

# ScholarWorks@GSU

## Racial Injustice: A History of the Segregated School System in Jackson, Mississippi

Authors	Thompson, Susan C.
Citation	Thompson, Susan C.. "Racial Injustice: A History of the Segregated School System in Jackson, Mississippi." Georgia State University, 2018. <a href="https://doi.org/10.57709/12100172">https://doi.org/10.57709/12100172</a>
DOI	<a href="https://doi.org/10.57709/12100172">https://doi.org/10.57709/12100172</a>
Download date	2026-05-18 01:04:13
Link to Item	<a href="https://hdl.handle.net/20.500.14694/5655">https://hdl.handle.net/20.500.14694/5655</a>

## ACCEPTANCE

This dissertation, RACIAL INJUSTICE: A HISTORY OF THE SEGREGATED SCHOOL SYSTEM IN JACKSON MISSISSIPPI, 1867 - 1975, by SUSAN CAROL THOMPSON, was prepared under the direction of the candidate's Dissertation Advisory Committee. It is accepted by the committee members in partial fulfillment of the requirements for the degree, Doctor of Philosophy, in the College of Education and Human Development, Georgia State University. The Dissertation Advisory Committee and the student's Department Chairperson, as representatives of the faculty, certify that this dissertation has met all standards of excellence and scholarship as determined by the faculty.

---

Richard D. Lakes, Ph.D.  
Committee Chair

---

Jodi Kaufmann, Ph.D.  
Committee Member

---

Robert O. Michael, Ph.D.  
Committee Member

---

Winfred E. Pitts, Ph.D.  
Committee Member

---

Date

---

William L. Curlette, Ph.D.  
Chairperson, Department of Educational Policy Studies

---

Paul A. Alberto, Ph.D.  
Dean  
College of Education and Human Development

## **AUTHOR'S STATEMENT**

By presenting this dissertation as a partial fulfillment of the requirements for the advanced degree from Georgia State University, I agree that the library of Georgia State University shall make it available for inspection and circulation in accordance with its regulations governing materials of this type. I agree that permission to quote, to copy from, or to publish this dissertation may be granted by the professor under whose direction it was written, by the College of Education and Human Development's Director of Graduate Studies, or by me. Such quoting, copying, or publishing must be solely for scholarly purposes and will not involve potential financial gain. It is understood that any copying from or publication of this dissertation, which involves potential financial gain, will not be allowed without my written permission.

---

Susan Thompson

## **NOTICE TO BORROWERS**

All dissertations deposited in the Georgia State University library must be used in accordance with the stipulations prescribed by the author in the preceding statement. The author of this dissertation is:

Susan Carol Thompson  
30 Pryor St NW  
Atlanta, GA 30303

The director of this dissertation is:

Richard D. Lakes  
Department of Educational Policy Studies  
College of Education and Human Development  
Georgia State University  
Atlanta, GA 30303

## CURRICULUM VITAE

Susan Carol Thompson

ADDRESS: 30 Pryor Street, Room 450  
Atlanta, GA 30303

### EDUCATION:

Ph.D.	2018	Georgia State University Educational Policy Studies
M.Ed.	2002	North Georgia College and State University Middle Grades Education
B.S.	1982	University of Georgia Social Work

### PROFESSIONAL EXPERIENCE:

2015- present	Teacher, Hall County, Georgia
2005 - 2015	Assistant Professor, University of North Georgia
1997- 2005	Teacher, Hall County, Georgia

### PRESENTATIONS AND PUBLICATIONS:

Ferrell, S. T. (2008). "The Human Continuum." Presentation at the Curriculum and Pedagogy Group Annual Conference.

Ferrell, S. T. (2007) "Mindful Civility." Paper presented at the Southeastern Educational Policy Society Annual Meeting.

Ferrell, S. T. (2006) "Gender in the Middle School: Are Middle Schools Safe?" Presentation at the National Middle School Association Annual Conference.

RACIAL INJUSTICE: A HISTORY OF THE SEGREGATED SCHOOL  
SYSTEM IN JACKSON MISSISSIPPI, 1876 - 1975

by

SUSAN THOMPSON

Under the Direction of Richard D. Lakes

ABSTRACT

This dissertation explored the history of segregated schools in Jackson, Mississippi, particularly the efforts to desegregate the Jackson Separate School District in the 1960s. Beginning with the first publicly funded school for black students in 1867, the schools in Jackson were part of a segregated, dual system. Using the critical lens of systemic racism to examine the establishment and maintenance of the dual system in Jackson aids in understanding how the school district moved from segregation to desegregation in the late 1960s and early 1970s. Barriers to equity in the Jackson public schools with regard to access, facilities, and instruction continued to exist in the late 1960s in spite of court orders in *Brown I* and *Brown II*. The passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, both of which had been catalysts for desegregation in some areas of the Deep South, did not have as much influence in Mississippi. Cloaked resistance to desegregation in Jackson took the form of choice plans and the establishment of private schools through the White Citizens Council. In spite of the determination of the courts that freedom-of-choice plans were not acceptable methods of desegregating schools, for instance in *Greene v. County School Board of New Kent County* in 1967, educational and legislative leaders continued to push for the allowance of choice plans as the sole method of desegregation in Jackson. Aggressive action to achieve desegregation in

Jackson occurred after the court decision in *Alexander v. Holmes County Board of Education* in late 1969. At this point in time, community and education leaders worked together to create a plan that would be accepted by the Department of Health, Education, and Welfare.

Consequently, the schools were most racially balanced in the early to mid-1970s; however, they became virtually a single race system by the late 1990s and early 2000s. The resegregation of schools due to massive withdrawal of whites from public schools and the lack of equity in education are addressed in the conclusion.

INDEX WORDS: Racial injustice, Jackson Mississippi School System

GEORGIA STATE UNIVERSITY

**RACIAL INJUSTICE: A HISTORY OF THE SEGREGATED SCHOOL SYSTEM IN  
JACKSON, MISSISSIPPI, 1867-1975**

A DISSERTATION SUBMITTED TO THE FACULTY OF THE DEPARTMENT OF  
EDUCATIONAL POLICY STUDIES IN CANDIDACY FOR THE DEGREE OF  
DOCTOR OF PHILOSOPHY

BY

SUSAN C. THOMPSON

ATLANTA, GEORGIA

DECEMBER 2017

Copyright by  
Susan C. Thompson  
2018

## ACKNOWLEDGEMENTS

This study would not have been possible without support from many people. I am grateful for the assistance of staff at the Mississippi Department of Archives and History in Jackson, particularly Ms. Kay Largel. The staff at the Jackson Public Schools answered my questions and allowed me to read school board meeting minutes from the 1960s until the mid-1970s. Conducting research in Jackson was the experience of a lifetime, and I grew to love the residents of the city. They were willing to talk with me about painful memories in a forthright manner, and they shared information critical to the study.

My committee was outstanding. Dr. Richard Lakes provided invaluable support and guidance throughout my doctoral studies. His insight and knowledge of issues of race, class, and gender facilitated my growth as an educator and scholar. Dr. Robert Michael, the former dean of the College of Education at the University of North Georgia, encouraged me to pursue doctoral studies and provided support throughout the process. He has been a professional mentor to me since 2002, and I am particularly grateful for his support while I was employed at the University. Dr. Jodi Kaufmann inspired me to look at issues of race from a wide variety of perspectives. Her knowledge and skill in qualitative research are without equal. Her classes and our conversations sparked my interest in qualitative research, but I believe it is her kindness that I will remember most. Dr. Winfred Pitts supervised me in my first internship while I was working on teacher certification, so he has been guiding my learning for many years. His study on the desegregation of schools in Gainesville, Georgia, influenced me to pick school desegregation as my dissertation topic. I wanted to write like Dr. Pitts, but I am certain I have fallen far short of that goal.

I am grateful for my current and former colleagues at the University of North Georgia and in the Hall County School System. Dr. Toni Bellon, Dr. Susan Brandenburg-Ayres, Dr.

Richard Oates, J. Gordon, Paula Kelly and the administration at North Hall Middle School built my self-confidence because they believed in me even when I did not believe in myself.

I would not have chosen Jackson for my study if it had not been for Dr. Brandon Sparkman. His leadership during the efforts to desegregate the Jackson schools was monumental. He is one of the unsung heroes of the desegregation era, and I hope the part of his story I have chosen to document in this study will shed some light on his role in the process. He is a remarkable man, and I am profoundly grateful to have read his memoirs and listened to his stories.

I wish my father, Dr. James Thompson, were still living to see me graduate. He and my mother were strong supporters of the Civil Rights Movement and held meetings to support school desegregation in our home when I was a child. My mother, Billie Thompson, accompanied me to Jackson three times while I was conducting research. She stood with me in the driveway at Medgar Evers home in the spot where he was assassinated, and she was with me on the lonely road near Philadelphia, Mississippi, where Chaney, Goodman, and Schwerner were murdered. I value the candid conversations she and I had about race, and I will always treasure the experiences we had on this journey.

Finally, I want to thank my children, Abby and Jay. It is their love and support that motivated me throughout the doctoral program. They have lived this experience with me. It is my fervent hope that they will witness change in their lifetime and will one day live in a fully integrated America.

## TABLE OF CONTENTS

1	INTRODUCTION .....	1
2	CONTEXT IN EXISTING LITERATURE.....	8
	Literature Addressing Jackson, Mississippi School Desegregation.....	31
3	HISTORY OF THE JACKSON MISSISSIPPI SCHOOL SYSTEM.....	36
	Education in the Colonial and Revolutionary Eras .....	36
	Antebellum, Civil War, and Reconstruction .....	38
	Creation and Maintenance of the Dual School System.....	44
	Jackson’s First Court Case.....	49
	Impact of <i>Brown v. Board of Education of Topeka</i> .....	51
	Initial Efforts to Desegregate Jackson Schools .....	54
	Freedom Summer and the Civil Rights Act of 1964.....	58
	The Illusion of Desegregation: 1965-1968 .....	64
4	DOING THE WORK OF DESEGREGATION .....	87
	Changes in Early 1969 .....	87
	Enough is Enough: Summer and Fall 1969.....	92
	The End of the Dual System in Jackson .....	97
	A Year of Changes: 1970.....	118
	Intervention Behind the Scenes.....	183
5	THE MYTH OF DESEGREGATION.....	191
	Were the Jackson Schools Integrated?.....	191
	The Resegregation of the Public Schools.....	197

Closing.....	204
Recommendations for Further Study.....	206
BIBLIOGRAPHY.....	207
APPENDICES .....	224

## CHAPTER 1

The years during which attempts were made to desegregate public schools in the southern United States were fraught with leftover issues and unanticipated outcomes of the 1954 decision of the U.S. Supreme Court in *Brown v. Board of Education of Topeka*, often referred to hereafter as “the *Brown* decision” or simply “*Brown*”. Scholarly attention regarding leadership during desegregation has focused primarily on white and African American community leadership or the experiences of African American citizens. Both African American and white scholars have examined the historical aspects of desegregation, the white resistance, and the experiences of those first African American students in white schools who became symbols of the courage exemplified in the Civil Rights Movement. It was not until the passage of the Civil Rights Act of 1964 that any progress was made on the desegregation of schools. The process of desegregation varied across the towns and cities of the Deep South. The purpose of this dissertation is to examine the history of the segregated school system in Jackson, Mississippi. Major questions considered for this study include:

1. How did the separate system of education for blacks and whites develop in Jackson, Mississippi?
2. How did racism maintain a dual system in Jackson, Mississippi?
3. What processes were used to desegregate schools?
4. How did educational leaders respond to federal mandates to desegregate schools?

This study examines the experiences of those who lived through the events of desegregation in Jackson during the years in American history when concerns about justice and racial inequity in education, unease over national image in international context, and desire of those in the South to abandon a plantation economy became the primary motivators for social and educational changes

across the country.<sup>1</sup> The Jackson, Mississippi, school system was chosen for this study because there is a gap in the literature regarding the history of desegregation and the role of educational leaders during the process in Jackson. While there are studies of school desegregation in other cities in Mississippi, as well as research on desegregation in higher education, there has not been a thorough analysis of the history of the dual system and the process of desegregation in Jackson.

This study uses historical methodology to establish the history of the segregated schools in Jackson, Mississippi. Historical methodology includes the identification of a need for historical knowledge or the acknowledgement of a historical problem.<sup>2</sup> In historical studies, the past is evaluated on its own terms and not through the lens of current themes or values. Research has been conducted on desegregation in the state of Mississippi, particularly in Grenada, Clinton, Clarksdale, Greenville, Hattiesburg, Tallahatchie County, and Vicksburg.<sup>3</sup> However, there has not been a comprehensive study of the history of the segregated schools in Jackson or of the desegregation efforts in Jackson in the late 1960s and early 1970s, so a historical study was warranted to add information to the larger historical record of segregated schools in the U.S. Historical data used in this study include primary source documents including personal records, public records, books, and newspaper articles from the specific time period. Archival records

---

<sup>1</sup> Derrick Bell, *Silent Covenants: Brown v. Board of Education and the Unfulfilled Hopes for Racial Reform* (Oxford; New York: Oxford University Press, 2004), 60.; Michael Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Justice*, (Oxford; New York: Oxford University Press, 2007), 133-134; Mary Dudziak, Desegregation as a Cold War Imperative. In *Critical Race Theory: The Cutting Edge*, ed. Richard Delgado (New York: New York University Press, 1995), 20.

<sup>2</sup> “The Historical Approach to Research,” University of Texas. <https://www.ischool.utexas.edu/~palmquis/courses/historical.htm> (accessed Dec. 18, 2017).

<sup>3</sup> Charles C. Bolton, *The Hardest Deal of All: The Battle Over School Integration in Mississippi, 1870 – 1980* (Jackson, MS: University Press of Mississippi, 2007).; John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Chicago: University of Illinois Press, 1994).

were obtained from the Mississippi Department of History and Archives. Initial interviews were conducted by the researcher as part of the creation of the Brandon Sparkman archive, currently housed at the College of Education at the University of North Georgia. Dr. Sparkman suggested black and white individuals to be interviewed in the creation of the archive. Individuals suggested by Sparkman were contacted and asked to be interviewed for the archive. Not all individuals contacted chose to be interviewed.

Data collection began with the procurement of primary source data through interviews. Gaps in the historical record that were discovered during the interview process indicated the need for a historical study rather than a different type of research design. After the Sparkman archive was completed, the researcher began exploring the historiography for this study. Initial work on this study included the identification and location of data pertinent to the study. The researcher spent three weeks in Jackson researching the available archival data located at the Mississippi Department of History and Archives as well as that available through the Jackson Municipal School System. Archival data informed the procurement of secondary and tertiary sources such as textbooks and editorial articles. This dissertation is organized chronologically for the purpose of clarity. It explores the significance of the topic and presents an opportunity for readers to interpret the historical events. Evidence was evaluated through questioning who produced the source material, where it was produced, how close to the actual events it was produced, and whether there was bias and why the source of information produced the information. Some biased information was included in effort to portray the division between segregationists and those in favor of desegregation. It was evident from the data that school desegregation was both an educational policy and a social policy.

Another aspect of this study is the experience of how court-ordered school desegregation functioned as social policy mandate that was implemented through public schools. Desegregation as a social policy had supporters and detractors at multiple levels. Blacks and whites in favor of desegregation hoped desegregating the schools would facilitate full integration of blacks into American society. Other whites wanted only the schools desegregated without offering full citizenship benefits and protections in other areas such as housing and employment. Other whites did not favor desegregation in any aspect of society, and it was some of these individuals who were most involved in both passive and active resistance. The outcome of school desegregation did not fulfill the mission of the *Brown* decision, and the lack of full integration of black citizens into American society looms over current race relations. The courts played a pivotal role in desegregating schools, but that role would change over time.

Eventually, the courts failed to maintain laws that would ensure full integration of blacks into society and result in fully desegregated schools. Even seventy years after the *Brown* decision, the U.S. Supreme Court has interpreted the law in ways that have resulted in segregated or resegregated schools. Following the *Brown* decision, school systems became skilled in determining ways to track students even in schools that had been desegregated. Some desegregated schools placed black and white students in separate sections of the school building. Other schools segregated students into different learning levels. Students of color continue to be tracked into classes for lower-level learners while white students are more likely to be placed in higher level courses. This study includes information indicating schools have become more resegregated as the underlying philosophies of *Brown* have been obscured due to lack of court support and the pervasive inequity of a stratified, racist society.

When the courts declared *de facto*<sup>4</sup> segregation acceptable, schools rapidly changed into white suburban schools and urban schools that were frequently comprised of children of color. The process of resegregation is cultivated from the failures of the *Brown* decision. While many blacks and whites feel the *Brown* decision was a necessary step towards a fully integrated society, some whites also stand firm in the belief that the mission of *Brown* has already been accomplished. It is this feeling of accomplishment that propels U. S. schools toward increasing resegregation. In spite of *Brown* and subsequent court cases, resegregated schools are the reality for many students in this country.

Contemporary schooling mirrors that of schooling in the 1960s and 1970s. Many students of color are in schools that are not adequately funded and are often housed in substandard buildings. It is common for urban youth of color to be in schools that are all one race. Although the Supreme Court ruled that segregated schools are inherently unequal, at the individual school system level, the practice of providing white students with a superior education and black students with less-than-stellar schooling continues to manifest daily in this country. There seems to be no end to the development of creative ways of keeping white and black students separated.

One recent indicator of racism veiled as a move toward local control is the current movement for schools to secede from their school system and start a new school system. This study includes information on school secession as a form of segregation. School secessions are one more way that white students can be separated from black students, and seceding in effort to gain local control is the vogue method for whites to maintain dominance and control. By maintaining control of schooling, whites keep the status quo of white power over people of color.

---

<sup>4</sup> The term *de jure* is Latin for “in law” and is used to identify segregation created by law. In contrast, *de facto*, Latin for a state “in fact” is used to identify segregation that is a result of the choice of where one lives or due to associations one has.

In many states, efforts of black citizens to obtain some power in the education system were not successful. Whites simply left the public schools until many systems, including the Jackson system, became virtually single-race schools. In Mississippi, a state that is frequently at the bottom of any list of educational excellence or measure of income, efforts to desegregate were often ineffective. It was after desegregation that the Jackson school system had its first black member of the board of education. The issue of race has been a major factor in the education of the children of Mississippi, and the Jackson experience of desegregation continues to impact education to this day. White flight has left the Jackson system one that is ninety-nine percent black. How did the mission and spirit of *Brown* and subsequent cases get lost in the process?

This study explores the limits of the *Brown* decision as a law that demanded change, but the court had no way to enforce that change. Threats of losing federal funding did not impact desegregation in Jackson, but economic losses for businesses and services did. It was not until the state began losing money and failing to attract business and industries that desegregation became even remotely possible. By that time, private desegregation academies had developed across the state and had drawn large numbers of whites away from public schools. Although some whites would return to public schools, the vast majority stayed in private schools. The Jackson system began attempts to lure whites back into the public schools, and the revision of the original desegregation plan was one method to increase white numbers. The black community compromised on the revision because many viewed the necessity of determining other ways than full desegregation to provide quality education to their children.

In many ways, the story of desegregation is a story of loss for black citizens. The federal courts deemed using the equalization of schools ineffective in creating equity and was not a way to avoid desegregation. In equalization, public schools had been given resources or provided

with new buildings in effort to avoid full desegregation. Whites would maintain control by equalizing schools, but they would keep white and black students separated. These new schools were abandoned as the courts required full integration. Some black citizens were keenly aware that losing their school was symptomatic of the way whites controlled the desegregation process. The loss of a community institution is still felt by some blacks who attended the equalization schools. Another loss was that of black faculty and administration during desegregation, which was another way whites maintained dominance in the education of students.

The *Brown* decision also failed to create equity because the law only required that blacks and whites attend the same schools. The law did not provide remedies for students who had been in black schools that were lacking in resources necessary for providing a quality education. Many black students entered desegregated schools in need of academic support in order for equity to be a reality. Failure to provide support kept black students subordinate to white students who came from schools that had an abundance of resources. Therefore, the *Brown* decision actually functioned to limit the education of black students and perpetuated white dominance in some ways.

Desegregation issues center on issues of power. The current political climate in the U. S. is one of white power that perpetuates dominance and control of social, economic, political, and educational policy. This study unravels the course of segregation, desegregation, and resegregation in Jackson and illuminates how power shaped the Jackson schools. By examining the process of segregation and resegregation, it may be possible to address other educational policy issues as they arise.

## CHAPTER 2

### CONTEXT IN THE EXISTING LITERATURE

The literature on school desegregation is extensive and must be examined through a historical perspective and in context. The roots of the Civil Rights Movement and efforts to desegregate schools are grounded in the Reconstruction years and the passage of the 13th, 14th, and 15th Amendments to the U.S. Constitution. Literature during the years immediately before and after the U.S. Supreme Court decision of *Brown v. Board of Education of Topeka* is supportive of desegregation for the most part and indicates the beginnings of what would become unified school systems by exposing the deficits of all black schools and their detrimental effects on children. Through the 1960s, the literature focuses on the lack of progress made to desegregate schools until late 1969 when the Supreme Court ruled that desegregation must occur immediately. Literature post-desegregation has centered around the question of whether or not the schools were ever integrated and reasons they were or were not. Some authors, such as Derrick Bell, offer alternative scenarios for ways the inequity of schools could be addressed. Recent literature has focused on the failure of court-ordered desegregation to adequately meet the needs of black students and how the social and political systems perpetuate white dominance. All literature addressing school desegregation is specific to the events surrounding the desegregation of schools in Jackson, Mississippi and other towns of the Deep South.

The Reconstruction Period following the end of the Civil War was the first time specific national legislation was enacted in attempts to protect the rights of all people, including people of color. The U.S. Constitution had not protected African American people and relegated slaves to a value of three fifths that of a free person. The Three-Fifths Compromise favored Southern slave

holding states and assured the protection of those states with large numbers of slaves.<sup>5</sup> During Reconstruction, the 13th Amendment was ratified December 6, 1865, and declared that “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”<sup>6</sup> Section one of the 14th Amendment, ratified on July 9, 1868, provided former slaves with due process and equal protection under the law.<sup>7</sup> Finally, the 15th Amendment, as ratified on February 3, 1870, prohibited states from denying anyone the right to vote based on race.<sup>8</sup> School segregation was challenged in Boston during 1848 when Benjamin F. Roberts sued the city of Boston on behalf of his five-year-old daughter, Sarah. Roberts charged that his daughter walked past five white schools on her half-mile walk on the way to the closest school for African American children. Roberts’s case attracted noted abolitionist Charles Sumner as attorney, but the case was decided in favor of the school district.<sup>9</sup>

Other court cases that were antecedents to the *Brown* decision would follow, most notably that of *Homer Adolph Plessy v. J. H. Ferguson, Judge of Section Criminal District Court for the Parrish of Orleans* in 1896. As the main legal antecedent to *Brown*, *Plessy v. Ferguson* maintained a segregated society and prohibited full citizens’ rights to black citizens. The *Plessy v. Ferguson* decision negated full protection under the law and create the separate-but-equal

---

<sup>5</sup> Laws, “What was the Three-Fifths Compromise?,” accessed Nov. 19, 2017  
<https://constitution.laws.com/three-fifths-compromise>.

<sup>6</sup> U.S. Constitution, amend. 13, sec. 1

<sup>7</sup> U.S. Constitution, amend. 14, sec. 1

<sup>8</sup> U.S. Constitution, amend. 14, sec. 1

<sup>9</sup> Gloria Ladson-Billings, “Landing on the Wrong Note: The Price We Paid for Brown,” *American Educational Researcher* 77 (Oct., 2004): 4  
<http://www.jstor.org.ezproxy.gsu.edu/stable/pdf/3700092.pdf?refreqid=excelsior%3A08abe175647f70f479cd6658d332c3c6> (accessed September 26, 2016).

policy that would remain in effect until the *Brown* decision was handed down.<sup>10</sup> It was not until African American soldiers returned from World War II and realized they were still not equal that the focus of the inequity in schools emerged and the desegregation cases began to appear in court.<sup>11</sup> Research on desegregation prior to *Brown* did not exist because schools in the Deep South, where the majority of dual systems existed, were highly segregated. Therefore, it was not likely there would be research on the impact or process of desegregating schools. Some studies rooted in psychology and sociology were conducted during the early 1950s to address the psychological impact of racial inequity. The research of Mamie and Kenneth Clark published in the 1950s is representative of the types of studies in the literature that investigated the achievement and awareness of racial identity, racial awareness, and the impact of discrimination on minority children.<sup>12</sup> Results of the famous doll studies conducted by the Clarks were used in *Briggs v. Elliot*, one of the five cases that became part of *Brown v. Board of Education of Topeka*<sup>13</sup>.

---

<sup>10</sup> *Plessy v. Ferguson*, 163, #15248; Records of the Supreme Court of the United States; Record Group 267; National Archives.

<sup>11</sup> See Gloria Ladson-Billings, p. 4; Derrick Bell, ed., *Shades of Brown: New Perspectives on School Desegregation*, (90-106).; Mary Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy*, 3rd printing, (Princeton, NJ: Princeton University Press, 2011) Chapters 1 and 3.  
<http://ebookcentral.proquest.com.ezproxy.gsu.edu/lib/gsu/reader.action?docID=832067&ppg=65> (Accessed January 9, 2016).

<sup>12</sup> Kenneth B. Clark, "Segregation as a Factor in the Racial Identification of Negro Pre-School Children," *Journal of Social Psychology*, 8, (1939) 161-164.; Kenneth B. Clark, "The Development of Consciousness of Self and the Emergence of Racial Identification in Negro Pre-School Children," *Journal of Social Psychology*, 10 (1939) 591 – 599.; Kenneth B. Clark and Mamie Clark, "Skin Color As A Factor In Racial Identification of Negro Pre-School Children," *Journal of Social Psychology*, 11, (1940) 159-169.; Kenneth B. Clark and Mamie Clark, "Emotional Factors in Racial Identification and Preference in Negro Children," *Journal of Negro Education*, 19 (1950) 341 – 350.

<sup>13</sup> *Brown v. Board of Education of Topeka*, 347 U.S. 483; refer to footnote 11 in *Brown V. Board of Education* for additional psycho-social types of research conducted and used in the case.

Another study influencing the *Brown* case was the work of Swedish sociologist Gunnar Myrdal. Myrdal's study of race in the United States, funded by the Carnegie Corporation and published as *The American Dilemma: The Negro Problem and Modern Democracy*, exposed the oppression of black Americans as part of the American creed that espoused democracy at the same time that blacks were treated as inferior. Myrdal emphasized that the constraints placed on blacks were the creation of whites and thus were the white person's problem. Myrdal also asserted that low-income whites aligned politically and socially with higher-class whites rather than with blacks whose living situations were more like low-income whites. Myrdal's findings reflected the writings of W.E.B. DuBois, who asserted that it was psychologically and socially more advantageous for working-class whites to align with higher class whites.<sup>14</sup> Higher-class whites perpetuated this alignment as a way of segregating themselves from blacks, regardless of class. Myrdal's view that race problems were situated in whites laid the groundwork for future whiteness studies as the stratification of society by race-created whiteness. In Myrdal's opinion, inequality and segregation were grounded in the fear of amalgamation. That is, when white southerners were asked to rank in order of importance different types of discrimination, the highest ranking were related to amalgamation. At the top of the list were prohibitions against intermarriage and sexual acts with white women. The closer a type of cross-racial behavior was to sexual acts, the more prohibited it would be in white-dominant society. According to Myrdal, the fear of amalgamation was "the principal around which the whole structure of segregation of the Negroes—down to disfranchisement and denial of equal opportunities on the labor market—

---

<sup>14</sup> W. E. B. Du Bois, *Black Reconstruction in America, 1860-1880* (New York: Atheneum, 1992) 700-701.

is organized.”<sup>15</sup> Whites involved in massive resistance to desegregation of schools often used anti-amalgamation rhetoric as a way of inciting support of segregated schools and as a way of keeping black Americans in their place to maintain white dominance. White fear of amalgamation was stronger than any inclination to follow the mandate of *Brown*, so the schools remained segregated in spite of the court decision.

The *Brown* decision had virtually no immediate impact on student racial demographics in schools. “By 1964, 98 percent of black students were still enrolled in all black schools.”<sup>16</sup> Literature on school desegregation continued to be limited as most schools remained segregated until 1968-1970. Studies began to emerge in the late 1960s that were mostly quantitative in design, but as Schofield points out, these quantitative studies were wrought with problems. Some of these problems were design flaws including focus on too narrow a range of outcomes rather than the process of desegregation, frequent use of cross-sectional data instead of longitudinal data, and attrition in control groups. There were also measurement problems such as the difficulty in operationalizing and measuring attitudes and a focus on use of socio-metric assessments instead of observation of behavior. Quantitative studies also were confounded by the many variables that could impact black and white student relationships. It was hard to find a control group when trying to determine the impact of desegregation on black and white students, and there was lack of theory supporting the studies. Studies were looking at the outcomes of desegregation and not on the process schools and systems undertook to actually desegregate.

---

<sup>15</sup> Gunnar Myrdal, *The American Dilemma: The Negro Problem and Modern Democracy* (Harper and Brothers: New York, 1944) 587.

<sup>16</sup> Janet Ward Schofield. “School Desegregation and Intergroup Relations: A Review of the Literature.” *Review of Research in Education* 17 (1991) 336.  
<http://www.jstor.org.ezproxy.gsu.edu/stable/pdf/1167335.pdf?refreqid=excelsior%3Af9e644db37de79828d61c70e1e3f53e0> (Accessed January, 17, 2016).

Schools were still highly segregated, and research on the outcomes of desegregation were inconclusive.<sup>17</sup> The inconclusiveness of quantitative studies regarding whether or not desegregation had improved relationships between blacks and whites pushed researchers in new directions. There was, however, one publication that provided a thorough picture of how desegregation was being accomplished and the extent of isolation of black students. This publication was *Racial Isolation in the Public Schools: A Summary Report of the U.S. Commission on Civil Rights*, the result of a 1965 charge by President Lyndon Johnson that the Commission on Civil Rights “turn its careful attention to the problems of race and education in all parts of the country . . . [and] . . . to develop a firm foundation of facts on which local and State Governments can build a school system that is color-blind.”<sup>18</sup> According to President Johnson,

Although we have made substantial progress in ending formal segregation of the schools, racial isolation in the schools persists—both in the North and the South—because of housing patterns, school districting, economic stratification and population movements. It has become apparent that such isolation presents serious barriers to quality education. The problems are more subtle and complex than those presented by segregation imposed by law. The remedies may be difficult. But as a first and vital step, the Nation needs to know the facts.<sup>19</sup>

Use of the term, “racial isolation” began in the mid-1960s during the years which should have shown large amounts of school desegregation, as the *Brown* decision had been in effect for ten years. Racial isolation referred to schools that claimed to be desegregated, yet there were still schools which were, for the most part, segregated. The report emphasized that schools attended by whites tended to have accessibility to more books in their libraries and access to more

---

<sup>17</sup> Schofield, 330-336.

<sup>18</sup> U.S. Commission on Civil Rights. *Racial Isolation in the Public Schools: Summary of a Report of the U.S. Commission on Civil Rights*. Washington, DC: Government Printing Office, 1967.

<sup>19</sup> Ibid. Introduction.

advanced courses. There tended to be a lower teacher-student ratio in schools with higher numbers of white students. The report also indicated that black students were more likely to have teachers with lower verbal achievement levels, more substitute teachers, and more teachers who did not like being at the school in which they had been placed. The Commission asserted that teachers and students in schools where the majority of students were minority students realized there was stigma of inferiority associated with their schools. The Commission contended that awareness of the stigma impacted student and teacher attitudes and achievement.<sup>20</sup> The report found that regardless of the reason for racial isolation, attending schools where there was racial isolation was harmful for black students. According to the report, “racial isolation in the schools led to a continuing preference for racial isolation on the part of both black and white students.”<sup>21</sup> Also, the report recognized that racial isolation in schools was increasing and that efforts to improve the education of black students had not been very successful. Future government studies would find the same results.

Another government study was *Equality of Educational Opportunity, 1966*, more commonly known as the Coleman Report. Section 402 of the Civil Rights Act of 1964 had mandated that the Commission of Education would conduct a survey within two years of passage of the act that would focus on the lack of educational opportunities based on race, religion, color, or national origin. The survey results were to be written in a report and presented to the President and Congress. The publication was named after the Johns Hopkins sociologist, James Coleman, who had conducted the study for the Commission of Education. The Coleman Report became one of the standards used to support busing as a way to desegregate schools, as the report

---

<sup>20</sup> Ibid., 4

<sup>21</sup> Schofield, 343

indicated that black students benefited by being in desegregated schools. The report also indicated that the amount of spending per pupil did not impact achievement, but the social capital of students did. It reported that the greatest factor for achievement was the home environment. Coleman's research became a source of massive debates between methodologists and sociologists, but the report became one of the most influential in the desegregation literature. Both the Coleman Report and *Racial Isolation in the Public Schools* indicated the pervasiveness of segregation and isolation in public schools during in mid to late 1960s. Both reports correctly predicted that racial isolation would increase. At the time of the *Brown* decision in 1954, an estimated two and one-half million African American students attended segregated schools. This number increased to four and one-quarter million by 1973, a 70 percent increase in the number of black students attending segregated schools twenty years after the *Brown* decision.<sup>22</sup> One reason was the white flight movement of families from districts with large numbers of black students.

During 1968 and the fall of 1969, white students continued to leave urban schools in droves. The federal courts issued stronger compliance standards, including the October 1969 mandate from the U.S. Supreme Court requiring immediate desegregation. The late 1960s and early 1970s showed an increase in studies on desegregation as there were finally schools being desegregated at an increased level available for study. These studies focused on how desegregation impacted relationships between blacks and whites and used attitudinal data from segregated schools to compare outcomes. According to Schofield in her *Review of the Research*

---

<sup>22</sup> Leon Jones, "School Desegregation in Retrospect and Prospect." *Journal of Negro Education* 47, no. 1 (Winter 1978): 51, <http://www.jstor.org.ezproxy.gsu.edu/stable/pdf/2967099.pdf?refreqid=excelsior%3Ad252c9f3eed4ae4c2ed59886a9302e65> (accessed June 30, 2017).

on *Desegregation's Impact on Elementary and Secondary School Students*, the research over three decades showed there was some positive effect on the reading skills of black children and youth in desegregated schools, but not in every situation or study. Desegregation did not seem to have influence over math skills. Desegregation also seemed to aid in breaking the “generational cycle” of segregation and racial isolation.<sup>23</sup> The evidence from studies showed desegregation could have a positive impact on college graduation, income, and employment patterns when black students reached adulthood.<sup>24</sup> According to Schofield, the research on intergroup relations during this time was “inconclusive and inconsistent,” and the focus for research should have been on how schools were desegregated<sup>25</sup> as opposed the common research question of how inter-racial relationships had changed from pre-*Brown* days.<sup>26</sup>

During the mid-1970s, research on desegregation become more qualitative in design as the limitations of quantitative study had left inconclusive information in previous desegregation studies. Use of case study and ethnography shifted the focus of desegregation research from outcomes to processes and to determining what worked in desegregation that would improve black and white relationships. The disappointment felt by researchers and those in the field from inconclusive findings in previous quantitative studies caused some to question the value of social science as it was used to support desegregation as a way of improving race relations. By the mid-1970s, black scholars and white allies had begun to express their disillusionment with school desegregation. In 1969 and 1970, lawyers requested a delay in the ruling of the U.S. Supreme

---

<sup>23</sup> Janet Ward Schofield, *Review of Research on School Desegregation's Impact on Elementary and Secondary School Students*, Connecticut State Department of Education, (1989) 36, <http://files.eric.ed.gov/fulltext/ED319825.pdf> (accessed June 2017).

<sup>24</sup> Ibid.

<sup>25</sup> This study focuses on how one school system desegregated and examines the ways the processes of desegregation impacted the community.

<sup>26</sup> Ibid.

Court in *Alexander v. Holmes County Board of Education*. This marked the first time the Justice Department's resources had been allowed to be used by desegregation supporters. Eventually, the Supreme Court would rule that immediate desegregation was the law of the land. However, this was viewed by many as the beginning of a shift away from support of desegregation—even though the Court had ruled in favor of the plaintiffs. In spite of the Court's ruling, it did not result in desegregation of Holmes County, Mississippi. In 1968 there were 771 white students enrolled in the Holmes County schools. At the time of desegregation in 1969, that number had dropped to 228, and by 1970 there were no white students enrolled in the county schools. Other events and aspects of desegregation, such as the controversy over busing, were also disheartening for supporters of school desegregation.

One method used for school desegregation was that of busing, but the vast majority of white and many black citizens did not support busing in order to comply with desegregation plans. Discussions of forced busing could incite heated, potentially violent discussions regarding desegregation. At a time when it was thought by many that busing was the only way to fully desegregate schools, the public outcry brought further disappointment to those who had fought to have the court orders implemented. However, in 1971, the U.S. Supreme Court ruled in *Swann v. Charlotte-Mecklenburg Board of Education* that busing was an acceptable way of desegregating schools.<sup>27</sup> The Charlotte-Mecklenburg school system became one of the most desegregated school systems in the South and was held up as an example of how successful desegregation could be undertaken using busing. Still, the decision did not result in the integration of black citizens into a white-dominated society. As the 1970s progressed, it became more apparent that

---

<sup>27</sup> *Swann v. Charlotte-Mecklenburg Board of Education*. 402 United States Supreme Court 1(1971).

the goal of desegregation for African Americans—quality education for their children leading to equity in society—had not been achieved. Theoretical papers during this time discussed unanticipated results in the years following desegregation, including the increase in a “disproportionate number of suspensions, expulsions, and pushouts due to disciplinary policies and procedures . . . disproportionate number of Blacks relegated to special education classes and low tracks . . . and dismissal and demotion of Black educators.”<sup>28</sup> At this time, the focus of the literature shifted from numbers of desegregated schools to the quality of education for African American students. The research indicated that large numbers of black students were still in racially isolated schools.

By the late 1970s and into the 1980s, the disillusionment of the failure of school desegregation to fully integrate African American citizens into the fabric of American society was reflected in a series of editorial articles and books. Leon Jones, in his article, “School Desegregation in Retrospect and Prospect,” shares the realization that desegregation did not result in integration. “As late as the 1972-73 school year, 63 percent of the nation’s Black children attended predominantly Black schools.”<sup>29</sup> Schools remained highly segregated in the eleven states of the Deep South where “46 percent of the Black students were attending schools that were 80 percent or more Black, compared to 28 percent in the northern and western states.”<sup>30</sup> Nearly twenty years after the *Brown* decision, there had been “a 70 percent increase in

---

<sup>28</sup> Nancy I. Arnez, “Implementation of Desegregation as a Discriminatory Process,” *Journal of Negro Education* 47, 1, 1978, 28.

<sup>29</sup> Leroy Aarons, “Decades of Rights Milestones,” Editorial Research Report, *The Washington Post*, (August 26, 1973) A-14, quoted in Leon Jones, “Desegregation in Retrospect and Prospect”, *The Journal of Negro Education*, 47, 1 (Winter, 1978) 50, <http://www.jstor.org.ezproxy.gsu.edu/stable/pdf/2967099.pdf?refreqid=excelsior%3Ad252c9f3e4ae4c2ed59886a9302e65> (accessed June 30, 2017).

<sup>30</sup> B. Barns, “School Integration Highest in the South,” *The Washington Post*, (July 16, 1974) as quoted in Jones, 1978, 50.

the number of Blacks attending segregated schools . . .”<sup>31</sup> Another misleading factor for research on desegregation led to a further inaccurate portrayal of the numbers of schools that had been desegregated. Prior to 1970-71, the Department of Health, Education and Welfare

measured desegregation progress by the number of Black children attending desegregated schools. Beginning in the 1970-71 school year, the Government arrived at a success figure by measuring the number of black students attending desegregated or unitary school *systems*. A school system could be considered unitary even though there were segregated schools in the district. Having only one desegregated school per system was sufficient to qualify the entire system as unitary.<sup>32</sup>

In 1978, Leon Jones asserted that the policy makers should abandon efforts to desegregate schools and go back to the original impetus of *Brown* to fully integrate schools.<sup>33</sup> Other scholars of the late 1970s would also consider the impact of desegregation on black and white students and examine how the *Brown* decision itself was rooted in racism.

Nancy L. Arnez wrote in “Implementation of Desegregation as a Discriminatory Process” that from the very beginning the *Brown* decision was grounded in racism because the Supreme Court identified segregation as only harmful to black children with no mention of benefit to white children that would occur by attending desegregated schools. Arnez asserts that “. . . basing the opinion on a racist assumption provided the impetus for the racist implementation of a national policy. . . Black parents and the Black community have been reactors to actions by whites rather than participants in the planning of those actions.”<sup>34</sup> According to Arnez, desegregation proved harmful to black children and adults in many ways, including loss of

---

<sup>31</sup> U.S. Bureau of Census, *Statistical Abstracts of the United States*, 95th ed. 1974 Washington, D.C., U.S. Government Printing Office, under “Education,” as quoted in Leon Jones, <https://www2.census.gov/library/publications/1974/compendia/statab/95ed/1974-03.pdf> (accessed June 30, 2017).

<sup>32</sup> Leon Jones, 56.

<sup>33</sup> Leon Jones, 57.

<sup>34</sup> Nancy Arnez, 29.

teaching and administrative jobs by blacks, loss of projected earned income, victimization through busing that only impacted black children, victimization through tracking, suspension, and expulsion, unfair discipline practices and victimization by ignorance of learning styles, cultural, social, educational, and psychological needs. She further states that the “creative minority was substantially excluded from the policy making domain, or only those Blacks molded into white European thinking patterns have been asked to supply solutions.”<sup>35</sup>

The injustice of disproportional suspension and expulsion was particularly disturbing to African American leaders and was studied in depth. The Children’s Defense Fund published information gleaned from a study on the absence of children from school. The study was published as *Children Out of School in America* and included racial discrimination in the use of suspension.<sup>36</sup> According to the study, “the ratio of Black to white student suspensions was three to one; that is, 12.8 percent compared with 4.1 percent.”<sup>37</sup> Other studies addressed the frequency in which black students were pushed out of school in desegregated schools. Often times, the black students who were pushed out were the “most aware and aggressive of Black student leaders.” The term, “pushout” was first used in the book, *The Student Pushouts: Victim of Continued Resistance to Desegregation*, which was published by The Robert F. Kennedy Memorial and The Southern Regional Council.<sup>38</sup> Pushouts were described as situations in which

---

<sup>35</sup> Ibid.

<sup>36</sup> See also, Mark G. Yudoff, “Suspension and Expulsion of Black Students from the Public Schools: Academic Capital Punishment and the Constitution,” *Law and Contemporary Problems*, 39 no.2 (Spring 1975) 374-411, <http://www.jstor.org.ezproxy.gsu.edu/stable/pdf/1191106.pdf?refreqid=excelsior%3A15a2c8740b6173c1f69669080a62145c> (accessed July 12, 2014).

