REPORT
ON
ARKANSAS:
EDUCATION

BY THE
ARKANSAS ADVISORY
COMMITTEE TO THE
UNITED STATES COMMISSION
ON CIVIL RIGHTS

SEPTEMBER 1963

PUBLIC EDUCATION IN ARKANSAS, 1963
STILL SEPARATE AND STILL UNEQUAL

A Report of the Arkansas Advisory Committee

to the

UNITED STATES COMMISSION ON CIVIL RIGHTS

SEPTEMBER 1963

ARKANSAS ADVISORY COMMITTEE TO THE
UNITED STATES COMMISSION ON CIVIL RIGHTS

James E. Youngdahl, Chairman
Little Rock

H. Solomon Hill, Vice Chairman
North Little Rock

Mrs. Gordon McNeil, Secretary
Fayetteville

Mrs. Ruth Arnold
Little Rock

Fred K. Darragh, Jr.
Little Rock

John Gammon, Jr.
Marion

Steele Hays
Little Rock

Prof. Robert A. Leflar
Fayetteville

Miss Jean Montague
Fort Smith

*Jack R. Porter
West Helena

SPECIAL COMMITTEE ON EDUCATION

Mrs. Gordon McNeil, Co-Chairman
Fayetteville

Miss Jean Montague, Co-Chairman
Fort Smith

Mrs. Ruth Arnold
Little Rock

Mrs. Beverly Fisher
Little Rock

Steele Hays
Little Rock

*Mrs. Daisy Holcomb
Fayetteville

T. E. Patterson
Little Rock

James E. Youngdahl
Little Rock

*Deceased

Preface

This report was submitted to the United States Commission on Civil Rights by the Arkansas Advisory Committee. The Arkansas Advisory Committee is one of the 51 Committees established in every State and the District of Columbia by the Commission pursuant to section 105(c) of the Civil Rights Act of 1957. Its membership consists of interested citizens of standing who serve without compensation. Among the functions and responsibilities of the State Advisory Committees, under their mandate from the Commission on Civil Rights, are the following: (1) to advise the Commission of all information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; (2) to advise the Commission as to the effect of the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution; and (3) to advise the Commission upon matters of mutual concern in the preparation of its final report. The Commission, in turn, has been charged by the Congress to investigate allegations, made in writing and under oath, that citizens are being deprived of the right to vote by reason of color, race, religion, or national origin; to study and collect information regarding legal developments constituting a denial of equal protection of the laws; to appraise Federal laws and policies with respect to equal protection; and to report to the President and to the Congress its activities, findings, and recommendations.

Contents

1. Introduction: The Legal Obligation

It is not necessary to rely on the Constitution of the United States for the proposition that all citizens of Arkansas are entitled to equal educational facilities. The constitution of Arkansas assures "equality of all persons before the law" without deprivation of "any right, privilege or immunity . . . on account of race, color or previous condition."[1] Under State law, however, Arkansas schools had been operating on a segregated basis since the 1870's. The constitution of 1874 provides only that:[2]

> Intelligence and virtue being the safeguard of liberty and the bulwark of a free and good government, the State shall ever maintain a general suitable and efficient system of free schools whereby all persons in the State between the ages of six and twenty-one may receive gratuitous instruction.

Sixty-nine years before the United States Supreme Court decided that equality of educational opportunity and racial segregation are intrinsically inconsistent,[3] the Supreme Court of Arkansas declared:[4]

> It is the clear intention of the constitution and statutes alike, to place the means of education within the reach of every youth. Education at the public expense has thus become a legal right extended by the law to all people alike. No discrimination on account of nationality, caste, or any other distinction has been attempted by the law-making powers.

During the period in which the judiciary held that separate may be equal, it was clear that equality of what the 1954 Supreme

---

1. Art. 2, sec. 3, Arkansas constitution of 1874.
2. Art. 14, sec. 1.
3. School Segregation Cases: Brown v. Board of Education, 347 U.S. 483 (1954); Bolling v. Sharpe, 347 U.S. 497 (1954); Brown v. Board of Education, 349 U.S. 294 (1955).
4. Maddox v. Neal, 45 Ark. 121, 124 (1885).

Court called "tangible" attributes[5] of education was indispensable.[6] Even the infamous landmark of Plessy v. Ferguson quoted a matter-of-fact assumption that the government must secure "to each of its citizens equal rights before the law and equal opportunities for improvement and progress."[7]

It has been nearly a decade since the School Segregation Cases rocked the legal and political horizons of the southern United States. It was clear at the time of the decision that Negro and white schools were unequal as to tangible factors: e.g., physical equipment, instruction, and finances.[8] In Arkansas in 1952, for example, measurements of Negro education were inferior by substantial percentages to those of white education--80 percent of white per pupil expenditures, 59 percent of white capital outlays, and 79 percent of white classroom teacher salaries.[9] Even in 1954, education commentators estimated that it would require an expenditure of $21 million to equalize the segregated Arkansas school systems.[10]

In sum, a decade ago public education in Arkansas was racially separate and racially unequal. In the report that follows, the Arkansas Advisory Committee to the United States Commission on Civil Rights examines the current status of public education in Arkansas, with emphasis on tangible facilities.

