

The Epic Battle to Fund St. Louis School Desegregation

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This qualitative study examines why the conflict over school desegregation lasted until 2011. Although the city of St. Louis took some steps to desegregate schools after the 1954 *Brown v. Board of Education* ruling, the city school board, citizens, and politicians engaged in nearly 70 legal battles regarding school desegregation. While it was not unusual for cities to fight desegregation, even extending the fights through the late 1970s, St. Louis is unique in that its last legal settlement regarding desegregation of public schools ended in 2011. Only the initial lawsuits were over desegregation itself. The majority of desegregation legal battles in St. Louis regarded funding. The state had been mandated to pay half of the total costs of the desegregation program and the federal government was going to pay the rest. Politicians like John Ashcroft and Mel Carnahan waged war in court to try to prevent the hefty financial burden of desegregation from falling on their shoulders. This paper attempts to prove that financial conflicts were the culprit in the long term fight against desegregation in St. Louis. Questions that guided this research include: Why did school desegregation take so long in St. Louis? Who were the key

actors involved in school desegregation in St. Louis? How much did the program cost and how was the money allocated?

LITERATURE REVIEW

Amy Stuart Wells has written extensively about school desegregation in St. Louis. In *Stepping Over the Color Line: African American Students in White Suburban Schools*, she and Robert L. Crain argue that an invisible color line operates to determine where Americans live and attend school. The color line dictates much of people's lives. This line is so deeply ingrained in American culture, that school desegregation could not undo it (Wells and Crain, 1997). My research draws upon this work. *Both Sides Now: The Story of School Desegregation's Graduates* by Wells, Holme, Revilla, and Atanda interviewed over 500 students from six schools in as many different cities. In keeping with the theory that a color line divides Americans, Wells et al. found that even those who had positive experiences with desegregation were likely to live in segregated societies as adults (Wells, et al., 2009). Gary Orfield has also written extensively on school desegregation in St. Louis. His testimony during the Liddell

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case is included in the archival records regarding St. Louis school desegregation. Orfield's testimony helped determine how and why schools in St. Louis should desegregate. In addition, William Freivogel's work shed light on the unique connection between Missouri's history of the Dred Scott case and St. Louis' resistance to school desegregation. Freivogel argues that the legacy of the Dred Scott case is proof that Missouri has a long and unique history of perpetuating injustices against blacks. The same state that ruled that a slave retained his status as property even when he lived in a free state was uniquely positioned to carry out further injustices against blacks (Freivogel, 2002). Finally, a key primary source for this research is *Unending Struggle: The Long Road to an Equal Education in St. Louis*. This book, written by Circuit Court Judge Gerald Heaney and Susan Uchitelle, the Director of the Voluntary Interdistrict Coordinating Committee for St. Louis schools, offers a detailed look at the legal process of the desegregation of St. Louis schools. While this paper draws upon the literature of others, it hopes to add a new layer to the research. Rather than address the process of desegregation as Wells, Heaney, and Uchitelle do, or address the broad history of Missouri as Freivogel does, this paper attempts to connect the extended conflicts over school desegregation to funding for the program. While some questions remain about the exact amount spent on desegregation, it is clear that legal battles over who would pay for the program were numerous and long term. This paper seeks to address that issue.

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METHODOLOGY

This paper uses a historical method employing a qualitative design to uncover why St. Louis school desegregation took so long. Much of the research for this paper was gathered through archival work. The University of Missouri, Columbia houses the entire volume of court transcripts from the original Liddell case and the nearly 66 cases that followed. The original Liddell v. Board of Education of the City of St. Louis case is used in this research in addition to the appeal that was heard in the Circuit Court. Civil Court documents provide a litigation history for St. Louis desegregation and Civil Dockets provide a detailed look at the interactions between plaintiff and defendant in the Liddell case. School desegregation in St. Louis was covered, heavily, in local newspapers. As a result, several St. Louis newspaper articles are used to explore the responses to school desegregation and the legal cases that followed its implementation. These helped to determine the magnitude of the problem. In addition, politicians held press conferences to speak out against school desegregation. Other primary and secondary sources were used for this research. While there is more to be explored here; some of their statements were captured in newspapers. Little has been written on Minnie Liddell. Several smaller newspapers have written about her and provide a brief biography of the mother who started the process for school desegregation. In addition, Judge Gerald Heaney and Susan Uchitelle were key actors who left written records about their involvement in the case. Several memos sent between judges and other actors in this story provide useful insight. Finally, historians who have written about St. Louis school desegregation have left valuable secondary sources that help frame this work.



STATEMENT OF THE PROBLEM

St. Louis school desegregation has been well documented. Much of the research details the history of school desegregation in St. Louis, the legal proceedings and the quantitative results for students who participated in the program. In reading through court transcripts regarding the Liddell cases, it became clear that after the initial rulings, most of the cases and appeals filed were about funding the desegregation program, not the program itself. This paper attempts to show that much of the decades-long conflict regarding school desegregation was about funding the program.

