

Justice Dept. Issues Final Warning Over Illinois School Desegregation

by Robert Pear

WASHINGTON - The Justice Department notified the Chicago Board of Education today that it had concluded that the city's public schools were illegally segregated. But instead of filing suit immediately, the department invited city officials to enter negotiations to reach a settlement by "early summer."

Drew S. Days 3d, Assistant Attorney General in charge of the civil rights division, disclosed the decision in a letter to Angeline Caruso, the acting superintendent of schools. An aide to Dr. Caruso, noting that the schools and many school offices were closed for spring vacation, had no immediate comment.

Mr. Days's letter amounted, in effect, to a final warning before filing of a suit against the nation's third-largest school system.

In his letter, Mr. Days said that segregation of students by race throughout the Chicago school district had been "caused, in substantial part, by actions and omissions of the Board of Education." Furthermore, he said, these actions had been undertaken with "unlawful intent to segregate children."

Would Be Supervised

To avoid a lawsuit, he said, a negotiated settlement must take form of a consent de-

ce that could be supervised and enforced by the Federal District Court in Chicago. "Our goal is to arrive at a settlement by early summer," he said.

Patricia Roberts Harris, Secretary of Health, Education and Welfare, announced last October that negotiations to achieve a voluntary agreement with the school board had failed, and she urged the Justice Department to sue the city.

Justice Department officials said they hoped they could reach a settlement with the "new players" in Chicago, a reference to new school board members and the new acting superintendent named recently in an effort to correct the system's serious financial problems.

There are nearly 500,000 students in Chicago's public schools. About 299,000 are black, 107,000 are white, 78,000 are Hispanic and more than 9,000 are members of other minority groups, including Orientals and American Indians.

Mr. Days took note of public reports indicating financial difficulties in the school system. While the school board and the Chicago School Finance Authority should be "as free as possible to deal with the financial crisis," he said nothing must be done in the name of economy that would violate civil rights laws.

Charge 40-Year Segregation

Mrs. Harris and other H.E.W. officials contend that Chicago schools have been segregated for more than 40 years. Federal efforts to desegregate the system date back to the Hohnson Administration.

As an element in any negotiated settlement, Mr. Days said today, the Justice Department wants Chicago to submit a written statement analyzing the effect of all school closings and program changes on civil rights. In particular, he said, changes must not contribute to student segregation or disproportionately harm black and other minority students.

He said that the remedies proposed by the board were too "limited in scope" to solve racial problems that pervaded the school system. "We believe that a systemwide remedy is required," Mr. Days said, citing recent Supreme Court rulings to desegregate schools in Columbus and Dayton, Ohio.

He said that Chicago had drawn and altered school boundaries and assigned teachers so as to increase segregation, had assigned teachers so as to match the race of the faculty with the race of students at a particular school, and had liberally allowed white students to transfer to avoid attending schools where blacks were in the majority.

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Supreme Court Upholds Alabama At-Large Vote

WASHINGTON - The Supreme Court, acting in two voting rights cases today, upheld at-large elections in Mobile, Ala., but ruled that changes in procedure in Rome, Ga., discriminated against black voters.

The 6-3 opinion in the Mobile case reversed a lower-court decision that the 69-year-old practice unconstitutionally diluted black voting strength.

The lower court had ordered Mobile to abandon its 69-year-old commission form of government and elect a city council by district.

But today, the court majority ruled that voters need to prove more than "disproportionate impact," and must show purposeful discrimination in order to overturn such election systems.

Four justices held that since Mobile's system did not intentionally discriminate, it did not violate equal protection of the law.

A city has no obligation to reorganize its electoral process to assure blacks an opportunity to be elected, Justice Potter Stewart wrote for Chief Justice Warren Burger and Justices Lewis Powell and William Rehnquist.

But in the Rome case, the court affirmed 6-3 a lower-court ruling that proposed electoral changes discriminated against minority voters.

Rome has not had elections since 1974, while attempting to gain Justice Department approval of a plan forcing candidates without a majority of votes into a runoff election.

In the Mobile case,

Justice Harry Blackmun said although he agreed with the court's ruling the lower-court findings "amply support an inference of purposeful discrimination."

In a sharp dissent, Marshall wrote that the ruling would require those bringing vote-dilution cases "to meet the stringent burden of establishing discriminatory intent."

Justices Byron White and William Brennan also dissented.

The commission system was challenged in 1975 when a group of blacks said the concentrated voting strength of minorities in some areas of the city was canceled out by the overall white majority in at-large elections.