

10-2-2000

Letter from RJM to Virginia Allan

Roger J. Miner

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

CHAMBERS OF
ROGER J. MINER
CIRCUIT JUDGE
UNITED STATES COURTHOUSE
445 BROADWAY, SUITE 414
ALBANY, NY 12207

October 2, 2000

Virginia L. Allan, Esq.
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Albany, NY 12203

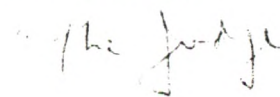
Dear Virginia:

I thought that you might be interested in the disposition of the West Irondequoit School District case and enclose a clipping from the Albany Times Union in that regard.

Also, the Gelb question has been accepted by the New York Court of Appeals. Mr. Gelb was the subject of a profile in the New York Daily News shortly after his case was accepted. It seems that he is a taxi driver who has a college degree and political aspirations.

I look forward to seeing you soon.

Sincerely,



RJM/sjh

Race-based school admission fight ends

White girl allowed to remain in suburban school where she transferred under diversity program

Associated Press

ROCHESTER — A settlement has been reached in the case of an 11-year-old girl caught in the middle of a debate concerning race and school admissions.

Jessica Haak will be allowed to stay in the West Irondequoit School District, ending a case that involved her and the Urban-Suburban Interdistrict Transfer Program. The deal also means the controversial program will continue to base admissions on race.

The 35-year-old transfer program is an effort to enhance racial diversity in Rochester-area school districts. It allows minority students to transfer from Rochester schools into suburban districts, and white students from the suburbs into city schools.

When Haak, who is white,

applied in 1998 to transfer from the city, she was initially accepted, then rejected because of her skin color.

In January 1999, U.S. District Judge David Larimer ordered that Haak be allowed to attend Iroquois Elementary school in West Irondequoit.

Haak spent 18 months at Iroquois before Larimer's decision was overturned by the 2nd U.S. Circuit Court of Appeals in May. The court said the transfer program could consider race in selecting students because the program was designed specifically to remedy past discrimination.

Without the settlement, which was approved by Larimer, Haak would have been forced to attend city schools again, pending a possible appeal to the U.S. Supreme Court. There, the case could have had broad implications on the debate over race and admission. The Supreme Court has not ruled on whether school districts can use diversity as a reason to make decisions based on race.