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SCHOOL DESEGREGATION 1966--THE SLOW UNDOING.

SOUTHERN REGIONAL COUNCIL, ATLANTA, GA.

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THIS REPORT IS A CHRONOLOGICAL STUDY OF THE IMPLEMENTATION OF THE OFFICE OF EDUCATION GUIDELINES FOR DESEGREGATING THE PUBLIC SCHOOLS IN THE SOUTH. THE DEVELOPMENT OF THESE GUIDELINES WAS AUTHORIZED UNDER TITLE VI OF THE 1964 CIVIL RIGHTS ACT. IT IS FELT THAT ANTI-DESEGREGATION PRESSURES FROM SOUTHERN SCHOOL AND PUBLIC OFFICIALS, "FEAR OF WHITE BACKLASH, AND CONFUSION ABOUT THE INTENT OF CONGRESS" HAVE CONTRIBUTED TO THE "LIMITED" ENFORCEMENT OF THE GUIDELINES. MOREOVER, THE GUIDELINES THEMSELVES ARE JUDGED TO BE INADEQUATE FOR ENDING THE DUAL SCHOOL SYSTEMS IN THE SOUTH. IN REBUTTAL TO THE SOUTHERN CRITICISM THAT THE OFFICE OF EDUCATION HAS BEEN "OVERZEALOUS" IN ENFORCING THE GUIDELINES, IT IS NOTED THAT THE SOUTHERN SCHOOLS REMAIN "OVERWHELMINGLY" SEGREGATED. SPECIFIC ILLUSTRATIONS IN SUPPORT OF THESE ARGUMENTS ARE GIVEN. (LB)

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THE SLOW UNDOING
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I. INTRODUCTION: THE GENUINE ISSUE

The school year 1966-67 arrived amid controversy over the implementation of school desegregation guidelines and amid still successful avoidance of an end in the South to racially separated schools as ordered by the Supreme Court in 1954. Some southern public officials had launched an at least partially successful campaign to persuade the nation that the United States Office of Education (U.S.O.E.) had "gone beyond the law" in enforcing Title VI of the Civil Rights Act of 1964. Public and even congressional debate had been focused both on a charge that excessive administrative zeal had been put into enforcement of Title VI of the Civil Rights Act of 1964, and on a question of the intent of Congress when it passed the act.

One might question the appropriateness of these concerns in the context of the wording of Section 601 of Title VI:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to, discrimination under any program or activity receiving federal financal assistance.

Given this language of Title VI and the weight of the nation's highest judicial opinion on equal protection under the

Constitution, it can be asked whether in fact the U.S.O.E. had gone far enough in carrying out the mandate given in Section 602 of Title VI "to effectuate the provisions of Section 601 /cited above/ . . . by issuing rules, regulations, or orders of general applicability . . . ."

Indeed, it seems clear that by accepting gradualism in its guidelines the U.S.O.F. took a conservative approach to carrying out its mandate from Congress. Thus, complaints about the degree of zeal put into enforcement of an essentially conservative policy may be seen in proper perspective.

No amount of qualification of intent by Congress could stand the test of constitutionality if its effect was to deny equal protection of the law by allowing segregated dual school systems to continue under an assumed name -- freedom of choice schools -- subsidized by federal funds. Only repeal of the Fourteenth Amendment could achieve what some southern officials have attempted through amendments to annual appropriations and through complaints about the "unreasonableness" of federal examiners.

The study which follows attempts to provide more facts. The premise on which it does so is that the body politic needs to be confronted with a clearer choice about itself on the desegregation issue. Will it allow the prima facie intent of Title VI and the Supreme Court decision

of 1954 to be circumvented? Will it, despite John Kennedy's words, both witness and permit "the slow undoing of those human rights to which this nation has always been committed"?

II. THE 1966 GUIDELINES: THE END OF INNOCENCE

1965 RECONSIDERED

In 1965, the United States Office of Education seemed to assume good faith on the part of southern school officials in complying with desegregation guidelines. In view of the long history of attempted evasion of court orders since 1954 on the part of many of these same officials and on the part of governors and other public office holders, this assumption was questioned by many interested in obedience of the law. A special report of the Southern Regional Council stated at that time:

> The most rigid checks are needed -- and have been from the beginning -- to be sure at every step of the administrative process that plans for "voluntary" action comply with all requirements of the law, and that the plans are carried out so as to meet all requirements of the law. Any other course in the South in this matter risks criticism as naive and encourages the kind of winking at the law that has been for too long a serious fault of southern society.

The performance on school desegregation in the South during 1965-66 was not reassuring. This was the first year that the Office of Education had the duty of enforcing Title VI in the schools. A decade of litigation over the 1954 school decision of the Supreme Court had by September, 1966,

resulted in a pitifully small amount of desegregation. Approximately two percent of the 2,896,100 Negro children in the eleven southern states were in desegregated schools in 1964-65. The number was increased to about six percent during 1965-66, a disappointing result considering the fanfare for Title VI, and what might have been achieved under it.

Late in January, 1966, Harold Howe, II, the new U. S. Commissioner of Education, requested suggestions for changing the 1965 guidelines for 1966. Wall Street Journal columnist Jonathan Spivak commiserated with the federal agency's "almost impossible assignment: Strengthening the standards sufficiently to satisfy its civil rights critics and yet not so much as to provoke explosive southern resistance, sacrificing the integration gains already achieved. /6.01% of Negro pupils in school with whites in the South in 1965./7 'In this business, any decision is wrong; that's why no one wants to make them, frets one school desegregation specialist.'"

Shortly after Mr. Howe's request, representatives of eight civil rights and human relations organizations attacked the U.S.O.E.'s school desegregation program for 1965 as "too weakly drawn and too timidly enforced." They planned meetings in five southern states to try to persuade the federal government to carry out a "massive school desegregation program."

The U. S. Commission on Civil Rights advocated a

"federal law to protect Negro students who attend white schools from intimidation and harassment." It also declared that freedom of choice plans "should not be permitted as a device for perpetuation of dual school systems." The Commission said its own studies showed that states which made the most use of freedom of choice plans had the lowest percentage of Negroes going to school with whites. The plans placed all initiative on Negroes, and often with no protection from resultant physical and economic intimidation. The Commission recommended that the Office of Education adopt policies and procedures which "will assure adequate evaluation and monitoring of desegregation plans for the 5,000 school districts in the southern and border states. This would require on-the-spot inspection of some school districts and the Office of Education should seek more funds if needed for personnel to do such investigation." The Commission also repeated a recommendation of civil rights organizations that school districts operating under court order be required to file plans complying with federal guidelines.

Many suggestions centered on intimidation, a quite serious problem in school desegregation as in most other areas of civil rights law enforcement. (The proposed 1966 civil rights legislation would have made a major step toward remedying the situation with a provision making it a federal offense to interfere with attempts of persons seeking to

exercise their civil rights, and another reforming jury selection procedures. Defeat of the bill in what seemed a reaction against civil rights progress in 1966 was a major setback to the South.)

