

That is the basis on which we make the inquiry.

Mr. STEIGER. When you say what brings about the pattern of segregation, on the basis of the complaint, let's take Milwaukee, for example, where because they use neighborhood schools they have had what could be called, I suppose, a pattern of segregation. Is this what you mean?

Mr. LIBASSI. No, if a school board gerrymanders attendance zones to avoid integration in the schools, that would be a board decision in violation of the Constitution, the *New Rochelle* case establishes that, and therefore that would be a violation of title VI.

If the school board deliberately established a feeder pattern so certain elements—certain elementary schools fed only certain high schools designed in such a way to preserve segregation, that would be a board action to maintain a pattern of segregation in violation of the Constitution.

We have possibilities of some school districts arranging transfer rights so that certain children may transfer to a white school if they live in a transitional neighborhood. This would be considered a violation of title VI but it is much more difficult to establish this pattern than it is in the South where there was a clear legally established white school and legally established Negro school, so the pattern in the South is much more obvious.

Mr. STEIGER. May I ask you just two more questions? No. 1, as you know the Civil Rights Commission has recommended that we by law set a figure of 50 percent whites and nonwhites in schools and that achieved segregation.

From your own experience and background in this field, sir, is this a good move to make? Is this something we should do?

Mr. LIBASSI. The problem really is one—the problem the Commission was addressing itself to was the fact that Negro children attending segregated schools do less adequately and enjoy less in the way of educational opportunity than when Negro children are attending desegregated schools.

The Commission study found that when Negro children are attending predominantly white schools they do much better than when they are in a school which has only a minority of white students.

I don't believe that the problem is one of a percentage point, the problem is one that Negro children do well in schools which the community views as white schools, schools which do not have the status and stigma of being an inferior Negro school, and at what point that is arrived at varies.

Evidence seems to indicate that someplace in the neighborhood of 40 to 60 percent when a school district is 40 percent white, the Negro children don't enjoy equal opportunity but as the number of white students increases to 60 percent, they found the stigma and status of the school changed. So I think this is where this question of the 50 percent comes in. I am not sure that they actually recommended that but I think they are trying to get at the point of the status of the school.

When the status of the school changes, it is clear that the educational opportunity for the children changes. The other thing is white children were not adversely affected when Negro students attended the school with them. That was their other major finding.