SPECIAL REPORT

SOUTHERN REGIONAL COUNCIL
5 Forsyth Street, N.W., Atlanta 3, Georgia

SEPTEMBER 1965

SCHOOL DESEGREGATION: OLD PROBLEMS UNDER A NEW LAW

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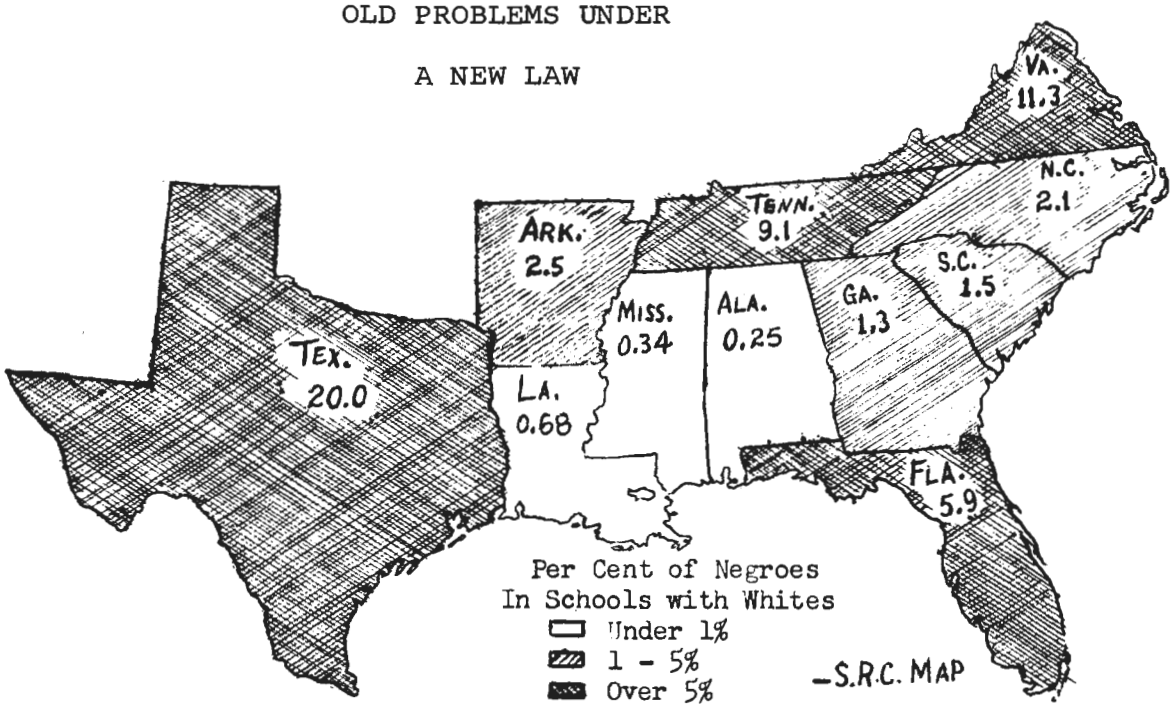

SOUTHERN REGIONAL COUNCIL
5 Forsyth Street, N. W.
Atlanta, Ga.

ONE OF THE PROBLEMS

-- A Letter From a Parent in The Deep South

Route 1 B [redacted]

Sept 9 - 1965

we wont to Than you for the information we received in Macon Ga. it has helped us to enroll 14 students in the all white school [redacted] high school. we are having a lots of truble my life has all ready been threated my brother [redacted] house has been shoot in so we both will have to take the children out of school and move some where else so give me the best information on this looking to hear from you soon. from

[redacted]

EVASION OF SCHOOL DESEGREGATION
(1964-65)

A decade of promise seemed ready for fulfillment in September, 1965. The tortuous process of school desegregation, continually before the nation's courts since 1954, at last offered promise of new dimensions and hope. The dream, embodied in Title VI of the Civil Rights Act, prohibiting "the extention of federal financial assistance to any dual or segregated systems of schools based on race, color, or national origin," was of a new era in which administration forces would take the initiative and achieve racial integration in schools. Hopefully, a sizeable proportion of the close to 98% of the South's Negro children still trapped in segregated schools would gain admission to integrated classes.