In no sense should this emphasis imply that equality of physical factors is constitutionally or morally sufficient. But the application of the principles of the School Segregation Cases is the subject of concurrent study, and interesting questions of

---

5. Brown v. Board of Education, 347 U.S. at 492.
6. See Missouri ex rel. Gaines v. Canada, 305 U.S. 337, 349 (1938); McLaurin v. Oklahoma State Regents, 339 U.S. 637, 641 (1950).
7. 163 U.S. 537, 551 (1896).
8. See Leflar and Davis, "Segregation in the Public Schools--1953," 67 Harv. L. Rev. 377, 403, 430-35 (1954); Greenberg, Race Relations and American Law 209 (1959).
9. Ashmore, The Negro and the Schools 153, 156, 159 (1954).
10. Southern School News, Sept. 1955, p. 10.

fact remain, stemming from the undisputed idea[11] that Negroes, wherever they go to school, ought to have facilities equal to those of whites. How viable is this soothing concept as regards the facts of 1963 school life in Arkansas?

---

11. "Then go to Little Rock itself and look at Horace Mann High School from which the famous nine came (paralleling the nine in Washington, I suppose) to enter the White Central High School. They left a new, modern school. In the Architectural Record of September 1957, you will find Horace Mann High School rated fifth in the entire nation as to utility, beauty, comfort and modern design. That is the Negro school in Little Rock, Arkansas, as contrasted with Central High School, which is thirty years old, two or three stories high, and has none of the modern concepts which are now available. Another small example--there is a drinking fountain in each room at Horace Mann. There is one on each floor in Central High School where the whites attend school." Address by Arkansas Governor Orval Faubus to 54th Annual Meeting, Mississippi State Bar Association, 30 Miss. L. Jour. 520, 531 (1959). See also Greenberg, supra note 8, at 208.

2. The Arkansas System of Public Education

A. IN GENERAL

Problems of Negro education in Arkansas cannot be discussed realistically without consideration of problems of public education in general. The inadequacy of schools in the State is a festering sore on the body politic, quite apart from any racial consideration.

Handicapped by lower income and a higher educational load than the rest of the United States,[12] Arkansas, in common with the rest of the South, has gained little in relation to national educational standards. In 1961 Arkansas spent $57.48 per capita on its public schools, $3.29 below Mississippi, and last in the Nation.[13] Arkansas was one of 4 States in 1962-63 with an average annual teachers' salary of less than $4,000. The State was at the bottom of the list in the percentage of its population with 4 years of college, 43d in the median number of school years completed, and 44th in the number of functional illiterates.[14]

Some progress is being made. Arkansas was first in percentage increase of funds spent on pupils in average daily attendance during the decade ending in 1963. This reflected,

---

12. Ashmore, supra note 9, at 143. One comparison between State and national rankings is in military rejections for mental deficiency. The rate per thousand during World War II was 65 for Negroes and 16 for whites nationally, whereas in Arkansas it was 212 for Negroes and 59 for whites. Ginsberg and Bray, The Uneducated (1953). In 1961, such national rejection rate was 23 percent, as compared with 40.4 percent in Arkansas and 4.7 percent in Utah. Arkansas Gazette, July 7, 1963, sec. A, p. 1.

13. The figures in this and the following paragraph are taken from statistical rankings of States by the National Educational Association and the National Committee for the Support of the Public Schools. Arkansas Gazette, March 1, 1963, sec. A, p. 10, and July 13, 1963, sec. A, p. 1.

14. That is, 15.4 percent of the Arkansas population has fewer than 5 years of schooling.

in part, the fact that in percentage increase of per capita income, Arkansas also led the Nation.[15] Nevertheless, the average citizen of Arkansas earns less than $1,500 per year, and it is unlikely that merely maintaining either rate of increase will be sufficient to produce satisfactory education for foreseeable generations of school children in the State.

Arkansas schools are organized into over 400 districts,[16] averaging a little fewer than 6 per county with no apparent correlation between the number of districts and county population or ethnic makeup.[17] Of 422 districts in the 1959-60 school year, 122 had fewer than 350 enumerates,[18] and 81 had fewer than 12 teachers in grades 1 through 12. In the same period, 41 districts did not offer a 12-year program, 146 were without a qualified librarian, 368 were without a qualified counselor, 57 had at least half of their teachers without a baccalaureate degree, and 3 had no teachers with an earned degree.[19] In November 1962, State Education Commissioner Arch Ford told the Legislative Council that 114 out of 417 school districts were below minimum standards set by a 1948 act of the legislature.[20]

---

15. In 1962-63, nearly 46 percent of public school revenues came from the State.

16. There is variation in the total number in various portions of this report, reflecting continuing fluctuation through consolidation, dissolution, etc. See Ark. Stat. Ann. secs. 80-401 to 453 (Supp. 1961).

17. Unless otherwise noted, the figures in the remainder of subsection 2-A are taken from Roelfs, An Analysis of Arkansas School Districts, 1958-60 (1962).

18. Under Ark. Stat. Ann. sec. 80-707 (Repl. Vol. 1960), an enumeration "of all educable children" must be made annually.

19. "If we accept the view that an adequate system of basic school administration units is prerequisite to any substantial improvement in education in a state, it is our belief that more professional energy should be directed towards removing the roadblock of numerous inadequate districts. Avoiding or ignoring this problem will result in the postponement of the day when Arkansas can increase its educational stride alongside the other 49 states." Roelfs, supra note 17, at iii.

