

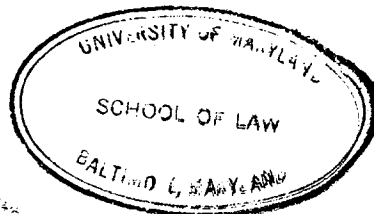
FOR FURTHER INFORMATION CONTACT:

Clarence H. Hunter  
Information Office  
U.S. Commission on Civil Rights  
801-19th Street, N.W.  
Washington, D.C. 20425

Telephone (202) 382-1228

FOR RELEASE

TUESDAY A.M., AUGUST 8, 1967



WASHINGTON, D. C. --- The pace of Southern school desegregation continues to be slow, the U.S. Commission on Civil Rights reported today as it called for steps to strengthen enforcement of school desegregation guidelines.

"This cannot be a time for retrenchment or wavering of purpose," the six members of the Commission said. "We do not believe that further delay in securing rights so fundamental as the right to equal educational opportunity will serve the real interests of any citizen or of the Nation."

In releasing the report, William L. Taylor, Staff Director of the Commission, said: "Although it does not receive as much publicity as in previous years, violence against Negroes continues to be a deterrent to school desegregation."

Field Investigation Covered 63 School Districts

Taylor noted that in six of the 63 school districts in the 14 Southern and border States visited by the Commission staff, "we found that shots had been fired into the dwellings



Thurgood Marshall Law Library  
University of Maryland School of Law  
Baltimore, Maryland

of Negro school children" who had exercised their option to attend previously all-white schools. "The districts we visited were not selected because of any complaints of violence," Taylor added.

In the report, Southern School Desegregation, 1966-67, the Commission noted that "the vast majority (more than 75 percent) of Negro children in the South still are being denied the rights declared to be theirs by the Supreme Court's decision in the school segregation cases and the Civil Rights Act of 1964." More than 2 1/2 million Negro pupils still attend all-Negro schools in the 14 Southern and border States, a number greater than the 2.2 million Negro pupils who attended such schools in these States at the time of the 1954 Brown decision, the Commission reported. "In the 11 Southern States, 83.1 percent of the Negro pupils attend all-Negro schools. In each of the Deep South States the percentage is higher than 90 percent."

There was either no desegregation or token desegregation of full-time teachers in the Southern States during the 1966-67 school year, the Commission reported.

According to the Commission's report, freedom of choice plans have tended to perpetuate rather than eliminate the dual school system. "There has been virtually no desegregation of all-Negro schools under freedom of choice plans," the

report said. "During the past school year, as in previous years, white students rarely chose to attend Negro schools."

#### Violence and Intimidation

Several factors deter Negro parents and pupils from exercising their rights under freedom of choice plans, the Commission reported. Negro families fear hostility and retaliation from the white community. The Commission's report documents instances of violence and intimidation. In some areas of the South, Negro families with children attending previously all-white schools were targets of violence and economic reprisal by white persons and Negro children were subjected to harassment by white classmates despite the efforts of many teachers and principals to prevent such misconduct.

Poverty deters some Negro parents from sending their children to formerly all-white schools, the Commission found, because they are embarrassed to permit their children to attend such schools without suitable clothing and they cannot afford the special fees which are charged for courses available only in white schools. In some instances, federally financed improvements in the facilities and equipment at Negro schools have contributed to the reluctance of some Negroes to select white schools.

### Title VI Enforcement

The Commission reported that the Equal Educational Opportunities Program (EEOP) of the Office of Education "made a significant advance in the administration of Title VI for the 1966-67 school year by greatly expanding its field investigation effort."

However, the Commission noted, "many school districts fell far short of the Office of Education guidelines" during the past school year and the Office "did not enforce the guidelines as written." The report pointed out that guideline enforcement was initiated against "only a small fraction" of school districts in Alabama, Georgia, Louisiana, Mississippi, and South Carolina --- States where the "great majority of school districts ... failed to meet the standards of the guidelines governing student transfers from segregated schools." This failure to enforce "many specific prohibitions" of the guidelines was in part due to the fact that the staff of the Equal Educational Opportunities Program was not large enough to conduct the necessary field investigations or to prepare and conduct timely proceedings against the districts.

### School Desegregation Progress

Noting that school desegregation progress in the Southern States "has been accompanied in many communities by a spirit of acceptance and understanding" that would have seemed

impossible a few years ago, the Commission paid tribute to the courage and perseverance of Negro parents and children, and to individual school superintendents, public officials and community leaders "who have recognized their responsibility to obey the law even in the face of opposition."

"Communities which were considered bastions of defiance now have begun to desegregate their schools without any of the predictions of violence or the destruction of public education having come true," the Commission concluded.