Meanwhile, the U.S.O.E. in early 1966 was drafting new school desegregation guidelines. There was candid admission at the Office of Education that something stronger than new guidelines would be needed to break segregation patterns in school systems outside the South. By this time, many of those seeking implementation of the law were convinced the same was true for the South.

THE NEW GUIDELINES: ACCEPTANCE AND REJECTION

On March 7, the new guidelines were issued. They included many revisions recommended by the U. S. Commission on Civil Rights. Where desegregation of four grades had been required the year before, more grades were required this time, and all grades by 1967 would be expected to desegregate. The beginning of faculty desegregation where it had not occurred was also required. All of this was consistent with court orders in school cases saying that faculty desegregation was a necessary element of school desegregation, that free-choice plans must be fair, and that school boards have an obligation to work affirmatively to achieve desegregation.

Probably the most serious criticism of the previous year's guidelines had been that many of the freedom of choice

plans had not been fair. They put all of the burden for compliance on Negroes, and allowed school officials, local police, and white society in general to shirk responsibility. The new guidelines tried to shift the responsibility more nearly to where it belonged -- on the local officials, and particularly those in charge of schools. The new guidelines stated:

> Each school system is responsible for the effective implementation of its desegregation plan. Within their authority, school officials are responsible for the protection of persons exercising rights under, or otherwise affected by, the plan. They must take appropriate action with regard to any student or staff member who interferes with the successful operation of the plan, whether or not on school grounds. If officials of the school system are not able to provide sufficient protection, they must seek whatever assistance is necessary from other appropriate officials.

Criteria were established in the guidelines for determining whether a given free-choice (or other type) desegregation plan was actually working. A plausible criterion was whether or not the plan resulted in "substantial achievement" of desegregation. Mr. Howe indicated the following measures of "substantial achievement" would be used by his office:

(1) If a system had transferred eight to nine percent of its Negro pupils from a segregated school in 1965, at least twice that number would "normally be expected" to be trans-

ferred in September of 1966.

(2) In the cases where four to five percent had transferred, the percentage would be expected to triple next term.

(3) Where the transfer percentage was lower than four percent, "then the rate of increase in total transfers for the 1966-67 school year would normally be expected to be proportionately greater than under (2) above," according to the regulations. This would seem to mean it would have to quadruple or reach an approximate minimum of ten percent.*

States whose records, according to Southern Education Reporting Service figures, had been lower than four percent in 1965-66 were: Alabama, 0.43%; Georgia, 2.66%; Louisiana, 0.69%; Mississippi, 0.59%, and South Carolina, 1.46%.

Two weeks after the guidelines were issued, the Southern Education Reporting Service noted that there had been "little immediate reaction from most southern states, except an indication of reluctant acceptance." The Nashville-based private organization indicated that strongest opposition had come from Georgia, Alabama, and Mississippi.

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*Excessively expressed exasperation was a mark of much of the criticism by southern schoolmen of the guidelines. How much of it was generated needlessly by such expression as this in ten closely printed pages of guidelines?

Georgia Governor Carl Sanders termed the guidelines "another illustration of government by bureau," and Congressman Phil Landrum (D-Ga.), said the Office of Education was "pushing too hard, too fast." Alabama Governor George Wallace declared, "We must obey the laws, just and unjust, but we should not have to obey the edicts of bureaucratic officials which go beyond the law."

In Mississippi, a school district which had led the state in voluntary compliance the first year was reported unwilling to comply with the new set of guidelines.

"Shock" and "surprise," expressed plaintively in other statements, were predictable as pro forma responses in some southern political situations. They were not taken as indicative of the scope and depth of recalcitrance which later was to develop.

Meanwhile, Attorney General Nicholas DeB. Katzenbach, speaking at the University of South Carolina, called the guidelines "moderate, perhaps even tardy benchmarks . . . They contain no sudden surprises nor do they in themselves break new ground."

COMPLIANCE DEADLINE NUMBER 1

Under the complicated regulations of enforcement, school districts considered still to be operating dual systems were required to file plans for desegregation compliance (Form 441-B). Of the approximately 5,000 districts in the

17 southern and border states, some 1,900 (most of them in the 11 southern states) were required to file the form. On April 4, Mr. Howe announced that those which had not filed them by an April 15 deadline would be notified that they faced loss of federal aid. It was also made clear that these forms would be subject to future tests of performance and were not sufficient evidence of actual compliance. Compliance forms trickled in slowly. Jack Nix, Georgia's state school superintendent, reported that only 20 of the state's 196 systems had signed Form 441-B. Alabama superintendents voted 76 to 4 to adopt a resolution urging their congressional delegation to seek a modification of the guidelines, adding, "We cannot follow directives." (At a statewide meeting held by U.S.O.E. staff in Birmingham reported by the Los Angeles Times, one school official asked, "Where'd you leave your carpetbags, you dirty Commies?" Another asked, "What if I can't find a Negro teacher qualified to teach in a white school?" The Office of Education representative, Wallace McBain, a Marquette University professor, responded, "If she isn't qualified, what is she doing in your system? . . . The 'separate but equal' ruling was made in 1894 . . . You aren't even willing to go that far.")

Administrative procedures for the drastic act of cutting off funds under Title VI were made deliberately slow. No one wants to cut off vitally needed education funds; the approach appears designed to make maximum use of the threat

of loss of funds, with the act of cutting them off held in abeyance as long as possible, an ultimate weapon. Then there are two significantly different procedures here, too, often lumped together as "fund cut-offs" in reportage. Funds for new programs may be <u>deferred</u> -- that is, held up -- until a school system corrects its non-compliance. This approach has been frequently used in compelling the systems to sign compliance forms. And funds may be <u>terminated</u> -- a more drastic act which means no federal support as long as a system is not in compliance.

By mid-April of 1966, no funds had been terminated under the first guidelines covering the 1965-66 school year. Examiners had held hearings on 65 school systems, with recommendations that aid be terminated for 41. By the fall of 1966, indications were 39 systems actually had the funds terminated.

This slow-grinding process, as described in such newspapers as the Los Angeles <u>Times</u>, should have helped the nation to put into perspective the cries of alarm growing louder in the South over the 1966-67 guidelines.

For all their outcries, southern officials must have been aware of this basic reasonableness of Title VI enforcement procedures, and of the U.S.O.E.'s difficulties with the role of enforcement agency. The Los Angeles <u>Times</u> quoted a Georgia school board attorney as saying, "We are going to tell them we intend to comply. Then we are going to tell them, 'Make us.'"

In contrast to the immediate reaction of routine expression of dismay over the new guidelines, a more specific and more vehement response set in as the deadline approached. There were widespread charges, quoted considerably in the southern press, that the guidelines imposed a formula for racial balance and demanded instant desegregation of teaching staffs. On April 11, Secretary Gardner sent letters to governors, congressmen, and state school officials denying these two specific accusations. It should be noted at this point that the latter action, full desegregation of faculties, might well have been demanded under the law at the outset. The fact is that full desegregation of faculties was not required even in the second year of enforcement. Only a beginning was required.

Mr. Gardner answered the "racial balance" argument by pointing out that percentages were an "administrative guide" for measuring progress under free-choice plans. His point was that of the civil rights critics of the previous year's plan: There had to be standards.