<sup>37</sup> Children’s Defense fund, *Children Out of School in America*, 130 (Washington, D.C.: Washington Research Projects, Inc., 1974) <http://diglib.lib.utk.edu/cdf/main.php?bid=124&pg=149> (accessed July 15, 2017).

<sup>38</sup> The Children’s Defense Fund, 130-131.

students were not expelled or suspended, and they did not drop out of school. A student was pushed out when he or she left school as a result of discriminatory discipline practices.<sup>39</sup> Most of these students were labeled drop-outs in studies, but they had actually left school due to discriminatory practices.

Other discriminatory practices resulted in a disproportionate number of black students in classes for the educable mentally retarded (EMR). According to a study by The Children's Defense Fund, "in 505 school districts in Alabama, Georgia, South Carolina, Mississippi, and Arkansas . . . over 80% of the [EMR] students were Black, though less than 40% of the total district enrollment was Black. It was extremely unlikely that Black student enrollment in EMR classes should be five or ten times greater than white student enrollment in the same special classes."<sup>40</sup> Possible discriminatory policies that resulted in a disproportionate number of black students in EMR classes could have been subjective determination by teachers for who would be in the EMR classes. Teachers without knowledge of culture who misinterpreted behavior could have placed students who were not eligible for EMR services. Also, tests administered to determine eligibility tended to be biased in favor of white students. "By 1972, there were eighteen class action suits involving a variety of test abuses."<sup>41</sup>

Another area in which black students were discriminated against was in the area of ability group and tracking. In spite of damaging results for all students, black students were frequently placed in the lowest ability groups. They continued to be tracked into lower-level classes for the remainder of their time in the public schools. According to a study by The Southern Regional

---

<sup>39</sup> National Public Radio, "Push-outs: New Outcasts from Public School," transcript of interview on Options in Education segment, September 9, 1974, (accessed June 5, 2017).

<sup>40</sup> The Children's Defense Fund, 103

<sup>41</sup> William F. Brazziel, *Quality Education for All Americans* (Washington, D.C.: Howard University Press, 1970), 168 – 175.

Council, data indicated “a definite relationship between the prevalence of ability grouping and the prevalence of racially identifiable classrooms in Southern Schools.”<sup>42</sup> Literature on tracking and ability grouping is vast. There are still cases involving the violation of civil rights due to tracking and ability grouping. In 2014, the U.S. Department of Education worked with the Orange-Maplewood School district in New Jersey to come to an agreement regarding placement of black students into higher level classes.<sup>43</sup> The by-line for the press release on this action stated, “Black Students to be Afforded Higher Level Learning Opportunities.”<sup>44</sup>

Tracking has been used as a modern-day method of segregation, and the literature reflects the importance of the issue. In 1967, Ray Rist began examining the impact of placing black students in lower ability level groups and classes. He conducted formal observations on a single group of black students in an urban school from the beginning of kindergarten through the first half of their second-grade year. Rist maintained that tracking created a caste system within the schools that carried into adulthood, resulting in class stratification. In the highly segregated school system, race intersected with class for low income black students. He questioned the reason for maintaining the class system from kindergarten unless the purpose of doing so was to

---

<sup>42</sup> Roger Mills and Miriam Bryan, “*Testing. . . Grouping: The New Segregation in Southern Schools?*” (Atlanta, GA: Southern Regional Council, 1976) 47.

<sup>43</sup> Letter of Dispute Resolution, from The United States Department for Rights Region II to James G. Memoli, Acting Superintendent of the School District of South Orange-Maplewood, October 28, 2014 <https://www2.ed.gov/documents/press-releases/south-orange-maplewood-letter.pdf> (accessed June 6, 2017).

<sup>44</sup> U.S. Department of Education Press Release, U.S. Department of Education Announces Resolution of South Orange-Maplewood, N.J., School District Civil Rights Investigation, October 28, 2014, <https://www.ed.gov/news/press-releases/us-department-education-announces-resolution-south-orange-maplewood-nj-school-di> (accessed June 6, 2017).

ensure a lower class.<sup>45</sup> Additional studies would continue to look at tracking as well as the degree of desegregation and how desegregation plans impacted school enrollment.<sup>46</sup>

In 1987, results of a study conducted by the Unicon Research Corporation were sponsored by the U.S. Commission on Civil Rights and published as *New Evidence on School Desegregation*. The study examined by race enrollment numbers between 1967 and 1985 of 125 school districts, which represented about 20 percent of national enrollment in public schools. Results of the study indicated that segregation had declined in 117 of the 125 districts, but eight of the districts were more segregated in 1984-1985 than they had been in 1968, and five of them had not implemented a desegregation plan at all. Plans that used pairing and clustering with rezoning as the method of desegregating resulted in more desegregation than those plans not using these methods because decisions regarding which schools to pair or cluster were made based on how to get a ratio of black to white that would be accepted by the Court. White enrollment showed a marked decline, which was often associated with desegregation plans that included busing. However, white enrollment increased exposure of minority students to white students, and white enrollment had actually increased in six of the districts. The researchers asserted that further studies should examine factors that contribute to a district's ability to integrate, including the attitudes that foster the segregative history of the area. Also, further research was indicated to determine which desegregation plans worked, particularly how

---

<sup>45</sup> Ray C. Rist, "Student Social Class and Teacher Expectations: The Self-Fulfilling Prophecy of Ghetto Education," *Harvard Educational Review*, 40, no. 3 (August 1970): 411-451 <https://pdfs.semanticscholar.org/731c/8162ebc53ea1bcc93c32a6a45cce44ecd845.pdf> (accessed June 26, 2017).

<sup>46</sup> See John Ogbu, *Minority Education and Caste* (New York: Academic Press, 1978) 104, for more discussion on caste in education.

individual school district characteristics influenced success.<sup>47</sup> The study offered important information, but the lack of consistency of successes and failures continued to plague efforts to desegregate schools. By the end of the 1970s, the pervasive attitude of some who had supported desegregation was pessimistic in nature and in some ways thwarted intentional steps to continue a push for integrated schools.

If the initial support of desegregating schools had been honorable and just on the part of both black and white supporters of integration, the slow movement to desegregate schools due to massive resistance, coupled with little or no efforts to desegregate other areas of society, such as housing, resulted in the 1970s reflecting increasing pessimism as the pervasive feeling towards desegregating schools. Politicians pushed back from expressing support as doing so could potentially end their political careers. The noble goal of desegregating public schools, that is full integration for blacks into American social and economic areas, was lost as schools began to re-segregate almost immediately after schools and districts had reached an acceptable ratio of black to white students in order to be declared a unitary system. Scholars looking back at desegregation from 1968 through the end of the 1970s tracked the disappointment and shift in goals for black families and white supporters of diverse schools. The *Brown* case upheld that segregated schools were inherently unequal, which implied minority children were being held back educationally and economically.<sup>48</sup> Again, the social science research of the 1970s showed mixed results and did not necessarily indicate school desegregation had impacted the full

---

<sup>47</sup> Welch, Finnis and others, Unicon Research Corporation, *New Evidence on School Desegregation*, Commission on Civil Rights, (June 1987) <http://files.eric.ed.gov/fulltext/ED293936.pdf> (accessed May 15, 2017).

<sup>48</sup> Betsy Levin and Willis D. Hawley, "Forward," *Law and Contemporary Problems*, 39, no. 1, (Winter, 1975) 1. <http://www.heinonline.org.ezproxy.gsu.edu/HOL/Index?index=journals%2Flcp&collection=journals> (accessed June 14, 2017).

integration of African Americans into society. According to Willis and Hawley, the myth that equal educational opportunity would resolve all the social and economic needs of the nation would be at odds with the results of social science research.<sup>49</sup> It seemed the initial fire that had ignited the passion in favor of school desegregation was dwindling. In addition to the information from the Coleman Report that social capital, such as family influence, was more of an indicator of academic success, other scholars sought to determine a connection between race and intelligence.

One educational psychologist, Arthur Jensen, published an article in *Harvard Educational Review* that claimed the vast majority of intelligence was genetic and that compensatory educational programs did little to increase intelligence. The article was quite controversial and provocative due to the implication that school desegregation would do little to improve test scores for minority students.<sup>50</sup> Jensen did, however, shed light on the cultural bias of tests. Many who read his study were outraged, but others felt the results were a strong commentary on school desegregation. Supporters of desegregation began to seek understanding of what had actually worked with regard to desegregation. The role of social science research in legal proceedings was also beginning to be questioned. Scholars, particularly black scholars, began to see the *Brown* decision as both a success and a limiting factor in creating equal educational opportunity for black students. Some scholars, such as Derrick Bell, began to look at ways the honorable purposes of the *Brown* decision could be achieved in other ways.

Derrick Bell had an extensive career working for civil rights issues and particularly addressing school desegregation. Having spent time working for the civil rights division of the

---

<sup>49</sup> *Ibid.*, 3.

<sup>50</sup> Arthur Jensen, "How Much Can We Boost I.Q. and Academic Achievement?" *Harvard Educational Review*, 39, no. 1 (Winter 1969)

U.S. Justice Department and as assistant council for the N.A.A.C.P. Legal Defense and Educational Fund in Jackson, Mississippi, Bell was able to produce scholarly literature that examined the *Brown* decision and school desegregation from a unique perspective. Bell often wrote in a narrative style throughout his career as an attorney, professor, and law school dean. During the 1970s, Bell's literary scholarship examined the *Brown* decision, its effectiveness, reasons for its ineffectiveness, and possible alternative ways to meet the original intent of school desegregation as the elimination of the dual system based on race, especially in the South. The implied purpose of *Brown*—that of achieving equal educational opportunity by the elimination of the dual system—had not come to fruition.

In 1975, Bell questioned the appropriateness of relying so heavily on desegregation as the sole method of achieving equal educational opportunity. According to Bell, the vigor had waned over the *Brown* decision. The rigor and inflexibility of applying the *Brown* decision to large urban areas had endangered the legal precedent of the decision and had resulted in more racially segregated schools in urban areas in the North and the South than there had been prior to 1954.<sup>51</sup> With *Swann v. Charlotte-Mecklenburg County Board of Education*, the Supreme Court had expressed that there were “limits to the extent to which school desegregation need be carried out.”<sup>52</sup> The Court had declared that “No fixed or even substantiality fixed guidelines can be established as to how far a court can go, but it must be recognized that there are limits.”<sup>53</sup> Thus it appeared the courts meant for educational opportunity to rest on more than desegregation of

---

<sup>51</sup> Derrick Bell, “The Promise of Brown,” *Law and Contemporary Problems*, 39, no. 2 (Spring 1975): 345, <http://www.heinonline.org.ezproxy.gsu.edu/HOL/Page?handle=hein.journals/lcp39&id=347&collection=journals&index=journals/lcp> (accessed June 1, 2017).

<sup>52</sup> *Ibid.*, 346.

<sup>53</sup> *Swann v. Charlotte-Mecklenburg*, 28.

schools. Black parents began to recognize that there would have to be other ways to provide their children quality schools besides just having black and white bodies in the same classroom. It appeared that wanting to desegregate or integrate may “merely be semantic if the underlying reality of black powerlessness does not change.”<sup>54</sup> Bell charged that educationally-oriented relief should be viewed “essential in situations . . . where desegregation is not ‘feasible or reasonable.’”<sup>55</sup> He advocated that courts and school systems should look at alternative ways for creating quality schools and asserted that by doing so the school systems “may stand a chance of integrated schools as well.”<sup>56</sup>

Another area which would move schools towards equal educational opportunity was to have equal representation on school boards and policy-making bodies. Bell asserted that the *Brown* decision barred “such representation or, at least bar[red] election processes which serve as discriminatory barriers to fair representation.”<sup>57</sup> In spite of disagreement from some proponents of desegregation, Bell advocated black community control of schools in addition to desegregation or if desegregation was not feasible. In the article, “The Promise of *Brown*,” Bell quotes Benjamin Mays, who also emphasized that integration by itself was not a guaranteed means to a quality education.<sup>58</sup> Bell also pointed out that Dr. Kenneth Clark, researcher in the doll studies used to support the *Brown* decision, also felt as if “realistic . . . feasible forms of desegregation appeared to be . . . abandoned and [was] being replaced by the need to concentrate

---

<sup>54</sup> Ronald W. Brown, “Busing and the Search for Equal Educational Opportunity,” *Journal of Law and Education*, no. 2 (January 1972) 266, [http://www.heinonline.org.ezproxy.gsu.edu/HOL/Page?handle=hein.journals/jle1&div=22&start\\_page=251&collection=journals&set\\_as\\_cursor=0&men\\_tab=srchresults#](http://www.heinonline.org.ezproxy.gsu.edu/HOL/Page?handle=hein.journals/jle1&div=22&start_page=251&collection=journals&set_as_cursor=0&men_tab=srchresults#) (accessed June 28, 2017).

<sup>55</sup> Bell, 1975, 354.

<sup>56</sup> *Ibid.*, 341.

<sup>57</sup> *Ibid.*, 355.

<sup>58</sup> *Ibid.*, 358.

on raising the quality of education without regard to the present racial composition of a city's public schools."<sup>59</sup> Bell declared that the *Brown* decision may have created desegregated schools to some degree, but it also gave blacks other ways to achieve educational equality in black schools. In what he would later refer to as the interest-convergence dilemma,<sup>60</sup> Bell stated that "minority rights are granted or withheld by the majority according to which action will serve the majority interests best."<sup>61</sup> Finally, Bell proposed that it would be important to use both the *Brown* decision and the *Plessy v. Ferguson* decision that supported separate, but equal. If quality equal educational opportunity could not be achieved through mass desegregation, it could possibly be achieved through making education for blacks and whites equal via other means.

By 1980, Derrick Bell refined his interpretation of the *Brown* decision through the lens of interest-convergence. The end of the 1970s left Bell and others feeling that "Demographic patterns, white flight, and the inability of the courts to affect the necessary degree of social reform render further progress in implementing *Brown* almost impossible."<sup>62</sup> In explaining interest-convergence theory, Bell made the connection that while "whites may agree in the abstract that blacks are citizens and are entitled to constitutional protection against racial discrimination. . . few are willing to recognize that racial segregation is much more than a series of quaint customs that can be remedied effectively without altering the status of whites."<sup>63</sup> In

---

<sup>59</sup> Kenneth Clark, *A Possible Reality: A Design for the Attainment of High Academic Achievement for Inner-City Students* (New York: Emerson Hall, 1972) 51, quoted in Bell, "The Promise of Brown," 1975, 364.

<sup>60</sup> Derrick A. Bell, Jr., "*Brown v. Board of Education* and the Interest-Convergence Dilemma," *Harvard Law Review* 93, no. 3 (January 1980) 518-534, <http://www.heinonline.org.ezproxy.gsu.edu/HOL/Index?index=journals%2Fhrlr&collection=journals> (accessed March 2016).

<sup>61</sup> Bell, 1975, 365.

<sup>62</sup> Bell, 1980, 518.

<sup>63</sup> *Ibid.*, 522.

order for blacks to have full equal status in U.S. society, whites would have to sacrifice some of the white privilege that was afforded by racism. Bell's opinion was that whites would only grant equity to blacks if it was in their own best interests—the interest-convergence dilemma. No court case or constitutional amendment alone could assure racial equality if white supremacy was threatened. Scholars began to consider how the *Brown* decision had been beneficial to the white power structure, notably how the decision had impacted national reputation.

Another issue Bell discussed was that the *Brown* decision had also been highly influenced with the need for the U.S. to appear as a country of equality and freedom in the post-World War II years. African American soldiers from the U.S. returned to a country where they were still treated as second-class citizens. As U.S. foreign policy became aligned with the containment of communism, it became imperative to be considered a democracy founded on equality. The *Brown* decision would act as reassurance to black Americans that the reason they had fought during World War II was expressed by their country through educational policy. Finally, school desegregation would move the South more towards industrialization rather than the agrarian economy that had been so reliant on slavery, share-cropping, and tenant farming. Bell considered ways that the interests of blacks and whites could converge rather than diverge. Often the needs of poor whites converged with those of blacks. However, the white affluent and affluent had historically maintained and pushed the position that any white was superior to a black person. Some of the most frequent participants in massive resistance to school desegregation were non-affluent and non-affluent whites. The social contract had been that the white elite would maintain white dominance for lower income whites as long as lower income whites would assist by creating overt and sometimes violent situations to keep blacks in their

place.<sup>64</sup> However, massive resistance acted as a catalyst to bring about the *Brown* decision changes.

According to Bell, massive resistance prolonged school desegregation, created potential financial sanctions from the federal government, harmed the local economy, and gave many towns and cities in the South the justifiable reputation of being racist and backwards in thinking. This undermined the federal judiciary system through the constant filing of suits, motions, and appeals. Historically, the South had been resistant to federal authority. Now it appeared states in the South were defying the court orders and manipulating the federal system by prolonging the desegregation process. Bell refers to the court reaction to massive resistance considered disrespectful to the court as “antidefiance.”<sup>65</sup> Courts appeared to have been even more determined that desegregation be implemented, particularly in the states that were most defiant—those in the South.

Finally, Derrick Bell continued to question whether or not the black students had received a better education after the *Brown* decision. Issues of suspension and tracking, as well as segregated classes within schools, made it obvious that placing black and white bodies together in schools had not ended systemic racism. Bell suggested that creating model majority or all black schools and improving desegregated schools might result in more effective education for all. With this approach, Bell was suggesting a focus on curriculum, instruction, and educational quality as a more equalizing approach to equal educational opportunity. His writing shifted from desegregation as ratios of blacks to whites to the quality of education all students should receive

---

<sup>64</sup> Ibid., 528.

<sup>65</sup> Ibid., 530.

in public schools.<sup>66</sup> Bell would continue to write about school desegregation and resegregation for the remainder of his life.

#### Literature Addressing Jackson, Mississippi School Desegregation

The literature on desegregation writ large and the immediate after effects during the 1970s is prolific, but the literature also includes studies and editorial pieces that address the particular experiences in single states, cities or towns, many of which were written decades after the *Brown* decision. Many books and articles deal with the events that occurred in Prince Edward County, Virginia, during school desegregation when public schools were closed to both black and white students for five years instead of being desegregated.<sup>67</sup> There are also books that describe the desegregation of Boston, Baltimore, Nashville, and Atlanta as well as other cities and towns.<sup>68</sup> This study focuses on school desegregation in Jackson, Mississippi, and there are few, if any, resources that look at school desegregation in Jackson specifically. The lack of

---

<sup>66</sup> Ibid., 531-533

<sup>67</sup> See Bob Smith, *They Closed Their Schools: Prince Edward County Virginia, 1951 – 1964* (University of North Carolina, 1965); Christopher Bonastia, *Southern Stalemate: Five Years Without Public Education in Prince Edward County, Virginia* (Chicago: University of Chicago Press, 2012).; Jamantha Watson, *Locked Out!: A Story About the Prince Edward County School Closings Book 1* (Epagea House Publishing Company, 2015).; Kristen Green, *Something Must Be Done About Prince Edward County: A Family, A Virginia Town, A Civil Rights Battle* (New York: Harper Collins, 2015).; *The Educational Lockout of African Americans in Prince Edward County, Virginia (1959-1964)*, ed. Terence Hicks and Abul Pitre (Lanham, MD: University Press of America, 2010).

<sup>68</sup> Antero Pietila, *Not In My Neighborhood: How Bigotry Shaped A Great American City* (Chicago, IL: Ivan R. Dee, 2010).; Harold S. Baum, *Brown in Baltimore: School Desegregation and the Limits of Liberalism* (Ithaca, NY: Cornell University Press, 2010).; J. Anthony Lucas, *Common Ground: A Turbulent Decade in the Lives of Three American Families* (New York, NY: Random House, 1985).; Kevin M. Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton, NJ: Princeton University Press, 2005).; Richard A. Pride and J. David Woodard, *The Burden of Busing: The Politics of Desegregation in Nashville, Tennessee* (Knoxville, TN, 1985).

literature specific to Jackson appears significant in the historical documentation of school desegregation.

One resource that does address school desegregation in Mississippi is Charles C. Bolton's *The Hardest Deal of All: The Battle Over School Desegregation in Mississippi, 1870 – 1980*.<sup>69</sup> Bolton, a professor of history at the University of North Carolina, addresses the long history of segregated schooling in Mississippi and the rocky road taken to desegregate those schools. While the book does address desegregation of the entire state, the issues particular to Jackson are mostly historical notes. Bolton uses anecdotal evidence in a narrative style and includes some details about the Jackson desegregation process. As the capital city of Mississippi and the seat of state government, Jackson was the major metropolitan area of the state, and the way in which policy decisions played out in Mississippi are often reflected in the story of school desegregation in Mississippi.

Another book that addresses the civil rights movement in Mississippi is *Local People: The Struggle for Civil Rights in Mississippi*.<sup>70</sup> In *Local People*, John Dittmer addresses how the civil rights movement began and progressed throughout the state. His discussion includes historical information on the context of schooling for black students prior to the *Brown* decision, how the movement for civil rights spread throughout the state, and how white resistance included violence and economic sanctions to blacks in Mississippi. The book addresses school desegregation somewhat, but it does not deal with the desegregation in Jackson specifically.

---

<sup>69</sup> Charles C. Bolton, *The Hardest Deal of All: The Battle Over School Integration in Mississippi, 1870 – 1980* (Jackson, MS: University Press of Mississippi, 2005).

<sup>70</sup> John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Champaign, IL: University of Illinois Press, 1994).

There is one thesis available that specifically addresses desegregation in Jackson, Mississippi, Jean Marie Middleton's Harvard University Ed.D. dissertation from 1978, "The History of Singleton v. Jackson Municipal Separate School District: Southern School Desegregation from the Perspective of the Black Community."<sup>71</sup> The research method is a case study using community study technique and utilizes data from historical, legal, and interview sources.<sup>72</sup> The study examines the extent to which the "the relief granted by the court in *Singleton V. Jackson Municipal Separate School District* met the education interests of the black community litigants and the black community at large in Jackson, Mississippi.<sup>73</sup> *The Singleton v. Jackson Municipal Separate School District* was originally filed as *Evers v. Jackson Municipal Separate School District* and was the first case against the school system in support of desegregation. According to Middleton, the goals of the "collective black community, regarding public schooling, aim to eliminate the inequality of opportunity offered black children. Associated with these goals is the expectation that through quality public schooling the inferior status occupied by blacks in the social order will ultimately be transformed."<sup>74</sup> By 1978, the Jackson schools consisted of 35 elementary schools and 18 secondary schools comprised of 29.7 percent black students and 70.3 percent white students. Of the 1,592 teachers in the district, 51 percent were white and 49 percent were black. The overall ratio of the city of Jackson was 60

---

<sup>71</sup> Jean Marie Middleton, "The History of Singleton v. Jackson Municipal Separate School District : Southern School Desegregation from the Perspective of the Black Community." Ed.D. thesis, Harvard University, 1978, In ResearchGate, [https://www.researchgate.net/publication/34153112\\_The\\_history\\_of\\_Singleton\\_v\\_Jackson\\_Municipal\\_Separate\\_School\\_District\\_Southern\\_school\\_desegregation\\_from\\_the\\_perspective\\_of\\_the\\_black\\_community](https://www.researchgate.net/publication/34153112_The_history_of_Singleton_v_Jackson_Municipal_Separate_School_District_Southern_school_desegregation_from_the_perspective_of_the_black_community) (accessed April 7, 2015).

<sup>72</sup> Jeane Marie Middleton had a long association with the black community of Jackson, Mississippi, as she states on page 40 of the thesis.

<sup>73</sup> *Ibid.*, 1, 20.

<sup>74</sup> *Ibid.*, 5.

percent white and 40 percent black. In 1970, 66 percent of black families had an annual income of \$6,000 or less and 40.3 percent had income below the poverty level.<sup>75</sup> According to Middleton, in the 1950s, Mississippi Governor Hugh White proposed that the courts would uphold separate schools if the facilities were made equal. The legislature conducted a study in 1952 to study laws, programs, and policies to determine what would be necessary to maintain segregated schools.<sup>76</sup> The black community wanted to make sure that white leaders understood that quality equalization would require black participation in administration and supervision and that the white community need not fear it would be followed by unification of the separate system.<sup>77</sup> Other black leaders, such as the president of the Mississippi State Conference of the NAACP, felt that the only way Mississippi could “morally and financially” adhere to the Supreme Court decision would be to fully integrate the system at all levels and then equalize the schools. The governor encouraged blacks to accept a separate but equal system by voluntarily desegregating.<sup>78</sup> The black community responded by saying they would have nothing less than what the Supreme Court had ordered. At that point, Governor White declared he was “. . . through with ‘Negro leadership.’”<sup>79</sup> Middleton provides information on various methods used to desegregate schools from 1964 through 1975 with emphasis on the black perspective. The information from Middleton’s dissertation was used to inform this dissertation with regard to the perspective of the black community in the late 1970s. However, the literature on desegregation in Jackson, Mississippi, has been extremely sparse.

---

<sup>75</sup> Ibid., 13.

<sup>76</sup> Ibid., 46.

<sup>77</sup> Ibid., 48.

<sup>78</sup> Ibid., 49 – 51.

<sup>79</sup> Ibid., 52.

Although Mississippi was one of the last strongholds for school desegregation, most of the existing literature addresses the state of Mississippi rather than Jackson specifically. The gap in the literature regarding desegregation in Mississippi is the story of the segregated school system in Jackson from a historical context through 1975. This dissertation seeks to fill that gap specifically by offering a case study of the segregated school system in Jackson from 1867 to 1975. The dates are significant because the first recording of the existence of schools for black residents of Jackson was in 1867, and the first revision of the original approved desegregation plan occurred in 1975. The history of the dual system in Jackson, the Civil Rights Movement in Jackson, and the processes of desegregation and resegregation of the Jackson schools are important topics to examine because an understanding of the experience in one southern city informs current efforts to provide integrated schools and continues the dialogue on race in American consciousness. Racial injustice continues in American society; therefore, it is imperative to continue efforts to provide equity in education for all races. The success of desegregation in having whites and blacks attend school together and failures of desegregation to fully integrate black citizens into American society are important factors in contemporary society and provide an understanding for current movements back to segregated schools.

## CHAPTER 3

**HISTORY OF THE JACKSON, MISSISSIPPI SCHOOL SYSTEM**

## Education in the Colonial and Revolutionary Eras

During the colonial period, education in the Southern colonies was limited and informal. The population was sparse and spread over large areas of land in an agrarian society and was not structured around communal centers. While the Middle and New England colonies were deeply entrenched in the church affiliations of their founders, the southern colonies mirrored the English society of the gentleman farmers who had, for the most part, established them.<sup>80</sup> The founders of the southern colonies were not fleeing religious oppression; they were coming to a new world for possible economic gain. The Georgia colony, touted as a safe homeland for the poor debtors of England, had very few indigent settlers in reality and became a slave-holding state less than thirty years after being established. Founders of the southern colonies were satisfied with English traditions and values, including the typical English system that promoted education as an individual venture.<sup>81</sup> Decisions for education of children were left to families, a philosophy that perpetuated education levels being stratified along social and economic lines. Education in the colonial South was highly variable based on class and circumstance. Some white families had the financial resources to send their children back to England for schooling, while others hired private tutors to teach children in the home. Parents may have provided some instruction in reading and writing, but children of parents with few resources and little education received limited instruction in literacy skills.<sup>82</sup>

---

<sup>80</sup> Wayne J. Urban and Jennings L. Wagoner, Jr., *American Education: A History* (Boston, MA: McGraw Hill, 2004), 22.

<sup>81</sup> John D. Pulliam and James J. Van Patten, *History of Education in America* (Saddle Creek, NJ, 1995), 56.

<sup>82</sup> Urban and Wagoner, 23.

Efforts to establish a system of education for all students were limited in the Southern colonies. Some training was established for poor children, but the laws for apprenticeships generally required only religious instruction and training for a specific type of labor. Under Virginia law, any child who was not receiving some kind of vocational training could be sent to the public workhouse. At one point, indigent children in London were sent to the Virginia, which exacerbated the problems already existing in the colony regarding education of the young.<sup>83</sup>

Schooling for groups of students in the Southern colonies typically took one of two forms: old field schools or dame schools. The old field schools were established when several members of a community used an old, non-productive field as a site for a small school or community building. The community controlled the hiring, curriculum, and method of payment for tuition. A clergyman or an individual with some education who resided in the community usually provided instruction. Dame schools offered basic instruction in the home of a woman in the community. Women who provided the instruction frequently had little education themselves.<sup>84</sup>

Schooling in the South changed little during the era of the American Revolution except that members of the Southern aristocracy in favor of independence stopped sending their children to England to be educated.<sup>85</sup> Progress towards any organized system of public education did not happen during this time or in the years following the Revolutionary War. Even though Thomas Jefferson, Benjamin Franklin, and others were greatly influenced by the writings of John Locke and his belief in the inalienable rights of humanity, no plans for a national education system were included in the Constitution. While James Madison argued for a general tax to

---

<sup>83</sup> Ibid., 19

<sup>84</sup> Pulliam and Van Patton, 58.

<sup>85</sup> Ibid., 74.

support education, and Samuel Knox believed private schools were “subversive in a republic,” the representatives at the Constitutional Convention thought education was not a matter for the federal government.<sup>86</sup> Public education was not included in the U.S. Constitution, and support from the federal government would not come until the Early National Period, which began after the Revolutionary War.<sup>87</sup>

After the Revolutionary War ended, the Northwest Ordinance of 1785 required that one square mile of each township in the territory west of the Alleghenies, north of the Ohio River, and east of the Mississippi River be reserved for support of schools in each township. Two years later, a second ordinance required that no more than two full townships in each state be reserved for a university. This ordinance laid the groundwork for the establishment of land grants for schools and colleges. Several state constitutions included provisions for public schools by the end of the eighteenth century, including the constitution of North Carolina, which called for the establishment of schools with some financial support in each county.

#### Antebellum, Civil War, and Reconstruction Periods

Mississippi became a state in 1817 with Washington, a town in the Mississippi Delta, as its capital. Most of the population was centered along the Delta in Natchez and Vicksburg and in the northern part of the state. Education was available only for those who could afford to pay private tutors or who could join with other families in communities to pay tutors. Tutors educated children of the plantation owners, and some landowners allowed children of their overseers and household slaves to be educated along with their own.<sup>88</sup> Private education in the

---

<sup>86</sup> Ibid.

<sup>87</sup> Ibid, 80.

<sup>88</sup>William Moore Dalehite, *A History of the Public Schools in Jackson, Mississippi, 1832-1972*. (Baton Rouge, LA: The TJM Corporation, 1974) 3.

United States had its roots in patterns of early schooling where parents paid out of pocket for their children to be educated. There was no schooling for slaves.

Jackson was chosen as the new state capital in 1821 due to its central location. While there is no public record available of the first school in Jackson, there is evidence of the changing value of education in the state. Soon so many private schools were operating in Jackson that the city acquired the reputation of having more private schools than any other area of Mississippi, even though it did not have the largest population.<sup>89</sup>

The movement toward any kind of publicly funded school in Jackson surfaced in the inaugural address of Mayor John P. Oldham. In his 1844 address, Mayor Oldham recommended “a free School be established for the poor, orphan children, and others whose parents are unable to educate them; under such regulations as in your wisdom may seem most advantageous to the society of the poor.”<sup>90</sup> Oldham went on to suggest that appropriation of funds could come from money paid for licensing of grocery stores. An ordinance was passed in late January that called for the establishment of a common school to be managed by a board of trustees. The board of trustees was granted control of hiring the teacher, selecting the scholars who would be allowed to attend the school, and the construction of a schoolhouse. A teacher, Reverend Norman A. Camp, was hired, but it is unclear whether classes were ever taught. There is no indication that a building was erected for the school.<sup>91</sup>

A group of prominent Jackson residents was appointed by Governor Brown in 1845 to establish the Jackson School Association.<sup>92</sup> The group was successful in getting the legislature to

---

<sup>89</sup> Ibid., 8.

<sup>90</sup> Ibid., 9

<sup>91</sup> Ibid.,

<sup>92</sup> W. E. McCain, *Story of Jackson* (Jackson, MS: Hyer Publishing, 1953) 109. Quoted in Dahlite, 9.

grant property in Jackson known as the College Green for schools and for nine other lots to be sold to raise funds for the new schools. Two brick buildings were to be erected on the property for the Jackson Male Academy and the Jackson Female Academy. Students were required to pay a fee to attend the school until it could be established that there was significant favorable opinion for publicly supported education. Both academies opened for the 1848 school term and were in operation until 1862 when the Confederate government took over the Jackson Male Academy building and converted it into a munitions plant. Eventually the Male Academy was moved to the basement of the Presbyterian Church as the number of students decreased greatly during the Civil War. It is unclear whether the Female Academy continued during the war years. Many of the records documenting schools in Jackson during the Civil War were lost when the city was burned in 1863 and 1864, first by Union soldiers under the leadership of General William T. Sherman and again by soldiers under the command of General Ulysses S. Grant.<sup>93</sup>

Documentation exists of schools continuing to operate after the burnings. In the January 1864 minutes of the city council, the board of trustees reported they had “performed their duties in regard to the oversight of the public schools of this city as faithfully as they were able under the circumstances.”<sup>94</sup> The minutes indicate that one department of the school did not close until after the second invasion of the city. There were approximately thirty-eight students enrolled in January 1864.

In an 1864 address to the city council, the mayor reported that the main problem for the schools was “want of proper books, which at present, it seems impossible to procure.”<sup>95</sup> The

---

<sup>93</sup> Dalhite, 14.

<sup>94</sup> McCain, 48. Quoted in Dalehite, 14.

<sup>95</sup> Minutes of the City Council, Jackson, Mississippi, January 16, 1864, 29. Quoted in Dalehite, 15.

mayor praised teachers for their faithfulness and implored the council to “let the schools be kept up; let the children be educated now; and let them know as little of what their fathers are suffering as possible, they will be told hereafter how much was endured that they might be free. Let our youth be educated now; cost what it may.”<sup>96</sup>

The mayor also pointed out that an explosion had occurred in one of the academy buildings while being used by the Confederate government and that all efforts to obtain any remuneration for the building had failed, even though “it would seem but just and right that the Government should at once reimburse the city for the destruction of this property.”<sup>97</sup> By August 1864, one of the College Green buildings had been repaired for the Male Academy, while students in the Junior and Senior Female Academy had been moved to the basement of the Presbyterian Church and the Christian Chapel respectively.

The final battles of the Civil War were fought in the early months of 1865. In Jackson, the chairman of the board of trustees, John Hunter, reported to the Honorable Board of Aldermen that “the number of pupils has not been as large owing to the distress and excitement of the times” and documents showed that there were thirty-eight students in the Department of Boys and thirty students in the Department of Girls.”<sup>98</sup> One of the main concerns of the board was the need to increase salaries for the teachers because “articles of prime necessity to them cannot be purchased by them for less than thirty to fifty times the prime of former times, while their salaries are only half greater than those times.”<sup>99</sup> Throughout the war, the public schools for boys and girls continued to function and were well attended. By February 1865, however, the cost of

---

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid., 16.

maintaining the schools and providing salaries and supplies had become so high the council set tuition at twenty dollars Confederate, thereby limiting access to public education for most of the population.

Mississippi moved quickly to pass legislation at the end of the Civil War in an effort to maintain the social order of racial dominance by whites over anyone identified as a freedman, Negro, or mulatto. Known as the Black Codes, these laws and statutes formalized what had previously been tradition ingrained in the culture of the South. It was illegal for any freedman, mulatto, or Negro to ride in railroad cars with whites. The fine for doing so was as high as five hundred dollars, half to be paid to the county in which the event occurred and half to be paid to the informer. The offender was held in jail until the fine could be paid. As of the second Monday of January 1866, employment was required of all freedmen, mulattos and Negroes, or they were declared vagabonds and fined or imprisoned. The right to assemble was denied to all Negroes, freedmen, or mulattos. Any Negro, mulatto, or freedman who married a white person faced life in prison.<sup>100</sup> The Black Codes also required any freedman to work as an apprentice until the age of eighteen; most freedmen apprentices simply continued to work for their former slave masters. All Mississippi penal codes for blacks stayed the same as prior to emancipation with the exception of exchanging the term freedman for the term slave.

In September 1865, the Jackson city council was attempting to rebuild the city following the end of the war and operate public schools within the “embarrassed condition of our treasury.”<sup>101</sup> The council approved the building of a school on the western side of Jackson to

---

<sup>100</sup> The George Washington University. The American Black Codes, 1865-1866: Mississippi Black Codes. <http://home.gwu.edu/~jjhawkin/BlackCodes/BlackCodes.htm>

<sup>101</sup> Minutes of the Jackson, Mississippi City Council September 15, 1865. Quoted in Dalhite, 17.

keep students from having to walk the long distance to the Male and Female Academies. The occupying federal army had taken possession of one of the school buildings without the consent of the school board and did not plan to vacate the building until October 6, 1865, which was five days after the beginning of the school year. The board minutes indicate that it would take three weeks to make repairs to the building and that while the board “are at all times exceedingly anxious to accede to the requests made by General Osterhaus, they cannot give their consent to any further occupation of said property.”<sup>102</sup> The governor’s office gave \$2,000 to support the Jackson schools with the stipulation that they were to be reorganized. Salaries for teachers, however, would remain unchanged with a range of twenty to fifty dollars. The high cost of tuition in public schools led to a resurgence of private schooling in Jackson; education again became an option only for those who could pay for it. As Reconstruction moved forward, the city council had difficulty collecting taxes. Lack of revenues and the challenges of maintaining the schools exacerbated the myriad problems facing the municipal leaders, but schools continued to operate amidst board member attrition and almost non-existent resources. Public education for black children in Jackson still had not been considered.

The tyranny of the Black Codes was briefly abated when the new constitutional convention met in January 1868 to begin to rebuild the state government; a major part of the session involved the issue of public education. One hundred delegates, seventeen black and eighty-three white, met in Jackson for the convention. Debates over education escalated with the introduction of two main proposals, both supported by black delegates. The first called for integrated schools, and the second included compulsory attendance in the new public schools. Although neither proposal passed, the black delegates were helpful in defeating another that

---

<sup>102</sup> Ibid.

proposed segregated schools. The session dismissed, having only passed legislation establishing a state education system. The state legislative session of 1870 failed to define further how blacks and whites would be schooled; whether schools would be segregated or integrated was left up to local communities. Even black and white legislators in favor of equality for blacks did not push for totally integrated schools for fear that to do so would risk any kind of education for blacks in a still fully segregated society.<sup>103</sup>

### Creation and Maintenance of the Dual School System

Historically, states in the Deep South did not establish systems of public education for white students because of the belief that education was an individual endeavor and that government had little, if any, place in providing state-funded education for its citizens. As sentiment shifted more in favor of public education for whites, partially due to political candidates' desire for an educated group of constituents, there was no intent to include black students in the public system. It was not until the emancipation of former slaves and Reconstruction that any kind of formalized education for blacks was discussed. Political leaders were unable to establish and maintain a system of public education for white students during the antebellum period, but they were able to successfully keep education for blacks out of the realm of possibility by imposing laws making it illegal for them to receive education to obtain even basic literacy. During Reconstruction, changes in demographics and social position presented fertile ground for progress towards a system of free education. Black families, much like white families had been doing for years, began to contribute what little they had towards the education of black children, a fact acknowledged by an official of the Freedmen's Bureau in the summer of 1865 when he wrote that there was "a disposition on the part of colored people to support

---

<sup>103</sup> Bolton, *The Hardest Deal of All*, 7.

schools at their own expense.”<sup>104</sup> However, there were no schools for black students in Jackson in the fall of 1865.

There were sixty-one schools for black students by the summer of 1867 located in fifty communities in Mississippi, and as many as 4500 African American students attended the schools. These schools were not supported with public monies and would never have been established without the assistance of the Freedman’s Bureau and religious groups from the North.<sup>105</sup> The majority of white citizens opposed education of black citizens as a result of their belief in white supremacy and adamantly opposed any sort of racial mixing. However, there were instances of ambiguity, particularly from whites who felt any kind of efforts to educate blacks by northern outsiders would lead to undesirable outcomes. The few southern whites who did support black education were frequently acting in their own interest: better for southerners to educate blacks than for interloping outsiders to upset the balance of white power. Some white landowners established schools for black children on their property as a way of maintaining a work force; they felt that educating the children would create a better class of black laborers working for the white landowners and would provide a mechanism to convey the unwritten laws of conduct in the stratified society. It was believed that blacks would be more inclined to work if school was provided for their children. Among the arguments whites made in opposition to education for blacks was that they did not have the intellectual capacity to learn and to attempt to teach them would surely be a waste of time and money. Others viewed education of former slaves as a threat to the economy since educated black people would no longer be satisfied

---

<sup>104</sup> Quoted in Charles C. Bolton, *The Hardest Deal of All: The Battle Over School Integration in Mississippi, 1870-1980*. (Jackson: The University of Mississippi Press. 5.

<sup>105</sup> William Preston Vaughn, *Schools for All: The Blacks and Public Education in the South, 1865-1877* (Lexington: University Press of Kentucky, 1974) as quoted in Bolton.

working in ways that would be economically useful to whites, particularly white landowners.<sup>106</sup>

Whites frequently interfered with efforts by blacks to establish schools by refusing to sell land or buildings for the purpose of black schools, refusing to board white teachers from the North who came to the South to teach black students, arresting black teachers as vagrants under the Mississippi Black Code, and the destruction of schools by white adults and children.<sup>107</sup>

Due to the lack of public records, it is unclear when publicly supported education for black students began in Jackson. There was notice in the local paper on September 18, 1869, that in the city council meeting Alderman James Lynch presented a resolution that “no payment of funds for school purposes be made with the sanction of this body, unless all children, without regard to race or color, be entitled to receive the benefits therefrom.”<sup>108</sup> The resolution passed unanimously, and it is believed the first school for black students was housed in one of the fire stations around 1870. The first free school constructed for black students was built on West Pearl Street and later moved to the St. James Hotel when enrollment increased. The report to the state school superintendent for the 1871-1872 school year indicated there were five schools: School Number One, white males, with Thomas Savage as principal; School Number Two, colored males and females, Mary Smith, principal; School Number Three, colored females, Fannie Mitchell, principal; School Number Four, white females, Martha C. Dabney, principal; and School Number Five, colored males, Isaiah Mitchell, principal.<sup>109</sup>

The establishment of a state public education system with local control of policy implementation resulted in a dual system for blacks and whites. Many whites still did not believe

---

<sup>106</sup> Bolton, 6.

<sup>107</sup> Ibid. 6-7.

<sup>108</sup> Dalhite, 21-22.