FINDINGS

Findings from this research reveal that the majority of appeals that resulted from this lawsuit dealt with whether or not the courts could force the city and state to pay for desegregation given that the schools were not found culpable of creating school segregation. District Court Judge, James Meredith ruled that while the school board did not create segregation in schools, it certainly contributed to it by utilizing policies that ensured segregation in schools and continued segregation practices that existed in the larger community (Liddell et al. v. St. Louis Board of Education. 469 F. Supp. 1304, 1979). The district court mandated that the state pay half of the cost of the program. Total costs of the program have been estimated at approximately \$1.7 billion (Freivogel, 2002, 209). The goal of the Voluntary Transfer Program was for suburban schools to increase their population of African American students by 15 percentage points or reach a maximum capacity of 25% African American students in suburban St. Louis schools (www.choicecorp.org). Even after St. Louis schools reached unitary status in 2008 and were able to elect out of the desegregation program, battles over the money still continued. The last financial

settlement wasn't paid until November 23, 2011 (Volkman, 2011).

Shift in Support for Funding Schools

From 1916 to 1969, St. Louis voters experienced a change in their support for school bond referendums. As white flight pushed whites farther away from predominately black areas in the city center, St. Louis was left with a population of mostly black voters who supported school bond referendums but did not have large earnings to support the increase in taxes. Whites, who earned more, often moved to the suburbs and those who remained in the city voted against having their taxes raised. In addition, blacks had relatively low voter turnout, so those who wanted to increase taxes to help fund the schools began to lose their voting power (Troen, 1977). From 1916 to 1947, every school bond issue that was proposed in St. Louis passed. In the 1950s, two of the eight bond issues failed. In the 1960s, 14 out of 24 bond issues failed (Troen, 1977, p. 203). White flight had a marked effect on St. Louis in the 1950s. Between 1960 and 1970, 34% of whites left St. Louis and moved to the suburbs. In that same time period, the black population of St. Louis increased from 29% to 41% (Troen, 1977, p. 204). The migration meant that middle class whites took their tax dollars with them the suburbs. Lower paid black families were left to fund public, city schools with less money.



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By the time Judge Meredith issued his ruling that the St. Louis Board of Education must take affirmative steps to desegregate, support for tax increases had long waned among St. Louis residents. Once the initial court ruling was handed down in 1974, several dozen cases were filed regarding the financing of the program. Increasing taxes to fund public schools seemed to be almost as unsavory as desegregation itself.

Minnie Liddell

Minnie Liddell married at the age of 16 and she and her husband, Charles, had five children, Craton, Donna, Charles Jr., Brian and Michael. In 1971, the Liddell's lived on the predominately black, north side of St. Louis City. As a result of overcrowding in the black schools, Craton, his classmates, and his teacher were bused to a white, elementary school across town on the south side of



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St. Louis. As an advocate for her children, Liddell and other parents lobbied the school board to build new schools on the north side of town. In 1972, the board agreed. All of Liddell's children were assigned to attend the newly built Yeatman School in Liddell's neighborhood when it opened. Liddell reports that the school was immediately overcrowded (Heaney and Uchitelle, 2010). In 1972, after only one year in attendance at Yeatman School, Minnie Liddell learned that her children were going to be transferred from the newly constructed Yeatman School to Bates

School. It would have been Craton's fourth school in five years. Bates was a black school that had been closed down because of its dilapidated condition (Personal Interview, quoted in Heaney and Uchitell, 2010). The St. Louis School Board had decided to reopen the school as a cost effective way to relieve overcrowding in neighborhood schools. In addition to Bates being in poor condition, it was far away from the Liddell's neighborhood. Craton, who was twelve years old, was going to be bused from a wonderful, neighborhood school to a dilapidated school that was far from home. Minnie Liddell began lobbying her neighbors to complain. She organized a boycott and successfully had her son reassigned to Yeatman (Freivogel, 2003). Believing that St. Louis Public Schools was practicing de facto segregation, Liddell decided to sue anyway. The result was an estimated \$1.5 billion interdistrict desegregation program and almost 70 legal battles that began in 1972 and ended in 2011 (Freivogel, 2003). Minnie Liddell believed that if you didn't provide children with a quality education, "Each and every one of us is going to pay for it" (Singer, 1998, p. 1). Her words, ironically, became the sticking point for St. Louis politicians who spent more than 20 years arguing that the problem with school desegregation is that the state shouldn't have to pay for it.