Prior to the start of the 1965 school term, the Negro school desegregation effort had met dismal failure; case after case of court-ordered desegregation hardly had made a dent in the unyielding armor of the South's segregation front. The burden of initiating suits and provoking "voluntary" change had been almost exclusively on the individual Negro pupil and his parents. With little money but firm intent, individual Negroes and several private organizations, primarily the National Association for the Advancement of Colored People (NAACP), found their limited resources constantly pitted against the public treasury -- local, state, and some-

times federal.

The prospect of going into almost every school district and the mounting costs for court actions were factors frustrating the school integration campaign, despite the fact that the May, 1954, U. S. Supreme Court decree was a class action purported to apply to all persons similarly situated. The mere opinions of states' attorneys are enough to bring across-the-board compliance in areas other than civil rights -- something hundreds of court suits have failed to do.

Civil rights supporters viewed school segregation among problems so serious in 1963 that some 200,000 participated in a massive March on Washington, and Congress the following year determined that legislative remedy for school desegregation was needed. This became part of the precedent-shattering Civil Rights Act of 1964. Title VI of the act provides that "no person . . . 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 financial assistance." This means that the federal public education subsidy, amounting to almost 20% of the total education budget could be withheld from schools which refused to stop segregation and discrimination against Negroes. The U. S. Office of Education thus became legally obligated for the first time to address itself to the problems of school desegregation.

Big Job for Office of Education

The intent of the law was to correct hundreds of years of separate discriminatory schooling; it offered remedial action which court decisions had failed to bring. The Office of Education was charged with heavy responsibility. The mere detail of executing the responsibility within the specified time required great effort.

The task required accurate school population and attendance information against which the responsible agency might measure its success in gaining compliance with the law. The disturbing fact is that the federal government, with all its vast resources, had not ascertained the number of Negro children enrolled in formerly white schools by mid-October, 1965. Ironically, during September and October, at the very time the information was most needed, no private or government agency knew the rate of school desegregation.

The privately-sponsored Southern Education Reporting Service, which in prior years carried school desegregation figures in Southern School News, ceased publishing in July, 1965. The Office of Education collected a smattering of data in procedures resting on the voluntary contribution of information. Their efforts were thwarted largely by earlier requirements and/or permission for records on race not to be kept. At no time since 1954 has less factual information on school desegregation existed. Some state and local school officials who, when asked about desegregation, said they don't keep racial figures implied that racial data were available to

local and state authorities, but not for public release.

Findings of Southern Regional Council

In trying to determine what did happen last September, the Southern Regional Council's research department enlisted the cooperation of the Office of Education, the Southern Education Reporting Service, the various state Councils on Human Relations, and others. We have supplemented this with newspaper reports, and field reports. Even with this cooperation and our determined effort, the information in spots is sketchy. But it appears to be the best data currently available.

Our compilations show that estimates released October 1 by the Office of Education overstate the rate of school desegregation. Figures of Office of Education statisticians, arrived at by use of a hurried sampling survey of 590 of the 3,300 districts in southern and border states, say that 216,600 Negroes -- 7.5% of the South's Negro pupils -- are attending classes with whites. Included in the Office of Education's total was an estimate of 15,300 in Alabama, giving that recalcitrant state ten times more than the number estimated in the Office's own "work sheet" and the number indicated by Southern Regional Council's research.

The Office of Education's estimate of desegregation in North Carolina claims 24,500 Negroes are in desegregated classes there. Southern Regional Council's research finds

8,000, only a third of what the federal agency reports. The SRC estimate may be low. There is every indication that the Office of Education figure is high. The SRC figure is based on the estimates of Southern Education Reporting Service, news clippings, and field reports of the North Carolina Council on Human Relations. When asked for state figures, a high North Carolina education official said, "Any estimates that anybody would make would be in error. We have erased the question of race from the horizon. Anything that the U. S. Office of Education says would be in error, and anything anybody in our office tells you would be in error."