20. Arkansas Gazette, Dec. 2, 1962, sec. E, p. 3.

B. THE STRUCTURE OF SEGREGATION

In the 1960-61 school year, 108,841 Arkansas students in primary and secondary public schools were Negroes, almost 26 percent of the total enrollment.[21] In 1962, slightly more than half of the school districts of the State had no Negro enumerants,[22] but 9 districts had total Negro enumeration.[23] There were 19 districts described as "large," with an average daily attendance in excess of 2,800, and Negro students constituted about one-fourth of the

---

21. Spinnenweber, Statistical Summary for the Public Schools of Arkansas, 1960-61 (Ark. Dept. of Education (1961)).

22. Of the 75 Arkansas counties, 17 have no Negro children, 16 have fewer than 5 percent, and 4 have between 5 percent and 10 percent.

23. Spinnenweber, 1962 School Census for the State of Arkansas (Ark. Dept. of Education (1962)). In view of residential patterns in these districts, shown in the following table, there are obvious implications of gerrymandering:

Table 1

Arkansas School Districts With 100% Negro Enumeration, 1962

County	Name of district	Number	Rating*
Arkansas	County District No. 73	106	A
Conway	East Side No. 5	414	B
Howard	Childress No. 39	300	C
Howard	Howard County Training No. 38	359	B
Logan	Gray Rock No. 1	82	X
Miller	County District No. 20	161	C
Nevada	Oak Grove No. 4	531	A
Sevier	County District No. 1	127	C
St. Francis	County District No. 3	41	O

*See note 33 infra, for explanation of rating symbols.

total enrollment in these.[24] About one-third of all Negro students attended schools in districts of "adequate" size, with 1,600 to 2,800 average daily attendance. At the other end of the scale, there were 122 districts with fewer than 350 students, of which 87 were "white," 7 "Negro," and 28 "dual."[25]

There is considerable variety in the structure of segregation in Arkansas school districts.[26] Included among the patterns are (1) complete dual systems at both elementary and secondary levels, (2) dual systems at one level, either elementary or secondary, and only white schools at the other with Negro students being transported to another district,[27] (3) schools for one race only, with students of the other being transported to another district, (4) districts with extremely small numbers of Negro children who are allowed to attend the white schools,[28] and (5) districts with dominant dual systems with token Negro admission to white schools

---

24. Unless otherwise noted, the figures in the remainder of subsection 2-B are taken from Roelfs, supra note 17.

25. I.e., operating separate systems for white and Negro students. There are weaknesses in characterization of "white schools" and "Negro schools," but for practical reasons, these terms will be used in this report. For example, students in "white schools" in 1960 included children of 580 Indians, 237 Japanese, 676 Chinese, 83 Filipinos, 206 "other" and thousands of Mexican nationals who make semiannual trips to Arkansas for work on the cotton crop. Statistical Summary of School Segregation-Desegregation in the Southern and Border States 7 (So. Education Rep. Serv. 1962).

26. By the terms of Ark. Stat. Ann. sec. 80-509(c)(Repl.Vol.1960), directors of school districts have the duty to "establish separate schools for white and colored persons." Arkansas laws requiring school segregation were held unconstitutional generally in Hoxie School District v. Brewer, 137 F.Supp. 364 (E.D.Ark. 1956), aff'd 238 F.2d 91 (8th Cir. 1956).

27. In the 1959-60 school year, 75 districts sent Negro students in grades 7-12 to another district; 40 districts so transported whites. The statute under which such transportation appears to be authorized is Ark. Stat. Ann. secs. 80-1517 to 1519 (Repl.Vol. 1960), which, however, speaks in terms of transfer on request of the transferee. See also Report on School Transportation, 1960-61 (Ark. Dept. of Education 1961).

28. For further treatment of category (4) see subsection 4-A infra p.15.

under questionable[29] systems of pupil assignment.

Whichever pattern of segregation is in effect, the districts continue to maintain separate schools for white and Negro children. By the spring of 1963, only .211 percent of the Negro students in Arkansas were attending white schools.[30] In the light of this, the characterization of Arkansas as one of 11 States "resistant" to desegregation seems to be thoroughly justified.[31]

---

29. See, e.g., Norwood v. Tucker, 287 F.2d 798 (8th Cir. 1961); Dove v. Parham, 196 F.Supp. 944 (E.D.Ark. 1961).

30. Southern School News, June 1963, p.1. Arkansas can be compared with the 17 State and District of Columbia total of jurisdictions which had maintained segregated schools prior to the School Segregation Cases as follows:

Table 2

Desegregation in Arkansas as Compared With 18 Southern and Border Jurisdictions, Spring 1963

School districts			Negroes in schools with whites	
	Total	Includes both races	Desegregated	Number	Percent of total Negro students
Ark.	416	228	12	247	.211
Total	6,197	3,001	979	264,665	7.9

31. Morland, Token Desegregation and Beyond 4 (Anti-Defamation League and Southern Regional Council 1963).

3. Tangible Qualities and Quantities in a Dual Educational System

A. ACCREDITATION AND STUDENTS

A primary consideration in comparing white and Negro schools is the accreditation issued by the Arkansas State Department of Education and the North Central Association of Secondary Schools.[32] In terms of these ratings,[33] a significant contrast between the two racial systems of high schools is illustrated by the following table:

Table 3

Accreditation Ratings, Arkansas High Schools, 1961-62

	White		Negro	
Rating	Number	Percent	Number	Percent
NC	119	30	14	11
A	162	42	30	25
B	71	18	26	21
C	36	9	32	26
X	1	.2	20	16

32. The source of the ratings in subsection 3-A, unless otherwise noted, is Arkansas Educational Directory, 1962-63 (Ark. Dept. of Education 1963).