Liddell v Board of Education

In 1972, Minnie Liddell sued the St. Louis Board of Education on behalf of children in St. Louis who were being forced to attend segregated schools. In St. Louis, as in other cities, housing segregation led to school segregation. The 1967 Report of the U.S. Commission on Civil Rights listed St. Louis as an example of "severe" residential segregation. While St. Louis schools had, by law, desegregated after the Brown ruling, housing communities remained segregated. As a result, schools in St. Louis had not outwardly fought desegregation because housing segregation ensured that schools would remain, for the most part, segregated. Some city neighborhoods

were desegregated which meant that city schools, while predominately black, did have a white population. For example, in the 1972-1973 school year there were 181 elementary and high schools in in these fields that will also give them the background which black and white children attended together. County schools, however, remained more segregated. In a 1980, the St. Louis Post Dispatch reported that county schools had a practice of transporting black students who lived in suburban communities to black city schools (Liddell et al. vs. St. Louis Board of Education. 469 F. Supp. 1304, 1979).

In the initial Liddell case, District Court Judge James Meredith found that housing segregation was a large factor in determining why schools were segregated. He couldn't rule in favor of the plaintiffs because the burden of proof set my Milliken v. Bradley could not be placed on public schools (Milliken v. Bradley, 1977). Judge Meredith ruled that St. Louis schools hadn't created the segregation problem. Housing segregation and other factors were responsible for school segregation. However, he did find that schools had to take action to remedy the problem. Judge Meredith's ruling came in 1974. However, following his initial ruling, the courts were plagued with lawsuits regarding who would pay for school desegregation. It appeared that no one wanted to raise taxes to pay for busing, magnet schools, or desegregation programs.

After the initial Liddell v Board of Education suit was filed and the District Court ruled that St. Louis Public Schools had to desegregate, a mass number of law suits followed concerning how to pay for the program. The estimated cost of desegregation was \$1.5 billion and there was no plan to pay for the expensive program. Whether or not cost was the most significant objection St. Louisans had to school desegregation is undeterminable. It was, however, a major deterrent. After almost 70 legal battles that began in 1972, the school desegregation conflicts finally ended in 2011.

The Desegregation Plan

Attorney William Freivogel wrote extensively about the St. Louis desegregation program as a journalist for the St. Louis Post Dispatch. He outlined the five major components that school desegregation was supposed to address. The first major component was the voluntary transfer of students from city schools to suburban schools. While families could volunteer to participate, suburban schools could screen children for behavior problems and special education needs prior to accepting them into the program. The second component was the maintenance and creation of new magnet schools in St. Louis city. Magnet schools were supposed to provide a superior education for residents of the city. A proposal was made to open 10 new magnet schools and to encourage whites from the suburbs to transfer to city, magnet schools. The third component of the desegregation program was the promise for capital improvements to city schools. Money was to be used to fix the infrastructure and develop new facilities and programs in city schools that served African American students. The fourth component of the desegregation program was the payment of the program. The state of Missouri would pay for the transfer of students from city to suburbs. The state would pay both the suburban host school for accepting the transfer students and pay the city school a smaller amount to make up for the loss of the student generated revenue. Wealthy districts, like Clayton Schools, that had a large per pupil spending amount prior to the desegregation program were given as much as \$10,000 per pupil, per year (Freivogel, 202). Suburban schools, like the Bayless School District, that spent less per pupil were given \$3,000 per pupil, per year (Freivogel, 202). Either way, the desegregation funding provided a financial impetus for suburban schools to accept Voluntary Transfer students into their schools. While the suburban schools had the most to gain financially, city schools were also provided payments as part of



the desegregation program. They were given the equivalent of nearly half of their typical per pupil spending for every student who left to go to a suburban school (Freivogel, 202). While city schools received less money than they would have in previous years, they were being given “shadow payments” for students who no longer attended their schools. With fewer students in the population, city schools could use their extra funds to develop new programs for the students who were left in their schools. The final component of the desegregation program was the time limit that was set for its legal ramifications. Schools had a strong incentive to comply with the program. During the first five years of compliance, there would be a stay on the Interdistrict court case that had led to the creation of the program in the first place. If schools were found to be in compliance for five years, then the original lawsuit against the city would be dropped.

Immediate Resistance to St. Louis School Desegregation

In January 1976, following the court ruling, objections to the desegregation plan were filed by the Missouri State Teachers’ Association and objections for the purpose of clarification were filed by the St. Louis Teachers’ Unions, Local 420, American Federation of Teachers. The teachers’ unions vehemently opposed the court’s decision regarding the hiring of teachers. In particular, they opposed the quotas that the court expected them to fill. The court wanted an increase in the number of minority teachers as a function of voluntary transfers, initially, but if enough teachers did not volunteer to meet the court’s quotas, then schools were expected to give mandatory transfers to teachers in order to meet the quotas. By the 1976-1977 school year, the court wanted an increase in hiring, so that minority teachers represented 10% of the total population of teachers in the system. By the following school year, the increase was expected to reach 20% and for the 1978-1979 school year, the court wanted a total of

30% minority teachers working in St. Louis public schools (Heaney and Uchitelle, 2004; Liddell v. St. Louis Board of Education, 1979). The appeal was heard by the 8th Circuit Court and the union, and the Board of Education was offered an opportunity to create an alternative plan that would effectively support school desegregation.