<sup>109</sup> Quoted in Dalehite, 22.

public money should be used for education, and the majority disliked any money going to support schools for black students during Republican oversight of the five-year Reconstruction period. Overt hostility occurred with damaged or destroyed buildings in at least seventeen counties.<sup>110</sup> Black and white school board members were threatened, and the Ku Klux Klan became a strong presence throughout the state. Support for public schools was lukewarm while the post-Civil War Republicans had state legislative power, and this worsened when the Democrats gained power in 1875 and began to take down the system established in the decade following the war. The Democrats in power justified their efforts by pointing to the corruption of the black Republican state superintendent of education, Thomas Cardoza, who had embezzled state funds while circuit clerk and as treasurer for Tougaloo College. The Democrats effectively used Cardoza's criminal behavior as a basis for cutting funds for public education. The new Democratic school superintendent declared that establishing public schools for black students was "an unmitigated outrage upon the rights and liberties of the white people of the state. It was enacted to demoralize our people and to proselyte our children in the interest of a political party hostile to the dignity, interests and sensibilities of the white people of Mississippi."<sup>111</sup>

There was only one school for black students remaining in Jackson by 1875. This school, housed in the St. James Hotel, became known as the West Ward School. At that time, the mayor and board of alderman selected the school trustees. Three black trustees served along with six white members—three from each of the two white schools. As the years passed more effort was made to improve the white schools. Eventually, the focus of the board became white schools.

---

<sup>110</sup> Bolton, 8.

<sup>111</sup> Johnny L. Harris, "A Historical Analysis of Educational, Economic, and Political Change in Fayette, Mississippi, from 1954 to 1971 (Ed.D. diss., Florida State University, 1972), 39. Quoted in Bolton, 9.

The consolidation of the two white schools resulted in the creation of The Jackson Graded Schools. School board meetings were only for the white trustees of Jackson Graded Schools.<sup>112</sup> Black citizens' control over the education of their children dwindled in Jackson and the rest of Mississippi under government by the Democrats. The deeply entrenched values of white supremacy and segregation continued to be the law of the land in the schooling of Mississippi children.

In 1878, the Democrats created legislation that moved the segregation of schools from a customary practice to law. Although public education was still protected under the law, it was now specified "white and colored children shall not be taught in the same school-house, but in separate school-houses."<sup>113</sup> The power of states to establish education systems and monitor those systems would be not be challenged until the cases that together became *Brown v. the Board of Education of Topeka*. The shift of oversight would create tension as the federal government sought to intervene in state and local policy implementation to integrate schools in the longstanding segregation of the South.

The civil rights of black citizens granted in the Reconstruction amendments passed in 1865, 1869, and 1870 were, in practice, overturned by southern Democratic legislation. In Mississippi, as in the other Deep South states, franchisement for blacks ended as the white racist power structure went to great lengths to avoid a shift in political control via the ballot. Poll taxes, party primaries in which only whites could vote, literacy tests, registration fees, and requirements such as property ownership became racist whites' new strategies to keep blacks from voting.

---

<sup>112</sup> Bolton, 11.

<sup>113</sup> Laws of the State of Mississippi, 1887 (Jackson, Miss.: Power and Barksdale, 1878), 103. Stuart Grayson Noble, *Forty Years of the Public Schools of Mississippi, with a Special Reference to the Education of the Negro* (New York: Teachers College, Columbia University, 1918), 53-54.

This practice would continue and would maintain the dual system of schooling throughout the remainder of the 19<sup>th</sup> century and into the 20<sup>th</sup> century.

#### Jackson's First Court Case

The pervasive injustices of an unequal education system were apparent long before 1954. The first suit filed in Mississippi that addressed inequity in education and employment occurred in 1948 when Gladys Noel Bates filed suit against the Mississippi School System charging discrimination against black teachers with regard to salaries. Bates was a teacher and an officer of the Jackson NAACP. The Mississippi Association of Teachers in Colored Schools worked with Thurgood Marshall, chief counsel for the NAACP, to bring the case to trial. Kirby Walker had been selected as superintendent of the Jackson schools in 1937, and the Bates case would be the first of many civil rights cases he would experience in his position until his tenure ended in 1969. Dr. Walker received a letter from NAACP attorney Thurgood Marshall and Meridian, Mississippi, attorney James A. Burns stating that Mrs. Bates was being discriminated against because her salary was unequal to that of other teachers with similar education and experience. Most black teachers were being paid salaries that were half or less than half that of white teachers. At the same time, the all-white Jackson Education Association had asked the board for a \$2,400 minimum salary with equal pay for men and women. Attorneys from the Department of Justice descended upon the school board office and confiscated all documents pertinent to the Bates case. Both white and black Mississippians were concerned about the ramifications of the case. Whites felt that if the court ruled in favor of the plaintiffs, their very way of life with regard to racial issues would be threatened. Blacks knew that same outcome would signify the possibility of fairness and justice for the education of their children.

Since this was the first real shocker in educational circles relative to civil rights, a statewide meeting was held in the auditorium of Davis Elementary School. Presidents

from all the white teachers' organizations in the state, all county superintendents, and perhaps many of the separate school district superintendents were urged to attend. It was a very hush-hush affair with each visitor being identified at the door.<sup>114</sup>

Many white individuals spoke at the meeting, including the governor, Fielding Wright, the attorney general of Mississippi, John Kyle, Dr. Walker, and the board president, John C. Batte. Governor Wright presided over the meeting with regretful demeanor. The battle lines had been officially drawn with the white citizens in attendance taking a stance of "if they win this one, then we will have lost control and the floodgates will open."<sup>115</sup> The case lasted three years and went through two appeals. It was sent to the U.S. Supreme Court, who refused to review the case. Mrs. Bates, her husband, and many supporters of the case were fired from the public schools. Eventually, Mrs. Bates and her husband were banned from employment in any Mississippi public school.

Though Mrs. Bates' case was never heard in the U.S. Supreme Court, by 1951 it did pave the way for the movement towards equal pay for black and white teachers.<sup>116</sup> The Court stated that Mrs. Bates "had not exhausted all her local administrative channels whereby she might have her salary equalized."<sup>117</sup> The Bates case was an important pre-cursor to future legislation regarding desegregation and equity in schools, even though Kirby Walker stated "it was not possible for the legislature to appropriate enough money and the school district to get enough money to equalize compensation."<sup>118</sup> It was also clear from the huge outpouring of concern by the white community that racial equity in public education was not something they would support. The *Brown* decisions in 1954 and 1955 would not be met with enthusiasm as the

---

<sup>114</sup> Dalhite, 214.

<sup>115</sup> Ibid.

<sup>116</sup> Bolton, 46-48.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid, 49.

decisions “denied any school district the right to operate a dual school system and directed that all visages of such be eliminated with ‘all deliberate speed.’”<sup>119</sup>

The Impact of *Brown v. Board of Education of Topeka, Kansas*

Only five percent of the black population in Mississippi was registered to vote during the 1950s although the population of the state at the time was 45 percent black. The vast majority of black citizens lived in poverty, which meant they had the lowest incomes in the country, as Mississippi was the poorest state in the early 1960s.<sup>120</sup> Efforts to register black voters in Mississippi were heightened in the late 1950s. The Student Non-Violent Coordinating Committee (SNCC) was established in February 1960 following the lunch counter sit-ins in Greensboro, North Carolina, and a group of SNCC members first went to Mississippi in July of that year with the intent to bring more workers back in the summer of 1961. From that point, the Civil Rights movement gained momentum in Jackson as volunteers and NAACP personnel moved throughout the state registering black citizens to vote.

The outcome of *Brown* in 1954 fueled the fires of segregationist white desperation in the face of a federally mandated change in lifestyle that had endured for well over a century. Following the 1955 murder of fourteen-year-old Emmett Till in Money, Mississippi, and the subsequent publishing of a picture of his body in *Jet Magazine*, northern whites were made keenly aware of the conditions of black citizens in the state, and efforts to obtain equality increased.

---

<sup>119</sup> Ibid. 219. This seems to have been the sentiment of a lot of Mississippians—that the Court had taken away the rights of some instead of guaranteeing the rights of all.

<sup>120</sup> “Bridge to Freedom.” Episode 6. *Eyes on the Prize*, DVD. Produced by Henry Hampton. Boston, MA: Blackside, Inc., 1987.

Following the mandates of the *Brown* decision, Mississippi became arguably the most volatile state in the union with regard to the Civil Rights Movement, and Jackson was often at the center of the volatility. Three events seemed to characterize the tense mood in Mississippi and swing the pendulum in favor of militant racist groups like the Ku Klux Klan: the entrance of James Meredith as the first black student at the University of Mississippi in 1962, the assassination of Medgar Evers in 1963, and the 1964 murders of three civil rights workers in Philadelphia, Mississippi: Andrew Goodman, James Earl Cheney, and Michael Schwerner.<sup>121</sup> Klan activity in Mississippi escalated during the Freedom Summer activities of 1964, and “no town or community was immune [from the violence].”<sup>122</sup> Groups such as the White Citizens’ Council and the Ku Klux Klan fueled the fires of resistance to school desegregation.

The White Citizen’s Council was established on July 11, 1954, in Indianola, Mississippi. The impetus for founding the organization was the *Brown* decision that had been handed down on two months earlier. The group became a national organization called the Citizen’s Councils of America in April of 1956. The Citizen’s Councils worked diligently to “make it difficult, if not impossible, for any Negro who advocate[d] desegregation to find and hold a job, get credit, or renew a mortgage. Although the Citizen’s Councils made attempts to distance themselves from the Ku Klux Klan, some, such as Ralph McGill, called the Citizens Council “a hoodless Klan,” an “uptown Klan” or a “buttoned-down Klan.”<sup>123</sup>

The national Ku Klux Klan was formerly disbanded in 1944, but remnants of the group continued in southern states. The admission of James Meredith to the University of Mississippi

---

<sup>121</sup> Michael Newton, *The Ku Klux Klan in Mississippi: A History*. (North Carolina: McFarland & Company. 2010), 122-124, 130-134, 144-147

<sup>122</sup> Ibid.

<sup>123</sup> Ibid, 42.

in 1962 resulted in push back from white supremacists, and the organization was revived in Mississippi in 1963.<sup>124</sup> The Klan committed many acts of violence against black citizens who were sometimes subjected to beatings, murder, and mutilation. Black homes and businesses were burned. The Klan was militant in its efforts to maintain a culture of white supremacy, and in Mississippi and other dual-system states massive resistance against school desegregation often resulted in violence and intimidation.

The events in Jackson that marked the Civil Rights Movement were typical of the time period, but as the state capital, Jackson was under the microscope for both segregationists and those working for integration. At the Mississippi State Fair in 1961, seven black protestors were arrested after marching in objection to the decades-long tradition of two state fairs—one for blacks and one for whites. Jackson Mayor Allen Thompson declared he would incarcerate 10,000 African Americans on the fairgrounds in two livestock exhibit buildings that had been converted into jail facilities with hog wire fences. “On May 31, approximately 400 to 500 students, ages eleven to twenty were arrested and housed in the converted livestock exhibit buildings. Police, armed with rifles and guard dogs, patrolled the makeshift detention center.<sup>125</sup> More organized protest began in 1962 when the NAACP youth council staged a protest against discrimination by downtown merchants.<sup>126</sup> The boycott marked a division between the national NAACP and what was becoming a more pro-active movement in Jackson that was supportive of the boycott.

---

<sup>124</sup> Newton, 127.

<sup>125</sup> Jackson Convention and Visitors Bureau, *Jackson Civil Rights Movement Driving Tour* (Jackson, MS).

<sup>126</sup> John Ditmer, *Local People: The Struggle for Civil Rights in Mississippi* (Chicago: University of Illinois Press, 1994), 149.

Jackson did not become a priority for the national office of the NAACP until the success of boycotts in Birmingham, Alabama. With more high-profile support from the national office, local conservative blacks were motivated to be more active in the movement. Momentum increased when students from Tougaloo College sat at the Woolworth's lunch counter in May of 1963. The ensuing violence at the lunch counter was displayed in the national media and served to strengthen the determination of black citizens to pursue equality in Jackson.

Medgar Evers, who had been doubtful of the success of any kind of mass demonstration, was spurred on by the success of local protest marches and pickets. Unfortunately, the national NAACP office and Evers were at odds over how the Jackson Movement should progress. Representatives of the national office who came to Jackson and took over the decision-making process usurped Evers and local leaders in their leadership roles. The Jackson movement was redirected when the national officers left Jackson. Evers had been supportive of the activity of the protests, but his loyalty to the national office as well as the local movement reaped criticism from both sides.<sup>127</sup>

#### Initial Efforts to Desegregate Jackson Schools

Progress towards school desegregation in Jackson mirrored the slow process of the Jackson Movement. Immediately following the *Brown* decision, one hundred black leaders met with Governor Hugh White and the all-white Legal Education Advisory Committee (LEAC) to determine the future of segregated schools in Mississippi.<sup>128</sup> White leaders and the governor wanted to keep schools segregated and worked on ways to equalize the separate schools within a segregated system. Black leaders were divided on the issue. Some wanted to support the *Brown*

---

<sup>127</sup> Ibid.

<sup>128</sup> Bolton, 61; Dittmer, 38-40.

decision and felt equalization would not compromise the court order. Black leaders met and wrote a compromise document, the Jackson Declaration, which was presented to the governor. Angered by the lack of full support of an equalization plan, Governor White threatened to call off the meeting but decided not to do so at the last minute.

Governor White and other white officials introduced a plan that called for black support of a program of voluntary segregation in exchange for funding the state's long-discussed but minimally implemented equalization program. In contrast, the Jackson Declaration contained a commitment to the *Brown* decision and a plan for nominally integrated school system that in practice would remain largely segregated.<sup>129</sup> The Jackson Declaration stated that while support of the *Brown* decision was vital and integration and equalization at all levels required, students should be allowed to attend schools closest to their home. This stipulation would maintain segregated schools. The Declaration also mandated that blacks be appointed to all policy-making bodies that dealt with human relations.

Widespread resistance to any amount of integration became the method of stalling the implementation of the requirements of the *Brown* decision. Governor White and the LEAC moved forward to resist the Supreme Court decision in any way possible. To block attempts to desegregate Mississippi schools in the decade after *Brown*, white Mississippians resorted to private and state-sanctioned economic and sometimes physical intimidation of blacks.<sup>130</sup>

Black leaders did not initially push for total desegregation but rather a compromise between total desegregation and equity. The white power structure, including Governor White and the LEAC, did not recognize that accepting the compromise presented by black leaders

---

<sup>129</sup> Bolton, 64.

<sup>130</sup> *Ibid.*, 65.

would result in less actual desegregation. Instead, White and the LEAC pushed for a special session of the legislature to move towards abolishing public schools in the state.<sup>131</sup>

The NAACP made their first formal request for desegregation to the Board in 1954. Two schools had been closed, and black children were sent to another school that was more than two miles from the neighborhoods of the closed schools for many of them. The NAACP requested transportation for these students to the school to which they had been assigned. The Board contracted with a local commercial bus line to transport the students just before a court case.<sup>132</sup>

As the heat of black vs. white issues went from smoke to visible flames, behind the scenes plans were being formulated. A meeting of the rich and powerful was held in the corporate boardroom of a respected Jackson company. With the power structure of the state of Mississippi present, a vow was made that integration would not be permitted in the state. Each participant pledged his support and money to that end. And so, the Ku Klux Klan was assured of the financial means needed, not just to deter, but to destroy any movement that threatened their southern way of life.<sup>133</sup>

Efforts to desegregate schools in Jackson started when a petition was sent to Dr. Kirby Walker, school superintendent and the president of the School Board of Trustees; Medgar Evers and others in the community had signed the petition. The petition marked the first time the superintendent was called upon by the African American community to act in accordance with the law. The role of the superintendent shifted from that of administrator to intermediary of social policy with schools functioning as the proving ground for Civil Rights law.

Eventually, eighty-nine suits, briefs, interrogatories, injunctions, plans, etc., were to be filed in either the local district court or in Fifth Circuit Court in the name of Darrell Kenyatta Evers or Derek Jerome Singleton. Of course, this brought a new burden to the superintendency. The man occupying the position had to gear his life to new language, new pressures, and a new type of courtroom behavior. . . . There was no time for any of the small, stimulating pleasures of school administration.<sup>134</sup>

---

<sup>131</sup> Bolton, 66.

<sup>132</sup> Dalehite, 210.; Brandon Sparkman papers, Book 7, 17.

<sup>133</sup> Brandon Sparkman papers, Book 7, 18.

<sup>134</sup> Dalehite, 229.

The superintendent's job not only included meeting with students and teachers; it also included meetings with the United States Department of Health, Education, and Welfare (HEW), citizen action committees, and others with a vested interest in whether or not the schools were desegregated. Thick documents were mailed to the superintendent from the federal government with a multitude of guidelines for how the schools should be desegregated.<sup>135</sup>

The first court case against the superintendent and the Board of the Jackson Municipal Separate School District occurred in March 1963, when an injunctive relief was sought against the superintendent and the Board of Education. The requirements of this case and those that followed would change the function of the superintendent by requiring more of his focus be on the complexities of desegregation and less on the specifics of instruction and the day-to-day operations of the system. Not only was the superintendent to be the educational and administrative leader of the system, but now he was being named in lawsuits aimed at creating desegregated schools. His time would be spent not only dealing with the Board and school administration; now he would be appearing in court to testify on a continual basis. This created a new role for school superintendents in dual systems. For the first time, educational leaders would be required to be participants in court-ordered social policy as it was mandated through educational policy.

Many times, the court would order forced integration into schools located in lower income areas of the city, but white citizens would not send their children to these schools. The court would interpret this lack of integration as a problem with the court order, so there would be a new order expanding the zoned area deeper into the white community. As the Fifth Circuit appellate judges were passionate in their efforts to apply the law to actions of desegregation, they

---

<sup>135</sup> Ibid, 230.

were met with fervent resistance from local and state leaders and officials.<sup>136</sup> In March 1963, the defendants filed a motion to dismiss the complaint, and Judge S.C. Mize sustained the motion in June of that year. The U.S Court of Appeals reversed the decision of Judge Mize in February 1963 and remanded the case with instructions to issue a preliminary injunction.

Byron De La Beckwith assassinated Medgar Evers following a Jackson rally in June 1963. At first the Movement in Jackson seemed revitalized by the tragic death as hundreds of protestors took to the streets in anger. “Young activists who spearheaded the Jackson Movement were hopeful that the police brutality following Evers’s funeral would revive the direct-action campaign, but the conservatives were now in control.”<sup>137</sup> Conservative leaders of the Movement decided to settle for compromise with the mayor as the level of violence increased across the city. As the more militant leaders left the city, the momentum of the Jackson Movement waned. “Jackson continued as a central headquarters for civil rights organizations, but the black community there never again sustained a movement of its own.”<sup>138</sup>

#### Freedom Summer and The Civil Rights Act of 1964

The board and superintendent filed their response to the complaints in March 1964, and Judge Mize made the injunction permanent in May two months later. The trustees of the Jackson Municipal Separate School District submitted a proposed initial desegregation plan to the U.S. District on July 15, 1964. The NAACP attorney filed objections to the proposed plan on that same day. Judge Mize tentatively approved the plan on July 29, 1964, and grade one was desegregated on a freedom of choice basis in September 1964. The school board and administrators felt the question of desegregation had been settled. The beginning of the school

---

<sup>136</sup> Brandon Sparkman papers, Book 8, 19.

<sup>137</sup> *Ibid.*, 167.

<sup>138</sup> *Ibid.*, 169.

year in the fall of 1964 school year marked a concerted effort by organizers from the black community to integrate students into the public schools as groups of young black students were escorted into schools where they attempted to enroll.<sup>139</sup> Although each student was interviewed, none were allowed to enroll.

For a century, it had been almost impossible for most blacks in Mississippi to register to vote. Poll taxes and literacy tests were employed all over the South. Other times, blacks paid the price for attempting to register by loss of jobs or living space. Beatings, burning and bombings of black homes and businesses, intimidation, and murder were the extreme methods whites used to assert power over blacks and maintain the stratified society of the South. Less than 5 percent of blacks in Mississippi were registered to vote in 1964.<sup>140</sup> The summer of 1964 marked a peak in racial tension in Mississippi. The Student Non-Violent Coordinating Committee (SNCC) and other groups were based on Lynch Street near Jackson State University. In June of 1964, the Council of Federated Organizations (COFO), an organization comprised of SNCC, the Southern Christian Leadership Conference (SCLC), the NAACP, and the Committee on Racial Equality (CORE), sponsored a major voter registration drive in Mississippi that became known as Freedom Summer. Over one thousand volunteers from other states worked with black Mississippians and white Mississippians supportive of the Movement to organize voter registration drives throughout the state. Whites in Mississippi were resentful of the outsiders and felt the workers threatened the very fiber of power and social mores of white Mississippians and the entire South. Judge Tom P. Brady of the Citizen's Council summarized the feelings of Mississippi whites at the time by saying, "I don't want the nigra as I have known him and

---

<sup>139</sup> Ibid., 115; Dalehite, 231

<sup>140</sup> "Mississippi Freedom Summer Events. *Mississippi Summer Project*," Civil Rights Movement Website, <http://www.crmvet.org/tim/tim64b.htm#1964fs> [accessed July 15,2013].

contacted him during my lifetime, as a class, to control the making of the law that controls me—to control the government under which I live.”<sup>141</sup>

The White Citizens Council’s economic oppression and the violent and terroristic acts of the Ku Klux Klan were enough to keep blacks away from the ballot box. The activities of Freedom Summer were still in the beginning stages when three Civil Rights workers disappeared from Neshoba County, Mississippi. As posters showing photos of James Cheney, Andrew Goodman, and Michael Schwerner were broadcast around the country and the world, the impact on citizens outside the South was much like it had been when Emmett Till’s mother chose to have an open casket or when *Uncle Tom’s Cabin* had been published prior to the Civil War; those citizens living outside of the Deep South were outraged and angry. The image of two white, Jewish men from New York working alongside a young, black man from Meridian, Mississippi, disappearing while trying to register blacks to vote was a rallying cry.

Counter reaction from all areas of the country and the world was also swift. The Civil Rights Act of 1964 passed and was signed into law by Lyndon Johnson July 2, 1964—while the three workers were still missing. Over one thousand Civil Rights workers were arrested, four people were critically wounded, at least eighty others received lesser wounds, and thirty-seven churches and 30 black homes or businesses were bombed or burned.<sup>142</sup> The violence in the South during Freedom Summer in Mississippi had direct influence on the passage of the Civil Rights Act of 1964, but ten years after the *Brown* decision, resistance to the integration of public schools continued to preoccupy the energy and time of the white power structure.

---

<sup>141</sup> *Freedom Summer 1964 Pt. 1. From Eyes on the Prize*. YouTube. Flash video file. <http://youtu.be/Op6YLM8XxeA> (accessed February 12, 2013).

<sup>142</sup> Doug McAdam, *Freedom Summer* (New York and Oxford: Oxford University Press, 1988).

The Civil Rights Act of 1964 was the brainchild of President John F. Kennedy, but his assassination left the task of getting the act passed to Lyndon Johnson. Of particular importance for the desegregation of schools were Title IV and Title VI of the act. Title IV gave the U.S Attorney General the power to commence court cases to make school systems desegregate. In theory, this was a good thing, but in reality, Title IV did very little since it required blacks to speak out and file a complaint. Fear of retaliation prevented blacks from doing so. Title VI outlawed discrimination due to race, color, or national origin and denied federal funds to any programs that were found discriminating.<sup>143</sup> In reality, the Act did little withholding of federal funds from school districts because there were no general federal funds for public education at the time. Federal funds were not available until Congress passed the Elementary and Secondary Education Act (ESEA) of 1965.<sup>144</sup> Finally, the federal government had a means to sanction systems that did not desegregate fully.

On July 1, 1964, black leaders and demonstrators held a march around the state capital, past the governor's mansion, and through the downtown area promoting free elections and federal voter registration drives. The *Jackson Daily News* headline, "Negroes Stage 'Legal March'," provoked questions about the legality of such a demonstration. A Mississippi state law prohibited any kind of demonstrations at the capitol, the governor's mansion, or the old capitol building in downtown. However, a federal court had ordered the Jackson police not to interfere with the march under certain conditions. Mayor Thompson met with the police to tell them that any violation by the marchers of traffic ordinances such as crossing against red lights, jaywalking, or obstructing vehicular traffic would be cited on an individual basis. Any

---

<sup>143</sup> *Civil Rights Act of 1964*, Public Law 88-352

<sup>144</sup> Winfred E. Pitts, *A Victory of Sorts: Desegregation in a Southern Community* (Lanham, MD.: University Press of America, 2003), 98.

demonstrator who used abusive language would be arrested. Thompson stated that the march was not supported by the city and that police would not be used to protect “these marches,” but would be on the streets to “protect the people of Jackson.” The city would not “call this trash” for their plans. According to Thompson, black leaders had privately shared their opposition to the march with him through many phone calls. Still, the federal court order prohibiting parading without a permit required the demonstrators to march two-abreast and to make every effort not to block traffic.<sup>145</sup>

In spite of the activity of Freedom Summer, all effort and energy continued to be put into ways to get around laws requiring schools in Mississippi to integrate the first grade. Organizations in favor of desegregation accompanied groups of black students and attempted to enroll them in school in the fall of 1964. “Each [student] was interviewed while others waited, and in the end, all were denied admission.”<sup>146</sup> The fact that students were interviewed for admission reflected the southern states mischaracterization of the *Brown* decision to mean that black students should have the right to apply to majority white schools but not necessarily be enrolled.

The intent of *Brown* was reemphasized and clarified in the case of the *United States v. Jefferson County Board of Education*. This 1966 Fifth Circuit Court of Appeals case originated when a group of NAACP attorneys filed suit on behalf of black students in Jefferson County, Alabama, charging that the school board maintained a dual system; the case involved three school systems from Alabama and three from Louisiana. The decision removed any possible misinterpretation of the intent of *Brown*. According to the decision, the purpose of *Brown* was to

---

<sup>145</sup> John Perkins, “Negroes Stage ‘Legal’ March” *Jackson Daily News*, July 1, 1965.

<sup>146</sup> Dalhite, 231.

integrate schools.<sup>147</sup> Circuit judge Wisdom's opinion indicated that the states had an affirmative duty "to integrate students, faculties, facilities, and activities....to effectuate a transition to a racially nondiscriminatory school system."<sup>148</sup> Wisdom's interpretation of the constitutional imperative of *Brown I* and *Brown II* rejected the 1952 case of *Briggs v. Elliot* that called for equalization of school facilities but did not require integration. The case also affirmed the right of the Department of Health, Education, and Welfare in setting and following guidelines in order to desegregate schools as indicated by the *Brown I* and *II* decisions. This was the first major case for desegregation of schools following the passage of the Civil Rights Act of 1964, and it proved to be a landmark case due to the clear interpretation of both *Brown* decisions.

The court used strong language in the decision, but the case did not result in desegregated schools; the dual system states of the Deep South continued to use freedom-of-choice plans as the main method for addressing the court orders. Systems typically used one of three methods of choice: pupil-placement laws, freedom-of-choice plans, and incremental desegregation. Pupil-placement laws were put into place almost immediately after the *Brown* decision. This tactic to get around the Court order required students to be enrolled in segregated schools at which time they could apply for transfer to a different school if there was space. School systems had full discretion for determining if students were allowed to transfer; pupil-placement laws were eventually declared unconstitutional because students were required to enroll in segregated schools prior to requesting a transfer. Freedom-of-choice plans were used in the Jackson system from 1964-1969, during which time parents could choose where they wanted to send their

---

<sup>147</sup> United States v. Jefferson County Board of Education, 372 U.S 836 (1966). <http://www.law.stetson.edu/faculty/.../case-digest-u-s-v-jefferson-county.pdf>. (accessed June, 2012).

<sup>148</sup> Ibid.

children to school. Mississippians declared their schools were desegregated through freedom-of-choice, but the plan resulted in only token integration.

#### The Illusion of Desegregation: 1965-1968

In January 1965, school systems in Mississippi received notice that they would be required to submit a desegregation plan to HEW in order to be compliant with the Civil Rights Act. While most systems did submit some sort of plan, most relied on freedom-of-choice plans as the means to desegregate and were declared unacceptable by HEW. In April 1965, a group of seventy school superintendents informed Francis Keppel, assistant secretary of education under HEW, that the only reasonable time table for desegregation was the grade-a-year plan that had been implemented in the fall of 1964 in Jackson, Biloxi, and Leake County.<sup>149</sup> In April 1965, HEW issued guidelines specifying what systems would need to do in order to comply. Schools would be required to show a good-faith effort by desegregating four grades in the 1966 school year, complete desegregation by the 1967 school year, and a good start on desegregating faculty. Schools that did not submit a plan were put under a court order to comply with HEW plans. Segregationists were pleased with the plans; freedom of choice made them compliant with the law, but few black students attended schools with white students.

The U.S. Commission on Civil Rights conducted a public hearing in Jackson on February 16, 1965, and Jackson mayor Allen C. Thompson was invited to welcome the group to the city. It was Thompson who had declared he would incarcerate 10,000 black citizens in the livestock pens at the state fairgrounds for protesting a segregated fair. At the public hearing, he extended a “cordial, gracious, and warm welcome” and proceeded to state that the Commission was there to investigate and to “examine a broad range of witnesses to obtain a balanced picture of the status

---

<sup>149</sup> Bolton, 119.

of civil rights in Mississippi.”<sup>150</sup> The mayor stated that he wanted to give the commission the “facts as they really exist” and that when “the real facts are presented to the President, to Congress and to the people of the United States,” they would receive acceptance.<sup>151</sup> Thompson had recounted the history of Jackson during the Civil War and Reconstruction and asserted that it might appear he was still fighting the Civil War, but he wanted to show that the state of Mississippi had achieved a lot over the years—mostly through the efforts of its citizens. He pointed out that the federal government had “poured millions of dollars into defeated countries such as Germany and Japan” but “not one penny was given to the South, [and] because of this, the bitter reconstruction days convinced southerners that they had no personal rights.”<sup>152</sup> Thompson then discussed the growth of the school system and the amount of money the city had invested in it. “This has been our money, and we have not needed, nor have we wanted any federal funds. We believe that education is the function of the local government, not the federal government.”<sup>153</sup>

Thompson declared that the Jackson school system had been recognized as one of the best in the United States and that the people had accepted the Federal Court order to desegregate. However, the people of Jackson did not like the HEW Assurance of Compliance provision that required schools to comply with all requirements of HEW as well as Title VI of the “Civil Rights Laws.” Thompson told the attendees that HEW 441 put unlimited power in the hands of the director of HEW.<sup>154</sup> Therefore, he was “unreservedly recommending to the Jackson School

---

<sup>150</sup> Allen C. Thompson, “Statement Before the Civil Rights Commission (Public Hearing, Jackson, Mississippi, February 16, 1965) 1.

<sup>151</sup> *Ibid.*, 2.

<sup>152</sup> *Ibid.*, 2.

<sup>153</sup> *Ibid.*

<sup>154</sup> HEW Form 441 was submitted by school systems to demonstrate full compliance with Title VI of the Civil Rights Act of 1964. Desegregation of the Public Schools, *The Code of*

Board that [we] do not take one penny of federal money for our schools.” Although the mayor asserted that he believed “everything [was] going to be all right,” he also said there were some things that worried him. His first concern was the “invasion of COFOs last summer.” He was referring to the 1964 Mississippi Freedom Summer and arrival of hundreds of volunteers who came to Mississippi to conduct voter registration drives that he and many others felt was provocative.

In his speech, Thompson proclaimed the virtues of Jackson. The man who had caged black students in livestock pens declared that there were no slums in Jackson, and that law and order were maintained by one of the best police departments in the nation who enforced laws fairly and without impartiality. Thompson admitted that he thought the Civil Rights Act was a terrible piece of legislation and that he was astounded private rights were taken away and that certain “pressure groups” would not be satisfied with the law. “I can see it as clearly as though it is written in the skies—they will say ‘the law doesn’t go far enough’—if you do not do as we say, we will demonstrate, we will cause violence by ‘non-violence,’—we will threaten you and intimidate you until you do as we say, regardless of the provisions of the Civil Rights Law.”<sup>155</sup>

Thompson also decried the acceptance of the “so-called Freedom Democrats . . . by persons . . . afraid of the threats of pressure groups.” The Mississippi Freedom Democratic Party (MFDP) was born when the state’s Democratic Party refused to allow blacks to attend their meetings. The founding members of the MFDP, Fannie Lou Hamer, Ella Barker, and Robert Parris Moses, created the party and petitioned to have it recognized by the Democratic National Convention (DNC) as the only Democratic group in the state that had been established through a

---

*Federal Regulations of the United States of America*, sec. 181.76, attachment 1, revised January 6 1967.

<sup>155</sup> Allen C. Thompson, 1965, 2.

democratic process. MFDP delegates refused two non-voting seats at the convention that were offered by the DNC as a compromise orchestrated by Senator Hubert Humphrey. Fannie Lou Hamer had grown up as the youngest of twenty children to a sharecropping family. She was fired from her sharecropping job after she worked to help blacks register to vote and was severely beaten while being held in a Mississippi jail. The mayor's feelings regarding the MFDP were grounded in hatred, and Hamer's testimony before the Democratic National Party rules committee had incensed white Mississippi democrats. Thompson was rabidly opposed to any kind of civil rights efforts, including but not limited to boycotts.

Threats of a boycott of Mississippi irritated the mayor who stated that he felt the good people around the country would see the boycott as un-American and would realize the boycott would hurt "the very people for whom these agitators are making the most noise."<sup>156</sup> Finally, Thompson declared his concern about

how the colored people of Jackson who obey the laws of the city, work at jobs every day, are interested in their families and churches, who are subject to the threats and intimidation of a few so-called leaders of pressure groups. This can cause a great deal of trouble during the coming months—the fear of the thousands of good colored people to speak out because of threats of reprisal.<sup>157</sup>

The irony of this concern was that the only documented reprisals aimed towards blacks during the Civil Rights Movement came from whites who fired black employees, denied housing, intimidated blacks, or engaged in violent acts against blacks who attempted to register to vote or acted in any way supportive of the Movement.

Mississippi continued to create ingenious ways to get around the *Brown* decision. During July 1965, the state legislature held a special session and pushed through a law that prohibited

---

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

children whose parents lived out of state from attending public schools unless they paid tuition fees. The fees ranged from nineteen to forty-two dollars a month. Children with legal guardians were not subject to the tax, but the law specifically stated that this only applied to children of parents who were dead or mentally incapacitated and had a guardian. Many children in Mississippi were living with relatives while their parents worked out of state, usually outside the South. State representative James P. Walker, the author of the law, predicted that the law would “send hundreds of Negro children packing to the north—or produce three million dollars in new revenue.”<sup>158</sup>

In September 1965, District Court Judge Mize ordered the immediate desegregation of first and second grades, the third and fourth grades would be desegregated in September 1966, the fifth and sixth grades would be desegregated in September 1967, the seventh, eighth, and ninth in September 1968, and the tenth, eleventh, and twelfth grades in September 1969. Two days later, the plaintiffs filed an appeal of the order to the Fifth Circuit Court of Appeals, which ordered granting of an additional injunction and required the Board to submit a plan to integrate a minimum of four grades in the 1965-66 school year. In September 1965, grades one, two, three, and twelve were desegregated on a limited basis under freedom of choice. Three black students were enrolled at Central High School, six black students were enrolled at Provine High School, and four students were enrolled at Murrah High School. According to William Moore Dalhite, assistant superintendent from 1966-1974, several off-campus incidents occurred in the 1964-1965 school year that were reflective of the tension in the city. Inside the schools, however there were only minor incidents of name calling and pushing in the halls.<sup>159</sup>

---

<sup>158</sup> “Mississippi’s Kickouts,” *Newsweek*, October 11, 1965.

<sup>159</sup> Dalehite, 231.

This limited level of desegregation was due to the continued practice of a freedom of choice plan. Parents of students could decide if they wanted their child to attend a traditionally white school or a traditionally black school. The desegregation plan at that time required the desegregation of three additional grades each year, which the board would continue to manage through a freedom-of-choice method. This plan was not acceptable to the NAACP Legal Defense Fund attorneys; the current plan did not desegregate schools nor was there any effort to desegregate with “all deliberate speed.”

White reaction was immediate. A letter signed by Parents for Desegregation and addressed To All White Parents, was circulated throughout the community. The tone of the letter was urgent and seemed to be targeted toward parents whom the group felt were accepting of desegregation:

Does this matter to you? Does it matter that your children—whom we presume you would claim to love better than life itself—will be in a classroom with filthy, stinking (literally) negroes? Many of you whine, ‘But what can we do about it? We’ve just got to accept it and make the best of it’. WHAT STUPID, SNIVELING TOMMY ROT! . . . They will play together (teachers encourage this), eat together, then next they will mix socially in entertainment and socials. Then how will you feel someday in the not too distant future if you see your little blonde girl coming home with a black buck beside her, laughing, talking, and carrying her books?<sup>160</sup>

The letter continued to urge parents to consider what it would be like for their child to have a Negro teacher in the fall of 1965. “How will you feel to have your child speak of what ‘Miss Smith’ told them today? Do you feel like vomiting? Well go ahead, but then come back and finish this letter.”<sup>161</sup> Parents were told that students would learn “a warped, twisted version of history from black teachers. And won’t it be nice to sit next to some big, fat stinking negro

---

<sup>160</sup> *Letter from Parents For Segregation to All White Parents*. Subject File: Integration 1965-1966, Mississippi Department of Archives and History, Jackson, Mississippi.

<sup>161</sup> *Ibid.*

woman at your PTA meetings?”<sup>162</sup> Parents were told to cut out luxuries and things considered necessities in order to send their children to private schools. The letter ended a final expression of all the wrath and venom exhibited by many whites in Mississippi with regard to school desegregation:

SO DON'T SEND YOUR CHILD TO AN INTEGRATED SCHOOL. BETTER NO SCHOOL THAN A NIGGER SCHOOL. Boycott them. Then some changes will be made. Are we going to let the niggers take over our country? They get what they want by protesting and boycotting, so stiffen your backbone, or else you can look forward to a mongrelized race of tan, Communist-controlled descendants.<sup>163</sup>

In the fall of 1965, the Fifth Circuit court granted a motion for the plaintiffs asking to consolidate the original case for the desegregation of schools with a case involving the speed of desegregation. The court handed down two decisions in January 1966. The first decision affirmed that the school board had to desegregate the schools, and the other affirmed the decision of the District Court to approve the desegregation plan with additional provisions. The district court amended its order to approve the plan as ordered by the Fifth Circuit court. “It was estimated that only twelve percent of black pupils were in schools at this time.”<sup>164</sup> Two months later, the plaintiffs filed a petition for a Writ of Certiorari in the Supreme Court of the United States requesting a review of the Fifth Circuit decision to uphold the decision of the district court.

HEW recognized the problems with freedom-of-choice plans and limited the definition of desegregation by requiring that plans using freedom of choice to desegregate had to double or triple transfers across racial lines. Also, any plan would have to lead to “substantial progress” in desegregating students and faculty. Finally, the HEW guidelines for compliance required that

---

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

any “small, inadequate schools for Negro students” be closed if they were deemed “inferior.”<sup>165</sup>

The NAACP and activists were concerned that HEW would back down due to anger from segregationists. In fact, HEW did compromise on some issues, such as the desegregation of faculty. Even though President Johnson supported HEW’s more strict guidelines, he knew that southern senators and representatives in Congress had long held their positions and were strongly connected to powerful committees. The legislators from Mississippi would only encourage non-compliance with the HEW guidelines. Schools remained segregated throughout Mississippi, mainly due to one major flaw in the Civil Rights Act of 1964. Title IV, section B clearly stated that, in regard to public schools, desegregation “shall not mean the assignment of students to public schools in order to overcome racial imbalance.”<sup>166</sup> Southern legislators used this to support freedom-of-choice plans around the state.

The school system sent school freedom-of-choice forms home with students in April 1966, and the Supreme Court declined to issue a Writ of Certiorari in May. This was a blow to the movement for desegregation, but the plaintiffs dug in and continued to fight. All grades except for the sixth, seventh, and eighth were desegregated on a limited basis using the freedom-of-choice method in September 1966. During the previous summer, the Board had adopted a faculty desegregation plan with steps to be taken in the 1966-67 school year in order to make an “adequate start” for desegregation of faculty.<sup>167</sup> The Court of Appeals for the Fifth Circuit had heard the case of the *United States v. Jefferson County Board of Education*, and the plaintiffs filed a motion that would require the Jackson system to conform to that decision. Judge Dan Russell entered an order amending prior decrees and having some parts of the decree conform to

---

<sup>165</sup> Bolton, 123.

<sup>166</sup> Civil Rights Act of 1964

<sup>167</sup> *Ibid.*, 309.

the Jefferson County case. The court had determined that freedom of choice was not sufficient as a way of desegregating schools and was not the intent of the law in requiring movement from a dual system to a unified system. The court had also ruled that the Department of Health, Education, and Welfare was responsible for setting guidelines to uphold the court decisions regarding desegregation.

Across the South, school officials complained that federal efforts to speed up school desegregation asked them to do the impossible in order to meet the deadlines. Education commissioner Harold Howe met before the House Rules Committee to assure the committee that the complaints were greatly exaggerated and to deny that the government intended to bus students to reach racial balance in the schools. The House committee was considering an investigation into the guidelines used by the government to verify compliance with desegregation requirements for schools to receive federal money.<sup>168</sup>

By December 1966, approximately 6,350 black students were attending desegregated schools in Mississippi. That number, though significantly more than the 1,750 black students in desegregated schools in 1965, was still only a little more than one percent of the total enrollment of about 610,000 total black and white students enrolled in the state. Actual numbers of students in desegregated schools were hard to determine, and administrators were hesitant to do so. Revealing demographic information on students by race set them up for protest from segregationists who complained there were too many black students and by integrationists who complained the percentage was too small. Also, educators had stopped keeping records on students separately by race in 1962 due to pressure from the federal government, yet government

---

<sup>168</sup> “Howe Says Southern Guideline Complaints Are Exaggerated.” *Jackson Daily News*, September 30, 1966.

officials now wanted statistical information by race. Educators in Mississippi hesitated to admit that they kept any records by race. To do so was to risk being called into court to testify. The entire state of Mississippi had only sixty-five schools in compliance by the end of 1966 with another thirty-seven in conditional compliance. Those thirty-seven systems had their federal funds deferred. Thirty-five systems were under court order and twelve had not submitted compliance plans.<sup>169</sup>

State president of the NAACP, Aaron Henry, spoke to a group of mostly white citizens on January 11, 1967, and proclaimed that educational deficits were all related to segregation. “The only answer to the problem of inferior schools is to place Negro and white children in the same classroom so that every time a school board wants to improve education of its white children, it must also improve the opportunities for Negroes.”<sup>170</sup>

The plaintiffs filed a notice of appeal from the decree with the Fifth Circuit court. In October of 1967, the plaintiffs filed a report with the District court indicating pupil-teacher ratios, pupil-classroom ratios, and expenditure per pupil in the schools. It appeared that the school board was willing to negotiate on almost anything except the integration of black and white students in the schools. The board filed an appeal in the Fifth Circuit Court in November of 1967 against the plaintiffs’ request to require a decision like that of the Jefferson county case.