33. NC indicates membership in the North Central Association of Secondary Schools, A, B, and C are lesser ratings in descending order of educational quality, issued by the State, X indicates that the school has not reached a level worthy of accreditation, and O indicates a district without a secondary school. See also Arkansas Gazette, June 23, 1963, sec. A, p. 10.

In other words, 36 percent of Negro high schools and 72 percent of white high schools have superior accreditation ratings of NC or A. At the other extreme of no accreditation is only 1 white high school; 20 Negro high schools, or 16 percent of the total for this racial group, are so deficient in educational standards as to be completely unrated. Further impact to these figures is given by the fact that during the 1962-63 school year, 53 white children(.1 percent of the total) attended an unaccredited senior high school compared with 699 Negro children (5.89 percent of the total).[34]

Other facets of accreditation comparisons reveal the same substantial inequalities. There are 104 school districts with dual high schools; their comparative ratings can be charted as follows:

Table 4

Comparative Accreditation Ratings, White and Negro High Schools in Arkansas Districts With Dual Systems, 1961-62

0	Negro high schools rated better than white high school
16	Negro high schools rated same as white high school
35	Negro high schools one rating behind white high school
25	Negro high schools two ratings behind white high school
23	Negro high schools three ratings behind white high school
3	Negro high schools four ratings behind white high school

In no case is the Negro high school rated better than the white high school in the same district. In contrast, the white high school is better than the Negro high school in 85 percent of the dual districts in the State.

34. Information received in a 1963 interview by a member of the Committee with an official of the Department of Statistics, Arkansas Department of Education.

A significant aspect of comparative ratings is that in recent years the yawning gap in quality between white and Negro schools is not being filled, and may be widening.[35] In a statement issued in June 1963, an official of the State Department of Education estimated that after 1963 rating adjustments had been made, 23 high schools in the State have no accreditation--that is, have conditions inferior to the lowest rating given by the State. Virtually all of these unaccredited schools, he said, are for Negro students. Overall, the ratings of 10 high schools were raised and the rating of one lowered.[36] In relation to the numbers shown in table 3 for the 1961-62 school year, the difference between white and Negro high school accreditation is increasing, and more startling, the number of unaccredited Negro high schools is larger than it was 2 years ago.

In addition to the many Negro children who attend unaccredited schools, a significant number attends no schools at all. Figures for the 1960-61 school year show the following:[37]

Table 5

Enrollment and Attendance of Arkansas Children Eligible for Public Education, 1960-61

Race	Enumeration	Enrollment	Average daily attendance	Percent of enumerates enrolled	Percent of enrollees in ADA
White	323,058	320,204	286,139	99.0	89.4
Negro	112,875	108,841	93,942	96.4	86.3

Thus another measure of the discrepancy between the education of white and Negro children is revealed: There are substantial differences in ratios of enumeration-enrollment and enrollment-attendance between the two racial groups.

35. This is contrary to predictions of many authorities who believed that special efforts to improve tangible facilities of Negro schools would be part of a program to preserve de facto segregation in the face of the School Segregation Cases. See, e.g., Greenberg, supra note 8, at 209.
36. Arkansas Gazette, June 23, 1963, sec. A, p.10.
37. The figures in the remainder of ch. 3 are taken from Spinnenweber, supra note 21, unless otherwise noted.

A problem of current interest to educational leaders is the extent of dropouts among school children across the country. Again, this important criterion shows racial contrast in Arkansas. In 1960-61, there were more than 4 times as many Negro children in the 1st grade as in the 12th grade, but only about twice as many whites. The number of Negroes in the 8th grade was 54 percent the number in the 1st grade; the corresponding white percentage was 94 percent.[38] A possible generalization is that there is a 4-year differential in favor of white children: Negro children in the 8th grade and white children in the 12th grade represent the same percentage of racially respective enrollments as in the 1st grade. Although differences in outmigration and mortality rates account for some of this divergence,[39] the consistency of these figures with those involving other tangible attributes of the segregated systems does not permit complete attribution to factors other than dropout patterns.

---

38. Arkansas law requires school attendance for children between the ages of 7 and 15 or through the 8th grade, whichever is earlier. Ark. Stat. Ann. secs. 80-1502, 1504 (Repl.Vol.1960). In the light of this statutory requirement, the figures have special significance:

Table 6

Relative Attendance at Various Grade Levels of Arkansas Schools, 1960-61

Race	1st grade	8th grade		12th grade	
	number	Number	Percent of 1st	Number	Percent of 1st
White	31,997	30,398	95	17,201	54
Negro	15,331	7,099	54	3,632	23

39. Information received in a 1963 interview by a member of the Committee with an official of the University of Arkansas Industrial Research and Education Center indicates that during the 1940-50 decade, 32 percent of the Negro and 18 percent of the white population migrated to points outside of the State. The respective figures for the 1950-60 decade were 35 percent and 19 percent. See also Brown and Peterson, The Exodus from Arkansas, Arkansas Economist, Vol.2, No. 2, pp. 10, 12 (1960).