The Southern Regional Council survey finds 151,409 Negroes attending desegregated public school classes in the 11 states of the Deep South -- 5.2% of the South's Negro school census. That is more than 60,000 less than the 216,600 reported by the Office of Education. The Council's finding of 717 Alabama Negro pupils in desegregated schools does not include nearly 200 Negroes who applied for transfer, under "freedom of choice" options but reportedly withdrew because of pressures and various other reasons. The Office of Education tables did not reflect a number of cases of withdrawals prior to the start of school, but this does not explain all the differences in the surveys. The four following tables show comparative state desegregation totals for 1964 and 1965.

TABLE 1

COMPARATIVE STATE DESEGREGATION TOTALS
OF THREE AGENCIES, 1965

	SRC Totals	SNCC Totals	Office of Education Totals
ALABAMA	717	1,500	15,300
ARKANSAS	2,343	2,589	6,100
FLORIDA	17,000*	-----	23,800
GEORGIA	4,240	6,000	7,600
LOUISIANA	1,850**	1,850	1,600
MISSISSIPPI	921	1,500	1,000
NORTH CAROLINA	8,000	-----	24,500
SOUTH CAROLINA	3,531	3,500	3,500
TENNESSEE	16,422*	-----	25,300
TEXAS	75,340*	-----	81,700
VIRGINIA	21,045	-----	26,300
Total South	151,409		216,600

SOURCE: Compiled by the research staff of Southern Regional Council, Inc., from news clippings, field reports, and reports of other agencies.

*Estimates based on Southern Education Reporting Service reports. The Texas total was computed from SERS's estimation of 20%.

**Based on Louisiana survey by Student Non-violent Coordinating Committee.

TABLE 2

ENROLLMENT BY RACE IN ALL SCHOOLS, 1964-65

	ENROLLMENT			
	White		Negro	
	1964	1965	1964	1965
ALABAMA	536,200	541,100	284,500	286,600
ARKANSAS	203,200	224,600	100,000	95,100
FLORIDA	905,400	929,300	278,900	284,700
GEORGIA	669,200	737,000	319,500	320,300
LOUISIANA	508,200	507,600	278,000	272,700
MISSISSIPPI	293,600	292,500	285,300	274,900
NORTH CAROLINA	773,000	789,300	384,200	379,600
SOUTH CAROLINA	390,500	400,500	242,100	233,400
TENNESSEE	612,400	679,700	179,500	180,100
TEXAS	1,625,700	1,727,800	359,600	376,700
VIRGINIA	697,100	705,500	184,500	187,000
Total South	7,214,500	7,534,900	2,896,100	2,891,000

Total Enrollment, Both Races:

1964	1965
10,110,600	10,425,900

SOURCE: Compiled by the research staff of Southern Regional Council, Inc., from the 1964 Statistical Summary of Southern Education Reporting Service, and reports of the U. S. Office of Education, and other SRC library resources.

TABLE 3

COMPARATIVE 1965 TOTALS AND PERCENTAGES OF STATE SCHOOL DESEGREGATION IN REPORTS OF TWO AGENCIES

	Negroes in Desegregated Schools: SRC	Per Cent of Negro Enrollment	Negroes in Desegregated Schools: Office of Education	Per Cent of Negro Enrollment
ALABAMA	717	0.25	15,300	0.50
ARKANSAS	2,343	2.5	6,100	6.4
FLORIDA	17,000	5.9	23,800	8.3
GEORGIA	4,240	1.3	7,600	2.4
LOUISIANA	1,850	0.68	1,600	0.6
MISSISSIPPI	928	0.34	1,000	0.36
NORTH CAROLINA	8,000	2.1	24,500	6.5
SOUTH CAROLINA	3,531	1.5	3,531	1.5
TENNESSEE	16,422	9.1	25,300	14.1
TEXAS	75,340	20.0	81,700	21.7
VIRGINIA	21,045	11.3	26,300	14.1
Total South	151,416	5.23	216,600	7.5

SOURCE: Percentage computations based on SRC totals and Office of Education totals compare findings of the two sources. The Alabama total of 15,300 reported by the Office of Education is an obvious error, because their working papers (copies of which were in our possession to assist in preparing this study) show 1,442 Alabama Negroes in school with whites.

