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IF YOU ARE NOT AWARE OF THIS CASE, PLEASE TAKE THE TIME TO READ THIS
MESSAGE.
HAVING PAID VERY CLOSE ATTENTION TO THE CONSENT DECREE FOR SOUTHERN
UNIVERSITY JUST A FEW YEARS AGO, I URGE YOU TO CONSIDER THE POSSIBLE RESULTS
OF
THE AYERS CASE. THIS MAY BE 2001, HOWEVER, WE STILL HAVE A LOT OF ROOM FOR
IMPROVEMENT.
"I HAVE A DREAM" DOES REFER TO CONTENT NOT COLOR.

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From: Psychedelic Literature
Sent: Saturday, July 14, 2001 8:56 AM

Subject: Ayers Case: Letter to Judge Neal Biggers

Below is a letter to Judge Neal Biggers, listing the concerns of the Mississippi Coalition for Black Higher Education with the currently proposed

Ayers Settlement. We are asking that each of you submit this letter or a similar one to Judge Biggers and send a copy of this letter to as many JSU and other HBCU graduates as possible. Below the letter to Judge Biggers, we have listed five flaws of the currently proposed settlement. Remember that September 4, 2001 at 8:00 p.m. is the date that Judge Biggers will hold the "Fairness Hearing" in Oxford, Mississippi, before he adopts/accepts the currently proposed settlement. If you cannot attend, please contact someone in the general area and encourage them to attend. We need as many voices as possible to ensure that the case is brought back to its original focus: equalization of funding for HBCUs and to increase the opportunities for college admission/enrollment for African Americans. Also, please feel free to

cc a copy of your letter to Governor Ronnie Musgrove, P. O. Box 139, 39205, governor@governor.state.ms.us. We want the Governor of the State of Mississippi and the Attorney General of the State of Mississippi, Mike Moore,

to know that we, as a concerned community of HBCU graduates, will hold them directly responsible for any injustice delivered to any of the State's HBCUs.

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Judge Neal Biggers
U.S. District Court for the Northern District of MS
911 Jackson Avenue, Room 369
Oxford, MS 38655
Re: Concerns Regarding the Proposed Ayers Case Settlement

Dear Judge Biggers:

We applaud the desire to have the Ayers case resolved. Having it resolved can help us unite collective energies behind other academic issues and problems.

Nevertheless, our concern remains primarily that of reaching a fair and just resolution of the case.

As a matter of fact, it is totally inadequate to bring the case to an end without having achieved an increase in access to a higher education for African Americans as well as removing all of the impediments and vestiges of the early discriminatory segregated system that prevent students who choose Alcorn State, Jackson State, and Mississippi Valley State from having the same quality of education as provided elsewhere in the state system.

We view the current proposed settlement agreement as unacceptable and unrepresentative of the wishes of the plaintiff class for the following reasons.

(1) It does not deal with admissions at all. Yet, hundreds of African American students are denied access to the state's universities through clearly discriminatory admissions criteria. This problem and the criteria used are reflections of the racist history of this state in education.

(2) The proposed agreement does not compensate for the past treatment of African Americans and the institutions which they were expected and required

to attend. It only provides money for several selected "Ayers" programs. It does not do anything to help improve the basic or core programs. It does nothing to undo or close the gap created over the year in terms of funding for facilities, equipment, salaries, scholarships, or anything else that represents eliminating the racist, segregated vestiges of the missions of Mississippi Valley State, Jackson State, and Alcorn State, compared to the other state universities.

(3) The proposed settlement agreement enshrines a misplaced conception of the problem of segregation.

(a) Jackson State, Alcorn State, Mississippi Valley State never closed their doors to nor denied access to White students. It was the historically White universities that were closed to Black students, teachers, and administrators. It was State officials, including the College Board, who enforced segregation.

(b) In order to deal with desegregation, action needs to center on those who perpetuated segregation. The historically White universities need to be required to take corrective action to drastically increase their number of Black teachers and administrators. The College Board and/or State Legislature need to upgrade the salaries on the Black campuses in order to help them compete for teachers and administrators.

(c) Similarly, if their program offerings were adequate as those on the White campuses, more White students possibly would choose Mississippi Valley State, Alcorn State, and Jackson State.