B. BUILDINGS AND FISCAL

A wide difference exists between the value of the physical facilities of white and Negro schools in Arkansas. Inequalities are consistent for buildings, equipment and grounds, negating the possibility that the overall difference can be explained by the location of white schools in areas where property values are higher.

Table 7

Relative Values of Physical Facilities in Arkansas School Systems, 1960-61

Attribute being compared	White percent	Negro percent
Pupil enrollment	74.6	25.4
Value of buildings, equipment and grounds	84.5	15.5
Value of buildings alone	84.5	15.5
Value of equipment alone	85.8	14.2
Value of grounds alone	83.8	16.2

Almost 8 percent of all Negro schools in the State are one-room buildings, as compared with only 4 percent of white schools. As to two-room schools, the contrast is greater: 21.4 percent of Negro schools and 9.6 percent of white schools.

There can be few more significant measures of the relative quality of education in two school systems than per pupil expenditures. Such figures include all components, totaling the day-by-day expense of operating a school system; it shows a significant racial difference in Arkansas:[40]

Table 8

Relative Current Expenditures Per Pupil in Arkansas, 1960-61

Method of measurement	White	Negro
By enrollment	$201	$149
By average daily attendance	$225	$173

40. The contrast in educational expenditures is greater than these figures reveal, in view of the much larger percentage of Negroes who receive expensive transportation to other districts. See note 27 supra; subsection 4-B infra.

C. TEACHERS AND STAFF

The familiar variance exists between the two Arkansas school systems as to income, pupil load, and employment opportunities of the district staffs. In 1960-61, white Arkansas teachers averaged $3,360 in salary, whereas Negro teachers averaged $3,138--an annual differential of $222. The differential is not totaly attributable to relative possession of academic degrees:

Table 9

Average Teacher Salaries in Arkansas by Levels of Academic Training, 1960-61

Academic level achieved	White	Negro
Bachelor's degree	$3,362	$3,107
Master's degree	$4,089	$3,942
Doctor's degree	$5,600	$4,000

Despite the over representation of one and two room schools in the Negro system, the average teacher load for Negro teachers is significantly higher than that for whites:

Table 10

Average Teacher Loads in Arkansas Schools, 1960-61

School level	Method of measurement	White	Negro
Elementary	By enrollment	29	37
Elementary	By attendance	26	32
Secondary	By enrollment	25	29
Secondary	By attendance	22	25

Indices of discrimination extend to other members of the educational staffs of Arkansas school districts. There are 5 Negro superintendents of schools[41] but 366 whites. In the classifications of business manager, supervisor of buildings and grounds, supervisor of transportation, and "other administrative assistants" there are 44 whites and no Negroes.

41. Presumably in all-Negro districts. See note 23 supra.

4. Problems Receiving Special Study

A. DISTRICTS WITH SMALL NEGRO POPULATION[42]

The Committee selected several problems involving educational opportunity for Negro children in Arkansas for which special research and interviewing was conducted. First, desegregation would seem least traumatic in districts where there are relatively few Negro children, both in absolute numbers and in proportion to whites. Of the 417 districts surveyed, 25 have no more than 3 percent Negro students. Public education for this small minority is handled in these 25 districts as follows:

---

42. In the research used for subsection 4-A and other portions of this report, an analysis of every school district was made for the following factors: (1) percentage of white and Negro enumerants; (2) servicing district for each resident district; (3) accreditation of white resident district; (4) distance of student transportation; (5) accreditation of Negro servicing district high schools; (6) number of Negro elementary school children transported; (7) number of Negro children in resident district; (8) number of Negro secondary school children transported; (9) number of white children in resident district; (10) cost per mile of bus transportation in district; and (11) accreditation of Negro and white secondary schools in dual systems. Primary sources for this material included in works cited in notes 21, 23, 27, and 32 supra, Transportation Aid Worksheet, 1962-63 (Ark. Dept. of Education, unpublished), and interviews with school officials. The raw data used are on file with the Arkansas Council on Human Relations, Little Rock.

Table 11

*Status of Negro Education in the 25 Arkansas School Districts With No More Than 3 Percent Negro Students, 1960-62

County	School district	Rating of white secondary school	Percent Negro	Education of Negro children
Craighead	Bay-Brown	A	1.6	19 sent 14 miles to Jonesboro to NC secondary and A elementary school.
Crawford	Alma	NC	2.7	15 sent 13 miles to Ft. Smith to NC secondary school; 17 in first 7 grades attend 1-teacher school.
Crawford	Van Buren	NC	2.5	Integrated, but 1-teacher elementary school still operated.
Franklin	Charleston	A	2.7	Integrated.
Franklin	County Line	A	.5	1 secondary and 1 elementary sent 28 miles to NC and A schools in Ft. Smith. 1 unaccounted for.
Franklin	Ozark	A	.9	12 in first 7 grades attend 1-teacher school.
Garland	Lake Hamilton	A	3.0	11 secondary and 9 elementary sent 8 miles to NC and A schools in Hot Springs.
Independence	Newark	A	1.1	6 sent 15 miles to Batesville, 3 to 4-teacher C-rated secondary school and 3 to 3-teacher B-rated elementary school.
Independence	Oil Trough	B	.6	3 sent 11 miles to Newport, which has A-rated secondary school.

