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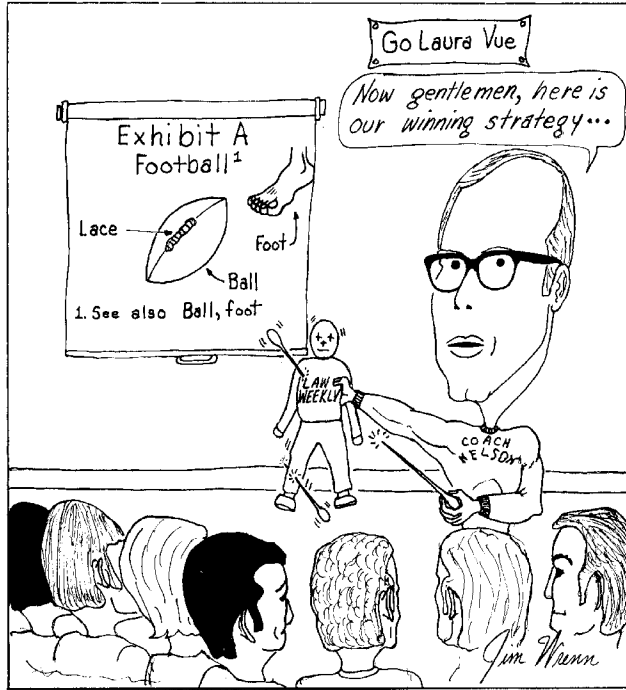
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Letters To The Editor CHALLENGES WINNER

VIRGINIA LAW WEEKLY
Lead Trailer, Clark Hall
Dear Sir:

The Virginia Journal of International Law anxiously awaits the outcome of the much bally-hooped touch football game between the VIRGINIA LAW WEEKLY and the Virginia Law Review, and hereby challenges the victor of that game to take on the VJIL. The winner will receive a keg of beer, gratis, from the loser. The winner of the second game will also, of course, be declared champion of the Law School.

May the best organization win.

Aggressively yours,
VJIL

Order Mixes Richmond Schools

Parents Remain Skeptical, Students Slowly Adjust

By Thornton L. Newlon and William W. Gearhart Jr.

Editor's Note: The following article is the second in a two part series discussing Judge Robert R. Merhige's August 17, 1970 ruling desegregating the Richmond schools. Bradley v. School Board of the City of Richmond, No. 3353 (E.D.Va. August 17, 1970).

The first of these articles, published last week, outlined the decision and some of its supporting precedent. The second article, the culmination of three days of intensive interviews in the Richmond area, analyzes the impact of the decision since its implementation at the beginning of the fall school term. This second article appears below.



When Judge Robert R. Merhige of the Federal District Court of the Eastern District of Virginia handed down his decision requiring racial realignment of Richmond city schools according to overall racial composition, he left the city school board with only two weeks time in which to assign students before school doors opened August 31.

The Court order handed down included a plan for achieving student racial balance for most of the schools in accord with the 60-40 black-white ratio of the general school age population. The plan adopted by the Court — adopted with reluctance, but adopted nevertheless because the Court did not want to delay the opening of schools — was the second of two presented by the school board.

The lateness of the order posed difficult logistical problems for the

school administration. Not only did the administration have to shift its book and furniture inventories to meet the needs of the changed makeup of student bodies, but it also had to reassign its teaching staff to meet both curriculum needs and the racial balance black goal of the Court. High for teachers required by the Court. As a result of the changes, most teachers did not learn of their new teaching assignments until the week before schools opened. Many did not even know what subjects they would be teaching. And many continued to be shifted to new locations even after the opening of school.

The Court order has effected a substantial change in the black-white ratios of the schools, especially of the high schools. Three formerly all-black high schools are now between 76 and 93 percent black, nearer to the 60-percent-scholarship formerly predominantly white now have large black minorities or a black majority. (See chart below.)

Black Attendance in Richmond High Schools

High School	Percent Black	
	1969-70	1970-71
Armstrong	100	76%
Huguenot*	1	19
Thomas Jefferson	9	43
J. F. Kennedy	100	93
John Marshall	68	73
Maggie Walker	100	82
George Wythe	19	43

* Huguenot is located south of the James River in a recently annexed section of Chesterfield County, far from the black areas of Richmond. The area is overwhelmingly white.

Opening day, August 31, was variously characterized by students from being "smoother than I expected" to being "chaotic." Students initially arrived at the high

DICTA . . .

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of our responsibilities, is contained in Section 10-17.18:

"(e) The Board, in making rules and regulations and issuing orders, and the courts in enforcing the provisions of this chapter, shall take into consideration all of the facts and circumstances bearing upon the reasonableness of the activity involved and the regulations proposed to control it, including:

"(1) The character and degree of injury to, or interference with safety, health or the reasonable use of property which is caused or threatened to be caused;

"(2) The social and economic value of the activity involved;

"(3) The suitability or unsuitability of such activity to the area in which it is located; and

"(4) The practicability, both scientific and economic, of reducing or eliminating the discharge resulting from such activity.

"(f) In all cases the Board and the courts shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the area involved and to any lawful business, occupation or activity involved resulting from requiring compliance with the specific requirements of any order, rule or regulation."

Lists Pollution Categories

Most air pollution sources involve the burning of some fuel, whether that may be coal in a power plant furnace, gasoline in an automobile engine, trash and garbage at the municipal dump, or leaves in some neighbor's yard. Other sources of air pollution involve mechanical operations or chemical processes which produce dust, fumes or odors.