"However, when progress under Title VI is measured against the constitutional rights of Negro school children, it is clear that the task of securing compliance has only begun. This June, the vast majority of Negro children in the South who entered the first grade in 1955, the year after the Brown decision, were graduated from high school without ever having attended a single class with a single white student."

The Commission said the Nation should focus its attention on the real issue --- whether further delays are permissible in affording Negro children their long deferred rights to equal educational opportunity. "We do not suggest that progress is possible without dislocation and difficult adjustments. But these costs must be weighed against the costs of continuing disrespect for law, against the damage already sustained in the loss forever to a generation of Negro children of their right to a desegregated education and the

prospect that the same loss may now be inflicted upon many thousands of children of a new generation."

The Commission rebutted charges that the school desegregation guidelines are illegal, that they have been administered unfairly and that they impose obligations on Southern States that are not imposed on Northern States. The Federal courts, the Commission said, have upheld the guidelines not only as within the enforcement powers of the Office of Education, but as minimum standards. "If there has been unfairness in the administration of the guidelines, it has stemmed in part from the fact that, hampered by inadequate manpower, the Office of Education has been able to enforce its standards only in some school districts, leaving others temporarily free to ignore the law," the Commission reported. "The victims of such unequal administration thus have been the Negro students in districts which have not received sufficient attention from HEW, not the school authorities who have been compelled to observe the guidelines."

#### Recommendations

The Commission noted that school officials are obligated to cease official policies of discrimination and to reorganize school systems to undo the effects of past discrimination. The Commission recommended that the Department of Health, Education, and Welfare require all school districts which have not achieved substantial desegregation throughout their

systems to show a significant increase in the percentage of Negro students attending desegregated schools and in the pace under which all-Negro schools are being disestablished for the 1968-69 school year and each year thereafter. Most school systems currently desegregating are doing so under voluntary freedom of choice plans, the Commission observed. These plans have not resulted in desegregation of Negro schools and therefore perpetuate one half of the school system virtually intact, said the report. "School desegregation in all voluntary plan districts should be measured by the results achieved," the Commission said. "The appropriate measure should be the percentage of Negro children in school with substantial numbers of white children, rather than the percentage of Negro children transferring from segregated schools."

The Commission recommended no changes in the guidelines for the school year beginning in September 1967, but suggested that HEW require school districts operating under freedom of choice plans to fulfill the percentage expectations concerning student desegregation.

The Commission recommended further that by the 1968-69 school year, HEW should require that schools no longer be racially identifiable on the basis of the racial composition of the faculty or staff. "The Federal courts have ruled that faculty and staff desegregation are necessary to dismantle

a dual school system," said the Commission. Faculty and staff desegregation is vital in eliminating the racial identification of schools, which retards actual integration of students under freedom of choice plans."

The Secretary of the Treasury, the Commission recommended, should ask the U.S. Attorney General to determine if segregated private schools should face loss of their Federal income tax exemptions if they refuse to accept students of all races. Private schools, organized to escape desegregation and attended exclusively by white pupils, have drained most or all of the white students and many faculty members from some public schools, the Commission report stated. The Internal Revenue Service has exempted the income of approximately 17 of these schools from taxation. Private and corporate contributions to the schools are, within limits, deductible from the contributors' adjusted gross income. An additional 40 new segregated white private schools have applied to IRS for grants of tax exemption and tax deductibility, the Commission reported. "If the Attorney General determines that present legal authority is inadequate either to withhold tax benefits or to permit the institution of litigation, he should recommend appropriate legislation to the President," the Commission said.

The Commission also recommended that: HEW begin enforcement proceedings against school districts which refused or



failed to comply with the requirements of the guidelines after efforts to achieve voluntary compliance failed; HEW insure that school districts meet provisions of the guidelines which require the closing of segregated schools with inferior facilities or educational programs, desegregation of extra-curricular activities, and desegregation and reorganization of transportation systems; Congress appropriate sufficient funds to enable HEW to hire enough people to adequately enforce the Title VI regulations; and the Congress enact legislation authorizing any Negro child and his parents to bring a civil action for injunctive relief and damages against persons who harass or intimidate him in any manner because of his race and his enrollment or attendance at any public school.

The U.S. Commission on Civil Rights is an independent, bipartisan agency created by Congress in 1957. Among other duties it is charged with the responsibility of reviewing Federal laws and policies with respect to denials of equal protection of the laws under the Constitution. John A. Hannah, President of Michigan State University, is Chairman and Eugene Patterson, Editor of the Atlanta Constitution, is Vice Chairman of the Commission. Other members of the Commission are: Frankie M. Freeman, Associate General Counsel of the St. Louis Housing and Land Clearance Authorities;

-10-

Erwin N. Griswold, Dean of the Harvard University School of Law; the Reverend Theodore M. Hesburgh, C.S.C., President of Notre Dame University; and Robert S. Rankin, Professor of Political Science, Duke University.

August 3, 1967