Izard	Melbourne	A	2.2	9 sent 30 miles to Batesville, which has A-rated secondary school.
Jackson	Swifton	A	1.1	6 sent 8 miles to Tuckerman, which has unaccredited secondary school.
Johnson	Coal Hill	C	1.6	4 sent 13 miles to Clarksville, which has 4-teacher 66-student school for 12 grades.
Lawrence	Hoxie	A	.4	Integrated.
Lawrence	Walnut Ridge	NC	.3	2 sent 28 miles to A-rated school in Newport; 4 in 1-teacher 5-student elementary school.
Logan	Paris	NC	.8	98 in entire county, 11 in Paris District and 5 in Scranton District. Remaining 82 apparently gerrymandered into all-Negro County District which has 2-teacher unaccredited school for grades 7-11 and 3-teacher unaccredited elementary school.
Logan	Scranton	B	1.1	(See Paris, supra)
Lonoke	Cabot	A	1.0	12 sent 22 miles to A-rated schools in Pulaski County.
Pike	Glenwood	A	1.4	5 in district, but no record of any educational facilities.
Poinsett	Weona	O	1.9	7 sent 11 miles to B-rated school in Marked Tree; white sent to NC school.
Randolph	Biggers-Reyno	A	1.2	5 sent 10 miles to B-rated school in Marked Tree.
Randolph	Pocahontas	NC	1.2	5 sent 52 miles to A-rated school in Newport.
Sebastian	Mansfield	A	1.6	Integrated.

Table 11
Continued

* Status of Negro Education in the 25 Arkansas School Districts With No More Than 3 Percent Negro Students, 1960-62

County	School district	Rating of white secondary school	Percent Negro	Education of Negro children
Washington	Fayetteville	NC	2.5	Integrated at secondary level; 77 in 3-teacher elementary school.
White	Judsonia	A	1.9	13 sent 8 miles to B-rated school in Searcy; entire county has 385 Negro children in 7 of its 12 districts; all but 83 attend school in Searcy, which has an NC secondary school for whites.
White	McRae	A	1.2	5 sent 13 miles to B-rated school in Searcy. (See Judsonia, supra.)

* For explanation of rating symbols see Note 33 supra.

Of the 25 districts thus surveyed, all with 3 percent or less Negro student population, only 5 have any degree of desegregation. Negro students primarily are transported from "resident" to "servicing" districts.[43] Comparison of the accreditation ratings of the Negro schools in the servicing districts with the white schools in the resident district shows the following:[44]

Table 12

Comparative Accreditation Ratings Between Negro Servicing Districts and White Resident Districts, Arkansas, 1961-62

4	servicing districts higher than white resident districts
3	servicing districts same as white resident districts
11	servicing districts lower than white resident districts

As to the 4 instances in which the school in the Negro servicing district is rated higher than the white school in the resident district, the Negro school is in all cases one rating higher. In contrast, as to those 11 schools where the white school is rated higher, the discrepancies can be charted as follows:

43. See note 27 supra. The 25 districts arbitrarily selected are by no means unique in the use of a transportation system to preserve segregation. For example, in Yell County, with 3.5 percent Negro student population, one-way transportation for Negro children is as follows: Danville sends 7 children 55 miles, Dardanelle sends 19 children 34 miles, Havana sends 3 children 61 miles, and 8 children 10 miles, and Ola sends 4 children 48 miles and 11 children 15 miles. Total tuition grants to servicing districts during the 1962-63 school year were $211,790 for white schools and $412,998 for Negro schools.

44. The remaining tables in subsection 4-A deal with only 17 of the 25 districts with small Negro population. Of the remaining 8, 5 have some degree of integration and satisfactory figures for 3 are not available.

Table 13

Degrees of Difference in Accreditation Ratings for Negro Servicing Districts Rated Lower Than White Resident Districts, Arkansas, 1961-62

Rating of white resident school	Rating of Negro servicing school	Number of ratings behind	Number of instances
NC	A	1	2
A	B	1	3
C	X	1	1
A	C	2	2
B	X	2	1
A	X	3	1
NC	X	4	1

Another aspect of this system in which small groups of Negro children are transported to Negro schools in other districts, usually inferior to white schools in their home districts, is the number of children involved. In the 17 situations in which ratings are available, 141 Negro children are transported, as follows:

Table 14

Factors in Transportation of Negro Students in Arkansas School Districts With Small Negro Population, 1960-62

Number	Change in rating level	One-way distance
70	Lower servicing school	52 miles (5 children) 30 " (9 children) 28 " (2 children) 20 " (5 children) 15 " (6 children) 13 " (9 children) 10 " (5 children) 8 " (19 children) 5 " (11 children)
27	Equal servicing school	13 to 22 miles
44	Higher servicing school	8 to 28 miles

Examination of one county furnishes some historical depth to the problem. A depression year educational survey[45] was made in Izard County, Arkansas, where Negroes presently constitute .8 percent of the school population. In 1937, Izard County had 3 Negro schools, each with one teacher, a 3-month term, enrollment from 20 to 27, and available grades from 5 to 7. The investigators recommended that there be consolidation of the white schools in the county, without reference to Negro facilities.