By April 1967, the governors of Alabama, Georgia, and Mississippi invited the governors of the remaining nine southern states to Montgomery to discuss “the future well-being of

---

<sup>169</sup> ““About 6,350 Negroes in Desegregated Schools.” *The Clarion-Ledger Jackson Daily News*, December 4, 1966.

<sup>170</sup> “Henry Sees Vote as Tool for Negro Advancement.” *Jackson Daily News*, January 11, 1967.

education.”<sup>171</sup> The impetus for the meeting was the most recent court decisions that pushed for a speedier desegregation of schools. School systems had to sign compliance forms from the courts and HEW, but one Mississippi lawyer, John Satterfield, urged the systems not to sign. According to Satterfield, signed compliance forms would be considered binding contracts by the courts. He urged local school boards to create their own desegregation plans instead of agreeing to those developed by HEW for non-compliant schools. Soon it seemed that systems would do whatever it took to keep from having to implement a desegregation plan not of their own design. Having to follow a plan created by HEW was unpalatable to the school boards around the state.

Satterfield met with a Senate-House committee of the Alabama legislature to hear evidence on the probable results of the court order. The predictions presented were foreboding, with scenarios of widespread racial violence. Alabama’s Lt. Governor, Albert Brewer, told the group that soon school boards would be required to transport students in order to meet the compliance requirements. He predicted that transporting students to achieve racial balance would destroy public education. “You are going to have riots, you are going to have knifings and stabbings in every school in the state . . .the people are not going to suffer their children to be trifled with, not in Alabama or any other state.”<sup>172</sup>

The percentage of black students enrolled in predominantly white schools in Mississippi was only 2.5 percent of the total enrollment by April 1967. William Winter, who was running for governor of Mississippi, and Representative Sonny Montgomery felt that congressional action was needed to clarify the powers of HEW. According to Winter, the HEW guidelines imposed

---

<sup>171</sup> “Ask Dixie Governors Meet on School Plan.” *The Clarion-Ledger*, April 13 1967.

<sup>172</sup> “Mississippi Attorney Says Order Not Binding.” *The Clarion-Ledger*, April 13, 1967.

“burdens upon us which are unreasonable.”<sup>173</sup> Federal funds were withheld from eight Mississippi school districts in May 1967. The federal examiner stated in his findings that each of the eight districts continued to “maintain a dual school system for children of the white race and children of the Negro race, and each has violated its plan and agreement to take substantial action to eliminate the dual system.”<sup>174</sup> However, at least one of the systems, Stone County, continued to receive federal funds.<sup>175</sup>

When schools started for the 1967- 68 school year, the headline for *Clarion-Ledger* staff writer, Billy Skelton’s article on September 9th read, “SCHOOLS OPEN DESEGREGATED.”<sup>176</sup> According to Skelton, the schools had more pupils and continued to deal with “two reoccurring problems of recent years—accelerated desegregation and a shortage of teachers.”<sup>177</sup> The article stated that the 1967-68 school year was the term in which complete desegregation of all grades was to be achieved. The state school superintendent said he did not think there would be total desegregation in Mississippi because some districts were still negotiating with the U.S. Department of Education on compliance issues. Of the 154 districts in Mississippi at the time, sixty-seven opened under voluntary compliance, forty-eight districts were under court order, twenty-two districts were in deferred status and were in the process of losing federal funds, and eighteen systems had already been declared non-compliant and were ineligible for federal funds. About 6,350 black students had attended school with white students in the 1966-67 school year, but the number was expected to increase in 1967-68. The mere

---

<sup>173</sup> Mike Smith, “Mississippi Reports Least Integration in The South.” *The Clarion-Ledger*, April 23, 1967.

<sup>174</sup> Associated Press “School Aid Cut Off to 8 Districts.” *The Clarion-Ledger*, May 10, 1967.

<sup>175</sup> *Ibid.*

<sup>176</sup> Billy Skelton, “Schools Open Desegregated.” *The Clarion-Ledger*, September 3, 1967

<sup>177</sup> *Ibid.*

fraction of black students enrolled in school with white students was not desegregation, no matter what the news media reported to the public. The state of Mississippi was still operating on a choice system, and clearly the plan was not effective in integrating the schools in any significant way.

One of the most outspoken segregationist politicians in Mississippi during the 1950s and 1960s was Senator John Stennis. Senator Stennis had been in office since 1947 and would remain in office a total of forty-one years. Stennis had signed the Declaration of Constitutional Principles, also known as the Southern Manifesto, in 1956. He had been adamantly opposed to the Civil Rights Act of 1964, and he continued to fight school desegregation. In an article in the *Jackson Daily News*, Stennis stated that there was no greater secret than the one being kept from school systems regarding what they had to do in order to be compliant with the court orders. He accused HEW of not notifying systems of areas in which they failed to comply. His argument was that Mississippi schools were in compliance under freedom-of-choice plans and stated that schools had “opened the doors to everybody, let all the children come in, allowing them to go to school where they pleased.”<sup>178</sup> While HEW had agreed to the choice plans, he decried their change in position, stating that school trustees

came back the next year and they were told ‘NO, that is not enough’. . . HEW had applied another requirement. They were told ‘Freedom of choice may be the law now, but if it does not produce the amount of integration we think it should, then we are going to put additional requirements on you.’ That was when they started flirting with the idea of balance.<sup>179</sup>

---

<sup>178</sup> Senator John Stennis, “Integration Guideline Secret Is Well Kept,” *Jackson Daily News*, December 13, 1967.

<sup>179</sup> *Ibid.*

Stennis had asked for relief for the school systems on the floor of the Senate. He felt the school systems had “. . .found little relief in the courts and are still under the pressure of a heavy hand from the Department of HEW.”<sup>180</sup>

White supremacists continued to push back against desegregation in Jackson. The Jackson chapter of Americans for Preservation for the White Race distributed a flyer dated January 8, 1968, in an attempt to rally white citizens against any legislation that would reinstate the compulsory attendance law for children attending Mississippi schools. The flyer stated that the legislature was determined to “force integration on every white child in Mississippi!”<sup>181</sup> According to the flyer, compulsory attendance promoted “. . . indoctrination in socialism, welfarism, [sic] <sup>182</sup>and atheism.” Compulsory school attendance laws had been repealed in 1956, and at the same time legislation was passed giving authority to the legislature, the governor, and local school systems to close schools “rather than mix the races in them.”<sup>183</sup> The purpose of the law, according to the organization, was to “take white children from their parents and force them into association with negroes.” <sup>184</sup> Whites were warned that Mississippi schools would “become like those in Washington, D.C., where stabbings, assaults, rapes, pregnancy, and venereal disease are daily occurrences.” The group called compulsory education legalized kidnapping. According to the flyer,

Integrated schools lead to inter-racial marriages. This will result in genocide or race murder, because when the blood of white people is mixed with the blood of colored people, it can never be unmixed any more than you can unscramble eggs. God made the races. He made them different . . .to mix is plainly unnatural . . . also immoral. It is repulsive to decent people of all races. Those who are promoting race mixing, allowing

---

<sup>180</sup> Ibid.

<sup>181</sup> Americans for the Preservation of the White Race, Jackson Chapter, Integration: 1967 – 1969. Subject File, Mississippi Department of History and Archives.

<sup>182</sup> Ibid.

<sup>183</sup> Ibid

<sup>184</sup> Ibid.

race mixing, or going along with race mixing are nothing but IMMORAL, GENOCIDAL, RACE MURDERERS! ! ! Race mixing is SINFUL and WRONG and NOBODY HAS TO DO WRONG. NO ONE CAN MAKE YOU DO WRONG!

Whites were encouraged to contact legislators and to encourage their friends to contact them, too. The flyer ended with the organization's warning, "Your children, your civilization, and your entire future are at stake!"<sup>185</sup> Fourteen years after the *Brown* decision, segregationist whites in Mississippi continued to view desegregated schools as completely unacceptable and against the laws of God.

April 1968 would be a month of tragedy and violence for Americans. The assassination of Martin Luther King on April 4, 1968, resulted in rioting across the U.S. and marked a time of transition for the Civil Rights Movement. While many Movement leaders appealed to the masses for a continuance of non-violent protests, other leaders, such as Stokely Carmichael, advocated for an approach that did not rule out violence. To many, it seemed that violence should be met with violence. Robert Kennedy spoke in Indianapolis after King's assassination and encouraged the crowd of blacks and whites to follow through with King's policy of nonviolence. Two months later, an assassin would also gun down Kennedy. Outrage and anger spread across the land, and in the cities and towns of the South the battle for desegregated schools seemed to be mired in the muck of court cases, bigotry, and funding and transportation issues. Throughout the upheaval and confusion around them, it was the students who were on the front lines of school desegregation.

Plans were made for additional classroom space at four elementary schools in the Jackson system, but leaders in the black community were adamantly opposed to additional classrooms at two of the schools because they were viewed as a way of keeping black students in low-income

---

<sup>185</sup> Ibid.

areas. The pushback from the black community was strong, and the board halted construction on the projects. The NAACP filed a request for an injunction to enjoin the construction in March 1968. Judge Dan Russell handed down his decision denying the motion for an injunction to enjoin the construction of new school facilities. Four days later, the plaintiffs in the case filed a motion to enjoin construction while waiting on appeal. That same day, they filed a notice of appeal from the order of Judge Russell that denied the request for injunction. Judge Russell denied the motion to enjoin construction pending appeal, and the Fifth Circuit entered an order enjoining construction in June of 1968. The ongoing court battles tarnished the reputation of Mississippi and other southern states, and the negative press began to impact the Deep South states economically.

Mississippi's reputation with regard to civil rights had negative economic consequences. Klan activity had decreased, while Jackson's business and professional community sought ways to lessen the impact of previous discriminatory actions. Violent push-back and economic boycotts were having a major effect on the economy of the city, and on May 1, 1968, the *Clarion-Ledger* published the Statement of Belief and Intention, a seven-point document signed by over 260 Jackson business and professional men and women. The signers pledged to do everything within their power to see that the seven principles were carried out. The principals were:

1. We believe in the essential worth and dignity of every human being and all that such implies.
2. Fair and impartial treatment must be accorded to all citizens in the enforcement and administration of the law.

3. Every citizen of this City regardless of race, creed or color is entitled to equal access to employment as he is qualified by training and experience to perform, and to earn the continuation of such employment by his own hard efforts.
4. In order that all of our citizens may be qualified for equal employment opportunities, educational opportunities must be available to them on an equal basis.
5. Adequate and properly staffed recreational facilities should be made available for all the citizens of the City of Jackson. Specifically, with the coming of the summer season, all City swimming pools should be opened. All parks should be open, and should be staffed by competent personnel, and properly equipped to the end that all our people may obtain the maximum benefits from them.
6. Communications between the races should be encouraged on every level of our City. This should include all of us whether we be public officials, civic, business, religious, or professional leaders.
7. There is no place in the life of our City for hate, discord, or violence. No man, whatever his cause or whatever his conditions is above the law. All of our citizens should work untiringly and unceasingly to bring out to the fullest the best in us in the way of kindness, compassion, friendliness, and understanding that we may all progress through cooperation. We owe this to ourselves, our families, the oncoming generations and the development of all our talents.

On May 27, 1968, the U.S. Supreme Court entered its decision in the case of *Green v. County School Board of New Kent County, Virginia*. This important case was a loud declaration from the Court that freedom-of-choice plans could not be used if other methods resulted in

“speedier and more effective conversion to a unitary nonracial system.”<sup>186</sup> The case created a radical shift in focus, as it required racial balance in schools and not just the token desegregation of the freedom-of-choice plans. This meant that districts would have to move to geographic zoning systems in order to be in compliance. School systems would now be required to show racial balance in the schools through statistical evidence. The NAACP lawyers in Jackson filed a motion requesting that the district court order the school board to file a new desegregation plan that was in compliance with the *Green* decision. Shortly after the Supreme Court decision, the U.S. Justice Department announced that it would seek court orders to force 159 school districts in the South to abolish their freedom-of-choice plans for the coming school year. Thirty-four of those districts were in Mississippi. The *Green* decision did not rule against freedom of choice plans and did not go as far as to say they were unconstitutional. Determining if a freedom-of-choice plan was effective in creating desegregated schools was not the task of the Supreme Court. As such, there was great discrepancy in how the term “desegregated” was defined. For example, in Humphreys County, District Judge Orma Smith ruled the desegregation plan was not effective and ordered the school board to file an alternate desegregation plan. However, District Judge William Keady upheld Marshall County’s freedom-of-choice plan but ordered desegregation of faculty and bus transportation.<sup>187</sup> Clearly, the law was still open for interpretation at the district level.

Mississippi continued to have the least amount of desegregation in the U.S. By May 1968, only 4 percent of Negro students attended a desegregated school. A report of the HEW Office of Civil Rights released data on desegregation in the south, confined “. . . to the 11 states

---

<sup>186</sup> Andrew Reese, “Freedom-Of-Choice Plans Hinge on Court Hearing” *Commercial Appeal*, October 7, 1968.

<sup>187</sup> *Ibid.*

of the old Confederacy.”<sup>188</sup> Only 14 percent of black students throughout the South were enrolled in desegregated schools. At this point, HEW defined desegregated schools as those in which at least 50 percent of the students were white. Public school faculty was also highly segregated. Of the 9,183 white and 6,928 black faculty in Mississippi, only 134 white and 106 black teachers taught in desegregated schools; less than 1 percent of the faculty was integrated.<sup>189</sup>

On July 30, 1968, a district court in Georgia handed down a decision in *Graves v. Walton County, Georgia Board of Education* requiring the desegregation of schools. The school district appealed the decision to the Fifth Circuit Court of Appeals. Although this case was in Georgia, it would have a major impact on all southern school districts who had delayed desegregation for fourteen years.<sup>190</sup>

In August 1968, the Fifth Circuit Court of Appeals refused to order new desegregation plans for the 1968-1969 school year in three counties in Mississippi and Louisiana in August 1968. Desegregation suits had increased since the *Green* decision of May 27, 1968. Judge E. Gordon West refused to order geographic zoning in the three counties, stating “it would be impracticable to replace the freedom-of-choice system in time for the 1968-69 school year.” There were over forty similar cases from Louisiana and Mississippi—all addressing the hardship of changing to implementing geographic zoning by the beginning of the ’68-69 term. School districts would be allowed to consolidate schools or use pairing of schools by grades.<sup>191</sup> Pairing was a desegregation strategy through which two schools serving the same grades in the same

---

<sup>188</sup> “Least Desegregation Noted in Schools of Mississippi.” *The Clarion-Ledger*, May 28, 1968.

<sup>189</sup> *Ibid.*

<sup>190</sup> *Graves v. Walton County Board of Education*, 300 F. Supp. 188 (1968).

<sup>191</sup> “Integration Plans Nixed For ’68-69.” *The Clarion-Ledger*, August 7, 1968.

district would be changed by dividing the grades into the two schools. For example, two schools serving grades one through seven could be converted to one school serving grades one through five and the other serving grades six and seven.

In October of 1968, the Jackson school board filed a report required by the district court, but there was no mention of the ratio of black-to-white students; students were still not identified by race at the district level. The school board filed another report later in the month that addressed pupil-teacher ratios. Once again, no mention was made of the ratio between white and black students in the schools. Judge Russell entered an order on November 20, 1968, that authorized the district to add a questionnaire pertaining to the race of each pupil for the purposes of reporting progress made towards desegregation. In December of that year, the board filed a report to the court that supplied the racial composition of classes based on observation. Hiding ratios was just one way the community sought to keep the federal government from knowing the extent of desegregation. Whites began to push for support for their children as the movement towards desegregated schools continued.

Near the end of 1968, the Southern Conference Educational Fund (SCEF) submitted a proposal to the Aubrey William Memorial Fund requesting a grant of \$5,100. The SCEF asserted that civil rights workers and groups had done much to prepare black children and parents for the changes that were to happen in 1970. However, the group felt that nothing had been done to prepare white communities, parents, and children for the changes. According to the proposal, whites with financial resources could take their children out of the public schools and attend private schools. This left poor whites isolated. The group believed that poor whites and blacks should join together to work for “better and democratically-controlled schools for all

people.”<sup>192</sup> The organization was requesting grant money to fund a survey of poor white communities during January 1970. Ten white people who had a “commitment to human rights and the black freedom movement but who also have the sensitivity to listen and learn from those who feel threatened, would conduct the surveys.”<sup>193</sup>

In a letter to the editor of *The Clarion-Ledger*, Reverend Paul Z. Ball, a Baptist minister, shared two reasons for the crisis in Jackson schools. He stated that people had “forgotten what God’s word teaches about segregation . . . that God segregated the Negro from the Jew and white people in Genesis . . .that God had put a curse on the Negro through Noah. The Negro was cursed with the Curse of servitude.”<sup>194</sup>

Ball went on the state that God had never repealed the curse of servitude. According to Ball, God would save Negroes, and he was not inferring that whites should:

hate the Negro, but [whites should] follow God’s word in being separated or segregated from him. School officials have been selling our birthright for a mess of pottage. . . . What is the solution to this mess? 1. Stick to God’s word even if we have to go to jail for it. 2. Let the people vote on the question. 3. Mississippi educators, and trustees, run the schools of Mississippi, independently, separate and apart from the federal government even if it takes going to jail, or resign your positions. If the sorry white trash want to mix with the black, let them go with them back to Africa and turn heathen with them as they did after the flood. If the black man is not satisfied with the ‘Hand-Outs’ of the white man’s tax money, let him go to work and provide his own school, like the white man did. And God help the whites adopt the policy of Patrick Henry, ‘Give me Liberty or give me Death.’ Yours for God like segregation, Paul Z. Ball.<sup>195</sup>

---

<sup>192</sup> A Proposal for Work In Mississippi And Other Deep South States Among Poor White People Who Feel Threatened By School Desegregation Speed-Up. Integration: 1967-1969. Subject File, Mississippi Department of Archives and History.

<sup>193</sup> Ibid.

<sup>194</sup> Paul Z. Ball, letter to the editor, from the newspaper scrapbook of former Mississippi state representative Walter Hester. Integration 1967-1969 subject file, Mississippi Department of Archives and History.

<sup>195</sup> Ibid.

By late December, the NAACP-LDF lawyers had urged the Supreme Court to order immediate desegregation in the Deep South and argued that doing so would provide guidance to HEW officials as they worked to develop desegregation plans around the South. The Johnson administration asked the Court not to “disturb” the circuit court rulings. The court rejected pleas from officials in three Louisiana parishes that asked for a recall of recent desegregations as a “Christmas present for whites and blacks.”<sup>196</sup>

The country had elected a new president in November 1968. Republican Richard Nixon was to take office in January of 1969. Change was in the air, but schools were still not desegregated in the Deep South. The Fifth Circuit Court considered the appeal of the *Graves v. Walton County, Georgia Board of Education* and the resulting decision was not one that segregationists had desired. Not only did the December 13, 1968, decision deny a summary reversal in the *Graves* case, it also set a time limit for when school districts had to be in compliance. The court stated, “there are still many all-Negro schools in this circuit, all of which are put on notice that they must be integrated or abandoned by the commencement of the next school year.”<sup>197</sup> This was a rude awakening for the dual-system states, but the decision did not decrease resistance to desegregation.

The coming year would bring massive changes to the foot-dragging that had hindered desegregation of the Jackson schools. Legal decisions would finally be strong and specific to the extent that desegregation would no longer be delayed. Educational and community leaders would find themselves at a crossroads as compliance was required. The fine details of desegregation

---

<sup>196</sup> “NAACP Urges Mix Rush,” *The Clarion-Ledger*, December 20, 1969.

<sup>197</sup> *Graves v. Walton County Bd. of Ed.*, 300 F.Supp. 188 (1968); “Deadline Is Set For Integration,” *The New York Times*, December 14, 1968, accessed Nov. 17, 2017 from <http://query.nytimes.com/gst/abstract.html?res=9B04E4D81730E034BC4C52DFB4678383679E DE&legacy=true>

that were at the individual school level would surface, and those who were in favor as well as those who were not in favor of school desegregation would find themselves mired in sweeping change as well as minute details. The next three years brought massive change to the Jackson schools as the work of desegregation was just beginning.

## Chapter 4

**Doing the Work of Desegregation in Jackson, Mississippi**

## Changes in 1969

Richard Nixon was sworn in as the thirty-seventh president of the United States on January 20, 1969. Following on the heels of Lyndon Johnson and the Great Society domestic programs, the Civil Rights Act of 1964, and the Voting Rights Act of 1965, Nixon arrived in the White House just in time for a showdown between southern states and the judicial branch over school desegregation.<sup>198</sup> Five southern school districts had lost federal funding for non-compliance, but their funds had been held in escrow and would be returned to them if they submitted acceptable desegregation plans within 60 days”<sup>199</sup> Desegregation advocates were firm in their stance that the funds should not be distributed to non-compliant school systems.

Roy Wilkins, executive secretary of the NAACP, met with Nixon in February to discuss the withholding of funds from non-compliant school districts in the South. After a thirty-minute meeting, Wilkins reported that he and the president had disagreed over cutting off federal funds. Nixon acknowledged that many blacks did not trust him, but he “hoped to be a friend of all the people.” Nixon signified that his administration would “take a less abrupt and stringent approach in its demands for school integration, even though Nixon blamed his political opponents for any distrust and suspicion Negroes had for he and his Republican administration.”<sup>200</sup> Nixon told Wilkins that he fully supported desegregation as required by law and court order, but he “felt he must have his own review of the facts and not depend on the findings of the Johnson

---

<sup>198</sup> “Negroes Distrust President See Political Opponents Among Those Raising the Question of Negro Suspicion of Him and His New GOP Administration.” *Jackson Advocate*, February 15, 1969.

<sup>199</sup> Ibid.

<sup>200</sup> Ibid.

Administration.”<sup>201</sup> In a February news conference, Nixon asserted that cutting off federal funds to non-compliant districts would be “the ultimate weapon” and advised officials to “exhaust every other possibility before denying federal funds.”<sup>202</sup> Wilkins later stated that he “knew what the investigators would find—school boards that obdurate and manipulate.”<sup>203</sup> Nixon felt that school systems should lose funds if their freedom-of-choice plans were found to be a tactic to maintain segregation. However, he believed freedom-of-choice plans should be judged on their effectiveness. If they were found to be a successful way to end segregation, Nixon stated, “then a freedom of choice plan, in my opinion, is appropriated and should receive funds.”<sup>204</sup> It did not appear the Nixon Administration would be as supportive of school desegregation as the Johnson Administration, and it was questionable to what extent there would be support for any civil rights efforts during the Nixon years.

Whites who opposed desegregation continued to assert that blacks were not intelligent enough to learn. Historically, one of the most frequently used arguments against segregation came from southern whites who claimed the Negro race was genetically inferior to the white race. Blacks were not considered to have the intelligence capacity to learn, and thus, teaching them would be a waste of money. Gradually, researchers, including those at Yeshiva University’s Ferkauf Graduate School of Humanities and Social Sciences, picked this notion apart. Yeshiva scholars found that the current I.Q. tests underestimated “the intellectual capacities of lower-class children . . . by 10 to 14 points.”<sup>205</sup> Dismissing the black child as one of

---

<sup>201</sup> Ibid.

<sup>202</sup> Ibid.

<sup>203</sup> Ibid

<sup>204</sup> Ibid.

<sup>205</sup> “Say I.Q. Tests Found Inaccurate in Estimating True Potential of the Disadvantaged Negro Child,” *Jackson Advocate*, May 3, 1969.

inferior intelligence was one tactic for maintaining segregated schools that could not be substantiated. Black teachers and community leaders began to see that teacher organizations would need to be integrated in order to be in a position in which to negate the argument that blacks had limited intelligence.

The Mississippi Teachers Association (MTA) was the organization for black teachers and was the equivalent of the white Mississippi Education Association (MEA), an organization affiliated with the National Education Association. The MTA held its annual meeting at the Jackson Coliseum in March 1969. The most important item on their agenda was whether or not they should merge with the MEA. There was much at stake. Black teachers in Mississippi had often been the losers in the process of desegregation. An editorial in the *Jackson Advocate*, a weekly newspaper published for the Negro community, urged the MTA to proceed with caution and warned that MTA members could be “giving up far more than they would be getting out of such a merger.”<sup>206</sup> Subsequent articles in the *Advocate* pointed out that Negro teachers were very concerned with the possible merger. “They had been faced with loss of positions of prestige and loss of teacher assignments because of pairing of schools and consolidation<sup>207</sup> Merging with the white organization could result in more negative consequences for black teachers and administrators. When the final votes were counted, white teachers had overwhelmingly voted against the merger while black teachers had voted 315 in favor and 4 against the merger. C. J. Duckworth, the executive director of the MTA felt the work conducted by a joint-steering committee had been of high quality, and he thought the feeling of unity had trickled down to the MEA membership. The reaction from the National Education Association was swift; the MEA

---

<sup>206</sup> “The Merger of NEA and MTA,” *Jackson Advocate*, March 28, 1969.

<sup>207</sup> *Ibid.*

membership was suspended.<sup>208</sup> Black leaders began to see the need for dealing with those with the most power.

The Governmental Affairs Committee of the National Newspaper Publisher Association met with President Nixon in early June 1969. Percy Greene, the editor, publisher, and owner of the *Jackson Advocate* was a member of the committee. Mr. Greene took the opportunity to tell the President how withholding federal funds from school districts who were not in compliance with the law and HEW guidelines had impacted Negro parents, students, teachers and the black communities in Mississippi. The *Jackson Advocate* was Mississippi's largest and most widely read Negro weekly newspaper. According to Greene, the cutting of funds was causing "widespread hardship and frustration" of Negro parents and their children and was, in fact, "making the children the victims instead of the beneficiaries of the law enacted for their benefit."<sup>209</sup> Greene further stated that integration was "being demanded instead of equalization of education between white and Negro students, which was the obvious intent of the law and decision of the U.S. Supreme Court." Finally, Greene discussed the growing number of black teachers who were losing jobs due to school closures resulting from the cutting of funds. He suggested to Nixon that a new approach was needed rather than a continuation of the Johnson Administration policy that "after 15 years, finds the school integration question one of the unresolved questions confronting the nation."<sup>210</sup> The South still believed desegregation had occurred through programs of choice even though the degree of desegregation was questionable.

---

<sup>208</sup> "White Teachers Say No, While Negro Teachers Are Saying Yes," *Jackson Advocate*, May 10, 1969.

<sup>209</sup> "President Nixon Told of Hardships And Frustration of Negro Parents And Their Children And The Growing Loss Of Jobs Of Negro Teachers As Result Of cutting Of Funds To School Districts In Order To Compel Integration In Mississippi And Other Southern States," *Jackson Advocate*, June 7, 1969.

<sup>210</sup> *Ibid.*

Freedom-of-choice plans still seemed to hang in the balance. A three-judge federal court panel met on May 14, 1969, and handed down a decision upholding freedom of choice plans for twenty-five school districts in southern Mississippi. The panel did, however, order a speed-up of the “mixing of faculties.”<sup>211</sup> Both black and white citizens seemed to support freedom of choice in the districts. During testimony, “nobody testified anything to the contrary or to anything better.”<sup>212</sup> It appeared the twenty-five districts in question had met the HEW guidelines by proving that the choice plans did, indeed, result in desegregation. Once again, the question was how many black students and white students would have to be in school together in order to meet the requirements of desegregation? Fifteen court orders and proceedings occurred between December 1969 and August 1970 as the people of Jackson tried to determine the answer to that question. Desegregation advocates did not consider the current level of desegregation to be adequate to fulfill the intent of the court orders.

An editorial in the *Jackson Advocate* expressed the frustration felt by many blacks in the Jackson area. The author alleged that the word “integration” had become a substitute for “equality” in the efforts to desegregate schools.

The busing of children from one part of town to another in order to achieve some kind of a racial dilution, although nobody has come up with a formula that tells exactly how many Negro children it takes to dilute how many white children nor how many white children it takes to dilute how many negro children.<sup>213</sup>

---

<sup>211</sup> “A Three Judge Federal Court Panel Upholds The Freedom of Choice Plan for 25 Mississippi School Districts,” *Jackson Advocate*, May 24, 1969. The use of the term “mixing” to mean desegregation or integration was the common language used in Mississippi at the time. The use of the term also seems to have been used frequently by segregationists to refer to the mixing of black and white blood through interracial sexual relationships.

<sup>212</sup> Ibid.

<sup>213</sup> Ibid.

The editorial asserted that the solution to the crisis in public schools could be settled by “one simple act of the United States Senate . . . a resolution declaring the Negro now and henceforth and forever an American.”<sup>214</sup> The editorial implied that such a resolution

would soon bring an end to the bleeding-heart politicians who prey on Negro voters, the charlatans, get-rich-quick artists and mountebanks who now infest the Negro civil rights movement along with the firebrands and militants who have become pawns in the hands of those plotting to overthrow the country by revolution.<sup>215</sup>

#### Enough is Enough: Summer and Fall 1969

By the summer of 1969, there were more calls to abandon a non-violent approach in the struggle for civil rights. Medgar Evers’s widow, Myrlie, spoke to the media and stated that while she personally rejected violence, she regarded violence as a necessary evil.<sup>216</sup> The *Jackson Advocate* published an editorial discouraging violence after The Poor People’s March of June 1969. During the march, “a young Negro spokesman for the Southern Christian Leadership Conference, the sponsor and promoter of the poor march . . . bellowed thru a bullhorn, ‘we are going up to the Delta and take some of Senator Jim Eastland’s land.’”<sup>217</sup> The editorial expressed disagreement with the “blatant assertion of power and might by a crowd of hungry people going about begging for bread as it were.” Quoting the Bible, readers were warned “they who live by violence are destroyed by violence” and “unless something is said in contradiction of most of the current speakers and talkers on behalf of Negro rights, a totally false impression is likely to be made upon the minds of the less sophisticated Negro masses.”<sup>218</sup> Finally, Negro readers were instructed that “working parents, who have the good jobs that come from the source where they

---

<sup>214</sup> Ibid.

<sup>215</sup> Ibid.

<sup>216</sup> Editorial, *Jackson Advocate*, June 28, 1969.

<sup>217</sup> Ibid.

<sup>218</sup> Ibid.

are nowhere else obtainable, who are concerned about the future of their children and families . . . there are voices being heard during these times, that it will be well that they be ignored.”<sup>219</sup> In addition to the belief that non-violent protest was the best way to address civil rights, the fear of reprisals by whites continued to temper the decisions of many black leaders regarding future action. The courts began to push harder on deadlines for desegregation.

On July 3, 1969, the Fifth Circuit Court of Appeals issued an order requiring the U.S. Department of Health, Education, and Welfare submit to the U.S. Department of Justice desegregation plans for thirty-three school districts in Mississippi. The most recent deadlines had been handed down in January of 1968 and required schools to be in compliance by the fall of 1968 or no later than the fall 1969. The only exceptions were for districts having to build new schools in order to be in compliance or in districts where Negroes were in the majority. The Nixon Administration began to consider changes to the guidelines for desegregation, specifically with regard to deadlines. Although some officials in the Nixon Administration strongly believed that the deadlines should be maintained, eventually two plans to delay were considered. The first plan allowed schools facing a September desegregation deadline to have an additional year to comply before losing any federal funds. The second plan required submission of a desegregation plan but did not set a specific deadline for compliance. The guidelines set during the Johnson Administration were subject to changes under the new administration; Nixon had campaigned on a platform that included easing the guidelines and was under pressure from Southerners and political advisors. Speaking against any changes, Senator Jacob Jarvis of New York stated that, “All incentive to comply would be destroyed if deadlines are adjusted or abolished.”<sup>220</sup> The

---

<sup>219</sup> Ibid.

<sup>220</sup> “Nixon Regime Seen Easing Guidelines On Desegregation,” *Jackson Advocate*, July 5, 1969.

Nixon administration was not inclined to maintain previously set deadlines. Determining the deadlines became the focus of the courts and HEW.

Robert Finch, the Secretary of HEW, had stated in April that no changes were being considered with regard to deadlines, but by the summer of 1969, he said the guidelines were being reconsidered to allow for “a more realistic time approach.” Schools able to desegregate by the fall of 1969 would be expected to do so, and schools that could not make the fall deadline would be required to submit a plan indicating when they would be in compliance.<sup>221</sup> Senator Jarvis also questioned the Nixon Administration’s stand on civil rights, particularly the failure to speak out on an extension of the special provisions of the Voting Rights Act of 1965. The Nixon administration continued to waver on the issue of deadlines.

In July, the Nixon administration announced, “districts with bona fide education and administrative problems, such as space, financial, or faculty shortages, would be temporarily exempted from the deadline.”<sup>222</sup> Immediately, civil rights groups and some members of Congress denounced the decision. The National Education Association voted “overwhelmingly” to insist that the Nixon administration restore the September 1969 deadline for desegregation by all Southern school districts. NEA president, George Fischer, stated in a telegram to Nixon that the organization had been “shocked to learn” of changes in the deadlines and that

any school district which had approached the problem of school desegregation in good faith would have found a solution to the problem of integration before this time, and therefore, the September 1969 date is reasonable. Modification of the deadline merely provides extra time for those districts that have not attempted to solve the problem.<sup>223</sup>

---

<sup>221</sup> Ibid.

<sup>222</sup> John Herbers, “President Eases School Deadline on Desegregation,” *The New York Times*, July 4, 1969.

<sup>223</sup> National Education Association Demand Return to School Guidelines,” *Jackson Advocate*, July 12, 1969.

Black plaintiffs appealed to Justice Hugo Black, the supervisory Supreme Court justice for the Fifth Circuit Court of Appeal, to suspend the decision to delay the deadline for compliance. Justice Black stated he was opposed to the delay, but he felt he needed to approve the delay because the U.S. Department of Justice and the Secretary of the HEW both supported it. Justice Black also interpreted that the *Green v. New Kent County* decision of 1968 allowed for a transition period for districts to be compliant. Justice Black allowed the delay in his statement of August 28, 1969. However, in his statement, Justice Black said that he hoped the

applicants [would] present the issue to the full Court at the earliest possible opportunity. I would then hold that there are no longer any justiciable issues in the question of making effective not only promptly but at once—now—orders sufficient to vindicate the rights of any pupil in the United States who is effectively excluded from a public school on account of his race or color.<sup>224</sup>

This would be the only time the court would support a delay in the desegregation of public schools, but it seemed clear that Negro leaders would appeal to the Supreme Court to end the delay. At the local level, the Jackson schools were no closer to full integration.

In Jackson, the battle for school desegregation continued as an editorial in the *Clarion-Ledger* dissected the use of the terms, “integration” and “equality under the law.” According to the editorial, Dr. Clark Foreman had coined the term “integration” while speaking at the national convention of the Negro Newspaper Publishers in the mid-1940s. Dr. Foreman stated that the term was the same as saying, “equality under the law.” The writer of the editorial declared that using the terms interchangeably brought “into play the dishonest rhetoric politics and the civil rights movement that has filled the minds of the Negro masses with confusion, frustration, doubt, bitterness, and hatred.” The editorial asserted that the NAACP had operated in the 1940s bringing lawsuits in an effort to achieve equality under the law, but had changed to “take up the

---

<sup>224</sup> *Alexander v. Holmes County Board of Education*, 396 U.S. 1218 (1969).

cry for integration.” The author continued to say the purpose of the U.S. Supreme Court decisions had been for equality of education rather than integration and blamed the Johnson Administration, “super-liberals in the Congress, those outside the congress and some considerably more red than blue” and for the idea of cutting funds to non-compliant school districts. The editorial pointed out that cutting federal funds “makes Negro children, their parents, the victims of, rather than the beneficiaries of the law originally enacted for their benefit.” The editorial ended by stating that those who

continue to demand integration of education for Negroes without any positive proof that it has brought real equality of education to the point of making its presumed beneficiaries its victims, moves beyond true concern of equality of education for Negroes in the southern states.<sup>225</sup>

In Mississippi, white parents continued to send their children to private schools that had been established as a reaction to desegregation, and the Mississippi legislature continued to attempt to provide funds for private schools.

During a special called session in mid-October 1969, the state administration sponsored a bill that would allow up to a five-hundred-dollar state income tax credit for donations to private, public, parochial, and other accredited schools in the state. The donations could be used to provide scholarships to children. Many whites were finding out that private school was expensive, especially for those families on a modest or lower-level income. The administration wanted to have something to support private schooling in place before public systems had to be in compliance with the law to be considered desegregated. The bill passed with much support in the State House of Representatives, but it failed in the State Senate. Senator Fred Belk had voted against the bill and was singled out by the local newspaper for doing so. The newspaper pointed

---

<sup>225</sup> Editorial, *The Clarion-Ledger*, July 6, 1969.

out that Belk's children went to private school, and supporters of the bill thought he would also support the bill. The regular legislative session would meet in January 1970, so those seeking state support for sending their children to private school would not get the support in 1969. It was a last-ditch effort on the part of the legislature to give whites the opportunity to send their children to state-supplemented private schools. It felt as if the state was grasping at straws—anything to keep white children from going to school with black children.

#### The End of the Dual System in Mississippi

In October 1969, the U.S. Supreme Court reviewed the decision of the Fifth Circuit Court of Appeals that delayed the deadline for compliance. The Supreme Court handed down its decision on October 29, 1969, stating that the Fifth Circuit Court of Appeals “should have denied all motions for additional time” because “all deliberate speed for desegregation is no longer constitutionally permissible . . . the obligation of every school district is to terminate dual school systems at once and to operate only unitary schools.”<sup>226</sup>

Southern segregationists were outraged, and their congressional delegation spoke what many believed. Senator James Eastland said “disaster” was “impending for the state’s public schools.” Representative Sonny Montgomery stated that the decision could “mean destruction” of quality education. Representative Charlie Griffin declared it would take a constitutional amendment to repair the damage. Senator John Stennis pointed out that the decision allowed some discretion from the appellate courts, and he hoped the court would “wisely use the discretion that is being given to them.”<sup>227</sup> The *Graves* decision only applied to the dual-system

---

<sup>226</sup> *Alexander v. Holmes County Board of Education*, 396 U.S. 90 S.Ct. (1969)

<sup>227</sup> Charles Overby, “Serious Setbacks Seen For Schools: It’s A ‘Black Wednesday’ For Mississippi Congressmen,” *Jackson Daily News*, October 30, 1969.

states, and Stennis vowed to fight to make sure any rules adopted would be applied nationally. He hoped that “there might be a modification of the present policy if that policy is carried out elsewhere.”<sup>228</sup> Representative Jamie Whitten had sponsored several amendments, one of which would prohibit the use of federal money for busing. Whitten declared that he didn’t “know of anything that gives the Supreme Court the sole right to rule on the Constitution.”<sup>229</sup> Southern segregationists used the term “forced integration” as a rallying call for resistance. Senator Eastland stated that the decision did not necessarily outlaw freedom of choice, and he felt it would be “tragic” for the Fifth Circuit Court of Appeals to “misinterpret the decision and order instant integration by force.” Eastland wanted the circuit court to allow a hearing before systems followed through with the decision of the U.S. Supreme Court, and he felt it was “a fundamental question of the basic right of due process of law.” Representative Montgomery agreed that freedom of choice was a legal method for desegregating as long as there was no discrimination in the process.<sup>230</sup> Southern segregationists were adamant in their interpretation of the law as one that allowed desegregation through freedom of choice. In their opinion, the Court had overstepped its bounds.

Mississippians believed the Supreme Court had acted beyond the intent of Congress and the laws regarding desegregation. Montgomery questioned “how long it will be before the court issues a similar ruling affecting Northern school districts operating under de-facto segregation.” Representative Griffin had introduced two constitutional amendments to limit the power of the U.S. Supreme Court. One would require justices be reconfirmed every six years, and the other removed education, health, morals, and elections from the jurisdiction of the federal courts. He

---

<sup>228</sup> Ibid.

<sup>229</sup> Ibid.

<sup>230</sup> Ibid.

felt certain people in every state were “aware of educational jungles in many places . . . [and would] not sanction additional ones under the guise of anti-discrimination.”<sup>231</sup> Senator Strom Thurmond of South Carolina, a major influence for Southern support of Nixon, vowed that the Supreme Court had “allowed ideological passion to overcome reason in this tragic ruling.” This decision will result in chaos in many Southern schools and a serious decline in educational standards.” Thurmond declared that the Nixon Administration “stood with the South,” but the actions of the Supreme Court had prevailed. Thurmond lamented that he hoped “something can be done to overcome the effects of this pernicious ruling.”<sup>232</sup> Segregationists expected the worst in their fight to maintain segregated schools.

The order long dreaded by segregationists was finally handed down by the Fifth Circuit Court of Appeals on November 6, 1969. Thirty-one school districts in Mississippi were ordered to implement compliant desegregation plans by December 31, 1969. The order rejected a November 5th request from the U.S. Department of Justice that school boards be allowed to draft their own final plans. Although the consensus of segregationist whites was that the order would lead to the end of quality education, the NAACP Legal Defense Fund spokesman declared that “. . . we feel we’ve won.”<sup>233</sup> School districts would be allowed to make minor changes in the desegregation plans only with approval from HEW or the Justice Department. Major changes would require approval from HEW and Judge Dan Russell of the Fifth Circuit Court. Two Mississippi systems proposed sexually segregated schools, but those plans would only be allowed if the system was otherwise in compliance. Four districts, including Hinds County,

---

<sup>231</sup> Ibid.

<sup>232</sup> Ibid.

<sup>233</sup> “Mixing Plans Ordered Implemented By Dec. 31,” *The Clarion-Ledger*, November 7, 1969.

would be allowed to submit plans implementing integration in two steps with one group of schools integrating January 1, 1970, and the remaining schools integrating in September 1970. School district representatives argued there was not enough time to implement full integration. NAACP Legal Defense Fund lawyers felt the problems were exaggerated and that school systems had been given more than enough time to address any problems.<sup>234</sup> Mississippi Attorney General Al Summer stated the he had “two reactions. One of sorrow and one of disbelief.”<sup>235</sup> He declared that his office had “just begun to fight, and we’re going to fight until we get it changed or get them to recognize what a terrible thing they have done.”<sup>236</sup> Summer planned to petition for a re-hearing before the U.S Supreme Court on the argument that due process had not occurred in the lower courts. If that did not work, Summer planned to file a writ of certiorari on the merits of the case.

Mississippi school officials started dividing their districts into attendance zones, and for most districts this was the first time zones had been considered; the systems had relied on freedom-of-choice plans as the sole approach to desegregation. Hinds County had attendance zones set by November 11, 1969 and moved ahead to have the schools integrated by December 1st. The Fifth Circuit Court ordered the Jackson system and fifteen other school systems in six southern states to proceed using a two-step desegregation plan. The first step had a deadline of February 1, 1970, and required “all that (was) necessary to conversion to a unitary system save the merger of student bodies.” These sixteen school districts were required to have merged the student bodies by the beginning of the 1970-71 school term. The court would not allow further

---

<sup>234</sup> Ibid.

<sup>235</sup> Ibid.

<sup>236</sup> “Summer Says His Office Just Begun to Fight,” *Clarion-Ledger*, November 20, 1969.

legal argument. Further hearings on requested changes in unitary operating plans could be in order, but “no delay in conversion may ensue because of the need for modification or hearing.”