H.E.W. officials insisted that their denials of these charges were not a softening of the guidelines. They were, however, generally viewed as an attempt to head off a full-scale revolt by southern school districts. And whether rightly or wrongly, an impression was gained that not only were the percentage requirements highly flexible but that they would bend in proportion to amounts of resistance and political pressure mustered against them.

Resistance continued. Boycotts were urged in some school districts to protest the guidelines. By the 19th of April, only one Louisiana school system had filed a compliance form; only four in Alabama had done so.

The deadline had been April 15. By the end of April, only 1,193 of the 1,900 school systems required to file the compliance forms had done so. The United States Office of Education extended its deadline to May 6.

COMPLIANCE DEADLINE NUMBER 2

On May 5, the Office of Education ordered that payment of federal funds be deferred for new school projects in districts which had not filed compliance forms by May 6. As of May 7, the number of these was 255. In the language of the regulations, it will be remembered, deferment of funds is less drastic than termination. And only new projects were involved. By far the most of federal aid to a school system would of course be in programs previously in effect.

Directors of eight southern state Councils on Human Relations (private biracial organizations) at about this time wrote to Commissioner Howe, urging the withholding of all funds from districts that "flagrantly disobey the guidelines." A few such actions in each state "would open the opportunity for real headway this year toward the final goal," they said.

By mid-May, 1,475 of the 1,893 school districts required to submit the compliance form were judged to have acceptable desegregation plans. Others were being studied.

More than 200 districts were still refusing to file. A few weeks later, 21 of these school districts were reported flatly refusing to follow the guidelines, and others had still not filed their forms.

Meanwhile, the House of Representatives in early May had, in Mr. Gardner's words, "dealt a real blow to H.E.W.'s plans for compliance." The House cut a budget request for compliance programs for 1966. The budget had proposed 348 staff members, and the House had cut this by 70.

Jack Greenberg, director-counsel of the NAACP Legal Defense and Educational Fund, had said back in March that the "guidelines' effectiveness in desegregating public schools will depend fundamentally on whether the Administration is willing to make a powerful political commitment on manpower and funds to achieve desegregation. We have had no encouragement in this area. Enforcing the guidelines, even with a great commitment of appropriations and manpower, will nevertheless be difficult because of their complexity, permissiveness in many areas, and wide scope of exceptions."

In late May, Commissioner Howe spoke with about two dozen southern congressmen who were of the opinion that the guidelines were illegal. Gubernatorial candidate James Martin, a Republican congressman from Alabama, came away from this meeting claiming that the commissioner of education had been "shaken," for whatever such opinion was worth.

A LETTER TO THE PRESIDENT

Eighteen southern senators sent a letter, dated May 2 but released to the press May 13, to President Johnson. The letter, which was, according to news stories, written by Georgia's Senator Richard Russell and distributed for signatures by Mississippi's Senator John Stennis, was labeled a "Most Solemn Petition." It said in part:

> We come to you as Chief Executive of the nation to protest vigorously the abuse of power involved in the bureaucratic imposition of the guidelines and we earnestly beseech your personal intervention to right this wrong and have this order revoked . . . In our efforts to protect our schools and the children who will direct the destinies of our states tomorrow, we earnestly appeal to you to intervene and prevent illegal, unfair, and unrealistic action by the Office of Education.

The letter was signed by Alabama's Lister Hill and John Sparkman; Arkansas's J. William Fulbright and John L. McCellan; Florida's Spessard Holland and George A. Smathers; Georgia's Richard Russell and Herman Talmadge; Louisiana's Allen Ellender and Russell B. Long; Mississippi's John C. Stennis and James O. Eastland, North Carolina's B. Everett Jordan and Sam J. Ervin, Jr.; South Carolina's Donald Russell and J. Strom Thurmond; Virginia's Harry Flood Byrd, Jr., and A. Willis Robertson. The senators from Tennessee and Texas did not sign.

Newspapers subsequently reported that President Johnson had responded to Senator Russell, but the letter itself

was not made public. President Johnson was reported to have replied that he considered the guidelines "fair." "Percentage requirements in the guidelines were for administrative procedure," he was quoted as saying. He pointed out that the regulations permitted continuation of "freedom of choice" plans and did not require racial balance or busing.

SUMMER MANEUVERS: RETRENCHMENT AND RETREAT

Over the summer, there were other rumblings from powerful southern political forces. At the annual meeting of the Southern Regional Education Board (a creature of a 15-state compact) in Miami Beach, Governor George C. Wallace of Alabama sought to line up unified opposition to the guidelines. Governors and educators in attendance rejected open defiance, but many agreed with Governor Wallace that the guidelines went too far.

In South Carolina, Attorney General Daniel R. McLeod met with H.E.W. officials to determine "how they justify the requirements of the guidelines." He was accompanied by Robert Alexander, federal coordinator for the governor's office. South Carolina Governor Robert McNair had said that the state attorney general's office would make its services available to any school district bringing court action against the guidelines in the event of loss of federal funds.

Further evidence that integration was far from realized accumulated. On July 1, the Office of Education

had issued a preliminary report on the progress of school desegregation required by the 1964 Civil Rights Act. The Office estimated that as of the 1965-66 school year, almost 80% of all white public school pupils in the United States in the first and twelfth grades attended schools that were from 90-100% white, and at least 97% in the first grade and 99% in the twelfth grade went to schools that were more than 50% white. The report also stated that more than 65% of all Negro pupils in the first grade attended schools that were between 90 and 100% Negro. Furthermore, 87% of Negro pupils at grade one and 66% at grade twelve attended schools that were 50% or more Negro.

In the South, the report added, "most students attend schools that are 100 percent white or Negro." A complete 400 page report was to be issued later.

It was becoming apparent that concessions which weakened the guidelines were being won from the U.S.O.E. by local school officials. The pattern seemed to be complaints to Washington backed by pressure from southern congressmen.

The case of W. Stanley Kruger, compliance officer for South Carolina, Florida, and Georgia, attracted considerable attention.

Mr. Kruger became embroiled in exchanges in the press with superintendents of two Atlanta-area systems, Fulton County, which administers the schools outside the city limits of its county seat, Atlanta, and DeKalb County, a residential

suburb. Both areas are generally conservative. In both instances, Mr. Kruger pressed these superintendents on what seemed to him weak points in their compliance with the guidelines. Both argued that they were trying to be cooperative and complained of the manner as well as the substance of Mr. Kruger's dealings with them. In both instances, the superintendents, DeKalb with help from Representative James Mackay, and Fulton with support from state school officials, complained to Washington and appeared to have been sustained. Certainly, there was no clear-cut backing of Mr. Kruger, and no effective action about the matters complained of.

The handling of the DeKalb case called forth a searing memorandum to Secretary of Health, Education, and Welfare Gardner from H.E.W.'s Atlanta regional director, William Page. Not intended for publication but somehow released to the press, the memorandum warned against the undermining of regional enforcement efforts by Washington officials. Said Mr. Page in a seeming reference to Superintendent Jim Cherry of DeKalb: "If any of the 2,000 school superintendents can negotiate his case with Commissioner Howe, why should 10,000 hospital administrators not have direct access to the surgeon-general?"

