Decree still affects higher education

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State government has spent nearly $150 million, and will spend up to $50 million more this budget year, to fulfill partially a 1981 court agreement designed to enhance black colleges and make them more attractive to whites.

Little integration has occurred, and the civil rights lawsuit that prompted the agreement was dismissed last week by a federal judge.

But black college leaders say they still are due the rest of the improvements listed in the agreement, known as a consent decree.

"We got less than half the money that was promised us," for physical facilities such as academic buildings, said Willie Sensley, chairman of the Southern University Board of Supervisors.

The Southern board "will look at some way to ensure that the consent decree money is spent," Sensley said.

"We believe that, under Louisiana, those obligations should be enforced," agreed Trevor Bryan, one of Southern's attorneys.

Gov. Buddy Roemer would prefer to forget the consent decree, even if the dismissed desegregation case is revived by higher courts.

"The consent decree is dead," he said in an interview.

Roemer said many of the leftover projects will be built anyway because they "made good long-term sense" and the state can afford them.

However, rather than argue about whether the consent decree still binds the state, "I'd like to take it to a higher level," he said.

"We're underfunded, at Southern in some areas and at LSU in some areas," the governor said. "We do have a commitment to Southern -- and all our colleges -- to try to get their funding up to the Southern regional average."

Nine years after it was signed, three years after it expired, the consent decree -- a legal compromise that state officials hoped would end the long-running desegregation case -- still haunts Louisiana higher education and costs the taxpayers.

Critics could argue that the consent decree was a waste of time and money because some colleges are more racially segregated now than before it started.

Participants in the 1981 negotiations say second-guessing is easy now. It's sort of like asking whether you should have run, passed or punted" in a football game, said Ken DeJean, first assistant in the state attorney general's office, when asked if the consent decree was a mistake.

The desegregation lawsuit, filed by the U.S. Justice Department, alleged that Louisiana runs a dual higher education system, one for black students and one for whites.

In hopes of erasing that charge without the need for a combative trial, all parties signed a consent decree designed to attract "other-race" students to the mostly white and mostly black campuses.

Gov. David Treen committed the state to offer new degrees, build modern buildings, subsidize faculty and provide scholarships -- mostly at black colleges to make up the historical underfunding that held back their programs.

According to figures compiled by the staff of the state Board of Regents, before this fiscal year some $36 million was spent on physical improvements -- such as Southern's nursing building -- at the four traditionally black public college campuses in Louisiana.

Most of that was spent early in the consent decree period, before state revenues took a nosedive during the oil recession, postponing most government construction projects.

With state finances looking brighter these days, some $35 million worth of improvements from the old consent decree list were replaced in the latest construction budget.

The list includes a new social science building and a special education center at Southern's main campus in Baton Rouge.

Many of the projects are high on the list, meaning they almost certainly will be funded. Some likely will have to wait another
year or so.

Still unbuilt or uncommitted are $54 million worth of projects, including a new architecture building and a Center for Small Farms Research at Southern in Baton Rouge.

Many of those projects made the long-range construction program recently proposed by the Board of Regents. That list still must undergo the scrutiny of the Roemer administration and the Legislature.

Operating funds related to the consent decree—such as the staffing of the nursing program—are more difficult to identify.

But the Board of Regents staff said more than $100 million was listed as consent decree spending in state budgets through the 1988-89 fiscal year.

The annual, continuing cost of those enhancements is now about $15 million. That amount was spent last fiscal year and is being spent again this fiscal year. It has become a permanent part of Southern's annual budget.

Southern University President Dolores Spikessaid that, despite the great amount of money spent, the consent decree wasn't given a good-faith chance to work. Many of the proposed improvements were crippled.

"There's a paradox," she said. "We were given money for programs but we weren't given facilities for those programs. So consequently, it was almost as if the programs, many of them, were doomed from the start."

Southern now offers a doctoral degree in special education, but no structure has been built to house the enhanced program, she said.

"We still don't know where we stand on the Center for Small Farms. We've got research scientists operating out of temporary facilities and no facilities," Spikessaid. "You can't attract and keep good faculty without good facilities."

New programs "aren't going to be successful unless you have everything in place," she said.

Bryan, interviewed after the desegregation case was dismissed, said the university might be able to force the state, if need be, to complete the consent decree construction list.

"We still believe there is a good strong argument that Southern University was a third party beneficiary of the agreement entered into," Bryan said.

"There were certain rights given up to enter into those obligations," he said.

It is conceivable the issue might be settled in state court, in a legal action separate from the federal desegregation case.

Even if the federal case is dismissed