There were five requirements for meeting the February 1st deadline:

1. Teacher assignments, dismissals, demotions, promotions, hiring and salaries [must] be made without racial discrimination.
2. A student would be allowed to transfer in the district if going from a school where his race is in the majority to one where it was in the minority.
3. School superintendents and boards had to ‘completely reexamine’ bus routes to insure assignment of students to buses on a non-discriminatory basis.
4. School construction, school consolidation and site selection—including temporary classrooms—had to be done to prevent a recurrence of the dual school systems.
5. If the district allowed students to transfer to schools outside the districts or to allow non-resident students to attend one in the district, it had to be done so as not to reinforce a dual school system or reduce desegregation.<sup>237</sup>

At the same time, white segregationists continued to recognize the expense in running private schools. Many of the schools were operating out of churches, and while the majority of church leaders in some denominations were supportive of these efforts, others felt using churches for schools was not a good idea. The main argument against was that “we can’t pay for what we have already.”<sup>238</sup> Desegregation moved forward at a snail’s pace in Jackson.

By December 1969, the ratio of white-to-black students in the Jackson system was 60 percent white to 40 percent black. Dr. John Martin, who had been superintendent of the Jackson system only since July 1 of that year, felt that this would be the likely required ratio for the two-step desegregation plan mandated by the courts. Some teachers would be transferred at the end of the first semester. At that time, Dr. Martin told reporters he had no idea how the second step of the process, the merging of student bodies required by September of the 1970 school term, would

---

<sup>237</sup> “City Schools Given 2-Step Mix Order,” *Clarion-Ledger*, December 2, 1969; “State Officials Plan Legal Fight,” *Jackson Daily News*, December 12, 1969.

<sup>238</sup> “Baptist Leader Doubts Churches Used for Private Schools is Best,” *Clarion-Ledger*, December, 2, 1969.

be handled. Martin also noted that although the court order required a unitary system, no one had ever defined a unitary system. The school officials in Jackson “. . . contend they already have a unified system.”<sup>239</sup> The order required the system to submit a plan for merging pupils submitted by January 6, 1970. Teachers would be reassigned and placed by February 1, 1970.

Segregationists were critical of legislators as the courts set up uncontestable deadlines. Dr. Martin would be tossed into the middle of the desegregation efforts of Jackson.

Dr. John Martin was hired in July 1969 as the new school superintendent. Martin had been the assistant superintendent for instruction in the Atlanta public schools prior to his move to Jackson. Martin was immediately contacted by individuals and groups from all stake-holders, including “liberals, conservatives, the power structure, the status-quo group, and the we-gotta-change group.”<sup>240</sup> It seemed everyone wanted to speak with the new superintendent. The first test of Dr. Martin’s leadership occurred when the school system sought passage of a bond referendum to pay \$9,000,000 for new construction and classroom additions. Historically, Jackson had not applied for federal funds, a reflection of the feelings of the population that accepting federal money would be giving up some power over the schools. “Only money for vocational programs, funds for lunch service, and funds for some of the title programs under the Elementary and Secondary Education Act had been accepted.”<sup>241</sup> The bond referendum failed in November 18, 1969, marking the first time a bond referendum for education had failed to pass in Jackson. The failure to pass reflected the fixed attitude held by people in the community regarding desegregation and the building of new schools and classrooms. The system did, however, accept federal money to use to improve instruction. School and community leaders

---

<sup>239</sup> Ibid.

<sup>240</sup> Dalhite, 239.

<sup>241</sup> Ibid., 240.

traveled around the country to observe model schools, and consultants were called in to provide professional learning for the existing faculty and administration. Schools conducted self-evaluations to determine their needs with regard to instruction and then to plan ways to address the deficits. This approach was new to the Jackson system, and the general public was not aware of all that was happening within the schools and system regarding ways to improve instruction.

In a letter to the editor of *The Clarion-Ledger*, Sam O. Cain criticized the Mississippi legislative delegation to Congress for not fighting against desegregation. He stated the last vestige of “our freedoms are being taken away, and we do not have a spokesman in public office who has the courage to counterattack.” He went on to declare “integration is nothing but communism, as any sensible man knows.”<sup>242</sup> Cain urged citizens to join the newly formed Southern National Party, which was “dedicated to fight for Southern ideas and principals.”<sup>243</sup> No organization was spared criticism by angry segregationists.

Just beneath Mr. Cain’s letter was a letter from Evelyn Morgan discussing the League of Women Voters and the American Association of University Women’s campaign during the next legislative session in favor of state support for public education. Ms. Morgan stated that the public had been aware for a long time that “the League of Women Voters supports all the left-wing and liberal projects” and that it was reasonable to deduce the American Association of University Women might agree with the League of Women Voters because “in the majority of cases, the more education a woman has, the more liberal she is likely to become.”<sup>244</sup> Ms. Morgan asserted that the real purpose of the group’s campaign was opposition to private education and to

---

<sup>242</sup> “Announce Formation of Southern Party to Continue Mixing Fight,” *The Clarion-Ledger*, December 5, 1969.

<sup>243</sup> *Ibid.*

<sup>244</sup> Evelyn Morgan “Say Women Groups Liberal on Schools,” Letter to the editor, *The Clarion-Ledger*, December 5, 1969.

“use whatever influence they have to force integration upon the children of Mississippi from the elementary schools on up. It would be interesting to know just what warped and twisted thinking is going on in the minds of these females, and also if they are looking forward to their children and grandchildren forcibly bused and mixed in order to be sure they have Negro classmates.”<sup>245</sup>

Outside the South, people wondered how desegregation of schools could be taking so long to accomplish.

Mississippi had received, with just cause, much in the way of bad press regarding race relations. The violent acts of racists towards blacks and whites who supported the Civil Rights Movement coupled with the strong resistance and foot dragging to desegregate schools had cast a dark cloud over the state. In the corporate boardroom, the white power structure met again to decide what they must do. As whites realized the economic problems being caused by refusal to desegregate, they also realized doing so was hurting the economy of Mississippi—including their personal finances. Mississippi balked again by asking the Court to explain its latest decision.

The Supreme Court responded to a petition from the state of Mississippi asking for clarification of the October 30, 1969, Court decision ordering immediate desegregation. The state also had charged that the U.S. Circuit Court of Appeals had violated due process of law in November by ordering implementation of desegregation plans prepared by the Department of Health, Education and Welfare without holding a court hearing. On December 8, 1969, the Court upheld its decision and rejected the charge of violation of due process without explaining their decision. Mississippi Attorney General A F. Summer called the refusal:

another sad day for those of us who believe the court exceeded its authority in decreeing forced integration. The court has put another lock on the door against freedom-of-choice . . . you can rest assured we will continue to try and open the door to freedom. We will not quit!<sup>246</sup>

---

<sup>245</sup> Ibid.

<sup>246</sup> Ibid.

Mississippians pointed fingers at other areas of the country they felt had been spared the court order to desegregate immediately.

Governor John Bell Williams, the Mississippi legislature, and Attorney General A. F. Summer took legal action forcing every school outside the South to comply with the same desegregation mandates that were being required of Mississippi by court order. Lawsuits were filed beginning in January 1970 just as civil rights groups had filed suits in recent years. Governor Williams planned to finance the initiative by asking the 1970 legislature to appropriate one million dollars to the attorney general's office. He stated that the funding would not require a tax increase. If the legislature would not appropriate the money, Williams felt the citizens of Mississippi would provide funds, and attorneys would volunteer to assist. Williams declared, "It is time for states outside the South to begin enjoying the benefits of the so-called 'Law of the Land'"<sup>247</sup> Attorney General Summer stated that at that time, "the state had exhausted its last legal weapon in the fight against federal desegregation ultimatums."<sup>248</sup> Governor Williams raged against the federal mandate and declared,

It is my firm belief that if these same conditions were applied uniformly throughout the country, the public attitude would shift and a reflection in future congressional action on racial matters would result. Civil rights group such as the American Civil Liberties Union, NAACP, and desegregation advocates such as Ted Kennedy of Massachusetts and Senator Jacob Javits of New York should welcome the program since it is what they have been preaching all along. We will have an opportunity to test the sincerity of these groups. We are going to invite all of them to join us . . . if this thing is so good, they should all join us.<sup>249</sup>

According to Williams, parents had three choices. They could continue to send their children to public schools "knowing that the quality of public education was going to suffer

---

<sup>247</sup> "Governor Discloses Mix-North Plans," *Clarion-Ledger*, December 11, 1969.

<sup>248</sup> *Ibid.*

<sup>249</sup> *Ibid.*

badly, take their children out of public schools and seek refuge in private schools if such are available and within financial means or [they could] keep their children out of school for at least the ensuing semester in hope that by 1970 the courts will realize a failure of current guidelines.”<sup>250</sup> Williams urged citizens to “remain calm” during the compliance period and added that violence would help the “enemies of the state, and destruction of public facilities or property would cost the state rather than its enemies.”<sup>251</sup> Attorney General Summer suggested the legal initiative might also push for federal funds to be cut off in northern and eastern states where the level of desegregation was not within federal guidelines. Mississippians continued to question the constitutionality of forced integration and cited Section 409 of the Appropriations Act, the document from which HEW had developed desegregation guidelines. The section stated that

no part of the funds contained in this act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school against the choice of his or her parents or parent in order to overcome racial imbalance.<sup>252</sup>

Governor Williams also believed the state might pay the salaries for some teachers who refused to transfer to new schools in order to achieve racial balance. According to Williams, Mississippi had “a moral obligation to fulfill the conditions of their contracts with school boards but are unable to comply with federal conditions soon to be imposed. Some teachers have agreed in their contracts to such changes in assignments. Others have not.”<sup>253</sup>

---

<sup>250</sup> Ibid.

<sup>251</sup> Ibid.

<sup>252</sup> Thomas Ethridge, “Eyes on Our Crisis in Education,” *Clarion-Ledger*, December 12, 1969.

<sup>253</sup> “May Pay Teachers Who Balk,” *Clarion-Ledger*, December 11, 1969.

At the same time, the Board of Trustees of the Jackson Municipal Separate School District, the Jackson Teachers Association, the Classroom Teachers Association, the Department of Classroom Teachers, and the Jackson Education Association released statements expressing support of the superintendent and a commitment to maintaining a quality program of public education. The Board statement assured the public that they would continue to operate in accordance with the court orders. Jackson mayor Russell Davis urged support of the public schools and told citizens they

must accept the fact that if we are to exist and make progress as a city within a state that has come a long way, then we must maintain a quality system of public education . . . calm consideration can see us through.<sup>254</sup>

Davis discouraged citizens who were suggesting outrageous ideas such as “appointing 1,000 of the most prominent citizens to the school board and then daring the court to put them all in jail for defiance of its edict.”<sup>255</sup> He viewed the court mandate as punishment for a part of the country “that has not moved fast enough to suit the temper of the people who will make the eventual law.”<sup>256</sup> Governor John Bell Williams speaking at a special meeting in Natchez, said the state was dealing with “the greatest crisis in the history of public education.”<sup>257</sup> Like most white Mississippians, Governor Williams hoped Congress would allow states to return to freedom-of-choice plans.

Throughout Mississippi, groups began to be more publicly supportive of desegregation. On December 14, 1969, many faculty of Millsaps College, a college affiliated with the Methodist Church, passed a resolution to support compliance with the federal court orders for desegregation

---

<sup>254</sup> Billy Skelton, “Don’t Fight School Mix, Davis Advises, *Clarion-Ledger*, December 18, 1969.

<sup>255</sup> *Ibid.*

<sup>256</sup> *Ibid.*

<sup>257</sup> *Ibid.*

of schools. The resolution urged public teachers and staff to remain employed and for parents to keep their children in public schools. The resolution acknowledged that the future of Mississippi was dependent on a quality school system, and the education in Mississippi would suffer if too many teachers and students withdrew from public education. The resolution also declared the need for educational leadership to speak out; faculty endorsed and supported compliance with the federal court decisions. In spite of increased support, segregationists continued to hope freedom of choice plans would suffice.

U.S. Senator Jamie Whitten of Mississippi's second district was a long-time member of the Senate Appropriations Committee. He had continued to introduce amendments that would allow freedom-of-choice plans for desegregating schools, but no committee or subcommittee had approved any until December 1969. The Secretary of Health, Education, and Welfare, Robert Finch, sent telegrams to the twenty-four members of the Senate Appropriations Committee stating that Whitten's latest amendment that had been approved by the committee would only result in "recalcitrant school districts hardening their position and . . . districts which [had] complied with the law being tempted to go back on their commitments."<sup>258</sup> Finch spoke on behalf of the administration in opposition of freedom of choice plans. Whitten's amendment was designed to stop required busing, the closing of any schools, or assignment of pupils to specific schools without parent permission. The amendment would also withhold federal public aid to any college or university where student disorder occurred. The governor of Mississippi continued to be outspoken in defiance of the court order.

---

<sup>258</sup> "Finch Attacks Proposal to Allow School Choice," *The Clarion-Ledger*, December 15, 1969.

Governor Williams moved forward with his plans for congress to “return schools to the public hands.” His plan was to generate a public backlash throughout the nation to push Congress to place public schools back under local control. Lawyers would be sent around the country to file civil rights lawsuits in response to de facto segregation. “The home areas of the ultra-liberal congressmen would get particular attention.”<sup>259</sup> Williams did not know how much racial balance it would take to create a backlash. Also, there was the chance that “Yankee districts would like the idea.”<sup>260</sup> The governor was in denial of the inevitable.

On Monday, December 15, 1969, U.S. Supreme Court Justice Hugo Black ordered seven public school districts, including the Jackson district, to prepare for imminent desegregation. The Court would consider whether or not to require a February 1st deadline for the seven districts. Superintendent Martin was surprised by the action and stated he did not know Jackson was “involved in an appeal to the Supreme Court.”<sup>261</sup> Martin had not received Black’s order on Monday afternoon, but he had been notified that the NAACP had made the appeal that morning. Martin reiterated the plan to move forward with faculty integration by February 1st through the use of a lottery plan. Mississippi Attorney General A.F. Summer expressed his concern and stated that “the situation in Jackson is materially different. Where a new desegregation plan had been drawn up for other districts, there is none for Jackson. I know of no plan that could be ordered into effect by Feb. 1.”<sup>262</sup> By mid-December 1969, a team of eight HEW representatives had arrived in Jackson to begin drafting a proposal for the September desegregation of pupils as

---

<sup>259</sup> “JBW Chooses Tarnished Knight To Lead \$ Million Crusade,” *Jackson Daily News*, December, 15, 1969.

<sup>260</sup> *Ibid.*

<sup>261</sup> Billy Skelton, “Justices May Rush Jackson Pupil Mix,” *Clarion-Ledger*, December 16, 1969.

<sup>262</sup> *Ibid.*

required by the court. At the same time, the student government presidents of the eight high schools in the Jackson system pledged their support of Dr. Martin and his efforts to “carry out the court order and to maintain quality education in the Jackson public schools.”<sup>263</sup> Citizens were waiting on leadership from the legislative delegation for directions moving forward.

The end of 1969 was a time of turmoil in the U.S. Senate. The House and Senate appropriations committee had approved a bill named after Mississippi senator Jamie Whitten that would prohibit the federal government from forcing busing or school closures in order to achieve desegregation. The bill would negate Title VI of the Civil Rights Act, which prohibited discrimination by any program receiving federal funds, so the amendment would support freedom of choice. In response, Senator Hugh Scott of Pennsylvania presented a substitute bill that inserted the words, “except as required by the Constitution.”<sup>264</sup> The insertion would allow the Federal government the option to force desegregation in any way that was not specifically prohibited by the Constitution. Mississippi Senator John O. Eastland spoke to the U.S. Senate declaring that the “plain and simple truth . . . is that these white parents and students are being asked to endure conditions which more than 95 percent of the white parents and students in this country will never voluntarily accept.”<sup>265</sup> Those in state and federal power from Mississippi were still verbal in their objection to desegregation. However, there were signs of change in some of the white citizenry.

Some Mississippians did not agree with Governor Williams’s comments that the fate of public education was experiencing its greatest crisis as a result of outside interference. More white citizens were becoming tired of the bad publicity their state was receiving due to the

---

<sup>263</sup> Ibid.

<sup>264</sup> “Dixie Demos Press Free School Choice,” *Clarion-Ledger*, December 17, 1969.

<sup>265</sup> Ibid.

constant fight to hinder or prevent desegregation. In a letter to the editor of *The Clarion-Ledger*, citizen James A. Williams of Meridian, Mississippi, wrote that the current conditions in Mississippi had occurred because those in high offices of the state had failed to take initiative and responsibility. Mr. Williams stated that at a time when public schools needed all the support possible from elected leaders, Governor Williams had made statements that would “. . . certainly encourage their early demise and debilitation.”<sup>266</sup> Mr. Williams went on to state that most of the problems at that time and in the past had been

paraded under the guise of states’ rights, though racism might have been a more accurate description. For years, the most patently ridiculous and nonsensical proposals by the governor and the legislature have been hailed as the gospel truths as long as they could assure us poor ignorant, rednecks that they were fighting the federal government to maintain local control of our affairs. The specter of black dominance and federal control has been raised so many times in recent years that the credulity of the Mississippi people has been strained to the breaking point.

While the governor expressed doubt that any effort to fight for integration in northern states would be a costly experience, he had said that to do so would not require a raise in taxes. Mr. Williams pointed out that the money for this effort would probably come out of the General Fund just as “the governor’s private school funds were about to do.” He further stated that

“it is high time we Mississippians spoke out against this incompetence at the highest levels which we have permitted to parade under the guise of states’ rights. We have lost most of our state’s rights and local control as a direct result of the state’s refusal to assume the responsibility which the law of man and God says is ours. By refusing to act reasonably in the past, we Mississippians have written every page of the national legislation and every Supreme Court decision that has resulted in loss of local control of our affairs.”<sup>267</sup>

The following day, *The Clarion-Ledger* published an article stating that Governor Williams was reconsidering the decision to ask the legislature to appropriate \$1 million to

---

<sup>266</sup> James A. Williams, letter to the editor, *The Clarion-Ledger*, December 17, 1969.

<sup>267</sup> Ibid.

finance lawsuits to end token integration in the northern and eastern states. The new proposal indicated that the money might be provided by the private sector through fundraising activities. Officials from the governor's office asserted that the governor had received many calls and letters from citizens expressing support of the proposal. Governor Williams planned to use the funds to pay for sending a task force of assistant attorneys general and private lawyers into areas outside the South where they would file lawsuits similar to the suits regarding desegregation filed against Mississippi. Governor Williams seemed convinced "a change of attitude would sweep across the nation" if northern and eastern parts of the country "were subjected to the same treatment from federal officials which the South is presently receiving."<sup>268</sup> In the meantime, the movement towards desegregated schools slogged on.

Wednesday, December 18, 1969, was a busy day in the long saga of the desegregation of the Jackson schools. An HEW team was meeting in Jackson to work on a pupil desegregation plan for the school system, acting in haste because of a December 15th order from U.S. Supreme Court Justice Hugo Black requiring Jackson to prepare for pupil integration because the Court would be considering a motion to require integration of both faculty and pupils by February 1, 1969. The HEW team was comprised of college professors with experience developing desegregation plans. School superintendent John Martin asked the team to preserve the neighborhood schools, but he acknowledged that the team would have to comply with the court order. The school board had until January 2, 1969, to respond to the motion to implement desegregation by February 1, 1969.

---

<sup>268</sup> Charles M. Hill, Jr., "May Ask Public to Finance Northern Mix Campaign," *The Clarion-Ledger*, December 18, 1969.

As the HEW team was working on a plan on December 17, 1969, a three-judge federal panel ordered the state boards of education to withhold funds from any school district that had not filed a desegregation plan for student integration by March 1, 1970. The panel further defined a desegregated system as one in which 75 percent of all students in a minority group were enrolled in integrated schools. Segregationists had anxiously anticipated the announcement of what specific percentage of integration would be acceptable, and now the courts had provided that information. The Department of Health, Education and Welfare was ordered to review and approve all plans in the state by April 1, 1970. The state board would have to ensure those systems not in compliance with requirements of the Court by April 1st would be in compliance by May 1, 1970. Desegregation plans were required to be implemented by September 1, 1970. The panel's decisions were the first time the Court had assigned specific percentages. "This far-reaching decision was believed to be the first in the nation placing school desegregation at the state level."<sup>269</sup> The federal judges noted in their decision that "It should be now abundantly clear, to all save those who adamantly refuse to see or hear, that at the supreme law of these United States provides that dual school systems must be completely abolished."<sup>270</sup> The Court also asserted that "mass litigation through separate districts" was not possible unless all other legal activity ceased. According to the Court, it was not the role of the courts to act as "super school boards" and that doing so was an "anathema to our systems of local public education." Governor Lester Maddox of Georgia had strong words reflective of governors in other dual-system states. In his response to the Court action Maddox declared the Court decisions to be a "violation of the law of our land." He stated that "If the demands of the Court are carried out, it will mean the

---

<sup>269</sup> "Court Puts Mix Burden Upon State," *Clarion-Ledger*, December 18, 1969.

<sup>270</sup> *Ibid*

utter destruction of public education in the United States of America and ultimately, will bring about the downfall of our country.”<sup>271</sup> Southern governors were not going down without a fight, but at the federal level the fight was over, and the feds had won.

The U.S. Senate also met on December 18, 1969, and approved the amendment sponsored by Senator Hugh Scott that allowed the government to desegregate in any way unless specifically prohibited by the Constitution. Southern senators were outraged that the original Whitten Amendment had been modified in a way that would not allow a return to freedom-of-choice plans, even though such plans had previously been ruled inadequate in implementing desegregation in *Green v. County School Board of New Kent County* in 1968. Southern senators viewed the Scott Amendment as a way for the federal government to use busing, pupil reassignment against parental wishes, and school closings to force desegregation. During the Senate debate on the matter, both sides claimed to have the support of the Nixon administration. Senator Scott claimed Nixon backed the amendment, but Senator Stennis of Mississippi argued that Nixon had been strongly opposed to busing during his campaign for president in 1968. Stennis presented transcripts of Nixon comments during the election in which he publicly opposed busing. Administration officials “conceded privately that adding the phrase, ‘except as required by the Constitution’ would have no effect on the plans they suggested for desegregation of Southern schools, many of which include busing and closing of inferior schools.”<sup>272</sup> The Scott Amendment had passed the Senate, but the Joint Appropriations Committee had approved the Whitten Amendment, and the House had rejected a motion to strike the Whitten Amendment from the appropriations bill. Southern senators hoped the Whitten Amendment that prohibited

---

<sup>271</sup> Ibid.

<sup>272</sup> Billy Skelton, “Freedom of Choice Spurned by Senate,” *The Clarion-Ledger*, December 18, 1969.

the use of public money for busing to achieve desegregation would prevail when a conference committee met to reconcile the differences between the Senate and House versions of the bill. On December 19th, the House advised conferees on the HEW appropriations bill to accept the language of the Scott Amendment. Southern Senators and Representatives were outraged and blamed Nixon and his administration for what they perceived as a change in position since the House had accepted the Whitten Amendment.

By the end of 1969, the three Citizens Council schools were thriving. Enrollment in these schools had reached 2,500 students, and schools were at capacity. The Council School Foundation began plans for prototype schools that could be duplicated with limited capital. Citizens Council schools began to prepare for a sharp increase in applications before February 1, 1970, so the Foundation circulated flyers asking for cash donations to be used in building additional classrooms and schools. All donations would be tax deductible. The flyers informed interested parties that every effort would be made to “accommodate all qualified young people who wish to attend accredited, quality private schools.” The Foundation acknowledged that other communities had successful alternatives to public education with their Citizens Council schools, but that the number of students in the Jackson system made it difficult to provide enough schools to meet the demand. The fundraising flyer contained a statement that

virtually all citizens of our community are upset and resentful over recent Federal court actions . . . these events became inevitable when control of our public schools was taken from local boards and handed to Federal agencies under the Civil Rights Act of 1964. Hence, we have been making an effort since that time to provide for an acceptable alternative when this day arrived.<sup>273</sup>

---

<sup>273</sup> The Council Schools Foundation, *Notice to Prospective Patrons*, Desegregation Subject File 1969, Mississippi Department of Archives and History, Jackson, Mississippi.

Some segregationists continued to pursue government support of private schools. State senator Robert Crook believed the state should establish a statewide system of private schools. In a press conference, Crook suggested that the 1970 legislative session should consider creating an agency or giving power to an existing agency to ensure the quality of private schools. He pointed out that the state was already supporting private schools by providing textbooks, but he felt more should be done. Crook stated that he would no longer support appropriations for public schools if such an agency was not created. He maintained that the state could “constitutionally support a private school system. What we are spending to educate the child should follow the child.” Crook believed the \$1 million the governor planned to spend on the proposed legal action in other parts of the country would be better spent if it were given to private schools.<sup>274</sup>

By late December, the NAACP-LDF lawyers had urged the Supreme Court to order immediate desegregation in the Deep South and argued that doing so would provide guidance to HEW officials as they worked to develop desegregation plans around the South. In a memorandum, the Nixon administration asked the Court not to disturb the circuit court rulings. The court rejected pleas from officials in three Louisiana parishes that asked for a recall of recent desegregation orders as a “Christmas present for whites and blacks.”<sup>275</sup>

As the 1970 deadlines for compliance loomed ever closer, the anger and resentment of segregationists surfaced in a variety of ways. A letter to the editor of *The Clarion-Ledger* in the waning days of 1969 was representative of the frantic efforts to find a solution to what segregationists considered to be the death knell of public education. W. I. Beard called desegregation a “blanket catastrophe” and lamented that

---

<sup>274</sup> “Private School System Urged,” *Clarion-Ledger*, December 21, 1969.

<sup>275</sup> *Ibid.*

The Federal courts have completely destroyed with sarcastic contempt, the public school system of the South and have unconstitutionally forced the “commune ideology” on the children of Mississippi. When our constitutional rights are taken from us by an unholy and communistic combine, we have only one choice left, and that choice is to choose. The people of Mississippi and other Southern States will choose to fight these hypocritical enemies of freedom.<sup>276</sup>

Beard stated that Patrick Henry’s famous declaration of “Give me liberty or give me death” in defiance of the Stamp Act and English tyranny prior to the American Revolution would be a fitting slogan for southern states. Another individual wrote to the editor of *The Clarion-Ledger* encouraging Jacksonians to attend a rally on January 2, 1970, sponsored by a newly formed political party, the Southern National Party. The author felt that failure to attend the rally would be seen as

approval of these unconstitutional decisions . . . the people of Mississippi and the entire South are being led to the slaughter by a Judas goat in Richard Nixon clothing . . . it is now plain that he is after the organized black vote and is quite willing to use the children of the South as his bait. Once more the South must become the whipping boy for some Yankee controlled party. Once more the children of the South are to be offered up on the alter of integration as a sacrifice to appease the god of all Northern politicians, the Negro bloc vote!<sup>277</sup>

The Southern National Party published information about the January 2nd rally in local papers and encouraged “parents, teachers, and children to take part in the protest.” The protest was necessary, according to the Party, “because Southerners, especially in Mississippi are being reduced systematically to slavery. When one cannot control the education present them from being brainwashed . . . then one has become a slave indeed.” The notice asserted that the

Federal Government . . . is engaged in disrupting, and is undertaking to eventually destroy, [*sic*] Southern Anglo-Saxon Christian civilization. Therefore, the present SOUTHERN SCHOOL CRISIS is part and parcel of this anti-Southern campaign, aimed at the South. That strategy is the same, and has remained the same – the destruction of the Anglo-Saxon South, and its replacement by a heterogeneous, standardized population--- a

---

<sup>276</sup> W. I. Beard, letter to the editor, *The Clarion-Ledger*, December 29 1969.

<sup>277</sup> “United South Could Wrest Negro Control,” letter to the editor, *The Clarion-Ledger*, December 29, 1969.

population which will be amenable to a dictatorship over its thoughts, actions, mind and body. The great dual public school system of the South, built during a century of labor, and financed largely by the White people, is now being destroyed by the calculated deliberate, diabolism of the Northern equalitarian “liberals.” We are being reduced systematically, to slavery. When one cannot control the education of one’s own children or prevent them from being brainwashed, or have the slightest say so over where and by whom they are to be educated—then one. has become a slave indeed. If FIFTY MILLION SOUTHERNERS, men, women and children, declare in unanimous affirmation, that they shall not submit, never intend to surrender, and say ‘thus far and no farther’ the hypocritical North, out of fear of our numbers, and respect for our determination, will abandon these perverse oppressive measures.<sup>278</sup>

Elmore D. Graves, the Jackson attorney representing the new party, said those in attendance at the rally would hear “. . . a workable solution for the control of [their] own children’s education and safety . . .” One option to be discussed at the meeting would be the setting up of a statewide system of private schools using private facilities and supported by a non-profit foundation.<sup>279</sup> Even though the Court had ordered desegregation, deadlines had been set, and ratios set for black-to-white students, segregationists were proceeding as though it were still possible to prevent full desegregation. Things would change dramatically in 1970.

#### A Year of Changes: 1970

Possible actions by the federal government to force immediate desegregation were printed in newspapers on January 1, 1970. The Nixon administration had vowed to bring multiple suits against states in the South if the Supreme Court granted permission to delay desegregation until the fall. Civil rights groups continued to press the court to require an immediate deadline for desegregation, and officials from the office of the attorney general threatened that the government would sue Southern states that were non-complaint. Erwin

---

<sup>278</sup> Southern National Party, Mass Demonstration Of Protest, Integration subject file, 1970-1979, Mississippi Department of Archives and History.

<sup>279</sup> “Statewide Political Meet to Offer School Solution,” *The Clarion-Ledger*, December 31, 1969.

Griswold, U.S. solicitor general, and Jerris Leonard, assistant attorney general, urged the Supreme Court to set a fall deadline for three hundred Southern school districts. The Nixon administration lawyers were aware of the potential problems if there was a fall deadline, but they felt a region-wide deadline was more practical than having decisions made on a case-by-case basis through the multitude of appeals of the December 1, 1969 decision.<sup>280</sup>

In Jackson, more groups and individuals spoke out in support of public schools. Two days after the Southern National Party rally, Bishop Joseph B. Brunini of Catholic Diocese of the Natchez-Jackson area issued a pastoral letter addressed to all Catholics addressing public education. Bishop Brunini stressed that the Catholic system of parochial schools was not in competition with the public schools. The Bishop used forceful words when he said,

There should be no mistake concerning the Catholic Church's attitude towards school integration. . . . we proclaim that racial segregation is an affront to the Catholic School System [which] does not offer a refuge from integration. . . . Make-shift schools, hasty schemes designed to avoid court orders, and emotional appeal to the social patterns of a dead past will do nothing but defraud young Mississippians of their rightful place in tomorrow's world.<sup>281</sup>

Governor Williams spoke to the people of Mississippi via a statewide television broadcast and admitted the fight for freedom of choice had been lost. Thirty Mississippi school districts were waiting for HEW to provide integration plans based on percentages. Williams encouraged parents to “decide for themselves” where their children would attend school. According to Williams, “The Southern states—and Mississippi in particular—have been open, defenseless, marked, and singular targets for all the vitriolic hate and abuse that could be heaped

---

<sup>280</sup> “Deep South Faces Multiple Mix Suits,” *The Clarion-Ledger*, January 1, 1970.

<sup>281</sup> “Bishop Asks Support for Public Schools,” *The Clarion-Ledger*, January 4, 1970.

upon us by anyone with a politically motivated cause.”<sup>282</sup> He reminded citizens that Mississippi had weathered “the terrible ordeal of the Civil War . . . the terrible days of Reconstruction” and that “from the carnage of that era rose a greater and finer State and People.”<sup>283</sup>

The moment that we have resisted for 15 years that we have fought hopefully to avoid; [*sic*] to at least delay is finally at hand. We have reached the moment of decision. The children of Mississippi, white and black, have been denied the right to attend the school of their choice by an arbitrary edict of the United States Supreme Court. Throughout these 15 years, Mississippi has been used as a proving ground for every kind of racial so-called “civil rights” experiment that could be dreamed up by the witch doctors of the pseudo-liberal left and their fellow revolutionaries.<sup>284</sup>

Williams continued to blame federal administrations for fearing the “power of their strategically located and rigidly controlled bloc votes.” He used the Washington, D.C., schools as an example of what he considered a failing system. Williams pointed out that whites had left the Washington schools that had fallen “victim long ago to the axe of a blind social experiment that has failed miserably. Instead of becoming a showcase<sup>285</sup> of successful integration, the District of Columbia School System has become a national disgrace.<sup>286</sup> Governor Williams suggested that Mississippi citizens consider the Washington schools as a precedent for what integration would bring to the state. According to the governor, “Quality public education in a great portion of our state has been made an impossibility under conditions inflicted on our public schools by a vindictive, autocratic, arbitrary Supreme Court.” Williams presented the people of Mississippi with three options. They could acquiesce and suffer “a sudden deterioration in the

---

<sup>282</sup> John Bell Williams, “School Desegregation Problems: Are Federal Courts Educators?” televised speech, Jackson, Mississippi, January 3, 1970, *Vital Speeches of the Day*, 36, 10. <http://www.ebscohost.com> (accessed April 9, 2012).

<sup>283</sup> *Ibid.*

<sup>284</sup> “No Statewide Solution to School Crisis – JBW; Private, Public Coexistence Urged,” *Clarion-Ledger, Jackson Daily News*, January 4, 1970.

<sup>285</sup> *Ibid.*

<sup>286</sup> *Ibid.*

quality of education; and immediate lowering of standards; interminable disciplinary problems; and a destruction of teacher and pupil morale everywhere” or they could defy the court order and face the consequences, but such a course “would avail nothing more than additional grief and strife.” Finally, they could close the public schools. The governor felt that it was imperative to keep the public schools open. Williams encouraged possible partnerships between private and public schools and suggested that public school facilities could be made available to private schools when not being used for public school activities.<sup>287</sup> National opinion was that Mississippi had lost the battle to maintain segregated schools.

The rest of the nation seemed to be watching Mississippi and the state’s response to the mandate to desegregate all schools in January 1970. An article in the *Chicago Tribune* on Sunday, January 4, 1970, reported the response around the state to the court mandate. The article pointed out that the responses ranged from reluctant compliance to strong condemnation of the court order while working to establish a statewide private school system for whites. Further, the article pointed out that the role of black students on athletic teams and in school class offices was in danger of being lost in the process of desegregation, as they would be absorbed into the white school traditions. Readers were made aware of the governor’s effort to raise one million dollars in contributions to hire a cadre of lawyers who would file civil rights suits in parts of the country other than the Deep South.<sup>288</sup>

On Monday, January 5, 1970, thirty Mississippi school districts opened under desegregation plans per the October 29, 1969, court order. There were 200 schools with around 135,000 pupils enrolled in these districts; however, the Jackson Municipal system was not one of

---

<sup>287</sup> Ibid

<sup>288</sup> “Mississippi Faces School Desegregation: A State Surrenders,” *Chicago Tribune*, January 4, 1970.

the districts. One hundred new private schools had been established within the districts in time for whites to enroll their children to keep them from going to school with black children. Mississippi's violent past with regard to civil rights was a concern for both state and federal officials. Fifty U.S. marshals were sent to the state to help maintain order and safety.<sup>289</sup> Reaction in the districts varied. In Canton, 1,200 students had applied to attend private schools, but twenty miles away in Yazoo, Senator Herman Decell led an effort to have white parents pledge to keep their children in desegregated schools. Two hundred parents signed the pledge, as Decell declared that "All we have tried to do is to get people to continue to support the public schools and not to panic. There has been a great deal of misinformation and concern caused by it."<sup>290</sup> Governor John Bell Williams implored Jackson citizens by asking "with God's help, let us make the best of a bad situation."<sup>291</sup>

Again, the economic liability of a dual system was emphasized. State superintendent of education Garvin Johnson pointed out that "Industry will not locate in a state without good public schools."<sup>292</sup> In spite of the threat of economic repercussions, the governor pledged to ask the legislature to find additional ways to support private schooling in the state. In spite of what appeared to be rational discussion of the need for peaceful integration of schools, some Mississippians believed as the Southern National Party gubernatorial candidate Jimmy Swan did. According to Swan, school desegregation was "a communist plot that goes back to Lenin."<sup>293</sup> Meanwhile, Mississippi state representative Robert Clark and other black leaders participated in

---

<sup>289</sup> Ron Harrist, "School Mix Decree in Effect Today For 30 State Districts," *The Clarion-Ledger*, January 5, 1970.

<sup>290</sup> Ibid.

<sup>291</sup> Ibid.

<sup>292</sup> Ibid.

<sup>293</sup> Ibid.

a march in Holmes County to protest the burning of a traditionally black junior high school. Clark was the only black member of the state legislature at the time, and he criticized Governor Williams' statewide address on January 3rd. Clark stated that the governor had "called for two school systems . . . and we don't even have one good school system in the state now."<sup>294</sup> In spite of turmoil throughout the state, the schools were reopened under the law.

Eight Mississippi school districts began operating under court-ordered desegregation plans on Monday, January 5, 1970. The Jackson *Clarion-Ledger* reported that several of the systems had not conducted classes but had only included pupil registration on that Monday. In the Columbia school district, student body presidents of the all-white high school and the all-black high school spoke to students in the newly integrated school setting. Acknowledging the small number of people picketing in front of the school, Tommy Barber, who had been the student body president at the formerly all-white school, stated the individuals protesting were either "drop-outs or failing [students] and don't have anything to lose anyway." The student body president from the former Jefferson Negro High, Archie Johnson, stated that "there is no conflict between old and new. We can become a lighthouse in Marion County."<sup>295</sup> Student leaders seemed to want to move forward and continue the mission of public schooling, even if parents and other adults did not. In Jackson, white teachers reacted immediately.

In Hinds County, the county in which Jackson is located, fifteen of the 179 teachers resigned as a result of the desegregation order; all of those who resigned were white. The order required a 55 percent white to 45 percent black faculty to reflect the general demographics of the school district. In the Canton school district, the general ratio of black-to-white citizens was three

---

<sup>294</sup> "March Protests School Burning," *The Clarion-Ledger*, January 5, 1970.

<sup>295</sup> *Ibid.*

to one. On registration day, all but one hundred of the 1,300 white students in grades one through twelve had registered with the new private school system. In what would seem an almost prophetic statement, the head of the private school foundation stated he felt the public school system in Canton would be “virtually all black.”<sup>296</sup> This would prove true for many school districts throughout the South as the number of white private schools increased.

The number of private schools in the South was difficult to monitor because few states required private schools to register with state departments of education. By the end of 1969, the Alabama Department of Education estimated there were 270 private schools in the state. The number of private schools in Florida registered with the state increased from 377 in 1964 to 385 in 1969. In Mississippi, the number of private schools increased from 121 in 1966 to 231 in 1970.<sup>297</sup> States had very little, if any, input into private education. According to Georgia deputy state school superintendent Allen Smith,

There is no state law whatsoever governing the establishment of private schools. There is nothing to keep anybody who wants to from opening a private school. There is no protection at all for the children. We’ve tried every year for the past several years to get legislation passed to control these schools, but the legislators are afraid of it for some reason.<sup>298</sup>

Legislators seemed willing to search for creative ways to support private schooling, but they were hesitant to enact legislation that would monitor or set minimum standards for private schools. “A vote for regulating private schools [was] looked upon as a vote for integration.”<sup>299</sup>

---

<sup>296</sup> James H. Downey, “Canton: Double System Planned,” *Clarion-Ledger*, January 6, 1970.

<sup>297</sup> Charles C. Bolton, “The Last Stand of Massive Resistance: Mississippi Public School Integration, 1970,” Mississippi Historical Society Mississippi History Now. <http://mshistory.k12.ms.us/articles/305/the-last-stand-of-massive-resistance-1970>

<sup>298</sup> Associated Press, “New Private Schools Mushroom in the South,” *Clarion-Ledger*, January 6, 1970.

<sup>299</sup> *Ibid.*

Private schooling was not new to the South in the 1960s, so educators began to distinguish private schools opened post-desegregation as a new line of private schools.<sup>300</sup> As HEW prepared a desegregation plan, more parents in Jackson left the public schools. The school system began to work on its own desegregation plan rather than accept the HEW plan. Citizens waited to see which plan would be accepted.

The U.S. Department of Health, Education, and Welfare filed a desegregation plan for the Jackson Municipal School District in federal court on January 7, 1970. The plan was based on zoning and, in some situations, pairing of schools. On the same day, the Board of Trustees of the Jackson system filed its own desegregation plan. U.S. District Judge Dan M. Russell had been named the special judge to rule on the submitted plans. The trustees' plan would allow pupils to attend the school of their choice if space were available. Trustees also filed a motion requesting that a hearing be held in which the trustees could share their objections or their proposed modifications to the HEW plan. The HEW plan had been delivered to the school staff on the morning of January 6, 1970. In a prepared statement, the board asserted that the plan for desegregation would be assigned by the district court, but the date the plan would be implemented was pending the U.S. Supreme Court decision. According to the court order, faculty were to be desegregated in the Jackson system no later than February 1, 1970, and would be required to mirror the 60 percent white to 40 percent black ratio of the school district at large. Initially, the Jackson system planned to use a lottery system to determine faculty desegregation, but following the submission of the HEW plan for pupil desegregation, Dr. Martin stated they school district would wait to see if a plan for pupil desegregation would be handed down immediately by the court.

---

<sup>300</sup> Ibid.

According to HEW, their plan established a unitary system even though the plan did not fully desegregate every facility in the district. Officials from HEW stated the schools would not be fully desegregated under the plan because HEW had been forced to adhere to state laws that restricted transportation of students within the district and because of natural and manmade barriers that could create a safety hazard. The officials also emphasized that they had considered ways to limit resegregation in neighborhoods where the population was moving from a white majority to a black majority. Neighborhood schools were maintained as much as possible for elementary grades under the HEW plan, but officials with the agency believed all students would be in fully desegregated schools by the 7th grade. White and black elementary students were limited to the schools in their neighborhoods by lack of transportation. Also, HEW stated that in-city busing or other transportation arrangements would be required to fully desegregate elementary schools.<sup>301</sup> The office of HEW had actually submitted three plans. Plan A was the recommended plan, and Plans B and C were presented as alternatives. Plan A was the most acceptable to school officials and called for the desegregation of high schools, junior high schools, and all but ten of the elementary schools. All three plans divided elementary school students into thirty-eight different zones, but although most elementary schools would maintain the same grade configuration, five would be desegregated through pairing. Isable Elementary had been an all-black school. Under Plan A, Isable would pair with Key and Lester elementary schools, both having been predominantly white. Isable would house grades one through five, while Key and Lester would house the 6th grade only. Predominantly white Green Elementary would pair with Watkins Elementary, a school that had been predominantly white but had

---

<sup>301</sup> Billy Skelton, "HEW Outlines Plan for City Pupil Mix," *The Clarion-Ledger*, January 7, 1970.

become predominantly black in the past few years. Grades 1 and 2 would attend Green, while grades 3 through 6 would attend Watkins. Twenty-eight of the thirty-eight elementary schools would be desegregated; ten of the elementary schools would still be single race. Marshall, Sykes, Lee, Lake, and Casey elementary schools would be all-white, while Brown, Morrison, Reynolds, Smith, and Walton elementary schools would be all-black.<sup>302</sup> Plan A divided the city into five zones for junior high and four zones for high schools. The school board was not happy with the plan submitted by HEW. Plans B and C offered even less desegregation than Plan A.