Briefly, there are three major categories of air pollution:

1. "Los Angeles" smog resulting from the complicated photochemical reaction under bright sunlight of hydrocarbons (partially burned gasoline) and oxidants (nitrogen oxides formed by high temperature combustion), both of which are pollutants contained in automobile exhaust. The principal air pollutant from the internal combustion engine is carbon monoxide, but this is not a reactant in the photochemical

(Please see Page 3, Col. 5)

Black Professors . . .

The Law School Council, a representative body of elected law students, last week passed a resolution endorsing the hiring of black professors to the law school faculty. The resolution raises significant questions which we would like to discuss, but cannot discuss, in any greater length and depth than is possible in this short space.

First and paramount, the resolution suggests a real and responsible student desire that the law faculty, like the law school student body, reflect current conceptions of racial and ethnic fairness. With this spirit we agree, for reasons too numerous and well-known to be exhaustively articulated here. We believe it is indisputable, at least, that increased involvement and opportunity for blacks at the law student level, justifies commensurate involvement and opportunity for qualified black individuals in areas of legal instruction and law school administration. The recent resolution incorporates this conclusion.

It is just possible, however, that aside from its firm ideological basis, the student resolution, by its implication of dereliction, does a serious injustice to the existing law school faculty, and in particular, to the faculty committee on appointments and tenure. Students promulgating the resolution have apparently overlooked, or intentionally ignored the fact that the committee has made a sincere and conscious policy decision in favor of actively and persistently seeking qualified black candidates for appointment to the law faculty. Nor, indeed, is the faculty effort intended merely to produce a single token symbol of the Law School's commitment to equal rights. Assurances of numerous faculty members, in combination with the entire faculty's record and reputation for conscientious progressivism direct us to this belief.

The fact remains, of course, that the current faculty includes no black professors, and this apparently is the root of student concern. But however intense may be that concern, we feel that it must be tempered with the recognition that criteria for appointment to the faculty of the University of Virginia Law School, or any law school, must include elements beyond skin color. Needless to say nearly every law school of consequence in this nation is seeking affirmatively, anxiously, and even desperately qualified black faculty members, and competition in this search is keen. Yet most of these schools realize that in the faculty context, establishing a double standard for "qualified" would be perhaps the gravest and most racially invidious tactic of all; no one would gain by it. It is one thing to establish dual standards to accommodate minority students who are otherwise denied quality legal education, but quite another to establish dual standards in areas where far more is at stake than the opportunity and future of a single individual. And on a more pragmatic level, woe be the law school that appoints a black professor with inferior intellectual or professional equipment, and finds itself faced, short years later, with the mission of ousting that professor from the faculty.

The issue at the moment in our law school is not one of attitude; students, faculty and administration alike appear to be in harmony in their desire to recruit qualified black faculty members. What is at issue is the approach taken to the search for these individuals, and the vehicle through which it will be conducted. We are convinced that the search must be continued and intensified; and that the objects of the search must continue to be black law school graduates and attorneys amply qualified in all regards to confront the rigors of law faculty status. In addition, we maintain that the best searchers, and the best judges of the search's results, are the faculty members who are currently engaged in this endeavor at the Law School.

schools in three shifts, at 8, 9 and 10 a.m., according to their choosing. Books and classroom furnishings were not always adequate to meet needs.

Effects of Change

The changing of schools brought hardships and disappointments to many, but offered new opportunities to others. For three black cheerleaders transferred to Thomas Jefferson from John Marshall High School, one principal found the decision to be "heartless" and cruel." The cheerleaders themselves, even though winning cheerleader positions at Thomas Jefferson, felt "uprooted." They felt as though they were "intruding" into the special sphere of influence of the white Thomas Jefferson cheerleaders.

An even more traumatic experience occurred for members of the Thomas Jefferson football team when several members of the varsity squad were transferred to John F. Kennedy High School in the midst of fall practice. The transferred players have since joined the John F. Kennedy team and even played their former alma mater.

Find Opportunities

Some have found new opportunities. One white junior who would ordinarily have attended Thomas Jefferson but who is now attending formerly all-black Maggie Walker, has become a cheerleader and an assistant editor of the newspaper, positions she does not think she could have held at Thomas Jefferson.

Racially-instigated "shakedowns" and petty thievery have occurred at all grade levels in the school system. Although blacks have been alleged responsible for most of it, whites have been

claimed to be guilty of it too. While such actions have alarmed many white parents, school administrators see little change from the number of incidents recorded in past years.

Students Adapt Well

For the most part, students appear to have adapted to the school changes quite well. Principal Parker of Maggie Walker High School observed the majority of his students, both black and white, to have accepted the change "as intelligently and unemotionally as anything I have ever witnessed." Principal William W. Brock of Thomas Jefferson said his students "have been marvelous" in adapting.

An editorial in the September 25 issue of the Jeffersonian, the student newspaper at Thomas Jefferson, echoed the optimism of the administrators. The editorial declared that the desegregation plan was not a "flop," and it expressed resentment towards "attempts made by numerous Richmond institutions and individuals to undermine the public school system by blowing up minor difficulties and using the school system as a political issue." It suggested that before anyone call Richmond's school system "dead and buried," that they "first spend a day at TJ."

Principals Bear Burden

Much of the administrative burden of implementing the decision and of opening and operating the schools in accord with it has fallen upon the school principals. Their job, difficult and often "discouraging," has sometimes required them to work seven-day weeks.

Principals could not fill out

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