Some Georgia school officials met in Washington with Mr. Howe on August 4. They demanded that he transfer Mr. Kruger. Congressmen and other political figures echoed the demand. The educators called Mr. Kruger the "hatchet man"

for the Office of Education, charging that he had been "disruptive." South Carolina officials were saying at the time that Mr. Kruger had been enforcing the 1966 guidelines to the extent that only five of South Carolina's 108 school districts had had their plans approved. Mr. Howe assured the delegation that he "would review the Kruger situation."

On September 9, the Atlanta Constitution reported that W. Stanley Kruger had been transferred to another job. Commissioner Howe announced the move in conjunction with a change to locating compliance personnel in regional offices rather than Washington. H.E.W. officials pointed out that all other compliance officers had previously been transferred. But whether intended so or not, the move was interpreted by Southerners for and against school desegregation as a yielding to local pressure against enforcement of the law.

THE COMING OF FALL

As fall arrived and schools opened, the Wall Street Journal of September 12 reported that some school districts, mostly in the Deep South, had decided to forego federal funds rather than desegregate. The largest increases in desegregation were coming in large cities which already had been under court orders to integrate. Some courts have accelerated the required pace of desegregation. For example, in New Orleans where some frenzied white women howled at the court-ordered desegregation of two schools in 1960, the number of Negro students attending schools with whites increased from 1,800

to 5,752. Faculty desegregation also began. Disturbances over desegregation in St. Bernard Parish near New Orleans in the fall, 1966, suggested that protest, like many well-to-do whites, had moved to the suburbs. In Atlanta, where desegregation began peacefully in 1961, the number of Negro students in interracial schools was expected to increase substantially over the 6,000 mark of the previous year but precise numbers could not be obtained. In both these cities and others, however, there were indications that officials included in totals of "desegregated" Negroes students from predominantly Negro schools which had only token white attendance.

In Alabama, the state legislature passed an anti-guidelines bill prohibiting compliance agreements. Most compliant (and this was no more than half) school officials seemed to have ignored this law, however. In Mississippi, shocking assaults by grown men armed with chains and clubs on Negro children entering desegregated schools occurred in Grenada. This probably ugliest spectacle of all school desegregation brutalities suggested a realistic perspective for those who had become complacent about southern "progress."

In Louisiana, Leander Perez, president of the official Plaquemines Parish Council, reacted to desegregation of public schools of Plaquemines Parish under federal court order by aiding the establishment of private schools. The Times-Picayune reported that public school buses were being used to

transport white pupils to the private school at the Perez family plantation. In Bogalusa, limited violence broke out at the junior high school and a larger clash was narrowly averted.

THE COMPLIANCE SITUATION: FALL, 1966

U.S.O.E. statistics reported in the Wall Street Journal on September 12 indicated that as of mid-September, 2,669 of the 4,600 school districts in the 17 southern and border states were desegregated satisfactorily according to standards of U.S.O.E., and therefore were not covered by the guidelines. Another 168 districts were desegregating under court order. Another 1,900 districts operating dual school systems were told to submit plans of compliance with U.S.O.E. guidelines. A total of 1,500 did so by the May deadline and were judged acceptable.

Of the 400 remaining districts, 250 had proposed plans that were still being reviewed for acceptability. Another 150 had not turned in acceptable guarantees of compliance. Federal funds were terminated for 39 of these. Action to terminate funds of 64 others was begun. Such action was anticipated for 47 more.

In short, enforcement of Title VI had not touched most southern school systems with financial sanctions. And southern schools were far short of Title VI's demand for the elimination of discrimination.

Statistics on the amount of desegregation, never easy to compile, were virtually impossible to obtain during the three months after schools opened in September of 1966. Fairly elaborate arrangements were made by the Southern Regional Council prior to school opening to get reports from newspaper reporters and other reliable sources in each of the eleven southern states on the amount of desegregation. As of mid-November only three of these sources, and they included some of the best newsmen in the South, were able to obtain full statewide data. (These sources reported 9,127 or 2.9% in Louisiana; 20,436 or 5.7% in Georgia. For Mississippi, where admittance of fewer than 2,000 Negro pupils to formerly all-white schools in 1965 had been termed "massive desegregation" by the local press, the estimate was 6,244, or 2%, of the Negro school enrollment in 1966.) This unavailability to citizens of each state of the statistics of desegregation performance seemed in itself a mark of the attitude of southern education officials.

The Office of Education was compiling figures through the fall and promised a full public report. As the time for release of the federal report approached, some statewide figures began to appear in the press. Examination of Office of Education figures, once they have become available, would have to be made in terms of whether they reflect continued attendance of Negroes in desegregated schools, or merely the number of Negro children who reported to such schools the

first day. Sad reports came from many parts of the South of the discouragement in various ways, most of them unkind and illegal, of many such children from continuing in their freely chosen new schools.

In an Atlanta speech, David Seeley gave the following general estimates:

South Carolina, Georgia, Alabama, Mississippi, and Louisiana (the most vocal of those complaining of over-zealousness) had right around 95% or more of Negro pupils still in segregated schools. The six other states of the South had less than 90% of Negroes in segregated schools. The estimate did not state the range under 90%, but it would probably not go below 70%. In some of the border states, by contrast, at least 80% of Negro children were in integrated schools. Almost all the border states had at least 50% of Negro students in such schools. Office of Education spokesmen promised strengthened enforcement (cutting off of funds) in the five Deep South states. Of 636 school districts in those five states, 428 were required to submit desegregation plans. (The others were either under court order or had achieved elimination of dual systems.) Approximately 200 of the 428 plans were in trouble -- some having resulted in termination of funds, most under review for termination. And these, the officials made clear, were systems with the most flagrant violations. They were ones with no faculty desegregation and/or 0 to 2% of Negro pupils in desegregated schools.

The pattern in the eleven southern states seemed clear. Performance in five of them was far below any reasonable standard for achieving the abolishment of dual school systems, for achieving the law's demand that discrimination based on race cease. Performance in the other six was better, but by no means fully in compliance with the constitutional requirement to end dual school systems.

THE SOUTHERN OFFENSIVE IN CONGRESS

The very limited effect of H.E.W. Title VI enforcement was not the only development that encouraged the avoidance of Title VI's mandate in the South. Three events reflected the success of an effort in Congress to emasculate the guidelines and dilute Title VI.

First, on September 26, the Senate Appropriations Committee attached a report to the 1967 H.E.W. appropriation bill saying that the 1966 guidelines might be illegal and asking Secretary Gardner to re-examine them. The report noted that a transcript of debate on the 1964 Civil Rights Act quoted the then Senator Hubert Humphrey as saying that Title IV of the bill precluded the Office of Education's using Title VI to require an end to racial imbalance. The report also said the committee members had received many complaints about "harassment" of school officials by compliance officers.

Second, on October 10, Democratic floor leaders in

both houses struck from the $6.4 billion school aid bill a provision giving special aid to schools desiring to correct racial imbalance. This move was described in the press as an attempt to appease congressmen fearful of the so-called "backlash."