TABLE 4

ELEVEN DEEP SOUTH STATES
IN ORDER OF DESEGREGATION RATES, 1965

	By Number of Negroes Enrolled in Desegregated Schools		By Percentage of Total Negro Enrollment
TEXAS	75,340	TEXAS	20.0
VIRGINIA	21,045	VIRGINIA	11.3
FLORIDA	17,000	TENNESSEE	9.1
TENNESSEE	16,422	FLORIDA	5.9
NORTH CAROLINA	8,000	ARKANSAS	2.5
GEORGIA	4,240	NORTH CAROLINA	2.1
SOUTH CAROLINA	3,531	SOUTH CAROLINA	1.5
ARKANSAS	2,343	GEORGIA	1.3
LOUISIANA	1,850	LOUISIANA	0.68
MISSISSIPPI	928	MISSISSIPPI	0.34
ALABAMA	717	ALABAMA	0.25
Totals	151,416		5.23

SOURCE: Figures compiled by Southern Regional Council, Inc., from news clippings, field reports, and reports of cooperating agencies.

In the absence of accurate information on the progress of school desegregation during the first two months of the 1965-66 school year, news media resorted to educated guesses and reported the generally optimistic and exaggerated opinions of school authorities. Some estimates ran as high as 20% of the Negro school-aged population, far in excess of the true desegregation rate.

The picture appeared so rosy that the nation was lulled into a false sense of success. The truth is that nearly 95% of the South's Negro pupils still are trapped in segregated and unequal schools. The false impression is due largely to attempts by state and local school authorities, and perhaps some federal officials, to imply that school systems were desegregated beyond mere tokenism.

Even with the lack of information to measure integration progress precisely, it is clear that the move so far toward the full promise of integrated education has been a feeble step. This is despite the integrity and the sense of proper intent evident in the Office of Education.

No one has ever quite developed to the point of art the necessary techniques for parrying and thrusting with a recalcitrant state or local government bent upon thwarting the will of law. But in retrospect, it seems apparent that the Office of Education might have avoided some of the more obvious errors that others have made in the past in southern desegregation duels:

(1) As with other agencies in Washington, there was first the process of promising the ultimate and then going through the steady process of deterioration of that promise. This was unfortunate because when the Capital makes promises from high places, the lowest people in the land hear, believe and act. The reaction of disillusionment is serious and could become increasingly more serious.

(2) In many instances, frenzy in government offices seems to have been misinterpreted as satisfactory progress. Accomplishment too often was equated with the amount of energy spent. Facing such a tremendous job, which we are sure at times seemed impossible to the Office of Education staff, policy makers should have realized that new, realistic approaches were needed to get the job done.

(3) The letter and spirit of the Civil Rights Law encourage voluntary compliance if at all possible. But in the reality of the southern desegregation situation, experience has proven that skillful administration is necessary to make sure that the "volunteer" does what he claims he will do. The tendency of the Office of Education to assume otherwise -- to expect normal forthrightness and good faith in the "voluntary" compliance -- is perhaps its largest strategic error so far. The office seems not to have been fully aware of the peculiar dimensions of compliance that is "voluntary" only at the threat of the loss of a sizeable percentage of the annual budget. 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.

There would have been no need for Congress to enact legislation if there had been any validity to the highly desirable premise that most school systems would (or could) act in good faith. The experience of the federal courts revealed that the restrained decision requiring school desegregation with "all deliberate speed" failed, not because the decision lacked wisdom, but because there often was lack of good faith on the part of those against whom the edict was directed. By their words, precepts and examples, southern politicians and school officials, with few exceptions, made clear time and time again after the May 17, 1954, Supreme Court desegregation edict their intention to evade and delay.