(d) Instead of these things happening, the entire burden is placed on the historically Black universities to desegregate. Thus, the state is mandating that the victim of racism and segregation carry the burden of correcting and making right the wrongs of the perpetrator of racism and segregation. Scarce funds are promised only for White students at the Black schools. The Black schools are otherwise not to receive extra funds for programs or facilities unless they advance White enrollment.

(e) This is the type of affirmative action which the state opposed when it was for the benefit of African Americans. Likewise, the other race scholarship order of Judge Neal Biggers, which is included in the settlement agreement, is the kind of thing against which the Supreme Court has ruled several times within the last decade.

(4) The proposed settlement agreement does nothing about the governance of the universities. The governance structure and operation are continuations of the earlier discriminatory, segregated system.

These are no small matters. They have been expressed to us by many faculty members, students, and alumni. We have also heard them expressed by other members of the plaintiff class, including parents and tax payers.

We request an opportunity to discuss these and other Ayers related matters with you in depth at your earliest convenience, but within the next two weeks. Although a fairness hearing has been set for September 4, 2001, we all know that time constraints will not allow all sides the opportunity to thoroughly address their concerns. Additionally, those of us who disagree with the currently proposed settlement have not been allowed to express our concerns in a formal manner. Because of that, we are sure that you would welcome the opportunity to discuss the matter with those of us who have been elected to represent the faculties of the three universities whose presidents were named as plaintiffs in this historic case.

Sincerely,

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Five Flaws of the Settlement

White Scholarships. The State is setting aside close to one hundred million dollars for white scholarships and other incentives to raise the enrollment of white students at the HBCUs.

This is, first and foremost, hypocritical. For the past ten years the State has promoted its anti-affirmative action stance with religious zeal. So why now it is creating an affirmative action policy for white students, when it has never done the same for black students who have been the victims of a legacy of racial discrimination in higher education.

These scholarships also punish the victim for the crime. It was never any of the HBCUs that had a policy of racial discrimination. So, why are they being punished and forced to use their funding to reward people who were victims of no crime. This ruling equates to making the victim of an assault crime throw a party for the perpetrator.

This quota for funding is in direct conflict with the Fourteenth Amendment and any other civil rights legislation. Judge Neal Biggers has refused to give funding and programs to the HBCUs because they do not have a large enough white enrollment. If you flip that logic over, it means that he will not fund the HBCUs because they are black. This also contradicts what Justice Scalia asserts. If a school is black or white because it has created policies to remain that way, then it should be penalized. However, if a school is black or white because the other race has merely decided not to attend, then it can not be punished for its racial make-up. Judge Neal Biggers is punishing the HBCUs for their racial make-up even though it has been the University of Mississippi, Mississippi State, and the University of Southern Mississippi that have continued to perpetuate polices of racial discrimination.

Admission: In raising the admission of the HBCUs to meet the admission standards of the traditionally white schools, the state is directly

targeting those children who come from school districts that do not offer college curriculum courses. Almost thirty to forty percent of Mississippi's secondary school districts do not offer college preparatory courses. This affects close to fifty percent of the districts that are majority black. So, the State has failed to properly fund the elementary and secondary education of black children and then will punish the children for the State's incompetence. It has been the HBCUs that have traditionally designed programs for these particular children, even more so than the "white" community colleges, and now the State wants to take away the HBCUs' ability to address the needs of poor black children.

Mission: Schools are funded based on their designated mission and level of research. Although JSU, Alcorn and Valley continue to have excellent programs, the State has refused to make either of them a comprehensive, Level

I school. For example, JSU has one of the top computer program departments, one of the top chemistry departments, one of the top MBA programs and the only meteorology program in the State. Still, the state has historically refused to make it a Level I research school. To rectify this, the State will make JSU a Level I research school, but it will not give it any more money to do Level I research. To make matters worse, Alcorn and Valley still do not receive any type of designation. Without the proper designation, the HBCUs will not be able to receive the needed funds. However, in the case of JSU, it seems that even with the proper designation, the State is just refusing to fund black higher education.

Governance: The settlement does not address governance. As the college board is now designed, none of the HBCUs have fair representation. All of the members are appointed by the Governor. It seems that a more fair, just and equitable way to manage the State's college and university system is to allow each school to appoint its own representative. Then each school will have one vote. These will democratize the State's higher education system, moving it from its current dictatorship.

Finally, the settlement does not do what the complaint set out to accomplish twenty-six years ago. The complaint was geared to improve funding and access to a full education for blacks, but the settlement, with its set aside scholarships for whites, only improves access to a full education for whites.

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