Third, the same day, led by southern representatives, the House voted to amend the school aid bill by requiring a full hearing before the U.S.O.E. could withhold funds from a school district considered to be in violation of the guidelines. This amendment was later changed in conference with the Senate to say that funds may still be deferred provided a hearing is held within 60 days and a decision on complete termination reached within another 30 days. Nevertheless, the initial adoption of the amendment reflected the hostile climate of opinion and/or the degree of confusion in the House.

On October 7, at his press conference, President Johnson commented on the enforcement situation, and the issue of alleged "harassment" of southern school officials by U.S.O.E. compliance officers. His statement that in some instances there had been harassment, mistakes and "enthusiastic" people was seized upon as perhaps having ominous portent for the hopes of those who believe in full enforcement. But in context, the question and answer, as recorded in the Washington Post's transcript, would seem to assert also what southern critics of the guidelines fear most -- continued determination to enforce the law.

Q: . . . There seems to be a dispute developing between those who feel that the federal government should merely strike down legal barriers to equality and those who feel that the government should play a more positive role in encouraging integration in various facets of life.

I wonder if we could get your thinking on these two and where you stand on that argument?

A: Yes, I think the federal government must be a leader in this field and I have -- the three years I have been President -- tried, by word and action, to do everything I could to bring about equality among the races in this country and to see that the Brown decision affecting the integration of our schools was carried forward expeditiously and in accordance with the law -- to see that the civil rights acts passed in the late 50's and 60's and more recently in my Administration were carried out in accordance with the intent of Congress; that the law was fully adhered to and fully enforced at all times.

I realize that in some instances there has been some harassment, some mistakes perhaps have been made, some people have been enthusiastic, and differences have developed.

But where those mistakes have been made I think Mr. Gardner and the Commissioner of Education have been willing to always listen to any protests that might come, and to carry out the law as Congress intended it should be.

That will be the policy of our Administration: To continue to promote and to expedite the observance of the law of the land, and to see that all citizens of this country are treated equally without discrimination.

III. CONGRESSIONAL INTENT, ADMINISTRATIVE GUIDELINES AND THE CONSTITUTION

CONGRESSIONAL INTENT

The Senate Appropriations Committee, having eight southern members with great seniority and influence out of a total membership of 23, had officially raised the argument in September [in the report it attached to the H.E.W. appropriation bill] that U.S.O.E. enforcement was exceeding congressional intent. This argument had been repeatedly advanced by conservative newspaper columnists long before the Committee report. The Committee report noted then Senator Humphrey's linking of Title IV's prohibition of forced racial balances to application of Title VI. The Committee questioned whether U.S.O.E.'s use of percentages to measure progress toward ending discriminatory dual school systems was a violation of Title IV.

The interpretation of Title IV in relation to Title VI becomes crucial. Title VI, quoted earlier in this paper, clearly prohibits any discrimination subsidized by federal funds. The real question then is the meaning of Title IV of the Civil Rights Act of 1964.

When the definition of desegregation in Title IV is considered as a whole rather than in part, it seems hard to question its meaning.

Title IV, Section 401 (b):

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

This definition seems aimed primarily at de jure segregation in the South, and the imbalance provision seems an obvious attempt to win legislative support among northern congressmen by proscribing one form of federal pressure against de facto segregation in northern cities. That so-called "forced busing" is the precise measure being prevented here becomes explicit in Section 407 (a) of Title IV:

> . . . nothing herein shall empower any official or court of the United States . . . to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another.

The appeal of southern officials to Title IV can be seen as really only an appeal to a relatively minor qualification of the whole thrust of Title IV in an effort to win northern support once again. In Title IV, the intent of Congress is clear according to Justice Department and U.S.O.E. attorneys. The major thrust of Title IV is toward "assignment of students to public schools and within such schools without regard to their race," i.e., the complete and total end of segregated dual school systems. This thrust presupposes a prior de jure discrimination. For this thrust to be achieved successfully

requires the reorganization and reconstitution of segregated school patterns in the South which have not just arisen de facto but have been established by state law and official educational policy. The same states and local governments (and indeed some of the same officials) which perpetuated these patterns now ask that they be legitimized under "free choice plans" without their making structural changes in those patterns. The same pattern of activity that was called separate but equal before is now often passed off as free choice.

U.S.O.E. guidelines, by enforcing Title VI, attempted also to fulfill the intent of Title IV to end school assignment based on race. Statements by Secretary Gardner on April 9 and Commissioner Howe on September 30 have cited opinions of H.E.W. and Justice Department attorneys that the guidelines are consistent with court decisions and with the intent of Congress. The guidelines insisted that gradual steps be taken to eliminate assignment of pupils on the basis of race. They tried to guard against many reported instances of intimidation and violence against Negroes who exercised their right to an education free from racial discrimination by requiring local boards to assure genuine freedom of choice. Thus, the guidelines are, according to government attorneys, consistent with the obvious intent of the Civil Rights Act of 1964. Moreover, they require only token and preliminary steps toward fulfilling that intent. They do not fulfill it.

CONSTITUTIONAL PROTECTION AGAINST RACIAL DISCRIMINATION

The guidelines also seem to be in harmony with judicial interpretations of constitutional protections since 1954. While there has been no direct judgment on the guidelines, recent court comments cited below indicate their consistency with the Constitution and judicial opinion. The Constitution and decisions of the judiciary are also "the law" and the guidelines hardly go beyond them. In fact, the guidelines both lag behind some court orders and exceed others in specific items though not in the basic aim to end dual schools. The inconsistencies between court orders and guidelines on specific points have led to the following developments.

In April, the Office of Education requested federal courts to change school desegregation orders to conform with the new guidelines. The fact that the bulk of city school districts in the South, including Atlanta, New Orleans, Miami, Jackson, Montgomery, Birmingham, Nashville, Charleston, Little Rock, and Richmond, were operating under court-approved desegregation plans made the request important.

The New Orleans Times-Picayune reported on April 27 that the Justice Department made a formal proposal for a uniform school desegregation order for federal courts and asked the Fifth Circuit Court of Appeals in New Orleans to adopt it as a model in all regional cases. The proposed order generally followed the guidelines, calling for desegregation of all

public school grades by the fall of 1967 under genuine "freedom-of-choice" plans which protect students and their families from intimidation. John Doar, head of the civil rights division of the Justice Department, submitted this proposal to the Fifth Circuit Court of Appeals. In emphasizing the need for a uniform plan, the Department of Justice cited 99 plans approved by district courts in the past ten years that then fell below federal requirements in the guidelines. This, it was argued, was unfair to districts complying voluntarily in that it rewarded with slower desegregation rate those who had resorted to litigation.