In this kind of situation, the attitude that tokenism was an achievement and subject for civic self-congratulation grew up -- often in the best intentioned of white Southerners, including school officials.

If federal officials were naive to believe school integration in the South could be achieved without rigorous

administrative checks and controls, the local school systems in the South were remarkably consistent. Evasion has continued under the Civil Rights Act, and the highly sophisticated art of misleading the federal government has continued. In order to have their grants from federal funds certified, a majority of school districts made false claims that the money would be spent on a non-discriminatory basis. Just as the claims in many instances are false, it is hard to assume other than that many of those signing the statements deliberately set out to fool those reviewing the desegregation plans.

The school systems of the South are not operating on a non-discriminatory basis. Few people expected them to be. What was expected among Negroes and in other quarters was that an honest beginning would be made to that end, with the burden of gaining compliance shifted from the shoulders of the individual Negro pupil and his parents.

For some months, it did seem as if the burden of proving compliance would rest squarely with local and state school officials. Generating this hope was the knowledge that in the area of equal employment opportunity, tangible progress was experienced only after those employers awarded government contracts were required to prove by their record that they, in fact, were complying with the federal policy for non-discriminatory hiring.

A few school superintendents acted early and in good faith

toward reasonable compliance, only to have themselves placed in precarious positions by the success of neighboring districts which were permitted to undercut the vacillating guidelines of the Office of Education. When it became clear, for example, that "freedom of choice" plans would be acceptable, most school systems took this route.

Under plans based on "freedom of choice," the student and his parents theoretically could apply and expect admission to any school of their choice in the district, so long as some general requirements were met. In the event a school became overcrowded, exclusions then would be based on proximity to the school, with those living closest admitted first. Guidelines covering this explain that discrimination is practiced unless a school is desegregated, and that a system is not fully desegregated if (a) race or color is a factor in student assignment, or (b) teachers remain racially segregated, or (c) any activities or services, including transportation, remain segregated or discriminatory.

Contrary to the goals of the guidelines, choice of schools was not free for most Negroes. To many school officials, it seems to have meant a free choice to exclude Negro pupils for specious reasons, including "bad manners," "bad character," "poor record," etc.

Negroes Intimidated, Pressured

It is difficult to overstate how much hope and enthusiasm

was generated among Negroes early in the year when they learned the school desegregation problem was shifting from the judicial to the administrative department of the federal government. Subsequent experience proved the amazing fact of how far down the line this enthusiasm reached into communities -- in small towns, and in rural and urban areas. Negro parents seemed for the first time to see the chance for their children to get equal education. But the start of school brought disillusionment, and it brought pressures and indignities no individuals should have to bear:

(1) Some school superintendents met with parents whose children applied for transfers from Negro to white schools and told them the Negro children probably would come home many days with black eyes from beatings the Negro parents should hold themselves responsible for.

(2) Some Negro children were threatened with demotion or loss of units.

(3) Negro teachers in some districts were threatened with dismissal if Negro children transferred.

(4) In some instances, the names and addresses of Negroes applying for transfers to white schools were published, thus inviting intimidation of Negro families.

(5) Some systems mailed out information on "freedom of choice" arrangements for white parents, encouraging them to claim all vacancies prior to the notifying of Negroes about

the free-choice compliance plan.

(6) Special affidavits, conferences, and/or employment information were required of Negro parents whose children sought transfers to white schools in some districts.

(7) Cross-burnings, shooting into Negro homes, and other acts of intimidation were used to force withdrawal of Negro students from some systems. (Surely, the Civil Rights Act in some way must be applied to protect citizens from such as this.)

Tokenism Brings More Demonstrations

The sum of these experiences to concerned Negroes and private organizations working with them added up to more frustration and distrust of constituted legal authority on the federal as well as the local and state levels. The loss of confidence in the commitment and will of the federal government to force full compliance with the Civil Rights Act, and the acceptance of un-free "freedom of choice" compliance plans have led to a situation in which militant civil rights groups are beginning again to take to street demonstrations, as in Crawfordville, Georgia, seeking redress of grievances.

