SCHOOL DESEGREGATION

IN THE SOUTHERN AND BORDER STATES

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ALABAMA HIGHLIGHTS

A three-judge federal court was considering in June whether to enjoin five school systems for alleged failure to comply with the court's March 22 order directing the statewide desegregation of all schools not previously under court orders.

Earlier, Judge Frank M. Johnson Jr. of Montgomery renewed his desegregation orders, with slight changes from last year, against four systems under prior court orders to desegregate.

Plans to merge the Alabama Education Association (white) and the Alabama State Teachers Association (Negro) would take at least five years to carry out, it was announced in June.

A legislative committee agreed to plans to cut off state allocations to Tuskegee Institute, a private college. The cut-off and other proposed changes was denounced by the executive director of ASTA.

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ALABAMA

Legal Action

Three federal judges were considering at the end of June what action to take against the Thomasville and Marion County systems, charged by the Department of Justice with failure to comply with a statewide school desegregation order March 22. (Lee v. Macon - see report for March).

Three other systems were ordered to submit reports on their actions toward compliance before the court decided whether to drop them as defendants under the March 22 order. Only one county, Macon, was a defendant in the March 22 action, although the court directed the desegregation of all 99 systems not under previous court desegregation orders to comply. The state superintendent of education, Dr. Ernest Stone, was directed to oversee the compliance.

Subsequently, Bibb County was enjoined to comply after failing to submit the required plan. (See report for June). So far it is the only system ordered directly by the court to conform with the decree.

In a hearing June 9, the three-judge panel took under advisement allegations of non-compliance against Thomasville and Marion County. At the same time, the court directed the systems of Linden, Jasper and Marengo County to submit reports on their compliance efforts before the court decided whether to drop them as defendants.

However, Circuit Judge Richard T. Rives, presiding, said June 9 that Linden and Marengo County schools would probably be declared in compliance with the March 22 decree. He said a final decision would await submission of reports on faculty desegregation, which were to be made in 15 days.

The Jasper city board was told to confer with Walker County's school board about methods of assigning pupils who live in Jasper. City board representatives contended they had never operated a dual school system. But the justice department charged that white pupils in Jasper were assigned to city schools while Negroes were assigned to county schools. The court gave Jasper officials 30 days in which to report its solution. An attorney for Linden and Marengo County schools told the court that faculty desegregation was the chief problem in complying with the March 22 order.

The five systems had been ordered a week earlier to appear for the hearing to show cause why they should not be compelled to comply with the court's statewide order in March. They were made defendants in the suit, which brought them under the court's injunction power. They were ordered to show cause why teachers should not be assigned to schools now staffed by members of another race and why faculty vacancies should not be similarly filled.

In the case of Linden and Marengo, an attorney for the system explained that an effort was being made to contact all teachers about their assignments this fall. But, he said, superintendents must "satisfy" their teachers in order to retain them. U. S. District Judge Frank M. Johnson Jr. of Montgomery, a member of the panel, asked if the teachers in those systems were assigned to their posts, or had some say in their own assignment. The boards' representative said school officials needed guidance from the court on that point.

Plaintiffs argued about the phrase "if possible" in the plans submitted by the school boards. Judge Rives, however, halted the debate on this, saying the court was "more concerned in performance than language."

In ordering the five systems in court, the judges also directed them to show cause why they should not be ordered to seek accreditation in all grades above the sixth. The court said some schools in the systems were not accredited. Marengo and Marion Counties were also directed to defend the continued operation of two or more schools each.

State Supt. of Education Ernest Stone had advised the systems, under his injunction to administer the sweeping March 22 directive, that their plans were not acceptable. Also involved in the cases of the five were proposed school closings and consolidations, and standardized pupil-teacher ratios to determine when freedom-of-choice applications may reasonably be rejected for reasons of "overcrowding."

In May, when it enjoined the Bibb County system to comply, the court dropped three other defendant systems as having conformed--those of Autauga, Cullman and Pickens Counties. All were found in compliance with the March 22 order.

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Earlier in June, U. S. District Judge Johnson, a member of the three-judge panel but sitting in this case as the sole judge over systems already ordered desegregated before March 22, issued new school orders for Montgomery, Bullock, Barbour and Crenshaw counties. He made only slight alterations in his earlier directives to these systems. They were among the 19 excluded from the statewide order of March 22 because of prior injunctions.

Negro plaintiffs had asked for more stringent orders, arguing that the old ones were not as demanding as the March decision, en banc, by the U. S. Fifth Circuit Court of Appeals. Plaintiffs sought to have the court order the boards to comply with the appellate decision.

Johnson, who had commented that there was not much difference in what the Fifth Circuit had ordered and his injunctions to the four systems, renewed his orders for the 1967-68 school year. He directed the Montgomery City-County system to accomplish "substantial desegregation of faculties in as many schools as possible" in the school year beginning next fall.

Bullock, Barbour and Crenshaw counties were ordered to achieve substantial faculty desegregation in high schools this fall and in as many elementary and junior high schools as possible in the following year. The court said that the orders are to be carried out "notwithstanding that teacher contracts have already been signed and approved for the 1967-68 or 1968-69 school year." Johnson also said in his new orders that forms by which parents are to stipulate their choice of schools for their children may be either mailed to the parents or given to the children to take home. Plaintiffs asked for an order requiring mailing.

Whichever method is chosen, Johnson said, the boards are under a duty to see that the forms are returned.