The board requested a hearing based on its own research indicating the plan was “educationally unsound and unrealistic.”<sup>303</sup> The board also asserted that the plan it had submitted would create completely integrated faculty, and students would be allowed to choose where they would attend school as long as there was space available. It did not matter that the U.S. Supreme Court had ruled against freedom-of-choice plans as the sole means of desegregating when it handed down the verdict in the *Green v. County School Board of New Kent County in 1968*. Jackson wanted to continue freedom of choice for pupils and fully desegregate the faculty. If the court chose the HEW plan instead of the board plan, the board wanted the superintendent to have the opportunity to speak to the court to request that any plan chosen would “maintain an educationally sound school system.”<sup>304</sup> Segregationists still wanted the state legislature to provide support for private schools.

On January 8, 1970, legislation was presented to the Mississippi state senate that would allow parents to divert public school tax money to private schools. Parents would be allowed to take private school tuition receipts to the local tax office and have the amount deducted from

---

<sup>302</sup> Ibid.

<sup>303</sup> Ibid.

<sup>304</sup> Ibid.

their ad valorem taxes for the coming year.<sup>305</sup> The district court had made their ruling, but the state of Mississippi was not going to give in to the court order without a fight. Everyone waited to see how the U.S. Supreme Court would rule in regards to deadlines.

Jacksonians expected the Supreme Court to hand down an order on Monday, January 12, 1970, requiring the immediate desegregation of all public schools serving 300,000 black and white children in five Southern states. In spite of the Nixon administration's preference that schools be given more time to desegregate, the general consensus was that the Supreme Court's decision would be clear and succinct. The Court had already notified all districts to be prepared to desegregate earlier than had been anticipated. Attorneys for the Jackson school district claimed the system was already desegregating and that their schools, serving around 40,000 students, might have to close down for months if the Supreme Court ordered that new plans be implemented. The Jackson board was concerned that immediate and total desegregation would be ordered as it had been ordered in the thirty Mississippi school districts October 29, 1969. School desegregation was not the only decision on the agenda for the Supreme Court session that would impact the South. The Court was also considering Southern jury laws that limited jury service to the "upright and "intelligent."<sup>306</sup> Pervasive racism continued to be in the forefront of Southern policy makers.

By January of 1970, black educational leaders in Mississippi determined they needed to form a state coalition to address the "new ways to discriminate against black people."<sup>307</sup>

---

<sup>305</sup> "JBW's Program Slated for Solons on Tuesday," *Jackson Daily News*, January 8, 1970.

<sup>306</sup> Associated Press, "Jackson Mix Date Ruling Due Monday," *The Clarion-Ledger*, January 11, 1970.

<sup>307</sup> "Mixing Coalition Formed in State," *The Clarion-Ledger Jackson Daily News*, January 11, 1970.

Mississippi Teachers Association executive secretary C. J. Duckworth reported that eleven organizations were supporting the new Educational Resources Center that had been created to help support black people as “contributors to the total education of the community.”<sup>308</sup> The coalition cited situations in which black principals had been demoted to assistant principals or classroom teachers as examples of a new form of discrimination as dual systems moved toward unification. In other situations, black professionals were fired. Duckworth also pointed out that schools were being “systematically stripped of their Black heritage.”<sup>309</sup> Black organizational and educational leaders felt the Educational Resources Center could function to help black citizens be more involved in educational decision-making throughout Mississippi. The U.S District Court handed down an order on January 22, 1970, providing for a unified school system in Jackson. By January 11, 1970, attendance was down by almost 21 percent in twelve of the thirteen school districts that had been court ordered for immediate desegregation.<sup>310</sup> The courts became involved in the fight for financial support for families with students enrolled in private schools.

A three-judge federal panel ruled against allowing tax-exempt status for any private school that denied entrance to black students and denied federal tax deductions for donations to segregated state private schools. Governor John Bell Williams decried the ruling as a major threat to private schools in Mississippi. However, the ruling did not impact any plan that would allow tax credit on state income and property taxes for payments to private schools. The injunction disallowing federal tax-exempt status for payments to private schools would remain in effect until a suit filed by five black individuals in Holmes County, Mississippi was heard in

---

<sup>308</sup> Ibid.

<sup>309</sup> Ibid.

<sup>310</sup> “2492 Whites Attend Miss. Black Schools,” *The Clarion-Ledger Jackson Daily News*, January 11, 1970.

Washington, D.C. The suit was based on allegations that any kind of federal tax-exempt status was equivalent to federal aid to segregated schools.<sup>311</sup> White Mississippians continued to push for public support of private schools.

At the same time, Governor Williams was urging Mississippi state legislators to establish financial supports for private schools while maintaining a public school system, which would carry the responsibility of educating most of Mississippi's children. Families sending children to private schools would receive tax credit and ad valorem relief. Williams also requested that grants be made available to aid in paying for private education.<sup>312</sup> Meanwhile, the Jackson City Council failed to pass a motion allowing a two-mill tax on all property subject to support of parochial and non-sectarian private schools.<sup>313</sup> Jacksonians were still waiting to hear from the Supreme Court.

On January 14, 1970, the U.S. Supreme Court ruled in a vote of six to two that fourteen districts in five states must be desegregated by February 1, 1970. The Jackson school district was one of the fourteen districts under the court order. This order reversed the December 1, 1969 ruling by the U.S. Circuit Court in New Orleans allowing the fourteen districts to postpone desegregation until the fall of 1970. Justices Warren Burger and Potter Stewart opposed the ruling, stating that the circuit court was more familiar with local situations in the applicable school districts. Justices John Harlan and Byron White made a statement that they supported reversal of the circuit court's decision because "gradual implementation of desegregation is no longer constitutionally permissible."<sup>314</sup> The day after the court ruling, one U.S. senator from

---

<sup>311</sup> Lincoln Warren, "Court Bars Tax Break," *The Clarion-Ledger*, January 14, 1970,

<sup>312</sup> *Ibid.*

<sup>313</sup> Billy Skelton, "Council Votes Down Private School Aid," *The Clarion-Ledger*, January 14, 1970.

<sup>314</sup> "Top Court Orders Full Mix By Feb. 1," *The Clarion-Ledger*, January 15, 1970.

Mississippi, John Stennis, spoke to citizens and stated that the lack of a unanimous vote from the Court was an indicator that there was some disagreement on how desegregation should proceed. He did not feel private schools were the answer to educating the vast majority of children in Mississippi, and he urged citizens to assert their right of petition of grievance to legislators. Stennis pointed out that there were segregated schools in many areas of Illinois, Pennsylvania, Indiana, Ohio, New Jersey, and New York. According to Stennis, Chicago had 114 all-black schools, and New York already had a law against using busing as a method to force integration.<sup>315</sup> Jacksonians were still waiting to learn which desegregation plan they would be required to follow.

A hearing was set for federal court in Jackson for Monday, January 19, 1970, for the purpose of determining which plan for total integration would be followed by the Jackson Municipal School District. Four plans were to be presented at the hearing—one drafted by the school board and three drafted by HEW. There had been two weeks of integration of thirty school districts in Mississippi, and overall, there were few serious confrontations. The general consensus was that whites would accept integration in white-majority areas, but there would be large pullouts from public schools where the majority was not white. Integration was peaceful where it did take place, as the governor advised in his statement that Mississippians should as make the best of what he and many Mississippians considered a bad situation. However, the immediate integration of the schools in these districts produced a new type of segregation. In Canton, Mississippi, the public schools became over 99 percent black enrollment as whites moved to private schools. In Wilkerson County, only two of the 779 white students enrolled in

---

<sup>315</sup> Charles Smith, “Quiet Mix Response to Aid Efforts—Stennis,” *The Clarion-Ledger*, January 16, 1970.

public school. The father of these two students said that his children were in public school because he could not afford private school. Four of Kemper County's five schools were comprised of black students only as all but fifty-three of the system's 793 white students left the public schools. Amite County decided that schools segregated by sex would help "ease the transition by sheltering females from males of a different race." However, only 11 percent of the white students reported to school. The level of acceptance was strongly related to the actions of adults who either supported or opposed public school. In Yazoo City, located on the edge of the Delta and home for many blacks, whites had town meetings to express support of the public schools. The level of acceptance to desegregation was high in Yazoo City as a result.<sup>316</sup> Now the eyes of the state and the nation were pointed towards Jackson, home of Mississippi's largest school system.

Jacksonians were on edge as they waited for the decision of the court determining which plan would be chosen for desegregation of the Jackson system. After the hearing, it was uncertain who would actually make the decision, the U.S. District Judge Dan Russell or the U.S. Fifth Circuit Court of Appeals. Judge Russell did not know if the Fifth Circuit would rule or if they would ask him to do so. The plaintiffs in the suit were requesting that HEW Plan B be chosen, but Russell stated that he would take more time to study modifications sought by the school system. Jackson Public School superintendent John Martin stated that the HEW plans were educationally unsound and unrealistic, and he declared the HEW plans would destroy the organizational structure of the junior and senior high schools.<sup>317</sup>

---

<sup>316</sup> Leroy Morganti, "Mix Grudgingly Accepted Except in Black-Belt Areas." *The Clarion-Ledger Jackson Daily News*, January 18, 1970.

<sup>317</sup> Billy Skelton, "City Awaits Ruling on Pupil Mix Plan," *The Clarion Ledger*, January 20, 1970.

At the January 19th hearing, the plaintiffs called Dr. Larry Winecoff, director of the University of South Carolina school desegregation consulting center. Winecoff had been one of the team of nine HEW educators who drafted plans for desegregation of the Jackson system. He stated that all of the plans being considered had merit and that neighborhood schools for elementary children had been provided for as much as possible. Winecoff stated that students were more mobile in junior and senior high school, so integration could be accomplished more easily in those schools. Winecoff had worked on thirty-five or forty desegregation plans in his job. The HEW plans called for gradually phasing out academic courses at Lanier and Central high schools and having those schools become vocational education schools. Students in these two school districts would be zoned to determine who would attend each school. The Jackson school modification plan called for these students to stay in their current school. Winecoff reported that HEW objected to this plan because this would keep Lanier comprised of black students, and Central would remain only about 10 percent desegregated. According to Winecoff, HEW had primarily considered the proximity to the schools, natural and man-made barriers, the changing status of neighborhoods, size of facilities, and types of programs currently offered at the school when developing the plans. The main modifications proposed by Dr. Martin involved the junior and senior high schools, and he asked that a 6-3-3 grade configuration be continued. Melvin Leventhal, the attorney for the NAACP Legal Defense Fund representing the plaintiffs, stressed throughout the hearing that his main objection was the elementary and senior high modifications sought by the school system.

Dr. Martin indicated the school system would follow the decision of the court, but the HEW plans were designed mainly to integrate the schools and that the educational value of the plans came second. Martin argued that the logistics of one HEW plan would require relocating so

many teachers, textbooks, and supplies that it would be overwhelming. He also emphasized the financial burden of the HEW plans. Plan A would cost \$829,737; Plans B and C would cost \$927,600 each, with most of the cost coming from the purchase of 76 new portable classrooms. The transportation burden of Plan A would increase due to 1,400 more students becoming eligible for enrollment. When asked by Leventhal how long it would take to implement any of the HEW plans, Dr. Martin answered that he did not know. The school system plan was, again, based on a freedom-of-choice plan, but Judge Russell stated that while he had ruled in favor of freedom-of-choice plans, these decisions had been reversed. He said that he had “reversed [rulings on freedom-of-choice plans] three times. We can’t travel down that road any longer.”<sup>318</sup> This negated the choice aspect of the school district plan submitted to the court.

U.S. District Judge Dan M. Russell ruled from his office in Gulfport on the night of Thursday, January 22, in favor of a modified HEW plan that included changes requested by the school district and further changes made by the judge. HEW had submitted three plans that had been written by a committee of nine people which had attempted to anticipate and eliminate resegregation patterns. The team was limited by state laws that restricted the transportation of students in the district, natural and manmade barriers, and the demographic patterns of the district. The judge stated that he understood the task set forth for the school system; the Jackson system was the largest in the state with 39,653 students as of January 7, 1970. There were fifty-five schools in the district—thirty-eight elementary, nine junior high and eight senior high, two of which were junior-senior high schools. Judge Russell observed in his order that the plan did not desegregate all thirty-eight elementary schools due to housing patterns and state-imposed restrictions on busing. The order also included faculty and staff desegregation. Teachers would

---

<sup>318</sup> Ibid.

be reassigned to provide a ratio of 60 percent white to 40 percent black in all schools to reflect the demographics of the district overall. The NAACP filed an appeal to the plan immediately after it was released to the public based on its failure to fully integrate all schools. As the NAACP pushed for full desegregation, the school board continued to say this was not feasible.

According to Dr. Martin, the judge had created something entirely new out of the HEW plan, and he was very pleased that the plan maintained the organizational structure of the school system. Most of the school system modifications had been included in the plan approved by Judge Russell. The thirty-eight elementary school zones would remain as proposed by HEW with only two exceptions. First, the board had requested that black students assigned to Key School from Isable School would remain at Isable because there was not room for them at Key. Second, the addition of 152 black students at Lester would be maintained in spite of the system request that they remain at their original school because Lester could accommodate them.<sup>319</sup>

Immediately, Melvin Leventhal filed an appeal on behalf of the plaintiffs asking that the Fifth Circuit Court order the system to follow HEW Plan B without the modifications requested by the school system.<sup>320</sup> The school system determined it would need to close the schools in order to comply.

The system would have a nine-day interim period between the semesters to make the conversion to the plan and become a unitary system. Students were dismissed at the end of school on January 23 and would return to their original school on January 28. At that time, students would be given their assignments for the new school they would be attending. Students would register for their new school but would not report to the new school until the beginning of

---

<sup>319</sup> Billy Skelton, "Russell Orders Altered HEW Mix Plan Adopted," *The Clarion-Ledger*, January 28, 1970.

<sup>320</sup> "NAACP To Appeal Jackson Ruling," *The Clarion-Ledger*, January 23, 1970.

the second semester on Friday, February 6th. The new bus routes would be released during the nine-day interim period.<sup>321</sup> Following the January 28th registration, it was determined that 92 percent of Jackson students had registered to attend public schools. Plans for teacher reassignment had still not been released, but these plans were to be monitored by the white Jackson Education Association and the black Jackson Teachers Association.<sup>322</sup> On Monday, January 27, 1970, the Jackson School Board announced the attendance zones for elementary school students under the court order. Junior high and high school zones had been announced the previous week. Registration was uneventful on January 28, according to assistant superintendent, R. B. Layton.<sup>323</sup> There was still a lot of rhetoric across the South as many spoke out against busing to maintain ratios of black and white.

Political pressure continued to mount in the South. On Friday, January 23, 1970, the governor of Florida, Claude Kirk, and the attorneys general of Louisiana, Mississippi, and Alabama asked that uniform rules for public school integration be applied to all states. Governor Kirk stated that he would go to jail if necessary to keep Florida from forced busing to meet the February 1, 1970 deadline. The attorneys general announced plans that would require all public schools across the U.S. to follow the same desegregation rules that applied to the Southern states. All funding for the effort would be privately donated. Governor Kirk told the Court it would be impossible to meet the February 1st deadline and that Florida would not have the millions of dollars necessary to bus students until September of 1970. He asked for the Court's permission to sue other states if Florida was not allotted its proportionate share of federal funds. Mississippi

---

<sup>321</sup> Ibid.; Bus routes would eventually be released on February 3rd and posted in *The Clarion-Ledger* on February 4, 1970.

<sup>322</sup> Billy Skelton, "92 Per Cent of Jackson Students Registered for Second Semester," *The Clarion-Ledger*, January 30, 1970.

<sup>323</sup> Ibid.

governor John Bell Williams stated he would not “close a school or system unless it benefitted the local citizenry.”<sup>324</sup> Two federal appeals court judges, Charles Clark and James F. Coleman, issued dissents when the majority court decision denied a hearing for the *Singleton vs. Jackson Municipal Separate School District* regarding the plan. The judges based their dissent on what they felt was lack of due process of law and equal protection. Mississippi attorney general A.F. Summer stated that in Mississippi “blacks think that forced integration is just as wrong for them as it is for white people,” while the attorney general from Louisiana predicted continued growth of private schools and stated that “freedom of choice is the only safe, wise and constitutional way to maintain a system of public education that is consistent with the law of the land.”<sup>325</sup> Other Southern leaders expressed their dissatisfaction with efforts to integrate nationally. Governor Brewer of Alabama accused two cabinet officers of violating federal law by permitting racially segregated schools in the North. Governor Kirk of Florida submitted tables indicating the percentage of black students attending mostly black schools in a variety of Northern school districts. According to Kirk, 85 percent of black students in Chicago attended virtually all-black schools, while 89 percent of black students in Washington, D.C., attended majority same race schools. On January 30, Governor Kirk issued executive orders prohibiting two Florida counties from implementing federal court-ordered desegregation plans by forced busing. In the order, Kirk stated that large mid-year transfers were immoral and contrary to the Civil Rights Act and thus a violation of the civil rights of citizens of Florida.<sup>326</sup> Southern governors continued to express their disapproval of desegregation plans and pointed fingers at other areas of the country where they felt the law was not being applied as rigorously as in the South. By February 3rd, the

---

<sup>324</sup> “4 States Ask Quota System Nationwide,” *The Clarion-Ledger*, January 24, 1970.

<sup>325</sup> *Ibid.*

<sup>326</sup> “Kirk ‘Overrules’ Court Mix Order,” *The Clarion-Ledger*, January 31, 1970.

U.S. Supreme Court had thrown out attempts by Governor Brewer of Alabama and Governor Williams of Mississippi to sue U.S. Attorney General John Mitchell and HEW Secretary Robert Finch for permitting racial segregation in schools in the North. The Court opined that neither governor had stated a claim warranting a hearing in the high court.<sup>327</sup>

Educational organizations also weighed in on the court orders. The National Education Association conducted a study after the court order requiring integration of the thirty Mississippi school districts. James Williams, the director of the southeastern regional office stated that an estimate of about 1,000 public school teachers had resigned in the thirty districts. Williams stated that the Washington office of the NEA had received many complaints and that he was the coordinator of a team of fifteen to twenty staff members that had been sent to the state to investigate. According to Williams, most of the complaints had been concerned with the rights of educators of both races and the preservation of the public schools, especially with regard to reports that some public schools were being used for private schools.<sup>328</sup> Teacher assignments were released on February 2, 1970, and were met with “tears, determination, and outrage.”<sup>329</sup> Meanwhile, Mississippi legislators continued to push for desegregation of schools outside the South.

In January 1970, U.S. Senator John Stennis of Mississippi sponsored an amendment to a federal education bill that would require equal efforts to desegregate in both the North and the South. Though it appeared Southern legislators were suddenly supporting desegregation, the amendment was, in reality, an attempt to garner nationwide support of attempts to deconstruct

---

<sup>327</sup> “Top Court Rejects Governor’s Appeal,” *The Clarion-Ledger*, February 3, 1970.

<sup>328</sup> “NEA Official Estimates Mix Order Has Caused 1,000 Teachers to Quit.” *The Clarion-Ledger*, January 22, 1970.

<sup>329</sup> Billy Tabb, “Veteran Teacher Condemns Tyranny,” *The Clarion-Ledger*, February 4, 1970.

desegregation in the South. The amendment might have been perceived as yet another action against desegregation by a Southern legislator, but the bill had support from a highly regarded senator from the North, Abraham Ribicoff of Connecticut. Ribicoff, who had been a former secretary of HEW under President Kennedy, charged Northern legislators with hypocrisy as they pushed for desegregation in the South while ignoring segregation in Northern suburbs and cities. Ribicoff felt local, state, and federal officials were ignoring the growing racial divide in the North and were requiring more from Southern states. Ribicoff's alignment with Stennis was a surprise to many, including black leaders and the NAACP. The Stennis amendment and the ensuing discussion was the first time there seemed to be multi-regional questioning of the laws and court orders requiring desegregation in the South. This opened the door for what would become continual discussion of de facto and de jure segregation. The courts had ruled that de jure segregation was illegal, but there had not been a clear understanding of whether or not de facto segregation was also prohibited. This would not be determined by the U.S. Supreme Court until 1973 when the Court ruled in *Keyes v. School District 1, Denver*. The *Keyes* decision would lead to more creative methods of desegregation, such as implementation of magnet schools and the construction of new schools.<sup>330</sup> Jackson citizens were concerned about what would happen the day schools reopened.

Speculation and opinion continued to run wild in the days before schools opened again. One article in *The Clarion-Ledger* referred to the South as “sacrificial lambs for the Instant Integration decrees from which non-Southern states are now exempt.”<sup>331</sup> Simultaneously, the

---

<sup>330</sup> Joseph Crespino, “The Best Defense Is A Good Offense: The Stennis Amendment and the Fracturing of Liberal School Desegregation Policy, 1964-1972,” *The Journal of Policy History* 18, 3 (July 2006): 304-325.

<sup>331</sup> Tom Etheridge, “Mississippi Notebook: Where the Grapes of Wrath Are Stored.” *The Clarion-Ledger*, February 4, 1970.

North Mississippi Conference of the United Methodist Church adopted a broad resolution calling for support of racially united schools and opposing the use of United Methodist Church buildings by private schools. The resolution called upon all parties to work for a unitary system that would provide quality education and specifically called upon parents of school-age children to demonstrate their support of public schools by registering their children in their assigned school for the remainder of the school year. The resolution opposed allocation of public funds to private schools as well as tax-exempt status for private schools.<sup>332</sup> While the resolution symbolized change in favor of desegregation, there were still more blatant examples of white dominance. For example, when there was a vacancy on the school board, the NAACP asked that it be filled by a black citizen. This was denied by the mayor who stated that he thought it “was time Negroes be represented on the school board,” but with the school situation—atmosphere—as charged as it was, he did not think that could be accomplished at that time.<sup>333</sup>

The day before students were to return to school, Superintendent Martin asked parents and guardians not to accompany their child into the school buildings. Parents of primary school students could accompany their child to the classroom, but they were to leave immediately. According to Martin, all schools were ready for students and needed to begin work as quickly as possible. He also noted that all public school sites in the district were off-limits to all photographers, television cameramen, reporters and all other persons except police authorities, authorized school personnel, school-serving personnel, and pupils. The district would have a news center set up for media personnel where factual and reliable reports on school opening would be received from all schools periodically over a special telephone and released

---

<sup>332</sup> “Methodist Group Gives Statement,” *The Clarion-Ledger*, February 4, 1970.

<sup>333</sup> “Negro Due Soon? Mrs. Chappell Named New School Trustee,” *The Clarion-Ledger*, February 4, 1970.

immediately to the news media. The public was urged to cooperate for the safety of the students and an orderly and efficient opening day of school.<sup>334</sup> However, segregationists fought on, right up until the day schools reopened.

The night before schools were to reopen, freedom-of-choice rallies were held in Jackson and along the Mississippi Delta. The mass rallies were organized by a new organization named Freedom of Choice in the United States (FOCUS). The group disclosed that it planned to use “every legal means available for returning control of public schools to local control and for freedom of choice in a student’s selection of school he will attend.” Mississippi’s U.S. Senator John Stennis would address the crowd via telephone to share things being done on the national level to accomplish the purpose of the organization.<sup>335</sup> Governor Williams made a surprise appearance at the Jackson rally and pledged “a last-ditch stand against court mix rulings” if parents would stand with him with “aggressive support” of his freedom of choice plans.<sup>336</sup> In news reports of the day, a new private school, Mississippi Baptist High School, announced it would open on February 9th with temporary housing at the Clinton Boulevard Baptist Church. The school would operate independently of the denomination.<sup>337</sup>

With the impending first day of school as a unified system, those in opposition to desegregation began to grasp at straws regarding ways to stop the inevitable. On February 6th, Governor Williams asked the legislature to enact a bill that would require school districts to “comply with the principle of freedom of choice” even though freedom of choice had been declared an insufficient means to desegregate by the Supreme Court. Williams asked that the bill contain wording that no student would be assigned or compelled to attend any school on account of race, color, creed, or national origin and that the achievement of racial balance would not be grounds for transferring students. Such legislation would place school officials in a situation where they would have to either defy state law or risk federal court contempt charges for non-compliance with the

---

<sup>334</sup> “Stay Home, Parents Urged by Dr. Martin,” *The Clarion-Ledger*, February 5, 1970.

<sup>335</sup> “Free Choice Rallies Due Here, In Delta,” *The Clarion-Ledger*, February 5, 1970.

<sup>336</sup> George Whittington, “Surprise Speaker JBW Asks Support as He ‘Battles On’,” *The Clarion-Ledger*, February 6, 1970.

<sup>337</sup> “New Private School Gets Start Here,” *The Clarion-Ledger*, February 5, 1970.

decisions of the federal courts. Williams stated the he did not know what the effect of such legislation would have on school districts, but that if it were contested in court, it would give Mississippi's attorney general a chance to do what the Supreme Court had denied the state—an opportunity to contest the legality of assignment of pupils based on race.<sup>338</sup>

Meanwhile, the schools would open on schedule. Schools opened on February 7th with more than 96 percent of those who had registered showing up. This was 88 percent of the students who had been present on the last day of school before the break for implementation of the plan. No incidents were reported, and all openings went smoothly. There seemed to be a sense of accomplishment for school leaders. One principal remarked that she was “so proud of our people.” Dr. Martin credited the staff and reported that there had been only twenty teacher resignations from the more than 1,500 teachers in the district. There was only one violation by someone from the media, a person who took photographs of students and faculty across the street from the school. Things at the elementary level were positive, but high school attendance was less than stellar. White students placed at traditionally black high schools appeared to boycott attendance. Overall, the expected number of whites attending formerly all-black schools was a total of 957, but only 119 white students showed up that first day. Southern governors, anxious to appear to their segregationist constituents as fighting desegregation, spoke adamantly about what they viewed as forced desegregation.

In the meantime, Georgia's governor Lester Maddox declared the South was under a police state and that the federal government had “declared war on the people” but “only the people could win the war.”<sup>339</sup> A rally was also being planned in Charlotte, North Carolina, to protest the busing of up to 10,000 students. It had been reported that Jerris Leonard, head of the

---

<sup>338</sup> “Stennis Lashes School ‘Butchery’ By Federals,” *The Clarion-Ledger*, February 6, 1970.

<sup>339</sup> “Governors to Seek Action in Congress,” *The Clarion-Ledger*, February 9, 1970.

Civil Rights Division of the Justice Department, had said in a radio interview that Southern governors who would not comply with full desegregation of schools would be jailed. This assertion was met with fury from some in the South, including Representative Thomas Abernathy. Abernathy declared the statement was “unquestionably designed to intimidate” them.<sup>340</sup> Also, in neighboring Rankin County, twenty-three civil rights workers were beaten or threatened with beating after being arrested for protesting.<sup>341</sup> While students in Jackson had done the unthinkable—desegregate peacefully—it was clear the fight was not over across the South.

The push by Southern legislators in Washington continued in the halls of Congress. Votes on a \$35 billion federal aid-to-education bill were a hot topic in the nation’s capital due to the Southern senators’ attempts to attach several amendments to the bill. One rider submitted by Senator Stennis of Mississippi would have permitted retention of a freedom-of-choice school policy. The second amendment proposed by Senator Stennis would have required enforcement of school desegregation policies throughout the U.S. Senator Sam Ervin of North Carolina stated that he had another amendment he would propose if the Stennis proposals were shelved. According to Senator Hugh Scott of Pennsylvania, both amendments presented would be defeated. Senator Ervin asserted that nullification of freedom-of-choice plans and ordering school boards to take race into consideration in assigning teachers and pupils to public schools was a violation of the Constitution. Like most white leaders in the South, Ervin believed the Nixon administration had one rule for desegregation in the South and a different one in the North.<sup>342</sup>

---

<sup>340</sup> Mary Ann Pardue, “Abernathy Questions Jail Threat,” *The Clarion-Ledger*, February 11, 1970.

<sup>341</sup> Lincoln Warren, Jr. “Take Rankin Case, U.S. Court Urged,” *The Clarion-Ledger*, February 13, 1970.

<sup>342</sup> “Nixon Against Plans for Choice, Equality,” *The Clarion-Ledger*, February 11, 1970.

The Nixon administration continued to be under fire by Southern leaders. Nixon had made a public statement that he supported neighborhood schools, the maintenance of quality education, and opposition to forced busing to achieve racial balance. His stance was praised by state Republican chairman Clarke Reed. According to Reed, Nixon's stance could "be applauded by every parent who abhors the absurd practice of taking children from their home school to a strange environment where quality education is impossible."<sup>343</sup> Reed further interpreted Nixon's comments as indicative that "contrary to the pressure from the extreme liberals [the Nixon administration] has made it clear that they are opposed to the deplorable hypocrisy of a dual standard of justice which has treated the South as an unequal with other sections of the nation."<sup>344</sup>

Southern leaders were pleased with Nixon's statements regarding neighborhood schools and his opposition to compulsory busing to achieve racial balance; however, civil rights leaders were confused by his statements. Kelly Alexander, Mississippi state president of the NAACP, said Nixon's view "gives support to the segregationist way of life."<sup>345</sup> Across the South, governors and other politicians touted what they felt was the president's support of freedom-of-choice plans, but other southern politicians were less convinced. Lester Maddox, governor of Georgia, questioned why the Nixon administration had killed a bill in the fall of 1969 that would have outlawed busing.<sup>346</sup> The Republican governor of Arkansas, Winthrop Rockefeller, emerged as one who disagreed with the Nixon administration's stance on busing. He believed it could be a "useful tool" that should be used "judiciously."<sup>347</sup> Nixon's entire tenure in office would be one of

---

<sup>343</sup> "Mixed Statement Praised By Reed," *The Clarion-Ledger*, February 13, 1970.

<sup>344</sup> *Ibid.*

<sup>345</sup> "Southerners Encouraged By Nixon View," *The Clarion-Ledger*, February 14, 1970.

<sup>346</sup> *Ibid.*

<sup>347</sup> *Ibid.*

seeming ambiguity with regard to desegregation of public schools, with both sides declaring victories and defeats during the time.

One of Nixon's main actions to resolve the ongoing bitter dispute with states in the South was to establish a cabinet committee to manage the transition from segregated to desegregated schools. He had asked Vice-President Spiro Agnew to head the committee, but Agnew did not want to take on that responsibility. Instead, then Secretary of Labor, George P. Shultz, presidential counselor Daniel Patrick Moynihan, and one of the president's lawyers, Leonard Garment, took the leadership roles on the cabinet. The cabinet committee was announced on February 16, 1970, and tasked with determining what the federal government could do to help school districts desegregate and "still preserve the public education system."<sup>348</sup> According to Nixon, the courts had spoken, and he was aware school systems needed help to transition. He called on "civil statesmanship and the level-headedness of private citizens and public officials" to join together to carry out the law while preserving educational opportunity. Nixon emphasized that the administration would work with the people to achieve that goal.<sup>349</sup> The president continued to oppose compulsory busing to obtain integrated schools and to favor the preservation of neighborhood schools. He also supported a uniform plan for handling desegregation problems. He did not, however, indicate that he supported the amendments of Senator Stennis to allow free choice and to require all states to desegregate immediately as the Southern states were required to do. Within days of the announcement of the cabinet committee, HEW director of the civil rights office Leon Panetta resigned. He felt he had been forced out and that while he believed the

---

<sup>348</sup> "Mixing 'Cabinet' Selected To Help Schools Carry Out Court Integration Plans," *The Clarion-Ledger*, February 17, 1970.

<sup>349</sup> *Ibid.*

president supported civil rights efforts, he also believed the president was surrounded with people who were “not committed to bringing us all together, but to winning the next election.”<sup>350</sup>

Southern governors meeting with congressional delegates in Washington were pleased that Panetta had resigned. Alabama governor Albert Brewer stated that Panetta had probably resigned “because his conscience was troubling him,” implying that Panetta was feeling guilty for what the governors considered unfair pressure to desegregate schools across the South.<sup>351</sup> The governors were meeting to develop a strategy for easing school desegregation pressure on the South and were adamant in their plan for application of desegregation rules elsewhere in the nation as they were applied in the South. Governor Williams of Mississippi stated that 10 percent of the students in Mississippi had not attended school since January 1, 1970, due to forced integration.

Meanwhile, black citizens in Jackson pushed for black school board members. Spokespersons for a group of blacks accused the Jackson city council of ignoring the needs of black citizens. The mayor reiterated that he felt the council did want to move in the “direction of unity.” However, the mayor told the group, “If y’all intend to harass the council or pressure the council, we don’t think that’s the way to operate.” Dr. Aaron Shirley, a local pediatrician and spokesperson for the group, informed the mayor that they were not trying to harass the council but were just trying to present to the council what they felt were “legitimate gripes.” Dr. Shirley assured the council that blacks would continue to present their gripes either at council meetings or in other places.<sup>352</sup>

---

<sup>350</sup> “Chief Mixer ‘Forced Out,” *The Clarion-Ledger*, February 18, 1970.

<sup>351</sup> *Ibid.*

<sup>352</sup> Billy Skelton, “Blacks Again Demand School Board Members,” *The Clarion-Ledger*, February 18, 1970.

The U.S. Senate continued to wrestle with the bill that included the Stennis amendment requiring equal enforcement of school desegregation orders in all regions of the country, but the vote was delayed until Wednesday, February 18th. The senate Republican leader, Hugh Scott of Pennsylvania, had proposed a substitute to the Stennis amendment that would require equal application of the law across all regions, but Scott's version would apply only to unconstitutional conditions of racial desegregation rather than de facto segregation. Southerners were vocal in their protests, insisting that the bill was meant to apply only in the South. They declared that this version would not change any of the current school segregation patterns in the North. Civil rights advocates supported the Scott version, stating that the purpose of the Stennis version was to give Southern states another way to fight desegregation. Senator Stennis claimed that his version had the support of the Nixon administration, but Scott also claimed to have Nixon's support. Some other Republicans also supported the Stennis proposal, such as Senator John Tower of Texas.<sup>353</sup>

The education bill passed the Senate including the Stennis amendment with an overwhelming majority on February 18th. A large part of the success of the Stennis version of the bill was due to the support of Abraham Ribicoff, the first Northern liberal to support the Stennis amendment. According to Ribicoff, "the North is guilty of monumental hypocrisy in its treatment of the black man" and he added that if Senator Stennis "wants to make honest men of us Northern liberals, I think we should help him."<sup>354</sup> Ribicoff declared that those in the North might ". . . need the mirror held up by the senator from Mississippi."<sup>355</sup> An angry Senator Scott declared that if the bill became law and was seriously enforced, "it would take all the police

---

<sup>353</sup> Senate Debates, Delays Vote On Stennis Move, *The Clarion-Ledger*, February 18, 1970.

<sup>354</sup> Mary Ann Pardue, "Senate Backs Stennis' Bid For Equal Mix Enforcement," *The Clarion-Ledger*, February 19, 1970.

<sup>355</sup> Ibid.

forces in the nation, and we would have to bring the troops home from overseas.”<sup>356</sup> Though senate passage of the Stennis-amended version of the bill was viewed as a victory for the Deep South in slowing down the demise of dual systems, two additional proposals introduced by Senator Sam Ervin of North Carolina were not passed. The first would have taken power from courts and federal agencies to order busing of pupils in order to change a school’s racial composition. The second would have disallowed any court or agency from denying any child the right to attend the public school nearest his or her home.<sup>357</sup> The version that passed the Senate was different from that passed by the House, so the bill would be discussed in the Senate-House conference. Senator Scott declared that the bill was either unconstitutional or unenforceable and would not become law.<sup>358</sup> The amount of funding authorized by both the House and the Senate was higher than Nixon said he would approve. The Secretary of Welfare eventually recommended that Nixon veto the bill because the bill was too expensive and that it ignored the president’s priorities. He also expressed concern that the bill contained amendments that were designed to be anti-civil rights. Those amendments included one that prohibited forced busing, one that gave congressional sanction to freedom-of-choice plans, and one that made it harder to cut off funds for a school district not in compliance with desegregation orders.<sup>359</sup>

Private schools expanded as the specifics of federal funding were argued on the floors of the U.S. Congress during the early months of 1970. Hinds County, the location of Jackson, and neighboring Rankin and Madison counties had a total of 19 private schools, not counting

---

<sup>356</sup> Ibid.

<sup>357</sup> “Mixing -Relief Measures Cleared By Both Houses – Stennis Provision Cleared,” *The Clarion-Ledger*, February 20, 1970.

<sup>358</sup> “Stennis Plan Stuns North,” *The Clarion-Ledger*, February 20, 1970.

<sup>359</sup> “Finch to Call For Veto If HEW Bill Unchanged,” *The Clarion-Ledger*, February 23, 1970.

parochial schools. Total enrollment for the schools was 6,786 students. Eight of the private schools had opened for the second semester of the school year beginning in January 1970. The three largest private schools in Jackson were all Citizens Council-sponsored schools, with a total enrollment of 2,835. The private school enrollment was almost equal to the number of students who had unenrolled in the three systems at the beginning of 1970.<sup>360</sup> A survey by the Mississippi State Department found that enrollment had dropped 9.8 percent in the 48 school districts ordered to integrate immediately. A total of 3,595 students had left the Jackson schools by the end of February, 1970.<sup>361</sup> The remaining white students represented just under 50 percent of the total enrollment in the system.<sup>362</sup>

The Mississippi legislature still had not given up on freedom-of-choice plans as a method of desegregation. The state legislature approved a proposal to add a freedom-of-choice amendment to the U.S. Constitution. Many hoped the proposal would result in a called constitutional convention like the one in which the original Constitution was written and approved. Representative George Payne Cossar, the chairman of the House Rules Committee, argued that the proposal would not open up the entire Constitution for change. Representative Brady asked, "By this constitutional amendment, we will make integration the law of the land, will we not?" Senator Cossar responded that he believed that it was already the law of the land.<sup>363</sup>

Southern governors and educators continued to speak against desegregation due to hardships in meeting the court orders. According to Claude Kirk, governor of Florida, the state

---

<sup>360</sup> "Area Private School Enrollment 6,786," *The Clarion-Ledger*, February 21, 1970.

<sup>361</sup> Information obtained from the Brandon Sparkman Archives indicates 5,000 students left the system when school reopened February 1st.

<sup>362</sup> Billy Skelton, "Third Mixing Plan on File," *The Clarion-Ledger*, June 3, 1970.

<sup>363</sup> "Choice Amendment Proposal Is Passed," *The Clarion-Ledger*, February 21, 1970.

was “financially and physically unable to meet the terms of the court’s order for immediate school desegregation.” It seemed desegregation was hard to implement for everyone across the nation. According to Dr. Robert Kelly, the acting superintendent of schools in Los Angeles, it would take another \$40 million to initiate a mass busing program” that would “mean a virtual destruction of the school district.” Dr. Kelly also stated that studies showed that the only feasible way to accomplish racial balance in a system where there was only de facto segregation was through a program of mandatory busing of minority and majority students. It would take 1,986 buses—enough to stretch thirteen miles when parked end to end—to bus students over the 711 square miles covered by Los Angeles schools. School officials across the country complained that simply redrawing school attendance boundaries would not work. Many white and some black parents were opposed to busing their children long distances to achieve racial balance. Also, school and state officials argued that they could not afford the cost of busing, and attempts to do so would take money away from necessary classroom needs.<sup>364</sup>

Busing became the new demon of desegregation across the nation. Governor Winthrop Rockefeller of Arkansas called for a meeting of Southern governors to map out a strategy, but only two governors attended, John Bell Williams of Mississippi and Lester Maddox of Georgia. Governor Rockefeller declared the meeting a waste of time, and neither of the other two in attendance was optimistic that there would be any unified coalition of Southern governors to address the issue of busing.<sup>365</sup> People outside the South began to look at the complexity of integration as other areas of the country began to determine ways to desegregate. On February 25, 1970, syndicated columnist William S. White wrote that a counter-revolution over

---

<sup>364</sup> “School Integration: It’s Tough All Over,” *The Clarion-Ledger*, February 24, 1970.

<sup>365</sup> Charles M. Hills, Jr. “Governors Pessimistic Over Unity,” *The Clarion-Ledger*, February 25, 1970.

integration had begun because “the North itself [had begun] to see the true dimensions of the problem—[were] as complicated as they [were] numerous.”<sup>366</sup> According to White, the existing laws unfairly singled out the South for federal sanctions while ignoring “a great deal of tacit but no less real segregation simultaneously practiced in the North.”<sup>367</sup> It appeared the broad support base for full school desegregation was starting to fracture.

Meanwhile, private schools were feeling financial stress due to increased numbers of students. By the end of February, 1970, the Catholic Diocese of Natchez-Jackson had ordered that no new Catholic facilities could be built nor could any additional grades be added to accommodate transferees from public schools. They were also ordered to admit new non-Catholic students only to existing schools of the predominantly opposite race. According to Monseigneur Paul Cananici, the purpose of the changes was to give “full support to our Mississippi public schools.” Catholic schools in Mississippi were already integrated in both student bodies and faculties, but in any school with a majority black or white student body, there should be strong effort to achieve a significant level of de facto integration. A representative group of blacks and whites would be established to work towards “a meaningful level of integration.” Bishop Joseph Brunini declared that the enrollment policies adopted were in accord with the Church’s social teaching.<sup>368</sup> In spite of religious organizations expressing support, those in state government were still not happy with desegregation as ordered. In late February, Governor Williams met Bryce Harlow, special assistant to President Nixon and Bob Maridan, secretary-general counsel of Spiro Agnew’s special school study commission to discuss school

---

<sup>366</sup> William S. White, “Counterrevolution Begun Over Integration Rights,” *Jackson Daily News*, February 25, 1970.

<sup>367</sup> *Ibid.*

<sup>368</sup> “Catholics Act to Curb Public School Transfers,” *The Clarion-Ledger*, February 25, 1970.

integration problems. Williams reported that the officials were “extremely sympathetic to [Mississippi’s] situation.” However, Williams did not feel the meeting would result in any changes to federal court orders. Harlow and Maridan asked for ways the administration could help, but most suggestions were deemed politically impossible or not feasible under the federal court orders. The meeting was deemed a success by Williams because it had been initiated by the federal officials, and Mississippi officials had been able to express their concerns and frustrations.<sup>369</sup>

On Leon Panetta’s last day as the chief of the Civil Rights Commission at HEW, he lashed out at Nixon, charging that the President was so concerned with appeasing the South that he had “abdicated the role of moral leader.”<sup>370</sup> He criticized Nixon for pledging to “. . . bring us together yet retreating on civil rights issues.” Panetta further declared that Vice-President Agnew “cater[ed] to racists and the fears of all whites reared in a segregated society.”<sup>371</sup> In Panetta’s opinion, Nixon’s attitude on freedom of choice and busing controversies symbolized a lack of leadership of the administration. Panetta asserted “It’s taking the easy way out. It’s a lot easier to say ‘the noble plan didn’t work so let’s forget it’ than to find the successes and build on them.”<sup>372</sup> Panetta’s believed that busing and neighborhood school questions were “phony fronts” for what he considered the real issues: racial isolation, discrimination, and justice under the 14th amendment. Busing, according to Panetta, had been the norm for the South, yet it had never been an issue as long as there was a dual system. He felt there had been blatant, intentional disregard

---

<sup>369</sup> Charles M. Hills, Jr. “Governor Finds Sympathy in D.C. But Sees No Help,” *The Clarion-Ledger*, February 26, 1970.