By the 1960's, Izard County had improved its white schools substantially. There are now 5 white districts, each with full 12-year programs, and all accredited. The "solution" for Negro children, however, was quite different. Izard County eliminated its Negro schools altogether; its 22 Negro students are transported to Batesville, in another county, resulting in round trip travel each day of 60 to 100 miles.

B. SOME COSTS OF SEGREGATION [46]

A June 1963 study of "token desegregation" in the South concluded:[47]

> If school boards and communities in the eleven resistant states continue to try to maintain de facto segregation in their public schools, they can be assured of two things. It will be futile in the long run, and it will be costly . . . . Regardless of . . . feelings about resistance, it is well for all concerned to realize the enormous price that is exacted for such resistance.

Arkansas has spent its share of the southwide costs of $4,395,000 for litigation, $934,000 for extraordinary legislative sessions, $7,750,000 for tution grants to "private" schools, and the many less tangible costs of "handicapping school administrators in improving the quality of education in the public schools."[48]

45. An Educational Survey, Present and Proposed Schools, Izard County (Works Progress Administration and Ark. Dept. of Education, 1937).
46. Except where otherwise noted, the material in subsection 4-B was obtained by members of the Committee from school and other public officials. Included among the interviews were those with selected superintendents of schools and officials of the Arkansas State Department of Education. Notes from the interviews are on file with the Arkansas Council on Human Relations, Little Rock.
47. Morland, supra note 31, at 15.
48. See, e.g., 3 Race Rel.L.Rep. 851-67 (1958).

The Little Rock School District, for example, had desegregation litigation from 1956 through 1962 resulting in at least 23 reported decisions by courts of record.[49] During that period, legal fees paid by the district totaled $95,796.37, of which an estimated 75 percent is attributable to the legal position of the school board in opposition to desegregation.[50] In the remaining 11 school districts which at the end of the 1962-63 school year had some form of desegregation, the price was also high. Fifteen reported decisions were required to achieve a total of 36 Negro students attending white schools in the spring of 1963 in Hoxie, Van Buren, and Dollarway.[51] In the two districts which allow Negroes in their federally impacted white schools, threats of imminent loss of federal funds were necessary before action was taken.[52]

Under 1957 Arkansas legislation, school districts are authorized to spend educational funds for legal expenses arising out of the School Segregation Cases.[53] Further, a 1961 statute provides for reimbursement to local school districts by the State Board of Education of half of the legal expense incurred in lawsuits "in matters relating to the desegregation of the schools" of such districts.[54] Under this legislation, two school districts have been reimbursed for legal expenses as follows:[55]

---

49. Primarily in the United States District Court for the Eastern District of Arkansas and the United States Court of Appeals for the Eighth Circuit, although including United States Supreme Court and Arkansas Supreme Court decisions.

50. Seven Little Rock law firms shared in this amount, although the dominant portion, almost $50,000, went to one firm which specializes in defending desegregation suits, also representing Dollarway and other districts resisting actions grounded on the School Segregation Cases.

51. Hoxie: 4 decisions; 4 Negro students; Van Buren: 4 decisions, 30 Negro students; Dollarway: 7 decisions, 2 Negro students.

52. Gosnell, in Mississippi County near Blytheville Air Force Base, and Pulaski County Rural, near Little Rock Air Force Base. Arkansas Gazette, Sept. 30, 1962, sec. A, p.11.

53. Ark. Stat. Ann. secs. 80-540 to 541 (Repl.Vol. 1960).

54. Act 265 of 1961. More than half of the legal expense may be paid the local district in cases of "extreme financial hardship."

55. There is a curious dearth of legal literature on the price to a client of processing action in the courts. Compare the extensive available figures on income and costs to lawyers; e.g., Heffelfinger and Gilbreath, The Economic Status of the Legal Profession in Arkansas, 15 Ark. L. Rev. 303 (1961).

Table 15

State Reimbursement to Arkansas School Districts for Legal Expenses in Connection With Desegregation Actions, 1959-63

County	District	School year	Amount
Jefferson	Dollarway	1959-60	$ 5,069.92
		1960-61	2,430.08
		1961-62	1,651.19
		1962-63	2,270.23
Pulaski	Little Rock	1960-61	7,500.00
		1961-62	4,053.70
		1962-63	4,664.45
Total			$27,639.57

An even more abortive legal action is revealed by a 1955 opinion involving Bearden School District in Ouachita County.[56] The case was begun during the pendency of the School Segregation Cases, and a decision was delayed until their outcome. The Federal judge then held that the school district should have a reasonable time for "the transition to a racially nondiscriminatory school system." Eight years have passed, and the Bearden District secondary schools are rated A for white and B for Negro; there is no desegregation whatsoever.