Obviously, decisions were made to accept token effort at compliance in some recalcitrant sections. Dual law and dual policies -- one for sections with few Negroes and another

for sections with large numbers of Negroes -- should not be. In other words, the Office of Education would seem to have erred in accepting two-grades-a-year plans in some Mississippi districts. Excepting these districts from the desegregation guidelines issued by the federal agency only prolongs and makes more laborious the process. The only way to desegregate is to desegregate. And the proof of compliance with any desegregation order is in the ability of schools to show that Negroes are in classes with whites in reasonable proportion.

The best measure of this desegregation would be on a class-to-class basis in every school in the various systems. That also is the best way to avoid transfers of white children from one school to another in search of an institution that had evaded the law, as was the case in Taliaferro County, Georgia, where all of the white children were transferred to schools outside the county (see attached editorial, page 23).

For some reason, there appears to be the thinking in the federal government that it is not within federal power to take the initiative to achieve compliance and correction of racial separation in schools, despite the fact that both the 1954 Supreme Court decision and the 1964 Civil Rights Act provide for school desegregation.

Enforcing law requires initiative. Federal officials use administrative fiat to enforce law in many areas. Administration is effecting policy and should not be circum-

scribed by bureaucratic caution so long as the administrative acts are within the scope of the spirit and letter of the law.

Greater Effort Needed

It would be foolhardy to blame any individual or agency for the sorry progress of desegregation. It is common knowledge that any Office of Education official is confronted with the working conditions of bureaucracy and that actions of the Office of Education might be torpedoed by others in state, federal, and local positions.

It is hardly the fault of the Office of Education, for example, that little or no budget was provided for administration of Title VI funds, or that the few staffers who could be hired had to be brought on the payroll too late to do the job adequately. (Perhaps the White House and Congress share some of the blame for this.) We know that the few dedicated Office of Education staffers were overworked and vulnerable to the evasive tactics of many southern school superintendents and school boards. Consequently, we are sympathetic with the Office of Education's plight, though

critical of what was accomplished. We have the advantage of hindsight in examining the problems. With these experiences and insights, we suggest the following changes:

(1) The "freedom of choice" concept (as practiced) should not be accepted on face value as a method of achieving desegregation in the South. There cannot be freedom where parents and children are intimidated for exercising a choice.

(It is ironic that we are hearing much criticism of "freedom of choice" in the southern region at the very time northern minority groups are fighting for it to rid their section of de facto and de jure segregation. We do not choose in this report to assess the pros and cons of the principle of freedom of choice, or to try to untangle the semantic snarls that have developed in the phrase. It might be acceptable if properly administered. But as it is being applied in the South, it is an inadequate doctrine for even minimal compliance with the Civil Rights Act. Indeed, the choice has not been free for the Negro children to select schools they want to attend in the South.)

(2) Administrative fiat and decades of following laws and traditions now adjudged unconstitutional created the school segregation problem, and administrative fiat and pressures must be used to correct it. School superintendents, if placed in the position of demonstrating to the satisfaction of federal agencies that funds are being spent without regard

to race, would be found encouraging Negroes to attend formerly white schools in many instances. A handful of superintendents already are doing this and are justifying their actions by using the federal mandate as an excuse.

(3) Where local officials refuse to comply, funds should be cut off in accordance with procedures outlined in the Civil Rights Act. Thought should be given to the question of assuming responsibility for the education of children where such fund cut-offs occur. Government sponsored conferences in the few states where this is possible might study the possibility of temporary state option or trusteeship if local sponsorship is abandoned. And the Justice Department should be alerted for the possible initiation of legal action.

(4) In the absence of sufficient federal examiners to police the performance of school desegregation on district levels, technical assistance grants should be made to teams of professionals who could be recruited and co-sponsored by colleges and universities, civil rights groups, and/or the government, to review and challenge performance in integrating school systems. Complaints from local organizations should get quick follow-up by the Office of Education, including progress reports to complainants.

