (which is understandably costly), and we must now take all reasonable steps to ensure that it is fully and effectively implemented.

We realize that making a special effort for Chicago raises a number of difficulties in these times of shrinking federal assistance to state and local governments, not the least of which is the expectancy of other large urban school districts to receive similar treatment. In this regard, most other such districts have in the past received substantial funds under the old Emergency School Aid Act, which was still in existence at the time the Consent Decree was signed and was clearly the basis for Chicago's expectation of desegregation assistance from the United States.

I hope that representatives of our two Departments can meet in the next week or so in order to explore this subject. If funds for Chicago's desegregation proposals can be made available, they should be held until the desegregation plan has been approved by the Court.

Sincerely,

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

03 169-23-1

WBR:ACR:nvr

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