On August 16, the Fifth Circuit Court ruled that Alabama's Mobile County school desegregation plan had to be revised so that complete desegregation would be accomplished by the fall of 1967. In so doing the court held the plan approved by the federal district court to be "far short of the requirements of the law . . . Even as to those grades which, under the plan, have actually become desegregated, there is no true substance in the alleged desegregation. Less than two-tenths of one percent of the Negro children in the system are attending white schools." In the decision the court called attention to the guidelines, adding, "This appeal . . . points up, among other things, the utter impracticability of a continued exercise by the courts of the responsibility for supervising the manner in which segregated school systems break out of the policy of complete segregation into gradual

steps of compliance . . . During the past 18 months pronouncements of this court have interpreted the Supreme Court's interim decisions as requiring considerably greater measures of desegregation. Thus a decision by a trial court 18 months ago is not likely to reflect the current law on the subject."

This court action and others since 1954 would seem to underscore the consistency of the guidelines with constitutional protection. Whether the guidelines implement that protection extensively enough and rapidly enough is a question suggested by this opinion of the Fifth Circuit Court of Appeals. This question is central to evaluation of the guidelines.

THE GUIDELINES: AN EVALUATION

The guidelines must be evaluated relative to the basic goal of ending dual school systems; do they achieve the goal effectively?

In the fall of 1965, the Southern Regional Council published a report which included details of widespread harassment of Negro students who had exercised freedom of choice. That report made clear that the 1965 guidelines were inadequate to end dual school systems and to protect Negro students from violence and intimidation. The elaborate debate of the alleged excesses of the 1966 guidelines has tended to obscure the fact of continuing inadequacy of the guidelines to end dual systems this year. It has obscured the persistent attacks by terrorists

and the cruel infliction of ecconomic intimidation on Negro students and their families once again in fall, 1966. An appendix to this report documents the problem in the words of letters from Negro parents. Harassment of children in schools is another growing problem.

The following samples indicate the day in, day out ordeal of low-grade terror that is the actuality of desegregation for Negro children in some desegregated schools, not all, of course, but enough to suggest a new national scandal brewing out of the South.

In one rural Alabama county, Negro children, beaten by whites on the first day of school, refused to get off a school bus until school authorities granted them protection. Denied this protection, they remained on the bus and were suspended for staging a sit-in demonstration. A rural county system suspends for three days any student involved in a fight, regardless of who starts the fight. Four suspensions constitute expulsion and the student may not return to any school for one year. A certain faction of the student body agrees to take three-day suspensions in rotation: Four students start four fights with one Negro student. Each will be suspended for three days. The Negro gets four suspensions and is expelled, whether or not he defends himself. The Negro students, none of whom have ever been involved in a fight in ten school years, realizing what was happening after receiving three suspensions would sign a "lost and gain slip." The "lost" status withdraws the

student permanently from the school but allows him to attend a Negro school with permission of the school board. To date that permission has not been granted.

The persistence of the various forms of terror against school desegregation raises in stark form the question of the adequacy of the entire guidelines approach. It may be granted that, as noted earlier, enforcement of the guidelines has been severely obstructed. The Congress not only refused to provide sufficient funds and staff but it also had southern members who supported pressure to limit the enforcement staff which was allowed. But even if they had been allowed to operate fully as planned, the guidelines tolerate practices which are far short of the intent of the law.

First, the guidelines in both 1965 and 1966 did <u>not</u> attempt actually to end the dual school system. They have tried only to make a beginning. In short, they accept a pattern of tokenism and gradualism. Elements in the South eagerly await a change in national pressure and policy on segregation which will allow the old ways to be reasserted. The disaffection of the 1966 Congress with rigorous enforcement is a case in point. The emergence of racism among northern white mobs has given encouragement to the advocates of resistance. Many southern segregationists believe that the rest of the country has come to agree with them on racial matters and that it will not be long before federal pressure

for desegregation will dissolve.

Second, the use of percentages has been questioned by civil rights proponents. Rightly, the U.S.O.E. insisted upon substantial progress toward ending dual schools. But the percentages of desegregation which it suggested in an effort to avoid being vague about what was "substantial" left the way open for the irrelevant charges of arbitrarily forced racial balance. By building gradualism into its guidelines by the use of minimum percentages, the U.S.O.E. perhaps unwittingly allowed attention to shift from the illegitimacy of dual schools and the need to end them. Instead, southern officials haggle over whether "ten percent is too much," while continuing segregated patterns.

Third, the U.S.O.E. has at best raised doubt of whether it stands behind effective compliance officers.

Fourth, the sanction implied in Title VI, the cutoff of funds, has been extremely limited in application by the U.S.O.E. The Wall Street Journal report, cited earlier, told precisely how few defiant districts had funds terminated or deferred for "new projects." Failure even to begin action against all but the most defiant districts has been noted. These are part of a pattern which amounts to a failure to end dual schools.

Fifth, another difficulty with the whole guidelines concept is the practice of making each school district responsible for its own fate. A superintendent wishing to comply

with the law is a lonely individual in the South. His predicament is made more painful by the fact that he is often under direct pressure from his constituents. The plight of one such schoolman was reported by his wife:

> Because of our relationship I have shared the deep pit of despair with him, the obscene telephone calls, and calls at four in the morning when no one would say a word . . . The verbal abuse of a few, that glint of hate in the eyes of some not willing to speak out. Letters filled with venom, some signed, some unsigned.
>
> It has been a long and lonely vigil, filled with great stress and anxiety. One would think we had passed the Civil Rights Act and were in sole charge of its implementation . . . .
>
> Civil rights workers have been active in this county. They have made charges, but never were they able to say, "The Negro schools are not accredited, the teachers unqualified," or that the buildings and equipment were inadequate. Caught between this group and the unreasonable segregationists, you realize how hopeless at times the situation appeared.
>
> I think even the two groups have wondered how much longer the superintendent, my husband, could hold out. I myself have wondered . . . .
>
> For political expediency the popular thing is not to support the superintendent and his efforts . . . We know.

The best example of political expediency and pressure at the state level was in Alabama where schoolmen were threatened by Governor George Wallace with a personal visit to their districts "to bring the issue to the people." The

problem may be serious enough to suggest the drastic revision of Title VI enforcement policy to allow withholding federal school funds from an entire state whose officials exert overt pressure on local school boards. The issue would be this: Should federal funds go to a state which discriminates? The Civil Rights Act of 1964 says: "Compliance with any requirement adopted pursuant to this section may be effected . . . by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirements, but such termination shall be limited to the particular political entity . . . ."

Sixth, another fundamental problem reflected in the guidelines controversy lies in the fact that the Office of Education was set up to coordinate national educational programs, not to be the instrument of enforcing the Civil Rights Act. It is not staffed for such duties and all the effort to wring compliance from southern schools is, of necessity, taking people and money and time away from the original purpose of the office.

Seventh, the guidelines still presuppose a dual system of schools, drawn as they are from the prevailing notion of <u>allowing Negro children to attend white schools</u>. One possible solution to the dual system concept, advanced by some

civil rights leaders, is to require all schools in all districts that have <u>any</u> Negro population to have faculties consisting of 50% white and 50% Negro teachers. Only in this way, it is argued, can any real beginning be made toward eliminating the racial designations of the schools. Proponents further argue that the method might well be a partial wedge in the solution of housing problems as they pertain to the concept of neighborhood schools. For if racially motivated white parents were faced with fleeing one transitional neighborhood school with a 50-50 faculty to another with the same instructional make-up the decision to move might not be so easily made.