<sup>370</sup> “Panetta Blasts President,” *The Clarion-Ledger*, February 28, 1970.

<sup>371</sup> *Ibid.*

<sup>372</sup> *Ibid.*

for the use of busing as a way to integrate schools.<sup>373</sup> Two other staff members also resigned with Panetta due to their disagreement with the stand of the Nixon administration.

On March 1, 1970, the U.S. Senate passed a final version of the education bill after gutting three amendments that would have slowed school desegregation. The bill would have to go back to the House for agreement. The Senate version gave President Nixon the power to slash \$347 million where he felt it was appropriate. Two of the amendments that were slashed would have disallowed use of federal funds for busing students in order to achieve integration and would have paved the way for freedom-of-choice plans as a method of desegregating, even though such plans had been declared unconstitutional by the Supreme Court. Instead, the Senate adopted a version of the two amendments to include the statement, “except as required by the Constitution.” The third amendment dealt solely with freedom-of-choice plans but was changed by the senate to include the same statement, “except as required by the Constitution.” Supporters felt the wording would allow the federal government to act as a regulator of desegregation efforts. Southern representatives in the House immediately charged that the new versions of the amendments would result in destroying neighborhood schools and represented what the Southerners viewed as tyranny from the North. Senator Sam Ervin of North Carolina called the new versions of the amendments “the same old runaround—chastise the South and let the North go free.”<sup>374</sup> Senator Stennis was hopeful that the original riders would be put back into the amendments through conferencing between the House and the Senate but they were not. The bill eventually passed and was signed into law following further funding cuts by the House. It seemed both houses of Congress as well as the President were equally tired of the battle that had

---

<sup>373</sup> Ibid.

<sup>374</sup> “Senate Nullifies Three Anti-Mix Amendments: Southerners Predict School Destruction,” *The Clarion-Ledger*, March 1, 1970.

ensued over the passage. The funding was for fiscal year 1970, which was already in its ninth month by the time the final version was passed.<sup>375</sup>

Meanwhile, the white Mississippi Education Association (MEA) and the black Mississippi Teachers Association (MTA) were both meeting in Jackson on March 12th and 13th, 1970. Both groups planned to use the same facility, so it was decided the MEA would use the coliseum on March 12th, and the MTA would use it on the 13th. One item on the agenda for the MEA was a vote to determine if the organization would merge with the MTA. The MEA had voted against the merger in 1969. This time the merger proposal plan had been developed by a committee comprised of eight members of each organization. On Friday, March, 13, the MEA once again rejected the merger proposal. The MEA had been suspended as an affiliate member of the National Education Association (NEA) following the rejection of the 1969 proposal. This time, the MEA would possibly be disaffiliated by the NEA. At the MEA meeting in Jackson, Helen Bain, president of the NEA, pleaded with the organization to unify. Following the rejection of the 1970 proposal, she stated that the MEA would be required to appear at a show-cause hearing to give specific reasons for why the state organizations should not be disaffiliated by the national organization.

The incoming president of the MEA, Allan McClure, had included opposition to the proposed merger as part of his campaign speeches for president-elect. McClure asserted that the NEA should have to shoulder some of the blame for the defeat of the proposal for “threatening to open an office in Jackson and for sending inspection teams into the state” following the implementation of integration orders early in 1970. The visits by inspection teams had been “unauthorized by school officials.” Allan claimed that he was not against a merger, but that he

---

<sup>375</sup> Ibid.

felt that the plan would lead to “six or seven years of indecision” due to the call for co-presidents during the first year of merger and alternating black and white presidents in the following six years. Opponents of the merger plan were also against the proposal of equal membership on the board of directors. McClure stated that the MEA would present a new proposal to the NEA, but he did not elaborate on what that proposal would include. Although the MTA voted unanimously for the merger, and talks of a merger of the two organizations had existed since 1965, it appeared the two organizations were not close to unification.

The show-cause hearing was held in Washington on March 18, 1970. In an unprecedented decision, the NEA expelled the MEA.<sup>376</sup> Prior to the expulsion, the NEA had opened a field office in Jackson and announced it would provide complete financial support to seven black high school teachers who had been dismissed in a desegregation dispute. The teachers had volunteered to integrate faculty at formerly all-white high schools but were told that their positions had been filled. The teachers were then placed in all-black elementary schools even though they were not certified to teach at the elementary level. The NEA stated it was “keeping its commitment to help protect the rights of Mississippi educators during the current desegregation crisis.”<sup>377</sup> The NEA announced plans to form a third teachers group in Mississippi, one that would be attractive to both black and white educators. The MTA was still in good standing and was favorable toward a third organization.<sup>378</sup> In response, the MEA promised that their organization would continue to “offer programs designed to lift Mississippi from the

---

<sup>376</sup> Don Cameron, *The Inside Story of the Teacher Revolution in America*. (R&L Education, 2005), 89.

<sup>377</sup> Billy Skelton, “NEA Opening Office To Assist In Mixing,” *The Clarion-Ledger*, April 2, 1970.

<sup>378</sup> “NEA To Form 3rd State Teacher Group,” *The Clarion-Ledger*, April 19, 1970.

bottom of the educational ladder.”<sup>379</sup> The MEA voted again on the issue of merger in May, and for the third time the proposal was defeated.<sup>380</sup> Mississippi legislators would also reflect state opposition to desegregation, even though they felt they had achieved a slight victory.

Action regarding desegregation continued to move slowly in the nation’s capital. In Washington, Senator Stennis and other Southern leaders were celebrating the passage of the amended bill requiring equal application of desegregation efforts in all regions of the country. Their celebration, however, would change after the meeting of the Senate-House conference on the bill. While the conferees had maintained the original intent of the bill, they had added two conditions. First, uniformity would mean that there would be one policy applied to de jure segregation and “such other policy” as may be provided by law dealing with de facto segregation. The second condition stated that nothing in the amendment would reduce enforcement of Title VI of the 1964 Civil Rights Act requiring federal funds be cut off to areas where segregation was practiced. Senator Stennis opposed the new version of the amendment when it was presented in the senate and campaigned vigorously to restore the amendment he had originally proposed. The amendment moved forward with the new language, but Mississippi was still committed to freedom-of-choice plans and the slowing down of the desegregation process.

On that same day, the Senate created the Select Committee on Equal Education Opportunity, chaired by Senator Walter Mondale. Mondale had led the fight against the Stennis amendment, believing that the passage of the amendment might be a sign that the country was not committed to integration. Formation of the committee seemed to confirm Southern governors’ and legislators’ prediction that desegregation would lose steam if other parts of the

---

<sup>379</sup> “Promise MEA Will Continue,” *The Clarion-Ledger*, April 11, 1970.

<sup>380</sup> “MEA Nixes Merge Bid With MTA, 237 To 252,” *The Clarion-Ledger*, May 10, 1970.

country were required to follow the law. The Mississippi legislature frantically sought ways to get a reprieve from the court orders. The state House adopted a bill prohibiting the assignment of students to any school on a basis of race, creed, color, or national origin. Enrolling students in school for the purpose of achieving racial balance was also forbidden. Similar laws had already been enacted in New York, Oklahoma, Alabama, Georgia, and Louisiana. The only black legislator, Robert Clark, opposed the bill, stating that it was not possible to have freedom of choice in Mississippi because of the Supreme Court decision. His was the sole dissenting vote against 107 white legislators in favor of the amendment.<sup>381</sup> In 1970, the Mississippi state constitution still contained a section that provided for separate schools for white and black students. Several legislators felt the section should be struck from the constitution because it was a “major stumbling block to freedom of school choice.” Some felt repealing the section would bolster Senator Stennis’s efforts toward freedom of choice at the federal level. Senator James Barnett, a member of the education committee, spoke in favor of the repeal stating that,

Time and again, it’s been said Mississippi’s official policy is segregation and thus, is not entitled to freedom of choice. As long as this is in the constitution, it is a lightning rod and red flag to our opposition and a major stumbling block to freedom of choice.”<sup>382</sup>

Those against repealing the section felt it was yet another whittling away of the constitution. At the federal level, Nixon continued to provide tepid support to both sides as a form of gesture politics.

In some ways, the vacillation of the Nixon administration on school desegregation seemed to re-energize those in southern cities to push on towards integration and equity. In a

---

<sup>381</sup> Charles M. Hill, “School Choice Measure Gains House Approval: Shapes Own Version of JBW Proposal,” *The Clarion-Ledger*, March 20, 1970.

<sup>382</sup> Lincoln Warren, “Segregation Bill Skirted,” *The Clarion-Ledger*, March 21, 1970.

letter to the editor of *The Clarion-Ledger* March 7, 1970, one writer praised the Jackson Public School teachers, parents, pupils, and Superintendent Martin for their work towards desegregation of schools but emphasized that freedom of choice had never existed for black students and their families, and that while the issue of busing was a hot topic, black students had been bused long distances for as long as there had been transportation provided by schools. The writer felt that the sentiment of many whites was that the Court was forcing integration on their children. The writer also said there was hostility from whites that the Court was indicating with whom white children “should mix socially and with whom they should mate instead of letting them mix and mate as God made them.”<sup>383</sup> The prospect of miscegenation continued to be a motivating factor for many whites in their efforts to avoid court-ordered desegregation. The seeds of hostility had been sowed during mass resistance when white supremacists had used miscegenation as the lightning rod of hate. Education in Mississippi continued to limp along under the banner of desegregation, but positive action was on the horizon.

Early education for Mississippi children would soon get support from the federal government. In Washington, President Nixon had supported funding Head Start programs, three of which were in Mississippi. These three programs were to receive \$4.2 million but Governor Williams vetoed the funds. Nixon, who had been under fire for failure to take a solid stand on some civil rights issues, overrode the governor. Part of the push for the president to do so came from James Farmer, assistant secretary of welfare in charge of Head Start. Farmer, the best known of black officials under Nixon, had been an initiator and participant in the Freedom Rides after coining the name of the effort to register black voters in the South. Known as one of the

---

<sup>383</sup> “Voice of the People - Praise Jackson Schools- ‘Law Is Study Together, Not Mate Together’” *The Clarion-Ledger*, March 7, 1970.

Big Six of the civil rights movement, Farmer had co-founded the Committee on Racial Equality, later known as the Congress on Racial Equality (CORE). His appointment was a political move by Nixon to show good faith to his statements in favor of unity. Farmer had been under fire from the NAACP to prove his reputation as a civil rights activist by taking his case in favor of the veto to the President. Governor Williams claimed he had vetoed the funds because the Head Start programs were comprised of virtually all-black students. Farmer, appointed by Nixon soon after he took office in 1969, left his position in 1970 due to his disenchantment with the Nixon administration and the bureaucracy he had found in Washington. To many, Nixon was still not making a strong enough stand for civil rights.

Eventually, Nixon announced he would make a comprehensive statement on school desegregation in a press release to news media on March 24. The president declared the statement would be the most complete analysis of school desegregation and the laws dealing with the subject since the 1954 Supreme Court decision outlawing segregated schools. Nixon acknowledged that court decisions had made some things clear but had left some areas that needed clarity.<sup>384</sup> Jerris Leonard, chief of the Justice Department's Civil Rights Division, warned that Nixon's statement would not act as a catalyst to speed up the process of desegregation because it was already moving as rapidly as possible, while James Farmer, assistant secretary of HEW asserted the statement would allay any notion that the administration was backing up on public school desegregation.<sup>385</sup> Mississippi state attorney general, A. F. Summer, told the press that he did not feel there would be any escape from immediate desegregation in Mississippi based on Nixon's statement. He considered the funding for school districts under court order to

---

<sup>384</sup> "School Views To Be Told," *The Clarion-Ledger*, March 22, 1970.

<sup>385</sup> "CR Chief Says Nixon Speech Won't Alter School Program," *The Clarion-Ledger*, March 22, 1970.

be a “sugar-coated pill.” He slammed Nixon’s declaration that de facto segregation was legal and pointed out that de facto segregation was the predominant pattern in the North. Clearly Nixon’s statement on school integration was not especially popular in the South.<sup>386</sup> Senator Abraham Ribicoff also fought to have the Stennis version reinstated. He declared that Nixon’s statement indicated that the administration “would not act” and that de facto segregation would be allowed to exist in the South as well as in the North. According to Ribicoff, de jure segregation had all but been eliminated. However, Ribicoff proclaimed emphatically that “the charade” could not continue. “Soon we will have to recognize that the segregation we find in major cities in some cities in the South is no different from that in the North. Those willing to support de facto segregation are in effect supporting segregation on a national basis, South as well as North.”<sup>387</sup>

According to Ribicoff,

A child in the third grade who goes to an all-black or all-white school—whether in Mississippi or New York City—has not the slightest idea that there is a difference between de jure and de facto segregation. If segregation is bad in Alabama, it’s bad in Connecticut. It is time to see integrated, quality education as a national goal—not simply as a penalty imposed on the South for losing the Civil War.<sup>388</sup>

However, Nixon’s statement was clear on what types of segregation he would act against. He proposed \$1.5 billion over two years to improve education of minority children in racially isolated classrooms. The money would be used for new facilities and personnel for desegregated Southern school systems and for enrichment and experiments in “interracial experiences” in areas of de facto segregation. He also expressed criticism of the role played by federal enforcement versus new reliance on good faith efforts by local officials to end school

---

<sup>386</sup> “Summer Sees No Relief From Mixing,” *The Clarion-Ledger*, March 26, 1970.

<sup>387</sup> “Stennis Sees Gain Despite Loss: Senate Approves Education Measure,” *The Clarion-Ledger*, April 2, 1970.

<sup>388</sup> *Ibid.*

discrimination.<sup>389</sup> Nixon expressed concern that schools had been unfairly encumbered with a major role in creating a multiracial society and that the burden should be shifted to focus on greater opportunities in jobs, business ownership, and housing.<sup>390</sup> The president further stated that de facto segregation was allowable but that de jure segregation should be completely eliminated immediately. School districts could have sections of de facto segregation if there was no remnant of a dual system. Additionally, Nixon was adamant that teacher assignment by race would be eliminated across the country. The edict did not change the deadline of fall 1970 for complete elimination of dual systems in the South. Perhaps the most popular disclosure of the president was that he believed in neighborhood schools and that busing students for achieving racial balance would not be required.<sup>391</sup> Senator Hugh Scott shared with reporters that the president felt that “students should not be used to correct all the problems that adults have not been able to solve.”<sup>392</sup>

Mississippi state legislators still hoped state law would supersede federal law. In late March, Mississippi state senators voted for a change to the state constitution. Instead of mandatory separation of the races, the senators voted to change the wording to provide freedom of choice throughout the state. The separation-of-races requirement for schools had been included in the constitution since 1890, but legislators were beginning to view the requirement as a “lightning rod” for court decisions. The change to the constitution would be the final step in removing all references to separate schools in Mississippi state laws.<sup>393</sup> Some white parents

---

<sup>389</sup> “Nixon Spells Out Limits of School Mix Actions: President De-Emphasizes Role of Federal Force,” *The Clarion-Ledger*, March 25, 1970.

<sup>390</sup> *Ibid.*

<sup>391</sup> *Ibid.*

<sup>392</sup> *Ibid.*

<sup>393</sup> Lincoln Warren, “Segregation Repeal Voted,” *The Clarion-Ledger*, March 27, 1970.

longed for things to go back to the way they were before desegregation, while some supporters of desegregation spoke out about what they perceived were flaws in the plans.

The complexities of desegregation became more pronounced as white parents sought to have their children moved back to their original schools. One white minister in Jackson decided he would file a complaint under the Civil Rights Act of 1964, charging that the civil rights of his ten-year-old son had been violated through the desegregation process of the Jackson city schools. According to Reverend Hancell Bankester of the Westmont Christian Church, his son had suffered educationally and emotionally from being one of five white children at Clausen Elementary School. Hancell said he had written to Jerris Leonard, assistant attorney general and chief of the Civil Rights Division at the Department of Justice, but that Leonard had not shown him “the decency or courtesy of a reply.” Hancell also wrote letters to, or met with, several representatives as well as senators Eastland and Stennis. He had communicated with Kenneth Dean, executive director of the Mississippi Council on Human Relations and with Melvyn Leventhal, attorney with the NAACP Legal Defense Fund. According to Hancell, both were sympathetic. Hancell stated that he was not a segregationist and shared his pro-integration stand with his pastorate. He asserted that he did not see how having five white students and 201 black students would meet the goal of having students integrated with the opposite race while also having experiences with those from the same race. According to Hancell, his son was starting to exhibit emotional disturbances and was developing a “bad attitude about education and the Negro race.” Hancell stated that he was seeking other parents to come together with him before he proceeded further with his complaint.<sup>394</sup>

---

<sup>394</sup> Billy Skelton, “Mix Violates Son’s Rights, Preacher Says,” *The Clarion-Ledger*, March 27, 1970.

Hancell sued in mid-May and asked the court to enjoin the Jackson Municipal Separate School District from refusing to honor his request for the transfer of his son from a nearly all-black school to a predominately white school. This was the first instance in Mississippi in which a white parent had charged a deprivation of rights after court-ordered desegregation. Hancell asserted that his son not only was suffering emotionally, he was also suffering educationally as he was having to repeat material he had already learned at his previous school. According to Hancell, his son had been placed in a class that was at a lower academic level than his previous class.<sup>395</sup> Hancell charged that his son had lost his enthusiasm for learning. He also claimed that his son had been “harassed by Negro students, called derogatory names and threatened with bodily harm.”<sup>396</sup>

Meanwhile, there had been a shooting at Jackson State College that resulted in two deaths. One of those killed was a black student attending Jim Hill High School. Many felt it would be appropriate to close schools on Friday so that the community could attend the funeral. Attention was briefly diverted from the public schools to the college campus as fear of violence enveloped the city. The mayor asked that schools be closed on Thursday, May 21st and Friday, the 22nd in hopes that the violence would decrease and to allow students, faculty, and staff to attend the funeral. Across the state, continued discord was evident as schools had desegregated.

Nationally, administrators at HEW had their own interpretation of Nixon’s press release encompassing his statement on civil rights. They felt Nixon’s statement provided little change in HEW’s school policies. Secretary Robert Finch set a goal of doubling the number of black students attending desegregated Southern schools by fall of 1970. By early April 1970, 40

---

<sup>395</sup> Billy Skelton, “Preacher Sues to Transfer Son, 10, From Negro School,” *The Clarion-Ledger*, May 15, 1970.

<sup>396</sup> *Ibid.*

percent of all black students were in desegregated schools in the South. At the same time, Jerris Leonard of the Department of Justice stated that the Nixon administration would expect voluntary compliance plans to end all dual school systems in the next few weeks before moving forward with state-enforced suits. According to Leonard, 215 schools in the South had not desegregated, and an additional 25 to 39 schools in border states were still operating segregated systems.

Teachers were still unsure of further consequences of desegregation. In late April, teachers received news from Jackson School Superintendent Martin that they would be receiving a raise of approximately 8 percent that included a 4 percent raise set by the Mississippi legislature. Martin also announced that the system had planned staff advancement or professional development to take place in the summer of 1970. The raise and professional development were designed to “lift teacher morale and to help them cope with the many current classroom problems, most of them brought about by the massive integration of schools on February 1st.” Martin felt these two changes would put the system in a good position to start the next school year in the fall. Approximately 750 of the 1,575 teachers had been transferred under the court order that required 60 percent white and 40 percent black in each school. Martin revealed that 333 of the 750 teachers were asking for transfers in fall of 1970, mostly to be returned to the schools in which they previously taught.<sup>397</sup>

It seemed there were constant declarations from Washington to integrate Mississippi schools. Yet another declaration was made on April 22nd, when the Nixon administration unveiled a newly energized drive to make racial balance a reality in all Mississippi schools. Of the state’s 148 school districts, 103 had become unified systems either by court order or by

---

<sup>397</sup> Billy Skelton, “Jackson Teachers Get Pay Hike,” *The Clarion-Ledger*, April 21, 1970.

voluntary decision.<sup>398</sup> The remaining 45 school districts were required to fully integrate by fall of 1970. The Nixon administration's plan was sent by letter from Jerris Leonard at the Justice Department to the Mississippi State Board of Education. The board had twenty days to respond to the letter, but state superintendent Dr. Garvin Johnson asserted that the board had "neither the desire or the intention" to enforce desegregation policies and would continue its current policy as long as possible. Johnson claimed that the state board did not have any jurisdiction over local districts and that the matter of desegregation was the purview of the local school districts and the courts. It appeared that if Mississippi took no action, it would be subjected to a suit against the state by the Justice Department. A suit had already been filed against the state of Georgia, and North Carolina, South Carolina, Florida, and Arkansas were all under close scrutiny by the Justice Department. Leonard assured the state board that the U.S. Office of Education was willing and able to help the state and local boards in development of desegregation plans.<sup>399</sup>

While the state school board grappled with how to address the demands of the Justice Department, Senator James Eastland of Mississippi blasted participants at a special Senate panel on education, the Senate Committee on Equal Educational Opportunity. Eastland called the panel a farce and claimed that the committee was having the hearings to "promote suicidal social theories on the national stage." He further maintained that the committee was a "stacked deck" designed to "promote integrationist ideas by liberal professors and social theorists" who were "experimenting with the lives of little white children and little black children." In his anger, Eastland scoffed at the research of a professor at Johns Hopkins who had found that white children suffered from segregated schools. "This man is putting textbook psychology before

---

<sup>398</sup> Twenty-four systems had desegregated voluntarily.

<sup>399</sup> "U.S. Launches Statewide Racial Quota Campaign: State Board Rejects Demand For Action," *The Clarion-Ledger* April 23, 1970.

practical reality. He should come to Mississippi and see what has happened when the court completely disregarded education and turned our schools into a bureaucratic jungle of ideology and experimentation.”<sup>400</sup> In the minds of the governor and many legislators, desegregation had ruined education in Mississippi, and the debate over de jure versus de facto segregation raged on.

In an effort to deconstruct de facto segregation, the federal government changed housing policy by shifting locations fo public-housing from inner cities to suburbs. According to Jerris Leonard, the federal government had been a part of propagating segregated housing. While schools could not be ordered to desegregate based on de facto segregation, the government would no longer fund housing projects in segregated neighborhoods. Leonard pointed out that there was no reason why suburbs could not set aside small tracts of land for public housing, and in doing so enrich the experience of adults and children in those suburbs.<sup>401</sup> Finally, it appeared the Justice Department was taking a stand on federal policies other than those impacting education in effort to end segregation. This was only the beginning of a shift in focus.

On May 5th, the federal appeals court in New Orleans ruled that the desegregation plan approved by HEW for Jackson had been found insufficient and would require changes. The court proclaimed that a majority to minority transfer rule was required and that all transferring students must be given transportation if necessary. Also, the school system was required to adopt one of the HEW plans for integration at the secondary level. The court ordered the immediate abolishment of the dual system that continued to exist at the elementary level. The court called for submission of plans by HEW, the school system, and a biracial committee by June 15th. The biracial committee was to be established by the court from names submitted by parties tied to the

---

<sup>400</sup> Eastland Tags Hearings On School Mix ‘Farce’,” *The Clarion-Ledger*, April 23, 1970.

<sup>401</sup> “Mixing Chief Plans Attack On Suburbs – To Shift Site Policy For Public Housing,” *The Clarion-Ledger*, April 28, 1970.

suit. The desegregation plan implemented February 1st had not satisfied the requirement of desegregated schools in the opinion of the court. The court reminded the parties that HEW had submitted three plans and the school system had submitted one with modifications reducing the amount of desegregation that would occur. These modifications had been approved by the district, but the court was now concerned that the end product was not unitary. While the court acknowledged that the overall system had some semblance of unity, there was still a substantial number of students in segregated schools. The court indicated that of the thirty-eight elementary schools, thirteen were all black, twenty were all white, three were predominately white, and two were predominantly black. Of junior and senior high schools, there were eleven all-black schools and eleven all-white schools. This was not acceptable to the court.<sup>402</sup> The court ordered that one of the HEW plans be used to integrate grades seven through twelve. Plans for more integrated classrooms in grades one through six were to be submitted by the school board, HEW, the NAACP, and the soon-to-be created biracial committee. The court also ordered that any student attending a school where his or her race was the majority would be granted a transfer if requested to a school where he or she was a minority. The request was to be granted even though the school to which the student was transferred was already filled to capacity.<sup>403</sup> This latest court order confused the school board and others since the plan that had been previously approved was a combination of an HEW plan and the school board plan. The school board continued to question the meaning of “unified” as defined by the court. Superintendent Martin issued a statement that noted there were no specific requirements to guide the school board. Martin

---

<sup>402</sup> “Court Throws Out Jackson Mix Plan: Must Offer Busing; New Shakeup Due,” *The Clarion-Ledger*, May 6, 1970.

<sup>403</sup> Billy Skelton, “School Mix Order Confuses Officials: Study New Ruling; ‘Unitary’ Unexplained,” *The Clarion-Ledger*, May 7, 1970.

declared that the only thing the board knew was that the schools were not adequately integrated under the plan implemented on February 1st. The board was confused, according to Martin, since the plan approved was basically one submitted by HEW with a few modifications. Martin also affirmed that the school district would make every reasonable effort to comply with the orders of the court.

Another response to the new court orders came from the state attorney general, who advised the Jackson Municipal Separate School District that it had no authorization under state law to use student busing as a way of achieving racial balance. The assistant attorney general, Maurice Black, declared that there were no statutes allowing for transportation at the expense of the school district or any other public funds for transport of students transferred for desegregation, no matter the distance or under whose authority. The only statute on record allowed transport of students under emergency conditions.

By mid-May, U.S. District Judge Dan Russell had appointed the bi-racial committee comprised of six white and six black members, and he set June 8th as the date for a hearing on the new integration plan. Superintendent Martin's plans for professional development, summer school, and employment of staff would move forward in spite of the court order. The school system had requested a rehearing of the ruling by the district court that disallowed the desegregation plan implemented February 1st. According to Martin, shifts in population demographics had occurred since February 1st, and the school district lines needed to be changed based on the shifts.

The focus for civil rights was expanding beyond desegregated schools in many cities across the South. In Jackson, the fight for equality had now extended to public safety as black employees of the fire and police departments, National Guard, and Mississippi Highway Patrol

presented ten issues that they wished to be resolved by the city council. The black community requested to have at least 40 percent representation in public safety groups. They also wanted equal representation on city boards, with black members to be chosen by the black community. Eight representatives of the black community also wanted the city swimming pool reopened to all races and they also requested support for the mothers of the two students killed at Jackson State. The pool had been closed since the early 1960s, and the black community had made the request many times over the years.<sup>404</sup>

School desegregation moved slowly forward while other needs emerged with regard to fairness and equity. Two of the four new desegregation plans, one from HEW and one from the school system for the elementary schools in Jackson, were filed with the court on June 1, 1970. The HEW plan called for extensive use of pairing and busing as a method of desegregation. The school system presented a plan that kept the current zone lines except the Barr and Poindexter school areas would be combined. While the HEW plan called for ten areas with clusters of from two to six schools, approximately 3,232 students would need to be bused at a cost of \$96,950. Three schools would be closed.<sup>405</sup>

The plan from the biracial committee did not call for all schools to be fully integrated, but the committee felt it was the plan on which they most could agree. The committee plan called for pairing six schools in the southern part of the county. Some of the plan requirements were that black students at McWillie, Spann, McLeod, Power, and Duling would be divided more equally among McWillie, McLeod, Spann, and Casey Schools. Black students from French and Raines schools would be divided equally among French, Raines, and Lake Schools. The plan called for

---

<sup>404</sup> Billy Skelton, "Black Group Gives Council 10 Demands," *The Clarion-Ledger*, May 26, 1970.

<sup>405</sup> Billy Skelton, "HEW, School Plans on File," *The Clarion-Ledger*, June 1, 1970.

creation of five sub-zones in the Isable School zone. Fifth and sixth graders in these zones would go to Lester, Key, Marshall, Sykes, and Lee Schools. In Area III, grades five and six would attend Clausell. The remaining seven areas also had changes that would provide more balance of races throughout the school system.<sup>406</sup> While the community waited to see which of the HEW plans would be chosen by the court, plaintiffs in the Jackson Municipal Separate School district integration case filed an amendment to the plan that had been presented by HEW. The plaintiffs endorsed the HEW plan, but they objected to it because not all schools would be integrated. The plaintiffs wanted every school integrated in three of the areas, and felt the HEW plan left too many all-black schools.<sup>407</sup> A final decision was expected on June 15th.

The hearing to determine the plan began June 9th with testimony by the Jackson school officials questioning the amount, \$30 per pupil, that the HEW plan predicted. Dr. Larry Winecoff, the desegregation consultant from the University of South Carolina, was the chair of the ten-person committee that had drawn up the HEW plan. Four of the members were from Mississippi State University, and six were from the University of South Carolina. Winecoff stated that the HEW plan was made under the assumption that the Jackson system could provide transportation. He shared his opinion that without transportation, the biracial committee plan was “about as good an approach as possible.” One issue that reappeared during the hearing was the case of another white student who had asked to transfer out of Causell Elementary School, the same school in which the ten-year-old son of Reverend Hancell had asked to leave. Melvin Leventhal, of the NAACP Legal Defense Fund, asked the court to combine the two cases at the hearing to determine a desegregation plan because he felt that allowing transfers would be a form

---

<sup>406</sup> Billy Skelton, “Third Mixing Plan on File.” *The Clarion-Ledger*, June 3, 1970.

<sup>407</sup> Billy Skelton, “Plaintiffs File Plan for Mix,” *The Clarion-Ledger*, June 4, 1970.

of freedom-of-choice plan. The judge refused to be distracted from the case at hand. The HEW plan left two schools all-white and four schools all-black. Russell asked why all schools were not integrated under the HEW plan, and Winecoff told him that it was because of economic reasons and that full integration would require “busing very young children.” Levanthal brought Harold Dacus, supervisor of transportation to the stand. According to Dacus, the state average per pupil cost was \$38.64. The Jackson school personnel testified that the HEW plan would leave some schools overcrowded.<sup>408</sup> The hearing for that day ended with the Judge Russell carrying a six-inch high file on the Jackson integration case out of the court. According to the judge, the Jackson integration case was a “bucket of worms.”<sup>409</sup>

On the second day of the hearing, Melvin Levanthal asked the judge if Winecoff could be allowed to work with the defendants and propose modifications on the HEW plan for junior and senior high schools that might be acceptable to all. Superintendent Martin exclaimed that the HEW plan was “unrealistic and administratively and educationally unsound.” He stated that it was “impractical from an economic standpoint.” According to Martin, the proposal “completely destroys the organizational structure of the neighborhood school, a principle on which Jackson elementary schools and many others in the country are established.” Instead, there would be thirty-eight sixth grade centers, “a conglomeration of patterns purely for the purpose of desegregation.”<sup>410</sup>

Martin felt that the system would lose students if the HEW busing plans were implemented. Busing would be too expensive. He also worried about losing teachers, many of

---

<sup>408</sup> Billy Skelton, “HEW, City Schools Argue Busing Mix,” *The Clarion-Ledger*, June 9, 1970.

<sup>409</sup> Billy Skelton, “Judge Begins Work On New Mix Plan,” *The Clarion-Ledger*, June 10, 1970.

<sup>410</sup> *Ibid.*

whom had been shuffled around February 1st. After having clocked routes the buses would need to take, Martin declared that the system would need forty-nine more buses at a cost of \$638,857. The plaintiffs' amendment would add an additional cost of \$828,024. Martin did not know where the money would come from to provide the transportation plans outlined in the HEW plan. Jackson was not allowed to bus students intra-city, but had been busing students from outside the city limits for years and had been reimbursed those costs by the state. Levanthal asked if the system could use its surplus money, which had ranged from \$600,000 to \$1,227,000 over the last few years. Martin stated that there needed to be a surplus and pointed out that with some schools overcrowded under the HEW plan, portable classrooms would need to be purchased to accommodate students. Levanthal called Douglas Windham, assistant purchasing agent and transportation supervisor, to the stand in order to show that before the court order of January 1970, the system had used inter-city busing to bus black students past white schools in white neighborhoods. According to Levanthal, if "busing could be used to maintain segregation, it could be used to maintain integration." Winecoff asserted that the objections of the school system could be addressed through a few modifications.<sup>411</sup>

Russell made his ruling on the night of June 15th. His plan retained neighborhood schools in the elementary grades and kept the zone lines almost the same as had been implemented on February 1st. The zone line changes were based on the plan submitted by the bi-racial committee. Upon release of the order, Melvin Levanthal released a statement that he would be filing an appeal of the plans for elementary schools on behalf of the plaintiffs. Levanthal would not file an appeal on the junior and senior high plans. Russell's order included allowing the school system to change zone lines to adequately house students, but the lines could only be

---

<sup>411</sup> Ibid.

changed to contribute to a unitary system. The biracial committee would remain in place to make recommendations to the school board for ways to maintain a unitary system. The biracial committee and the school board would meet each year in December and April to develop methods to stay unitary. The chairmanship of the committee would alternate between the races and would be determined by the six black members of the committee.<sup>412</sup>

After reviewing the plan in the court order, Superintendent Martin and the school board felt there needed to be some modifications. They felt that there would be large overloads at two high schools. The new plan for high schools projected an overload at all the high schools; the extra students would be sent to Lanier and Central High Schools, but it was unclear which students would go to which school. The school board requested more time to study the plan.<sup>413</sup>

On June 17th, Judge Russell indicated that some amendments to the plan might be made to deal with some of the practical problems that the plaintiffs and defendants saw as objectionable. Russell pointed out that some busing would be necessary in the consolidated Wilkins and Clausell zones where the schools would be paired. Central and Lanier would function as magnet schools for vocational and technical programs. Any student in the school district could attend those schools to enroll in one of the specialized programs. Levanthal indicated that these schools would function as schools of choice. Russell stated that he had found no authority for extensive busing in the city to achieve a unitary system, but he noted that limited busing would be allowed. The plaintiffs' appeal filed by Levanthal would have adopted the HEW plan for elementary schools, thus requiring widespread busing.<sup>414</sup>

---

<sup>412</sup> Ibid.

<sup>413</sup> Billy Skelton, "Schools May Request Mix Formula Changes: Serious Overcrowding, 'Magnet' Status Issues," *The Clarion-Ledger*, June 17, 1970.

<sup>414</sup>

In D.C., Senator Stennis worked successfully to block a \$150 million allotment that President Nixon said would be used to help schools with desegregation problems. It was ironic that districts like Jackson were in grave need of funds to meet desegregation requirements, but one of their U.S. Senators was leading the way to erase potential funds from the federal government. Stennis was still pushing for desegregation efforts like those in the South be applied to the North. Also, Stennis believed a lot of the money would be sent to northern schools that would not be required to desegregate.<sup>415</sup>

Melvin Levanthal met with other civil rights attorneys as a panel before the senate Select Committee on Equal Educational Opportunity in Washington on June 24th. The attorneys charged that community opposition and open hostility were threats to the complete integration of schools in the South. Members of the panel declared that the federal courts were failing to protect the constitutional rights of minority citizens. Julius Chambers, a lawyer from Charlotte, North Carolina, asserted that white Southerners who had opposed integrated schools for so long were now at least open to one-way desegregation. However, Chambers spoke for the panel stating that these same whites had found an ally in the White House to further slow the process. Accusations were made that the Justice Department had decided to slow down the push for integrated schools because the President was allowing it to happen. Chambers asked that Congress create a fund to help blacks pay for litigation of school desegregation cases and commented that desegregated schools should be monitored because some were not in compliance even though they were said to be following the desegregation guidelines. All members of the panel agreed that no federal financial aid for desegregation should go to school districts that had provided assistance to private schools. Levanthal stated that he estimated that 15 percent to 20

---

<sup>415</sup> “Stennis Blocks Left On Mix Aid Strings,” *The Clarion-Ledger*, June 23, 1970.

percent of districts in Mississippi had transferred property such as buildings and text books to private schools. In Louisiana, buses were being used to transport students to private schools. The attorneys had put the federal government on notice that they were not doing enough to implement and support integrated schools in the South. Federal support for desegregation was not a given, but it appeared there could be more money for transportation and schools in the future.

The new secretary of welfare, Elliot Richardson, had taken a hard line on desegregation and was in favor of terminating federal funds to non-compliant districts. According to Richardson, the government would prosecute any district that was not in compliance by the beginning of the 1970-71 school year. Civil rights workers were reporting aid to private schools, demotions and firings of black teachers, and black students being separated and not allowed to participate in extracurricular activities. Previous welfare secretary Finch had terminated aid to only one school district during the previous year. Richardson wanted to distinguish his term as secretary as one of action.<sup>416</sup>

Back in Jackson, a new committee comprised of business and professional leaders was being formed and would meet to discuss ways to help the state “in moving peacefully into further school desegregation.” This was another biracial committee, but these people were identified as state leaders and had been called to Washington to meet with President Nixon as Mississippi had been chosen as a pilot state to help guide schools into desegregation without disruption of the educational process. The group had four assignments from Washington. They were to provide leadership in support of local school boards and school administration and to provide an early warning system to identify school districts likely to experience difficulty in desegregating and to

---

<sup>416</sup> “No Mix Relief At HEW,” *The Clarion-Ledger*, June 26, 1970.

provide available resources. The new biracial committee was also to provide continuing liaison between the cabinet committee on education and the local officials and to make recommendations to the cabinet committee on allocation of federal funds to the state pursuant to the proposed \$150 million Emergency School Assistance Program and the \$1.5 billion Emergency School Aid Act of 1970. Politically this move was likely in effect to placate Senators Stennis and Eastland, who continued to present the Southern case in Washington.

On June 26th, the federal government suspended the tax-exempt status of private schools in Mississippi. Black leaders saw this as the first step in the abolishment of the tax-exempt status of segregated private schools across the South. The suspension would last until a suit filed by black leaders was heard in the U.S. District Court. Those filing the suit wanted the court to rule that tax-exempt status was a violation of the Civil Rights Act of 1964. President Nixon, however, did not view it as such and issued a brief stating that “the recognition of tax exempt status is an act of ‘benevolent neutrality’ to benefit the general classification of educational institutions.”<sup>417</sup> The change threatened the forty-three segregated private schools in Mississippi. On July 10th, the Nixon administration switched its stance on the issue and said it would revoke tax exempt status for private schools that did not have nondiscriminatory racial admissions policies. A spokesman for Mississippi’s largest private school declared that the action would hurt public schools more than it would hurt private schools. William Simmons, treasurer of the Citizens Council Schools Foundations, was angry and stated that the action would so “enrage taxpayers that they will refuse to vote for bond issues and taxes for the public schools.” Nixon’s press

---

<sup>417</sup> “School Exemptions Suspended,” *The Clarion-Ledger*, June 27, 1970.

secretary, Ronald Ziegler, announced that the president felt that the final decision on tax-exemption for private schools would have to be decided in the courts.<sup>418</sup>

Jackson educational leaders moved forward to meet the requirements of the new desegregation plan before school started in the fall of 1970. School administrators had met four days with HEW representatives to try and work out a modification at the secondary school level, but the two groups could not come to an agreement. Therefore, Larry Winecoff would work on a plan. Time was slipping by, and student assignments had to be ready by mid-July. Elementary zones were finally announced on July 1st. Pupils would be assigned to the school zone or subzone in which they legally resided.<sup>419</sup> The community continued to wait for the junior high and high school zones to be announced, but there would not be a final agreement between the plaintiffs and defendants for the junior high and high school plan. The plaintiffs were in favor of what was now being called Plan I, while the defendants were in favor of Plan H. Thus, the parties were required to choose one of the HEW plans.

By July 1st, there were still twenty school districts in Mississippi that had not filed acceptable unitary school plans. Assistant U.S. Attorney General Jerris Leonard reported that the federal government would be deciding whether or not to bring suits against the districts. Any schools not in compliance by September would be brought into compliance, according to Leonard. Legal action would be brought against the state school superintendent, even though state officials had said that the superintendent's office would not be used as a vehicle for court action with non-compliant districts. However, Leonard emphasized that he could do just that.

---

<sup>418</sup> John Pearce, "Private Schools Must Mix Or Lose Tax Rights," *The Clarion-Ledger*, July 11, 1970.

<sup>419</sup> Billy Skelton, "Schools Announce Elementary Zones," *The Clarion-Ledger*, July 1, 1970.

There would probably be a suit against the state if fifteen or more districts were non-compliant by the deadline.<sup>420</sup> It was announced on July 7th that the federal government would bring suits against the Mississippi state board of education to force those schools that had not desegregated to do so immediately. The government filed the first suit on July 9th. Named as defendants in the suit were the state of Mississippi, the Mississippi State Board of Education, the attorney general, the state school superintendent, the State Educational Finance Commission, and the executive secretary of the State Educational Finance Committee. Thirteen Mississippi school districts were given seven days to file suggested plans for operating a unitary, non-discriminatory school system. If no agreement could be reached, the districts were required to work with HEW to develop a plan that would be filed in the court no later than July 24th.

Mississippi's attorney general, A. F. Summer, expressed his fury when he accused the courts of using the suits to convince the nation that the state of Mississippi was completely integrated and that all problems had been resolved. Summer declared that the federal government "will leave us under court orders we can't live with, and nobody will be paying any attention to us."<sup>421</sup> Summer admitted that the state had no specific plans for how to fight the suits, but he affirmed that the state would "fight it to the end and hope we have more success than we've had in the past."<sup>422</sup>

Mississippians fighting for complete integration were frantic when the national and local press announced July 16th that the Justice Department and HEW would be sending one hundred lawyers and federal marshals into the South in August 1970. Each lawyer would be assigned a

---

<sup>420</sup> James Downey, "Mix Suit Decision Pending," *The Clarion-Ledger*, July 1, 1970.

<sup>421</sup> George Fleming, "Summer: No Battle Plans Against Suit," *The Clarion-Ledger*, July 11, 1970.