One of the most interesting case reports, dramatically illustrating the frustration of a conventional legal process, involves the DeWitt School District, in Arkansas County.[57] The plaintiffs, parents of Negro children in the district, alleged inequalities in accreditation, toilets and sewerage, drinking fountains, desks, transportation, length of school term, and value of capital assets. The court appeared especially impressed with the accreditation difference; in 1948 the Negro servicing district had a C rating, whereas the white resident district was rated A. The court found:[58]

56. Matthews v. Launius, 134 F. Supp. 684 (W.D.Ark. 1955).
57. Pitts v. Board of Trustees, 84 F.Supp. 975 (E.D.Ark. 1949).
58. 84 F.Supp. at 983.

> At the present time the school facilities furnished by the defendant district of Negro students are not substantially equal to those furnished to the whites, and to this end that constitutional requirements may be met, the district will have to eliminate the existing inequities and bring the facilities for Negro students up to a plane of substantial equality with those furnished to white students, even though this has to be done at the expense of the system designed for whites.

With such a foundation, the court decided that the district should have a reasonable time to comply with its order, there being "no reason to believe that the directors of the district will not proceed with all due diligence to bring about this equalization." What a "reasonable time" would be, the opinion continued, "is a matter properly left, for the time being, to the good faith and discretion of the Board."[59]

It is 14 years since the directors of the DeWitt District were given a reasonable time to show their good faith and discretion in giving Negro children of their district education equal to that of whites. The most notable observation is that there is no desegregation in the district or the county as a whole. The white secondary school for 1,640 students has a top NC rating. There are 285 Negro students in the district, 98 of whom are transferred to a gerrymandered "County District."[60] The 65 Negro secondary school students are transported a daily round trip of 18 miles to a school one accreditation rating lower.

Conclusions on other costs of maintaining segregated schools are apparent from points of analysis in previous subsections of this report, such as transportation systems for interdistrict enrollment and overlapping expense necessitated by maintaining dual facilities and staff. The author of the most comprehensive current study of Arkansas schools concludes that the 19 "large" districts in the State "have sufficient numbers to operate dual educational programs without exorbitant cost and inefficiency";[61] the situation in the remaining 400 can be imagined. The State discourages

---

59. 84 F.Supp. at 988-89.

60. See note 23 supra.

61. Roelfs, supra note 17, at 68 (emphasis added). Even the largest district in the State, Little Rock, rejects applicants for teaching positions who are "too qualified" because of its financial limitations. Arkansas Gazette, August 4, 1963, sec. A, p. 1.

desegregation, in light of this financial need, by aid to school districts computed with a statutory formula weighted in favor of those with dual systems.[62]

Several of the lawsuits discussed above were triggered by construction of white schools in districts where patent inequality of physical educational structures already existed. In the context of continued but doomed resistance to desegregation, there is a special tragedy to such a construction program--obvious extravagance in view of the portent of the future. Yet during 1962, Arkansas was 22[d] in the nation in new school construction, building 89 new structures costing $18,707,000.[63] Interviews with local school officials reveal virtually no attention to the constitutional necessity of desegregation in planning building programs.

The cost of interdistrict transportation of Negro children to servicing schools clearly exceeds what the cost of educating such children in desegregated resident districts would be. Referring to table 8 supra, statewide per pupil cost averages from $149 to $225 per year. In a segregated district in western Arkansas, $4500 is spent annually for sending 14 Negro high school students to another district, a per pupil average of $321.[64] In one district, 15 students in both elementary and secondary schools had been sent to another district at an annual cost of $6,000, or $400 per pupil. This latter district has desegregated, and it is a source of some public pride that the savings are being put into a public school music department that the district long lacked.

---

62. Under Ark. Stat. Ann. secs. 80-855(Repl.Vol. 1960), school district need shall be computed separately "for each race." Units thereby determined are weighted in favor of smaller numbers of pupils in average daily attendance. Consequently, a racial division of students in a district results in a greater total amount of money for the district, based on this "Minimum Foundation Program Law."

63. Arkansas Gazette, July 14, 1963, sec. A, p.3.

64. The superintendent who gave this information defended the continued cost with the following arguments: (1) the Negro community "wants it this way," (2) interdistrict transportation is a small percentage of the total budget, and (3) "We can't take any more problems at this time." Virtually all local school officials expressed fear for their job security, and conditioned their being interviewed on anonymity in reporting the information given.

5. Conclusions

It is the opinion of the Arkansas Advisory Committee to the United States Commission on Civil Rights that the nature of the material in this report makes explicit recommendations redundant. We believe that the product of our research necessitates the following conclusions about Public Education in Arkansas, 1963:

(1) The problem of educational opportunity for Negro children is inseparable and insoluble apart from the problem of educational opportunity for all children in a State with limited levels of economic achievement.

(2) There has been no significant progress in the past decade toward the elimination of established substantial inequality between educational opportunity for white and Negro children; both tangible inequality of physical facilities and intangible inequality through segregation persist.

(3) The varied costs of maintaining segregated schools are large and growing larger; the heaviest burden rests on Negro children, but the drain on the monetary resources of the entire community is increasingly severe.

(4) Under normal processes of private litigation, the law of the land as to equal tangible educational facilities was ineffective for 60 years of the separate but equal doctrine; 9 years of additional experience since segregated public education was declared unconstitutional imports no different result.

Respectfully submitted,

ARKANSAS ADVISORY COMMITTEE
TO THE UNITED STATES COMMISSION
ON CIVIL RIGHTS

September 1, 1963