Finally, the guidelines themselves and as administered constitute a modification of federal policy. Whereas Title VI clearly requires that federal funds must not subsidize discrimination, the guidelines allow precisely such subsidies to continue over a period during which racial discrimination is theoretically being abolished gradually. Insofar as it has allowed time for "adjustment," the U.S.O.E. has allowed time for opposition, defiance, and evasion.

What a thorough program of enforcement (which, one suspects, would elicit the respect, however grudging, of southern officials) might be like is suggested in the following from a letter by a spokesman for the American Friends Service Committee and the NAACP Legal Defense and Educational Fund to the Office of Education. The following section is one of seventeen, each with similar thoroughgoing questions:

<u>What does your data reveal about the adequacy of freedom of choice plans to effectuate Title VI?</u> In how many school districts have freedom of choice plans resulted in the elimination of dual school systems since 1964? Where, and under what conditions? In 1966, how many school districts came up to the percentages suggested in the guidelines? In how many districts and by what criteria was the performance under freedom of choice plans determined inadequate by HEW? How many districts were required to improve their performance? What kinds of suggestions for additional steps were made to them; what did they actually do, and what were the results? Where a second transfer period was held, were the results significantly increased? What has HEW done where additional efforts to implement freedom of choice plans have been ineffective? Where freedom of choice plans have not worked, how have HEW and/or local school officials determined what would work?

What has HEW learned this year about the actual operation of freedom of choice procedures? Do your data corroborate our staff experience that there continue to be considerable violations of the procedures required by the guidelines, such as inadequate notice to parents, abbreviated transfer periods, etc.? How many districts have been cited for noncompliance for those violations? The guidelines require that pupils who did not make a choice during the spring registration period should be assigned during the first week of school to the nearest school regardless of race. What happened to these students? In how many districts did this result in an increase in nonracial enrollment?

Where formerly all-white schools have become overcrowded as the result of the

exercise of free choice, what has happened? How has HEW determined whether the criteria for overcrowding were uniform throughout the district? What has HEW done when Negro students have been sent back to Negro schools because of the overcrowding of desegregated schools? What has happened to white pupils where desegregated schools have become overcrowded? In how many cases, and where, has overcrowding resulted in the enrollment of white pupils in formerly all-Negro schools, either through assignment, school pairing, or some other action by school officials.

In how many school districts desegregating fewer than 12 grades did Negro pupils request transfer under the provisions enumerated in 181.71 of the guidelines? Where they were rejected, in how many cases did HEW investigate the reasons? Has much desegregation occurred as a result of these provisions?

What has been your experience with the regulation that choices are binding? How many Negro pupils sought to return to Negro schools after registering to attend desegregated schools? What happened to them?

There are clearly two schools of thought about whether freedom of choice plans should continue to be approved as acceptable devices for eliminating dual school systems. Some hold that the emphasis should be on making these plans truly free and on liberalizing the process, such as extending the choice period from 30 days to six months.

Others, and they would include the overwhelming majority of civil rights workers, have become increasingly convinced that the most honest freedom of choice plans cannot abolish dual school systems in Deep South communities. What do your findings reveal?

IV. CONCLUSIONS

1. Segments of the southern educational and political establishment successfully avoided significant desegregation in 1966. They did so in part by diverting attention in Congress from their failure in ending segregated dual systems to fears of forced racial balance.
2. The guidelines would not have ended dual schools even if perfectly applied and accepted; they were intended only as instruments for a significant beginning toward the goal of no racial discrimination. They would have made such a beginning if implemented to their 10% minimum for the Deep South. Desegregation only ranged from 2.4% to 35% of Negroes in schools with whites in the South and 2.4% to 6.6% in the Deep South. The guidelines were not fully implemented. Obviously, if "free choice" is to be effective, it must be genuinely free of intimidation and reprisal.
3. This poor performance of the South in the second year of enforcement of Title VI for school desegregation remains the strongest

rebuttal of the southern complaint that the Office of Education has been overzealous in the matter. A more proper question might be whether it has been diligent enough.

4. Congress intended to end the discrimination inherent in dual school systems in Titles IV and VI of the Civil Rights Act of 1964, despite a prohibition of imposed racial balances. This prohibition presupposed de facto, not de jure segregation. Hence it is not relevant in the South until the pattern established by de jure segregation has been ended. In effect, Congress has ordered an end to one form of segregation while perpetuating another.

5. Political pressure on administrators, fear of white backlash, and confusion about the intent of Congress in Title IV have all weakened pressures for strong enforcement. Lack of enthusiasm for the guidelines by civil rights groups who thought them too weak must also be considered. Considering the confusion, disillusionment and detriment to effective desegregation attendant on argument about congressional intent, there would seem to be considerable need for Congress to clarify this intent.

6. The situation is retrievable if attention can be returned to the proper focus: the end of discriminatory dual school systems.

7. In December, 1966, southern schools continue to be overwhelmingly segregated. Force and violence confront many Negro students entering formerly white schools under freedom of choice plans.

More than one decade ago, the U. S. Supreme Court held that dual public school systems discriminating by race were unconstitutional on their face. The record of many southern school and public officials and the publics they serve has been one of avoiding and evading this clear-cut dictum of the basic law of the nation. Such mistreatment of the legal system by these "best people" has been far more a national disgrace and scandal than the notorious lawlessness of violent racist gangs comprised of the "worst people" of the area.

Those school and public officials who have attempted in good conscience to comply with the law as propounded by the court, reinforced by the Congress of the United States, and administered by the Office of Education deserve the praise and gratefulness of a nation whose very existence depends on a good-faith acceptance of its system of law and order. There have been many instances of beautiful and profoundly genuine acceptance of the humanity of all children in the South's school desegregation struggle. The good derived by children of both races in these situations where law has been cherished

and humanity respected may prove to be among the highest achievements in the South of these traumatic years.

The tragic consequences of the continued failure of a great many southern school and public officials to live up to the basic duties of American citizenship and the common decencies observed by all mankind in the rearing of children cannot be counted. The patience of Negro Southerners (in stark counterpoint to the riotous impatience of their fellows in the North) cannot be expected to continue under intolerable conditions. The schools in the South by all statistical standards are the worst in the nation. Part of the reason for this is the extravagant waste of dual systems of segregated schools. Another part is the waste of administrative and executive energy on attempts to preserve these systems that might better be spent in improving the education of a generation which faces the complexity of a new and baffling era of the scientific age.

The difficulties of the Office of Education center on the necessity for it to enforce on a region of eleven states a law which those states ought to obey -- and indeed enforce -- as a matter of course. It is an agency not equipped or intended to enforce laws, like policemen. Far from having been overzealous, this agency has -- if the law has any meaning at all -- so far failed to achieve what the law demanded. Much of this failure has its roots in the correct assumption by the Office of Education that it must encourage and, indeed,

cajole the South into assuming the responsibility that it should have shown from the beginning and must take if law in the nation is to continue to have meaning.