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Schoolmen

A proposed merger of the white Alabama Education Association and its Negro counterpart, the Alabama State Teachers Association, will take at least five years to accomplish, Dr. C. P. Nelson, AEA executive secretary, said June 22. "We're still having our committee meetings," Nelson said. The merger plans are scheduled to be completed by the end of the year, he added.

In January, 1968, each association will present its plans to delegates at statewide conventions. Then the matter will be tabled until January, 1969, when a vote will be taken in each association. If both approve the merger, it would technically become effective in July 1969. However, Nelson said, there will be a three-year interim during which details of the merger will be worked out. If approved then, the merger would actually go in effect in July, 1972, he said.

Dr. Irvamae Applegate, president of the National Education Association, based in Washington, announced June 1 that NEA accepted the merger plan submitted a week earlier by its two Alabama affiliates. The consolidation is necessary to comply with a resolution adopted by the NEA delegate assembly in July, 1966, Dr. Appelgate said.

She said that both AEA and ASTA "will be considered to be in compliance with NEA policy directives so long as the merger plan proceeds toward implementation along the lines of its own timetable."

In February, the NEA executive committee issued a directive calling on dual associations in the South, which would not be merged by June 1, to submit "jointly developed and jointly approved" arrangements for merging. In addition to Alabama, affected states were listed as Georgia, Arkansas, Louisiana, Mississippi and North Carolina. It was reported that, since July, 1966, dual affiliates have merged in Florida, South Carolina, Tennessee, Texas and Virginia.

Dr. Applegate, in early June, praised Alabama educators for their "good faith and progress" in working out a merger plan. Dr. Applegate added that all affiliates have now removed racial restrictions of membership from their constitutions.

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Six Alabama school systems have submitted desegregation plans satisfactory to the U. S. Office of Education and are now eligible for federal funds, the agency announced June 19 in Washington. Harold Howe II, commissioner of education, said that the school districts, having worked out the new plans, were in compliance with Title VI of the Civil Rights Act of 1964.

Districts listed as thus entitled to federal assistance were those of Alexander City, Butler County, Greene County, Tallassee, Geneva County and DeKalb County.

Howe said the desegregation plans met the standards set down in the March 22 decision of a three-judge court in Montgomery, ordering the statewide desegregation of the 99 systems not already under court orders. Howe announced that the agency officials have been in Montgomery, working with the Department of Justice, the Alabama State Department of Education and the school systems trying to help the schools arrange suitable plans. The six listed were the first to come up with plans satisfying the court order, according to the Office of Education.

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On June 1, a federal examiner took under advisement a case to decide whether the St. Clair County school system will continue to get federal funds. HEW officials said that St. Clair is not in compliance with the Civil Rights Act of 1964 and U. S. Office of Education guidelines. HEW attorney James Delvin urged that funds be terminated.

Hugh H. Williamson, county superintendent, testified that schools in the system were not desegregated until the 1965-66 school year. He said most white citizens of the county were reluctant to change the old pattern of segregation. Moves to desegregate were begun, Williamson said, only because of the fear of losing federal assistance. However, he added, "We started desegregation and I think we've gone pretty far."

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The U. S. Office of Economic Opportunity announced that funds had been denied for Head Start programs in seven Alabama cities and counties. Those which failed to be approved, because of alleged racial discrimination, were: Green County Board of Education; Chambers-Tallapoosa counties; Dallas county (Selma); Calhoun-Cleburne counties (denying application from Cleburne but not from Calhoun); Butler-Covington and Crenshaw counties; Talladega-Clay-Randolph counties (with Talladega likely to be approved, Clay and Randolph turned down); and Wilcox County.

In other cities and counties, Head Start programs were reported in operation, although many communities apparently did not apply.

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Legislative Action

The Alabama Legislature's special budget committee agreed June 12 with Gov. Lurleen Wallace's proposal to cut off the state's appropriation to Tuskegee Institute. Earlier that day, a subcommittee proposed restoration of the appropriation. But the parent committee refused.

Tuskegee, a predominantly Negro private institution, has received an annual appropriation for many years from the state. The appropriation for the current year is $670,000. The Negro college had asked for an increase. The subcommittee proposed maintaining the same appropriation. But the committee, following the Wallace Administration's plan, proposed cutting Tuskegee off entirely.

For three white private institutions, which have also received aid, the committee proposed an increase of about four per cent: $42,617 for Lyman Ward Military Institute at Camp Hill; $75,000 for Marion Institute; and $44,460 for Walker College. In addition, the committee proposed a contingent allocation of $50,000 extra for each school if the money is available.

Gov. Lurleen Wallace recommended abolition of the Tuskegee grant and giving the money which would have gone to the famous Negro school to two state colleges for Negroes: Alabama State College at Montgomery and Alabama A&M at Huntsville.

The executive secretary of the Alabama State Teachers Association, an organization of Negro educators, denounced the proposed cutoff to Tuskegee. ASTA's Joe L. Reed also attacked a proposal to locate an extension of Auburn University in Montgomery as "an effort to maintain and perpetuate segregation." The only reason Montgomery was chosen as the site for the Auburn facility, Reed said, "is because Alabama State College (in Montgomery) is Negro."

The funds proposed for the Auburn center should rightfully go to upgrading Alabama State, he said, adding: "Negro citizens of this state have no faith whatsoever in the state government of Alabama. The only hope that most Negroes have in the future of this state is that the federal government will continue to prevail and the doctrine of states' rights and state sovereignty will remain on the death bed."