(5) Surveys should be made in all districts to determine the proportion of Negro school children, and the reissuance of Office of Education guidelines should indicate

that a sizeable proportion of Negro children in racially mixed classes on all grade levels is needed for local systems to show proper performance in desegregation.

(6) If the Office of Education is going to continue permitting phased desegregation plans (as four grades a year for a three-year period), it should not allow token desegregation in the four grades chosen to be integrated.

(7) Briefing and information sessions sponsored under technical assistance should be held for all teachers in all Deep South schools. At assemblies or by use of educational television, for example, some teachers might be taught how to pronounce the word, N-E-G-R-O, and how to lessen the isolation of individual Negro students in predominantly white classes until this undesirable situation itself can be corrected. And Negro teachers of white youngsters might be taught how to deal with them. This would be a minimal, emergency approach and should not preempt any other technical assistance programs.

(8) Some special scrutiny should be given school systems which are under court orders to desegregate. Some are finding court orders advantageous for slow desegregation progress. For example, Clarendon County, South Carolina, which has been dickering in the courts for 16 years, had only five Negroes attending school with whites in 1964. The Office of Education admits it does not know how many Negroes in Clarendon attend desegregated classes during the current

1965 school year.

As it was stated by the U. S. Fifth Circuit Court of Appeals in Price v. Denison Independent School District on July 2, 1965: "By the 1964 Act and the action of HEW /the Department of Health, Education, and Welfare/, administration /of the law/ is largely where it ought to be -- in the hands of the executive and its agencies with the function of the judiciary confined to those rare cases presenting justiciable, not operational, questions."

The most important thing to be remembered as the executive branch continues with its responsibility for desegregating schools is included in the Office of Education's policy statement and guidelines:

"The responsibility to eliminate segregation rests with the school authorities and is not satisfied by rules and practices which shift the burden of removing discrimination to the class or classes of persons previously discriminated against."

ONE EDITORIAL REACTION TO CRAWFORDVILLE REPRISALS --

No Snarling Dogs, But a Nasty Situation

St. Petersburg Times Editorials

"The policy of our paper is very simple — merely to tell the truth"
—Paul Poynter, publisher, 1912-1950

EDITORIAL 6-A Phone 894-1111 Saturday, October 16, 1965

The Issue At Crawfordville

Unlike Birmingham, St. Augustine, Selma and Hayneville, the civil rights issue at Crawfordville, Ga., has not touched the American conscience. It hasn't because the headline questions already have been settled and the American people know it. Die-hard segregation, even to the extent of abandoning public education, just won't be permitted in the United States.

But in Crawfordville, the subtler forms of enforcing white supremacy have come to the surface and they have yet to be countered.

It was no surprise when a federal court this week declared Taliaferro County's schools bankrupt and turned them over to Georgia Superintendent Claude Purcell with instructions to end segregation. The county's efforts to preserve segregation by closing its white schools and sending all white students to other counties was doomed from the start. If Crawfordville's leaders didn't know that, eastern Georgia must be more isolated from the nation than the state's generally moderate record on the race issue would indicate.

The unresolved question raised at Crawfordville is whether racists will be allowed to use economic reprisals in their last-ditch efforts to preserve the status quo.

TALIAFERRO COUNTY'S schools will be reopened, but will the Negro principal and five teachers fired from Negro schools since the demonstrations began be rehired?

Will the two Negro bus drivers, two school cooks and two custodians get their jobs back?

Will the 22 parents of children in the demonstrations be rehired after firings from their various jobs in Crawfordville?

Will the six families evicted from their homes be allowed to return?

Will the demonstrator victims of four sudden foreclosures be given another chance?

SNARLING DOGS, Klan sheriffs and children locked out of schools have helped America move rapidly along the road toward equal opportunities for all its citizens. The kinds of economic pressures employed in Crawfordville are much less dramatic, but paralyzingly effective.

The next step in the civil right struggle is to deny to those who still shout "Never!" the economic weapons long used against Negroes and tested anew at Crawfordville.