Announcement of stepped-up enforcement procedures by the Office of Education -- the pressing of fund termination in the most recalcitrant of southern school systems -- is, far from overzealous action, a positive and praiseworthy step, taken remarkably late. But the implications inherent in prosecution of only the most flagrant cases can only lead artful law-dodgers among southern officialdom to assume that they can continue to get by with tokenism and a show of a "cooperative" spirit.

Guidelines more closely aligned with the law's demand (perhaps a single guideline -- the abolishment of dual systems) and enforcement designed to alleviate any hope of continued contempt for the law of the land would seem the only consistent course for the future of enforcement. If this should even ultimately bring the South to a political victory that overturns the law of the land -- if the rest of the nation is that weak or that far-gone in its backlash versions of racism -- then so be it. Even that would be preferable to the continued flouting of the Constitution and the law in the schools where children learn their first lessons of citizenship and contemporary history. Already a vocal segment of the Negro movement has retreated to a demand not for integrated schools but the never-realized mandate of the "old" law --

equal separate ones. What we are talking about is the education of children -- black and white. The record to date is one of shameful disservice to them, which is to say, our nation's future.

APPENDIX

PERCENTAGE OF DESEGREGATION IN SOUTHERN SCHOOLS

1965 and 1966

	Negro School Enrollment: 1965+	Percent of Negroes in School with Whites: 1965	Percent of Negroes in School with Whites: 1966 Office of Education	Percent of Negroes in School with Whites: SRC++
ALABAMA	295,848**	0.25	2.4	
ARKANSAS	111,952**	2.5	15.9	14.7
FLORIDA	256,063*	5.9	14.7	
GEORGIA	355,950*	1.3	6.6	5.7
LOUISIANA	318,651	0.68	3.6	2.9
MISSISSIPPI	296,834	0.34	3.2	2.0
N. CAROLINA	349,282	2.1	12.8	
S. CAROLINA	263,983	1.5	4.9	
TENNESSEE	176,541*	9.1	21.9	
TEXAS	349,192*	20.0	34.6	
VIRGINIA	239,729**	11.3	20.0	
TOTAL SOUTH	3,014,025	5.23		

*Estimated

**1964-65

+ 1966 figures unavailable

++ Only percentages different from the Office of Education's are given

3-26.66

MR.

DEAR SIR . THIS IS FROM: . I WANT SOME INFORMATION FROM YOU ABOUT THE 1966 COTTON PROGRAM. WE HAD 26 ACARES OF Cotton last year. adn this year the man we live with told ym husband that he couldn,t use him this year. he gave gave all the peoples crops but us. and another man on the saem place he didn,t give him a crop. but i heard that he said he didn,t want a crop. he is a old man. so we have two childrens in the white school. and we do feel and believe that is the reason he didn,t give us a crop. we have 11 childrens to support. and it nothing around here to do to make a living. and i am asking you if you know where i can write to too turn that in will you please send me the addreaa. i dene to the ASCS officers to get some information. and they told me that it was mr.(land and he could do what he want to with his land. weihh i no that was not so. that was not what the government said. we worked 26 acares last year. and made 36 bales of cotton and a little over. we been where we is since march in 1945. so any information you need i will be glad to give it to you. and any information you can give me i will be to glad to get it. so please let me hear from you as soon as possible.we do beleave the to kids we have in the white school is the reason he didn,t give us a crop. and he told which is my husband. that he didn,t have enouhg acares to give him a crop.but since he told him that. he have been back to the peoples that he did give crops to and tried to get them to take some more acares. but they refuse to take them. so any information that you can give me i will be to glad to get it. if you don,t have any info. and know where i can get it. please send me the name and address so i can write them. your truly( )

SEP 30 1966

Dear Mrs

I am still waiting for a fair hearing since the local welfare people said they wouldn't put me on welfare.

Some white kids poured ink on my daughter at school and they cut my neighbor's face. Other than that, the white kids have been calling our children niggers and all-kat.

The welfare people here don't want to help me but I hope to get put back on.

Thank you for all your help.

JUL 2

July. 25 '66

Dear miss

Your letter have been recieved

Preasure so
~~much~~ hard here. seem like we can't
do anythings at all. here. I were talking
about the men miss sent up
here they said they were going to ~~and~~
try an raise some ~~mont~~ many.
That we need many for to get a house.
and he were going to raise us some to
help on the house. no the man from
have not Come by. I don't
no if he been to or not. Peoples
Around here. are so afriad. of the
Preasure. and some are afriad they may get
kill. I don't thank to no one will get
Kill. and if a lots of kids would go

to School. things may get better. it so sad. it so hot. I am going to the store now. to get food. all for now
I wish one day we wake up and things are better for us. All of us.

I pray some day, we we will obey what Jesus said love one to another. and if we do this all the World problems will be over.

Sincerely Your

July 1, 1966

Mr. Harold Howe
Office of Education
Department of Health, Education and Welfare
Washington, D. C.

Dear Sir:

My name is [redacted] and I am Seventeen years of age. During the previous year I attended an all white school here in [redacted] along with my two sisters, brother and a friend. Regretfully I say that during this year we have had many obstacles in our way. I feel if more Negroes attend the pressures we overcome would not be as great. I have tried in all respect to encourage more young negroes my age and under to attend but fear has caused them to back out. Most of them because of jobs, they fear their parents will be fired as well as their parents.

Will you please investigate this situation?

Freedom of Choice will not work in
County as long as there is fears

Sincerly

7-12 66

dear frien i recise Jour mast Kine
and Welcom letter and so glade was i
to hear from Jou it faund me and all of my
family up and daine fine so far thank to the
good master. and i am glade that you enjoy
your visit at my home and i no i enjoy
you we all was happy to see you and
do hop that when you come to (mississ)
agan you will have time to stop in and
see us all agan. i am still workin at [illegible]
and still like it. and i am still stanen up for
[illegible] i am daine fine in my new home
and i still want to see a Brighter day and i
want my Children to have an and stand up
to [illegible] a Better education and what ever i Can do
i [illegible] to that litter as much. i am [illegible]
[illegible] with what ever i got to facen no
matter haw hard it me Be i just no i
Can make it some haw. i am not [illegible]
to stan up for my Wrigh. and i [illegible]
my Children on Behine me i got to
stand up Befor them so they will no
what it mean and how they got to stand up

so i Just Keep on talkin to them lettin them no What they need end What it take to get What they need that is a Better education. end where they can get it that is in the integrated school. so i am gaine to Push. Work. figh. Watch. and Pray for them i mean for them to go if they hafe to go By their self i ant gaine to stop not untill i get them in. and then i am gain figh to Keep them in. for that case i mean to stand up untill i cant stand end i am gain to stan anyno. so that will make me stand up to the in of my life nothin shall turn me around. i dont care how dark the day mae Be Rain or shine sleet or snow me and my family is gain to stan up,, so all sent love to you. mrs.

got a side Back home he made it Back Just fine. i am Writen (   ) to day to, i told her you Ben to my home so By mae God Keep you and Bless untill we meat agan

from (mrs. & mr.
and family.)

freedom is What i Wont
and freedom is What i am gain to get
freedom freedom.