[MS-0087.002.013.005]

Board of Education Meeting August 14, 1973

RESPONSE TO LWV STATEMENT BY MRS. BEERS:

Johnston: Mrs. Beers, if I understand correctly then, you are not necessarily opposing-- let me reword my question-- Are you opposing the rebuilding of the schools on their sites?

Beers: Oh, no, not at all. ...That's one of the things we wanted to clear up today. The lawsuit is simply asking that assurance be given that these funds will not be spent to perpetuate segregation. Certainly there are other ways that they could be assured that the schools would be improved in racial balance...as the schools are used.

Johnston: If you are not opposed to rebuilding the schools on the sites and the monies are restricted to building facilities then what is your point?

Beers: Our point is that the schools could show that they would be developing programs to improve racial balance in the schools... Programs such as Fremont, Silvergate, more flexible boundaries...

Johnston: So you're suggesting then that the boundaries be changed and that bussing be accomplished by bringing in, let's say, Caucasians into ethnic minority areas?

Beers: We feel that you are more able to deal with and to develop such programs than we are. We are only one party in this lawsuit, but we feel it is an important step and perhaps it is needed to test the constitutionality of Proposition 21.

Dyer: Mrs. Beers, are you familiar with all those reports that Dr. McJunkins developed (Was it last winter?) as far as balancing the schools was concerned?

Beers: I have read them. I'm not as familiar as some of our members in our organization are.

CURE/ROBINSON STATEMENT Followed

RESPONSE TO CURE STATEMENT BY KEITH ROBINSON

Smith: I'd like to ask the same question that Mr. Johnston asked. Is CURE opposing the rebuilding of the schools on the same sites?

Robinson: Yes

Smith: For what reason?

Robinson: Some of the schools are totally segregated one way or the other and...

Smith: (Interupting) Well, that's what I wanted to hear you say. As long as I sit on this board there won't be any mandatory one way bussing. And when you come South to where I live, I want to at least have a decent schoolplant for your youngsters. And if you are really going to practice equity, that's what you have got to do. Put Memorial back where it is and bring your kids down there. Better than always taking Memorial youngsters up there. So that's the reason for my supporting the schools being rebuilt. I think integration would

be far less distasteful if people knew that there were going to be some decent facilities...Southeast is a part of the community of San Diego and we would like to see a few come our way.

Robinson: I agree totally and would welcome such a program.

Smith: Thank you

Kreile: Commander, you indicate that you believe that these funds should do double -- I don't remember the term you used---

Robinson: Double duty. That is in building on another site. We realize they are for construction only and the double duty idea is for rebuilding on another site. Like the League, we would welcome other solutions. The point is we want or would like to see the solutions incorporated and adopted before the money is allocated because --- Rev. Smith's suggestion that good facilities be built and then we bring other ethnic and racial groups in there is a fine suggestion with us, but those things have ways of not coming into being.

Kreile and Smith: (Unintelligible interchange)

Smith: You see sir, if they are not built there they have reasons for not wanting their kids to come. I don't want to give an excuse to any white parent. I want decent schools whereby the teachers can do their thing and then there won't be any excuse on the part of any CURE parents or anybody else to not want their youngsters to come down to our neighborhood.

Kreile: There does seem to be a difficult area here. If we don't rebuild the schools surrounded by mostly minority families, unless you can come in with some other program at the same time, you are denying those families in that area that have had a school, ~~xxxxxx~~ Aren't you?

Robinson: Yes, granted and most of the people want their schools rebuilt on the same site. We're aware of that -- for substantial reasons.

Kreile: It's a complex situation

Robinson: Yes, it is. And we have great sympathy for the problems you have in trying to solve it.

Shannon: I think it is one thing to hear Mrs. Beers and Commander Robinson very eloquently place their own special emphasis on the law suit and I think it is quite another one to hear the attorneys for these organizations. In a word, the attorneys in the unjaded (?) and uneloquent language of a lawsuit want that money sequestered. They want it stopped and they want the whole process to grind to a clinking, crunching, clanking halt until certain basic decisions which have troubled this entire country are made and which in fact are troubling the state at this very time. I wish the law were as clear as Commander Robinson indicated in his discussion. I think that the lawsuit was badly brought for at least four reasons -- in addition to the reasons which Rev. Smith and Mr. Kreile indicated earlier.

I think that number one, it did not name the school districts involved as if we had no interest in the lawsuit. We believe that school districts are indispensable parties and should be involved in any court decision in this matter. In fact, as a matter of law, we were

excluded from it.

Secondly, the lawsuit is based upon the Bagley Act which was passed a couple of years ago and which states that the Board of Education must promulgate rules and regulations effectuating satisfactory racial balance of the public schools. Yet the State Board of Education because of the Wakefield Initiative has never promulgated these rules and regulations. In essence therefore, we could not comply with the Bagley Act if we wanted to because of the inaction of the State Board of Education. And could not comply with it at least until such time as the State Board of Education acted.

Thirdly, there is a legal mandate to replace Pre-Field Act buildings. We must act now to insure that the replacement deadlines imposed by law will be met.

Fourthly, I'd like to say (and this is my final statement) the facts are that the school buildings under consideration are unsafe for use and we have been living on borrowed time. If there is one nightmare that the superintendent and the deputy and assistant superintendents and I think the principals and other administrators and teachers go to bed with every night, it's the nightmare that something is going to happen down in those buildings. We feel a tremendous sense of urgency for it and when this mission -- that we have a very strong feeling to accomplish-- of putting all of our children into safe school buildings -- when this mission is interfered with or frustrated, regardless of the good faith and good intentions that I realize CURE and the League of Women Voters have --we lash back. And I think that I support the statement that Mr. Stern makes. But as you are putting the lawsuit in your own particular special perspective, I would place Mr. Stern's statement in our own special perspective, I think that is the reason that we have done what we have done, and that is the reason why we are talking about intervening in this lawsuit. We don't believe it should be considered initially by the California Supreme Court because the California Supreme Court is not the trial court and cannot take the facts and we especially object to the concept that the school districts in the state of California -- and I notice on the League of Women Voters article fact sheet about the petition for writ of mandate that it talks about a half dozen or so school districts which are involved and yet your attorneys -- the attorney for CURE and the League of Women Voters -- would completely eliminate us from having any consideration of this and we think it is not right.

Robinson: Thank you and we appreciate your views.

Beers -- President of San Diego League of Women Voters
Robinson: President of CURE
Dyer--President of School Board
Smith--School Board member
Kreile--school board member
Johnston-- school board member
Shannon--Deputy Superintendent (former school's attorney. Acting on Aug 14 for Superintendent Goodman who was absent.)

Shelf

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