Opposition to the voluntary desegregation began almost immediately and showed up on the front page of the newspapers. On February 2, 1981, seven suburban school superintendents published an open letter in the St. Louis Post Dispatch calling the program “impossible” (Voluntary Integration Plan By State Called Impossible, 1981). The superintendents



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represented Riverview Gardens school district, Webster Groves school district, Hancock Place, Ladue, Rockwood, Brentwood and the Jennings schools districts. They argued that given the large number of city schools with 100% black populations, an integration program would require transfers that were too large to manage. They estimated that in order to achieve any rational desegregation, 15,000 blacks would have to transfer from the city and 15,000 whites would have to leave the suburbs to attend magnet schools (Voluntary Integration Plan By State Called Impossible, 1981). Edward T. “Tad” Foote, who was appointed by the District Court to head the desegregation Monitoring and Advisory Committee thought the superintendents were overreacting. In his estimation, desegregation could be achieved without such massive numbers of transfers, but it would require planning to implement

a workable program. He petitioned the court for a two month delay to continue planning (Eardley and Volland, 1981). Paul Rava, attorney for St. Louis School Board, suggested that county schools were simply delaying the desegregation process. He is reported in the St. Louis Post Dispatch as saying that

“the county districts have had at least nine months...but have delivered nothing more than the acceptance of a single black student from the city and 27 country students enrolled in city “magnet” schools...There would have been a more tangible presence by now if the parties were seriously interested in cooperating” (Eardley and Volland, 1981, p. 1)

Wells reported that after five years, state officials were looking for ways out of the court ordered desegregation program. Missouri’s Assistant Attorney General, Michael Fields, expressed that cost was the reason the state wanted to control its own desegregation program, without court mandates.” The total cost for the first five years is expected to reach \$500 million, and the state has begrudgingly



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footed most of the bill”. “We’re looking for a certain end point where the state’s obligation for this extraordinary cost is over,” said Fields (Wells, 1988, p. 4). After five years of following the court’s desegregation program, the state of Missouri was hoping to be granted ‘unitary’ status. In effect, the court would determine that five years of the desegregation program had erased the effects of school segregation. The state would no longer be held liable and would be released from court

mandates to rectify the problem. Given that officials began the program by looking for a way out suggests that the financial lawsuits were just smoke in mirrors to cover up for the fact that politicians never fully supported desegregation.

Final Settlement Agreement

In 1999, a settlement agreement was reached among the federal government, the state of Missouri, and 16 suburban school districts that allowed for the creation of a \$180 million fund for St. Louis Public Schools (SLPS) (Lippmann, 2011). The money would be held by the District Court and would be given to city schools when the students who transferred from suburban schools returned to city schools. The money was to be used for the purchase of land, the building of new schools, and upgrades to current city schools.

Deeply in debt, St. Louis Public Schools signed a legal agreement with the NAACP in 2003 that allowed the school district to borrow \$49.5 million from the desegregation fund (Associated Press, 2003). The fact that the city public schools were deficient in funds speaks to the issue that the money reserved for public schools in the original settlement had never been received. The original intent was that the 50% per pupil spending that was given to city schools would be held by the court for capital improvements until the students who went to suburban schools returned. Since the students never returned from the suburbs, the money was never given to the schools. The 2010 request for this money proved to be the final legal hearing regarding St. Louis school desegregation.

It remains unclear why the St. Louis Board of Education did not ask for the money in the decade following the 1999 settlement agreement. In 2010, the St. Louis School Board went to court to ask to receive the money that the courts had set aside for capital improvements. This final legal proceeding resulted in St. Louis Public Schools being given \$96 million that had been set aside for them as a result



of the district court's ruling decades earlier. Approximately, \$20 remains in the fund. On November 16, 2011, St. Louis Public School Superintendent, Kelvin Adams, accepted the windfall of money that had been set aside for SLPS. The designation of the money is as follows:

An overview of the desegregation funding proposal is as follows:

Fund Balance Restoration	\$55,900,000
Early Childhood Education	\$23,124,111
Principal Leadership	\$ 3,585,000
Magnet School	\$ 7,495,200
The St. Louis Plan	\$ 3,300,000
<u>Technology Plan</u>	<u>\$ 2,700,000</u>
TOTAL	\$96,104,311

Note: The funding request spans a three-year funding period.

("District Receives \$96.1 Million From Desegregation Capital Fund", 2011).

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