<sup>422</sup> *Ibid.*

marshal as his or her personal escort. Five temporary regional centers would be established prior to the commencement of the new school year to handle complaints from citizens. All complaints would be assigned to a lawyer who would investigate the complaint. If the complaint were justified, the case would be referred to the F.B.I. for immediate investigation. According to Attorney General John Mitchell, the effort would “show our critics on the Mondale committee that we mean what we say.”<sup>423</sup> Mondale had recently accused the Nixon administration of rejecting integration and equal schools and was settling for limited compliance instead.<sup>424</sup>

The Nixon administration was also sharply criticized by Senator Strom Thurmond of South Carolina, but Thurmond’s complaints were of a different nature. According to Thurmond, the administration was appeasing the “anti-South” groups and individuals across the country. Thurmond’s speech before the Senate was a response to the changes in tax-exempt status of private schools. Thurmond maintained that Nixon had promised support for the tax-exempt status of private schools. Many believed that the Internal Revenue Service should not be enforcing civil rights. Thurmond had been one of Nixon’s strongest supporters in the South, and did not directly criticize the President. He did, however, state that he felt the administration was full of “liberals and ultra-liberal advisors” and that the advisors represented the “philosophy of the Northeast.” Further, Thurmond referred to the lawyers and marshals who would be coming to the South as the “one hundred carpet-bagging lawyers from the Justice Department for the purpose of assuring forced integration.”<sup>425</sup>

---

<sup>423</sup> “U.S. Mixing Force Will Invade South, 100 To Ensure Full School Compliance,” *The Clarion-Ledger*, July 17, 1970.

<sup>424</sup> *Ibid.*

<sup>425</sup> “Thurmond Attack Gets Wide Backing, Warning On Nixon Mix Acts,” *The Clarion-Ledger*, July 19, 1970.

On July 20th, Nixon contradicted reports of one hundred lawyers and marshals coming into the South. Thurmond had just made his speech to Congress criticizing the administration. The President's response seemed to be a political maneuver to maintain some support in the South. Nixon stated that the administration policy was "cooperation and not coercion." He acknowledged that desegregation was law but the transition to an integrated society should be "as easy and fair as possible." Thurmond's reaction to Nixon's statement was that Nixon "understands the South far better than some of his aides and underlings in the administration."<sup>426</sup>

By July 22nd, an integration plan for junior high and high schools was approved by the Fifth Circuit Court. The chosen plan was one created by HEW and modified by Judge Russell. There was still no decision on the appeal made by plaintiffs regarding elementary school plans. The district had until July 29th to notify parents of student assignments. One of the major changes for Jackson would be the addition of single-grade schools. Judge Russell warned that the new plan did not declare the Jackson system a unitary system forever. Schools would have to make changes when demographic patterns changed.<sup>427</sup> Still, Jackson had an approved plan for elementary, junior high, and high school with the Court's approval. While not declared a unitary system, the Jackson Municipal Separate School System was much closer to being one than ever before.

At times, Dr. Martin had police escorts to and from work. On recommendations from his personal physician, Dr. Martin resigned in August 1970. Dr. Harry Kirshman, would be acting superintendent for a year before a permanent superintendent would be named. Changes in school leadership are not uncommon, but the changes facing the next superintendent would require a

---

<sup>426</sup> "President Denies Plans To Send Mix Vigilantes," *The Clarion-Ledger*, July 21, 1970.

<sup>427</sup> Billy Skelton, "Court OK's School Plan," *The Clarion-Ledger*, July 22, 1970.

different kind of thinking. The court eventually issued an order for a temporary arrangement until another plan could be agreed upon. Eventually there would be two biracial committees. These committees put blacks and whites into situations where the two groups would be required to communicate, thus providing a more favorable environment for the development of relationships. One such committee was appointed by the Fifth Circuit Court of Appeals, and another was appointed by the school system. An example of the changes that occurred through the relationships among committee members involved Dr. Brandon Sparkman, assistant superintendent of schools as the assistant for staff personnel development from August 3, 1970 until August 3, 1971. Dr. Sparkman would be appointed school superintendent August 3, 1971, and he served in that position until 1973. As assistant superintendent, Dr. Sparkman directed the federally funded programs for improvement of instruction. He also was asked to attend the committee meetings for both the court appointed biracial committee and the biracial committee formed by the school district.<sup>428</sup>

Senator Strom Thurmond, who had been the most influential supporter of the Republican Party and the Nixon administration, was interviewed by The Associated Press in late July. During the interview Thurmond stated that the Nixon administration's recent activities regarding school segregation had a highly negative impact on the president's popularity and that it probably would not be a "pertinent time for him to make a political appearance in the South."<sup>429</sup> Thurmond wanted Nixon to "rid the White House" of those he considered liberal and ultraliberal who were "imparting a northeast philosophy" to the administration. He reiterated his stance that

---

<sup>428</sup> Brandon Sparkman memoir, Sparkman document collection, June 22, 2004, College of Education, University of North Georgia, Dahlonega, Georgia.

<sup>429</sup> Gregg Herrington, "Strom Says South Becoming Disenchanted with Nixon," *The Clarion-Ledger*, July 26, 1970.

liberals and ultraliberals had influenced the President to consider sending lawyers and marshals to the South to enforce desegregation, even though Nixon had revoked that decision. Thurmond believed that Robert Finch and Jerris Leonard were two of the liberals influencing the president. With prompting from the AP reporter, he admitted that he believed that ultimately the president was responsible, though he hoped Nixon would realize that his liberal advisors needed to be removed from their positions. Thurmond stated that he felt the president's intentions were good, but that he was allowing others in the administration to make certain government decisions. He stressed that all parts of the country should be subjected to the same treatment. Thurmond stated that he felt the Voting Rights Act was another example of laws and policies targeting the South instead of all regions of the country. He asserted that having the support of the South would be important to Nixon should he run for re-election.<sup>430</sup> Thurmond believed Nixon's actions on desegregation could cost him the election. Thurmond separated himself from Nixon after the announcement that one hundred lawyers and marshals would come to the South, but ten days later, Nixon changed his stance. At that point, Thurmond stated that Nixon's "good will and common sense" were bringing him back into alignment with the South, but that he would wait to see if others in the administration would follow suit.<sup>431</sup>

In preparation of the new school year, the district set dates for registration junior and senior high schools on July 31st, August 1st, and August 2nd. Final zone maps were published in *The Clarion-Ledger* with detailed narrative descriptions. On the same day, Elliot Richardson, secretary of HEW, stated that school integration must be "judged by educational standards" rather than using racial balance as the basis. Richardson had been appointed by Nixon to replace

---

<sup>430</sup> Ibid.

<sup>431</sup> "Strom Sees Nixon Back with The South," *The Clarion-Ledger*, July 27, 1970.

Robert Finch as head of HEW in June, but this was his first major discussion of desegregation of schools. He further stated that working out the details was a local matter but quality of educational opportunity should be the goal. According to Richardson, HEW would continue to monitor and evaluate the racial balance of school districts. Richardson said that the job of HEW with regard to desegregation was not done and that HEW would continue to “be helpful . . . and to work with communities throughout the South” to help maintain the maximum level of integration possible without lowering the quality of education. However, Richardson emphasized that freedom of choice was not acceptable and that the Internal Revenue Service was justifiable in actions to deny tax-exemptions to private schools that were segregated.<sup>432</sup> Meeting the fall deadline with support from all stakeholders would require some extra work by those committed to working it out.

#### Intervention Behind the Scenes

On Dr. Sparkman’s first day of work in the Jackson system, Dr. Martin handed him a foot-tall stack of papers to read so he would see where the system was in the desegregation process. Dr. Martin also explained that the role of the court-appointed biracial committee was to “. . . resolve issues interfering with the formation of a unitary school system. Additionally, they were to agree on a desegregation plan acceptable to both parties and to the court.” Dr. Sparkman’s role would be to act as an observer rather than as a member of the committee. Sparkman had worked to develop desegregation plans in other areas, and the superintendent believed Dr. Sparkman could help the committee unite. His first meeting with the court-appointed biracial committee ended in frustration as nothing was accomplished. Each side of the issue seemed to immediately find fault with proposals made by the other side. “Whatever it was

---

<sup>432</sup> “Richardson Declares Balance Not Criteria,” *The Clarion-Ledger*, July 28, 1970.

that was taking place, the whole thing was discouraging to Sparkman, and he was glad when the meeting ended, even without any progress being made.”<sup>433</sup>

At the second meeting of the biracial committee, any possibility of moving forward seemed nonexistent. At one point, Dr. Sparkman felt that the NAACP attorney, Melvin Levanthal, was making proposals that would prove detrimental to the education of all children. Levanthal responded by telling Sparkman that Levanthal didn't “give a damn about education and children” and that his only interest was in “mixing black and white bodies.”<sup>434</sup> At that point, Dr. Sparkman told Levanthal that he had no respect for someone who cared nothing for the welfare of students and schools. The tone of that encounter reflected the mood of the committee assigned the task of coming up with an acceptable plan. Sparkman felt that there had been enough procrastination and that it was time to move forward.<sup>435</sup>

The school system continued to seek equilibrium as it became apparent that the court would develop and impose what many felt would be a completely unmanageable desegregation plan if all parties could not come to some form of agreement. Therefore, school superintendent Martin and the board asked a consulting firm to assist business and industrial leaders in developing a plan. Brandon Sparkman was assigned to work with this committee as well as the committee created by the courts. This meant there were two committees working for the same goal as the system sought distance from the edge of chaos. In the middle of attempts to develop an acceptable plan, the purpose of the system—educating students—fell by the wayside. Moves

---

<sup>433</sup> Brandon Sparkman memoir, 11.

<sup>434</sup> Sparkman memoir, 12.

<sup>435</sup> Sparkman memoir, 16

to integrate the schools became the top priority, with the purpose of educating students being pushed to second in priority.<sup>436</sup>

By the fall of 1970, the people of Jackson were weary from what seemed like another first day of school every few months as teachers and students were reassigned in efforts to reach an acceptable ratio of black students and teachers to white students and teachers. The constant turmoil as the organization sought equilibrium continued to wear down students and teachers as well as parents and administrators. More so than ever, the classes were made up of a wide range of ability levels. The challenge for instruction became how to teach so many different ability levels in the same classroom. A new approach to instruction known as individualized instruction offered a way to group and re-group students so they could be taught at their level of learning.<sup>437</sup>

Using individualized instruction effectively became the goal for achieving quality instruction for students in mixed-ability classes. Many felt that quality instruction needed to be the priority as a way of moving the overall quality of instruction that was at the edge of chaos back to equilibrium. The system began a massive effort to train teachers in the new method, including sending teachers and administrators around the country to visit schools who had successfully implemented the method. In order to allow teachers to be out of their classrooms, the school system, under the direction of Dr. Sparkman, began recruiting volunteers to be substitutes for the teachers who would be visiting other schools or in training. Eventually, the system would recruit 800 volunteers who donated in excess of 100,000 hours to the public schools. One unintended consequence was that many of the volunteers were parents of students who had been moved to private schools. Through volunteering, these parents found that newly

---

<sup>436</sup> Sparkman memoir, 23.

<sup>437</sup> Sparkman memoir, 23.

desegregated schools were not as bad as they had thought. Sparkman felt that the use of volunteers who realized the schools had not crumbled from desegregation helped the city reach a turning point in the desegregation process, even though many in Jackson doubted there would be a public school system in the city by the end of the 1970-71 school year.<sup>438</sup>

Knowing the court would not accept anything less than full integration, the committee of business leaders worked to develop a plan in an effort to keep HEW from developing a plan for Jackson. Expense of the plan would be much more than any school budget ever held before. Dr. Sparkman began to work on federal grant applications, particularly for instructional programs at the high school level. A local business man encouraged Dr. Sparkman to ask for as much money as he wanted because the businessman's contacts with the White House had assured him the federal government would pay for busing. Eventually, the system would ask for \$2,000,000 to pay for new schools, seventy buses, salary for drivers, and fuel and maintenance for the buses.<sup>439</sup> This amount would consume all federal funds reserved by Congress for the entire state of Mississippi. One major issue within the schools was the need for human-relation-skills training. As the person in charge of professional development for the system, Dr. Sparkman worked to provide administrators and consultants with training in conflict resolution and human relations skills. The administrators would then teach the teachers, who would then teach the students. This training proved to be valuable as the system moved towards an acceptable plan to integrate the schools. Dr. Sparkman worked to keep at least part of the focus on the quality of instruction and improving relations between black and white stakeholders.<sup>440</sup>

---

<sup>438</sup> Sparkman, 33- 34.

<sup>439</sup> Sparkman, 40 - 41

<sup>440</sup> Sparkman memoir, 32 - 35

As the consulting firm working with the committee of business people began to carve out an acceptable plan, it was clear that both black and white parents wanted stability in the schools, and they did not want the court-ordered plan for single-grade schools. Parents wanted the schools to return to the 1–6, 7–9, and 10–12 grade configuration. Black parents did not want to bear the burden of busing. White parents did not want their children to attend schools in neighborhoods that were unsafe or were perceived to be unsafe. Neither race wanted its children to attend schools that were old and in poor condition, the ones that had previously served all-black student bodies. Eventually the school board would close nine schools, many of which were in good condition and could have been used for many years. The board was not allowed to close only former all-black schools. The plan included the building of two large education centers, called plazas or education parks, to house the fifth and sixth grades. One would be located in north Jackson, and the other would be located in south Jackson. Part of the plan included busing, which had been the source of much protest and pushback by both races. Any student living more than one and a half miles from the school could receive transportation services. This part of the plan would be extremely controversial and would cost close to half a million dollars. Another part of the plan, in order to address the need for stability, asked that no further court action could be filed for three years.

Having developed a plan, the committee had to negotiate an agreement between the Board of Education and the biracial committee that included NAACP Legal Defense Fund attorney Mel Leventhal. Many questions had to be answered. What would be done with the closed schools? What would be the racial make-up of the administration at the education plazas? How could conflict and possible violence be prevented on the buses? Representatives from the school board met with Leventhal to iron out the particulars of the plan, but there was no

agreement on some points. The deadline was getting close, and the group still had not agreed on a plan. Ultimately, there were eight unresolved issues that prevented approval of the plan by the NAACP attorney.<sup>441</sup>

Early on the morning of Saturday, June 19, 1971, Dr. Brandon Sparkman went to see Mel Leventhal. He felt the plan would never be approved by either side if someone did not intervene. The deadline for submitting the plan would be Tuesday, June 22, 1971, and Sparkman did not believe the groups could reach an agreement without intervention. Sparkman had been employed in Jackson for a only few months and had never been on the side of town where Leventhal's office was located.<sup>442</sup>

Leventhal's office was located on the second floor of a poorly maintained building on the side of town populated by black citizens. Eventually Leventhal came to the waiting area and greeted Sparkman and asked what he wanted. Sparkman pulled out a paper with the eight unresolved points that held up approval of the plan and discussed these points with Leventhal. They looked at the first unresolved point and came to agreement to add a clarifying statement, after which Leventhal initialed his approval. Leventhal had already spoken to a board member about the second point and had agreed to a modification. He initialed his approval of the second point. Any issue that could not be worked out was tabled to be reviewed after they had discussed all other points. It took about an hour to work through the items, with Leventhal approving five of the eight with the agreed-upon modifications and clarifications. He took issue with three points. First, the board of education would maintain the abandoned school building and the city would find uses for the buildings that would serve the community. Second, monitors would be

---

<sup>441</sup> Sparkman memoir, 42.

<sup>442</sup> Sparkman memoir, 44.

provided on the buses to maintain order and discipline. Finally, a proportionate number of black-to-white administrators would be hired for the new education plazas. The board would create a press release that would use affirmative language to promote the plazas. Leventhal had conceded on five of the eight unresolved issues and expected the school board to concede on the other points. Sparkman left the building and drove a few blocks to the office of the white members of the committee who was a local businessman .<sup>443</sup>

Sparkman told the attorney that he had no authority to be there but that something had to be done about the crisis in the public schools before the Tuesday deadline. If not, the system would be subject to the plan by HEW. Sparkman told the businessman that Mel Leventhal had conceded to five of the eight points and that two of the committee members on the other side had held up the process. The business man agreed to get those two members to concede to the three remaining unresolved points. The following Monday, the mayor of Jackson had a letter delivered to Mel Leventhal stating that two of the schools that were not being used would be transformed into community centers and asked for suggestions for programing at the two new community centers. The mayor also informed Levanthal that the school board recommended that other closed facilities should be used for community services centers.<sup>444</sup>

Sparkman never knew who handled the document after he spoke to the businessman. He only knew it had been turned in to the court on Tuesday, June 22, 1971. The plan would be approved by the court that same day. By the end of June, the system had ordered enough buses to transport 9,000 students and efforts to hire drivers had begun. The first black school board member would be appointed that summer to round out the five-person board. At this time, the

---

<sup>443</sup> Ibid., 44-48.

<sup>444</sup> Ibid.

school and community had finally reached an agreement on a plan for desegregating the Jackson school system. This would mark the first time in the entire desegregation process when the all stakeholders were able to agree on a plan. School started in September 1971, seventeen years after the decision in *Brown v. Board of Education of Topeka*, as a desegregated system. The battle was over, at least for a little while.<sup>445</sup>

The role of educational leaders such as Brandon Sparkman provide information at the level of the individual for how desegregation finally occurred. Although similar situations as those experienced by Sparkman probably existed across the Deep South, only a few have been documented. It is at the relational level that change occurred in Jackson so that both black and white citizens accepted a desegregation plan.

---

<sup>445</sup> Sparkman memoir, 40 – 48.

## CHAPTER 5

## THE MYTH OF DESEGREGATION

## Were the Jackson Schools Integrated?

The demographics of the Jackson school system continued to change during the 1970s. Whites continued to leave the system in steady streams while the number of black students increased. In the 1969-70 school year, there were thirty-eight elementary schools with a total elementary enrollment of 21,016. Of that number, 10,584 were black students and 10,432 were white—roughly 50 percent black and 50 percent white.<sup>446</sup> During the 1969 school year, only 971 black students had been enrolled in desegregated schools. That number represented only 9.6 percent of the total number of black students enrolled in the schools.<sup>447</sup> White student enrollment dropped 16 percent between September 1969 and February 1970—the time faculty had been ordered to be desegregated.<sup>448</sup> The Jackson system had little chance to be an integrated system. How could the system stick to the approved desegregation plan ratio of black and white students in the schools if whites continued to leave the system? Achieving racial balance would be like trying to hit a moving target. By 1975, efforts were underway to develop a new desegregation plan for the system. This time it seemed a major factor in developing the new plan would be how to get white students back into the public schools. The 1970 plan as modified would be the basis for all future plans.

The negotiated desegregation plan implemented in the 1970-71 school year had a major impact on the desegregation efforts of the school district. “The 1970 plan set the stage for the next five years of controversy surrounding the organization and administration of the school

---

<sup>446</sup> Middleton, 77.

<sup>447</sup> *Ibid.*, 78

<sup>448</sup> *Ibid.*, 95

district.”<sup>449</sup> All schools that had historically been white lost white students. This loss was not due to resistance to busing, as busing had not been a part of the desegregation plan. The loss was the steady withdrawal of white students from the public schools. The number of black students attending historically white schools increased even though the number of black students enrolled in predominately black schools dropped from 90 percent to 34 percent, and enrollment under the plan decreased the number of 95 percent-white schools from nineteen to one. “However, the exodus of large numbers of white students successfully minimized the power of the 1970 plan to achieve desegregated schools reflecting the racial ratio of the entire school district community.”<sup>450</sup> As white enrollment in public schools decreased, the number of White Citizen’s Council schools continued to increase. From 1967-1969, there were three council schools. During the 1969-70 school year, that number increased to five. By the 1975-76 school year, the number had risen to six. Between 1969 and 1974, the number of students attending private schools in Jackson rose from 5,835 to 10,450.<sup>451</sup> Black citizens, especially those appointed by the Fifth Circuit Court to the biracial committee, were concerned that the disparity of quality education would continue as whites left the system. The school board began to focus on ways to attract community support, especially white community support.

The 1970-71 proposed school budget specifically stated that “something must be done to attract the community and those interested in the community to the public schools.”<sup>452</sup> The school system would begin a major overhaul of instruction during the next few years. In 1971, the school board hired the Educational Planning, Engineering, and Auditing Corporation to

---

<sup>449</sup> Middleton, 101.

<sup>450</sup> Ibid., 107.

<sup>451</sup> Ibid 109-110.

<sup>452</sup> Jackson Municipal Separate School System, Budget Report, August, 1970 p. 5 as cited in Middleton, 118.

conduct a survey of community perceptions of student needs in the public school system.<sup>453</sup> The survey found discrepancy between black and white parents of students in public and private schools. Private school parents did not feel desegregation had improved the quality of education for white students and were strongly opposed to any tax increase for the public schools. Public school parents were satisfied with discipline, the teaching of respect for race and religion, fostering better race relations, and the responsibility of parents to get their children to and from school. Private school parents disagreed on all three points. Another study was conducted in 1973 by the Gallup Organization to measure support for creation of comprehensive education centers throughout the community. While the majority of blacks and whites were in favor of the centers, acceptance of the plans were based on the concern of both races regarding how the centers would be organized and “and the degree to which community education centers would provide a means to return to neighborhood schools for both black and white communities and to minimize busing within the white community.”<sup>454</sup> At the time, grades were configured as first through fourth, fifth and sixth, seventh through ninth, and tenth through twelfth. The Gallup study results indicated that parents wanted to return to a grade configuration of first through sixth, seven through nine, and ten through twelfth grades, but black parents were more open to the four grade configurations of the current plan. Overall, it appeared that the only way to get full community support was through neighborhood schools, no busing, and returning to the former grade configuration. All of these would decrease interracial contact.<sup>455</sup>

By 1974, school administrators felt a new desegregation plan was warranted. School superintendent Robert Fortenberry created a task force to determine what should be done to

---

<sup>453</sup> Middleton, 118.

<sup>454</sup> *Ibid.*, 122.

<sup>455</sup> *Ibid.*, 122 – 124.

adjust the current plan.<sup>456</sup> According to the task force, the current plan had successfully integrated staff, but it had not accomplished the intended level of student integration. Also, the 1970 plan had resulted in the loss of approximately 10,000 white students, so attendance zone patterns were not in line with population patterns.<sup>457</sup> The task force recommended a return to the six-three-three grade configuration and an increase in the number of black faculty and administration. Transportation for integration was addressed as the task force declared that “transportation would be required only for those students who were assigned to school in which the degree of integration is greater than the school in closest proximity to his home.”<sup>458</sup> The task force report was submitted to the biracial committee for approval; black members of the biracial committee submitted a minority report that addressed eight issues and approved of the reorganized grade configuration structure. Black members also proposed some modifications for student assignment to increase the number of black students at some white schools who were predicted to receive more white students. The minority group also agreed that nine inner-city schools could not be desegregated and would remain mostly 95 percent black, but they asked that these schools be considered target schools that would get program advantages, such as lower pupil-to-teacher ratios, to offset racial isolation. In their response to the minority report, the school board rejected the idea of increasing the number of black pupils in predominantly white schools as it would “result in greater resegregation.”<sup>459</sup>

The impact of the 1975 desegregation plan was huge, and in some ways it signaled the end of any active push for racial balance. Under the plan, white children would no longer be

---

<sup>456</sup> Fortenberry was named superintendent in 1972.

<sup>457</sup> *Ibid.*, 126.

<sup>458</sup> *Ibid.*, 128.

<sup>459</sup> *Ibid.*, 132.

assigned to all of the city schools, which was completely incongruent with the 1970 plan. As the community sought to achieve unitary status and come out from under the court order, black community members compromised with the school district and the white community to define unitary status.<sup>460</sup> The unwillingness of white parents to send their children to integrated schools had resulted in the inability to have schools that were racially balanced.<sup>461</sup> The district court recognized that the new plan would result in “several schools which are presently virtually all-black by virtue of non-attendance of assigned white students, become[ing] virtually all-black as a result of student assignment.”<sup>462</sup> The court also acknowledged that the plaintiffs in the case agreeing to the plan did not believe that the new plan “[met] the constitutional requirements and standards established by the Supreme Court”<sup>463</sup> The plaintiffs, who were black stakeholders, approved the plan for assignment in order to “negotiate and secure alternative benefits for the black school community included under the umbrella of an affirmative action policy ordered by the court.”<sup>464</sup>

In accepting and compromising, the attorneys for the plaintiffs acknowledged that the plan was not constitutional, but that there would be a return of whites to the schools under the plan, the outlying schools would be desegregated, and that black educational interests would be represented by a desegregated faculty and administration.<sup>465</sup> Due to white student withdrawal, busing was transporting black students from one majority black school to another majority black school. Achieving the original goal of racial balance had proven to be impossible.

---

<sup>460</sup> Ibid., 136.

<sup>461</sup> Ibid.

<sup>462</sup> Ibid., 137.

<sup>463</sup> Ibid.

<sup>464</sup> Ibid.

<sup>465</sup> Ibid., 139.

In 1978, Jeanne Marie Middleton conducted a study of Jackson's desegregation efforts. Middleton noted that all informants of her study, all of whom were black, felt filing the original suit of *Singleton v. Jackson Separate School District* had been necessary in order to desegregate schools.<sup>466</sup> They believed black families now had more educational choices and that integrated schools were best for students. The informants felt that the lack of black administrators and other school personnel had inhibited the development of programs of specific interest to the black community. The informants stated that the merger of the black and white teacher organizations had eliminated a forum for black educators to discuss the educational needs specific to the black community, and they felt the needs of black students might not be met without an advocacy group specifically for black educators. The informants also cited a number of what Middleton calls second generation desegregation problems, particularly the lack of desire to understand the needs of black pupils. The informants suggested five specific types of "second generation desegregation problems," particularly the failure of educators to include materials and instruction that specifically addressed the history and culture of black Mississippians, the decline of extracurricular activities, the high rate of black student suspensions and expulsions as compared to that of white students, and the inadequate use of black leadership. Informants felt the school system had paid inordinate attention to the attitudes of whites rather than the needs of blacks.

During the time of Middleton's 1978 study, the school system was working to be declared unitary. In the fall of 1981, the school system requested to come out from under the court orders and be declared a unitary system. The Jackson schools were declared unitary in the spring of 1982, but white students continued to leave the school district. By 1988, 76 percent of Jackson students were black, and by 2003, of the 31,640 students in the Jackson system, 96

---

<sup>466</sup> Ibid.

percent were black and 3 percent were white.<sup>467</sup> The following two school terms had student populations of blacks and whites at 97 percent and 2 percent respectively. By 2006-2007, the percentage of white students had dropped to 1 percent of the total student population. As of the 2016-2017 school year, there were 25,955 black students, 416 white students, 431 Hispanic students, 12 Native American students, and nine multiracial students. As with school systems across the country, the Jackson system has become resegregated, with 96.32 percent of students being black, 1 percent white, 1 percent Hispanic, and less than 1 percent multiracial.<sup>468</sup> While the desegregation plans of the late 1960s and early 1970s established desegregated schools, resegregation became a pattern across the country. Along with resegregation, the issue of school secession, when a group of schools are declared independent school districts after leaving a larger district, has become the latest barrier to whites and blacks attending the same schools. To understand resegregation and the current move towards school secession, it is important to examine some of the factors that facilitated a return to virtually single-race schools.

#### The Resegregation of Public Schools

According to Orfield et al., the 1980s were a time when the “federal government portrayed desegregation as a temporary punishment rather than a long-term national goal.”<sup>469</sup> Policy discussions were centered on achieving equality of education in segregated schools even as data indicated segregated schools did not have equal education.<sup>470</sup> According to Orfield et al.,

---

<sup>467</sup> Lynn Watkins, “Rezoning Could Earn Federal Nod,” *Clarion-Ledger*, March 24, 1988.; *Ibid.*

<sup>468</sup> Mississippi Department of Education, <http://mdereports.mdek12.org/data/> accessed October 2, 2017.

<sup>469</sup> Gary Orfield, Sara Schley, Diane Glass, and Sean Reardon, “The Growth of Segregation in American Schools: Changing Patterns of Separation and Poverty Since 1968,” *Equity and Excellence in Education* 27, 1 (1994) 24. Accessed September 25, 2017 from <http://www-tandfonline-com.ezproxy.gsu.edu/doi/abs/10.1080/1066568940270102>.

<sup>470</sup> *Ibid.*

several things needed to happen to overcome the inequality of a segregated education. First, there needed to be a “strong affirmation of [the] goal to successfully integrate schools” with a renewal of aggressive enforcement of civil rights law.<sup>471</sup> During the 1990s, however, Supreme Court decisions actually made it much easier for school systems to be released from their court orders.

In *Green v. School Board of New Kent County*, freedom of choice plans had been ruled illegal, but the *Green* decision also included what would be referred to as the *Green* Factors. These were six areas that a school would have to desegregate in order to be released from the court order: student assignment, faculty, staff, transportation, extracurricular activities, and facilities. Eventually, three Supreme Court decisions would weaken the requirements for systems to be declared free from the restrictions of the federal courts.<sup>472</sup> The first of these decisions was *Board of Education of Oklahoma City Public Schools v. Dowell* in 1991. In this decision, the Supreme Court ruled that “federal supervision of local school systems [has always] been intended as a temporary measure to remedy past discrimination.”<sup>473</sup> This decision established a return to local control in determining whether a desegregation plan was acceptable, and school systems who had worked in good faith to ensure desegregation of schools would be declared unitary.<sup>474</sup> The notion that federal oversight was temporary was a new interpretation of the law and was not congruent with the beliefs of those who had worked so hard to achieve racial

---

<sup>471</sup> Ibid.

<sup>472</sup> Sean Reardon, Elena Grewal, Demetra Kalogrides, and Erica Greenberg. “*Brown* Fades: The End of Court-Ordered School Desegregation and the Resegregation of American Public Schools”. *Journal of Policy Analysis and Management*, 31: 876–904. Accessed from Ebsco Host <http://files.eric.ed.gov/fulltext/ED566381.pdf> , September 26, 2017.

<sup>473</sup> *Board of Education of Oklahoma City Public Schools v. Dowell*. Oyez. Accessed October 22, 2017. <https://www.oyez.org/cases/1990/89-1080>.

<sup>474</sup> Reardon, et al. “*Brown* Fades”. 1

balance and equal educational opportunity. Other cases would further facilitate declarations of unitary status across the country.

The next court case that aided school systems in obtaining release from federal supervision was *Freeman v. Pitts* in 1992.<sup>475</sup> In this case, the court determined that school systems did not have to achieve full desegregation in all six of the *Green* Factors at the same time. Instead, systems could obtain partial unitary status for areas in which desegregation criteria had been met. Those that were not satisfactorily desegregated would remain under federal supervision. Schools would have to show compliance in the areas that would be released from federal supervision, and they would have to demonstrate a good faith effort in achieving compliance for areas that would stay under federal supervision. Another case, *Missouri v. Jenkins*, would further signal the end of court enforced desegregation.

According to Joondeph, *Missouri v. Jenkins* was an expression by the court “to bring the era of court enforced desegregation to a close.”<sup>476</sup> *Brown v. Board of Education* and the *Brown II* decisions had been prohibitory in nature; de jure segregation was prohibited in schools. Once a school system showed even piecemeal desegregation and a good faith effort, schools would have fulfilled the law. There was nothing in the orders that directed corrective action for problems caused by de jure segregation after segregation became de facto. In *Missouri v. Jenkins*, the Supreme Court determined that the states and districts did not have to provide funding to improve instruction in order to provide corrective action for issues caused by de jure segregation, such as the lower achievement levels found in many majority-black urban schools. By making a

---

<sup>475</sup> *Freeman v. Pitts*. Oyez, 22 Oct. 2017, [www.oyez.org/cases/1991/89-1290](http://www.oyez.org/cases/1991/89-1290).

<sup>476</sup> Bradley W. Joondeph, “Missouri v. Jenkins and the De Facto Abandonment of Court Enforced Desegregation,” *Washington Law Review* 71(1996): 599, accessed September 25, 2017. HeinOnline.

stand against corrective action for past de jure segregation, the Court virtually ended its judicial support for desegregation.<sup>477</sup> Other court cases during the 1990s resulted in decisions that did not allow for multiple districts to desegregate, such as an urban district desegregating with a suburban district. Also, court orders in the decade, such as those in Cleveland, Ohio, began to abolish busing in favor of neighborhood schooling. These rulings created largely minority schools in urban areas that continue to be high poverty areas, marking the intersectionality of race and economic status in this country. The values of the 1990s Supreme Court were reflected in these court decisions.

According to Joondeph, the reasons for the shift in focus of the court were the predominant beliefs of the Rhenquist court, including rejection of race-conscious governmental action, rejection of federal courts providing long-term desegregation supervision, and the belief that supervision of desegregation violated the idea of judicial restraint. To supervise desegregation in schools required the courts to become actively involved in educational policy decisions to an extent that the Rhenquist court did not approve.<sup>478</sup>

Other factors also played a major role in the resegregation of schools, particularly shifts in housing. The movement of whites from inner cities to suburban areas increased substantially as schools began to desegregate. White flight caused urban-area school systems to be noncompliant as white students left the city schools for schools that would become white in demographics. During the 1980-81 session of the U. S. Congress, nineteen bills were introduced that prohibited the Justice Department and federal courts to promote or require busing to achieve

---

<sup>477</sup> *Ibid.*, 607-608;

<sup>478</sup> *Ibid.*, 612-615.

desegregated schools.<sup>479</sup> White flight and the ensuing segregation became the main argument that school desegregation would be impossible to accomplish in U.S. schools. While school systems worked on a local basis in attempts to attract white students to stay in the city systems, federal and state courts and agencies did not create any active methods for addressing white flight. The policy of the Reagan administration was to desegregate by choice. In spite of the benefits of students attending desegregated schools, government courts and agencies would not pursue mandatory school desegregation. In addition to whites leaving inner town and city schools due to desegregation, whites also moved to suburbs due to attractions like more space and greenery, lower housing costs, and federal loans for suburban housing.<sup>480</sup> Thus, intervention by the federal and state governments to provide incentives for housing desegregation could have decreased white flight. The federal government responded minimally by the eventual offering of incentives for low income housing. According to Rossell and Hawley, reassignment of whites to majority-black or formerly all-black schools results in high levels of white flight. Therefore, “whites should not be randomly assigned to black neighborhoods if one’s primary concern is to maintain white enrollment.”<sup>481</sup> Rossell and Hawley also suggested that educators should improve curriculum and instruction in ways that would “enhance the perceived quality of the public schools”<sup>482</sup> to parents. Cross-district desegregation was also recommended, but these plans eventually became prohibited by the courts, as was cross-district funding.<sup>483</sup> Political and judicial

---

<sup>479</sup> Christine H. Rossell & Willis D. Hawley, *White Flight from School Desegregation: Magnitude, Sources, and Policy Options*. Education Policy Development Center for Desegregation, Institute for Public Policy Studies, Vanderbilt University. 1 (December 1981) accessed October 1, 2017 from Ebsco Host.

<sup>480</sup> *Ibid.*, 7.

<sup>481</sup> *Ibid.*, 34.

<sup>482</sup> *Ibid.*

<sup>483</sup> See *Milliken v. Bradley* and *Missouri v. Jenkins* for descriptions for how the courts determined issues dealing with cross-district desegregation.

policy shifted in the 1980s as the Reagan administration sought to repeal federal desegregation assistance. Also, the aforementioned change of position of the Justice Department to opposition of desegregation litigation during the 1980s facilitated more white flight from urban public schools. The Administration developed theories that desegregation had failed and that existing desegregation orders should be cancelled after a few years.<sup>484</sup> Resegregation increased significantly in the 1980s, making segregated schools in most urban areas and increasingly in suburban areas as well.

Currently issues of segregation also occur in individual schools as students of color are typically underrepresented in higher-level classes and continue to be tracked into lower-level class. Individual districts have created charter and magnet schools in attempts to desegregate in urban and suburban areas, and some districts have designated individual schools across the district as schools of choice with focuses on multiple intelligences, fine arts, or STEM. These schools serve to resegregate in many instances, especially in suburbs where more minorities have moved in the last decade.

The latest trend in resegregating schools is the movement for school secession. Across the country, suburban towns and cities are seeking ways to exit county school systems. “Since 1986, forty-seven school districts [in the U. S.] have splintered off to create their own whiter and wealthier school districts.”<sup>485</sup> Thirty-six of these districts seceded after 2000, with other cities and towns exploring the option. Many of the seceding schools are located in more affluent areas, thus leaving lower income schools with higher poverty levels and fewer financial resources.

---

<sup>484</sup> Rossell and Hawley, 36.

<sup>485</sup> Laura Camera, “The Quiet Wave of School District Secessions,” *U.S. News and World Report*, (May 5, 2017). Accessed October 9, 2017 from <https://www.usnews.com/news/education-news/articles/2017-05-05/the-quiet-wave-of-school-district-secessions>

Thirty states have some kind of process for schools to secede from a district. In some areas, metropolitan communities establish towns or smaller cities within an urban county. The new towns can then create their own school systems. Rebecca Sibia reports that twenty-one states are free to establish their own system, thus creating areas with great differences in funding and requiring no remediation for equity.<sup>486</sup>

An example of such a secession can be found in Gardendale, Alabama. The schools of Gardendale were a part of the larger Jefferson County school system, which includes the Birmingham urban schools. Those in Gardendale who favored school secession argued that they would have more local control of tax money if they had their own school district. School secessionists claimed local tax money was being used to bus students to other areas of the county, mostly suburbs, in order to meet desegregation requirements. Proponents proclaimed that the courts needed to look at the present instead of continuing to conduct desegregation litigation.<sup>487</sup> Although it is illegal to create schools specifically to keep minorities out of the district, the Justice Department is allowing this to happen across the country. The Gardendale district was allowed to secede per the courts, but it was only one of several towns that had done so around Birmingham.<sup>488</sup> Another urban system with seceding schools was the Memphis school system. The city system voted in 2011 to close and allow students to be absorbed into the Shelby County school system. Six suburban school districts seceded from the Shelby County school

---

<sup>486</sup> “Fractured: The Breakdown of America’s School Districts,” EdBuild, 3, June 2017, accessed October 3, 2017, <https://edbuild.org/content/fractured/fractured-full-report.pdf>

<sup>487</sup> Camera, paragraph 5.

<sup>488</sup> Emmanuel Felton, “How the Federal Government Abandoned the Brown v. Board of Education Decision,” The Hechinger Report, September 6, 2017, accessed October 4, 2017 from <http://hechingerreport.org/how-the-federal-government-abandoned-the-brown-v-board-of-education-decision/>

system, thus compounding the poverty and number of minority students in the Shelby County district. Secession is the latest method of resegregation, although it has been going on for years.

### Closing

The story of desegregation of the Jackson schools is long and convoluted. The sheer number of court cases and decisions is overwhelming to any student of the time period. A dearth of literature on the Jackson system attempts to desegregate may exist because it is difficult to track the numerous court cases over time. Did they system reach a point in which the races were balanced? The answer to that question depends on how one defines balance. Some would argue the schools were balanced as much as was possible during the time frame of desegregation. Others would say the system could have done more to have a more equal number of black and white students. According to Charles Bolton, “The real institution white parents in Mississippi sought to preserve was the white neighborhood school.” The segregation plan developed in 1975 facilitated the return of the white neighborhood schools. Thus, the Jackson schools were most racially balanced between early to mid-1970s. While some white students did return to public schools, it was not enough to keep the Jackson system from becoming what is now a system with almost all-black students. In summary, any racial balance in the Jackson schools was brief. The Jackson schools continue to struggle and were placed on probation in 2016 by a state commission on school accreditation for being in violation of nineteen state accreditation standards. The virtually single-race Jackson schools remained on probation as of October 2017 due to violation of 75 percent of state accreditation standards.<sup>489</sup> Lessons can be learned from the experiences of the Jackson system that are particularly pertinent in the current political and social

---

<sup>489</sup> Bracey Harris. “Commission Keeps JPS on Probation,” October 17, 2017, accessed on November 1, 2017 from <http://www.clarionledger.com/story/news/2017/10/17/jps-accreditation/767896001/>

climate. One lesson from desegregation efforts of the 1960s and early 1970s is that change was dependent on support from the courts. Without court intervention to continue desegregation efforts, the schools in Jackson returned to single-race schools. Educational leaders can learn from the experiences in Jackson, particularly when dealing with equity and change. Educational leaders in Jackson worked to keep the purpose of schools focused on education. In spite of the multiple court cases, educational leaders worked to maintain a quality school system by providing training and support for teachers. Also, the experiences in Jackson illustrate the insidious nature of racism and underscore the need for intentional policy formation and implementation to provide equity in public schools.

According to 2016 statistics predicted by the U. S. Census Bureau, the largest minority in the U.S. is Hispanics or Latinos which were predicted to comprise 17.8 percent of U.S. residents by 2016. Black residents were predicted to comprise 13.3 percent of the total population.<sup>490</sup> Race in public schools now centers around two large minorities and remains complex, although there are also issues of segregation by class. Areas with large Hispanic populations remain highly segregated, with little intervention on the horizon.<sup>491</sup> “In California, Texas, and New York, more than half of the Latino students attend schools that are 90 percent or more minority in. In

---

<sup>490</sup> United States Census Bureau Quick Facts, accessed October 28, 2017 from <https://www.census.gov/quickfacts/fact/table/US/PST045216>

<sup>491</sup> See Luis M. Laosa, “The New Segregation,” *ETS Policy Brief* 10 no.1, Spring 2001; Fermin Leal, Growing Segregation for Latino Students Poses Challenge for Academic Success, Education Writers Association Blog, August 29, 2016, accessed October 24, 2017 from <http://www.ewa.org/blog-latino-ed-beat/growing-segregation-latinos-public-schools-poses-challenge-academic-success>; Rebecca Klein, Latino Segregation: The Big Education Problem That No One is Talking About,” *Huffington Post*, October 26, 2015, accessed from [https://www.huffingtonpost.com/entry/latino-school-segregation\\_us\\_561d70a5e4b050c6c4a34118](https://www.huffingtonpost.com/entry/latino-school-segregation_us_561d70a5e4b050c6c4a34118); Caroline Hendri. "U.S. Schools Lapsing Into 'Resegregation,' Orfield Warns." *Education Week* 16, no. 29 (April 16, 1997): 9. Academic Search Complete, EBSCOhost (accessed November 4, 2017).

Gainesville, Georgia, the 2016 student population of Lyman Hall Elementary School was 98 percent.”<sup>492</sup> Clearly the U.S. has not accomplished the goal of a quality education for all as achievement levels remain lower for minority students.<sup>493</sup>

#### Recommendations for Further Study

The implications for further research are numerous. First, scholars should focus on additional stories from individuals who lived during the time of school desegregation in Jackson. The potential for extensive case studies on unsung heroes—those individuals whose efforts led to major changes—of the desegregation process is enormous, and their stories should be documented and put in the formal historical record. Case studies might be conducted on educational leaders, including Dr. Brandon Sparkman, as well as the members of the NAACP Legal Defense Fund who worked on school desegregation in Jackson and in other communities throughout the South. Another area of research implicated by this study are studies of other towns and small cities in the Deep South to determine the similarities and differences of experience. Also, comprehensive research should be conducted in effort to situate the multitude of court cases in a way that is accessible to school systems, including individual teachers, for use by educational policy makers in the future and as an educational tool for students. Finally, desegregation was an issue of gender as the main fear driving resistance was miscegenation. Research should be conducted on the intersectionality of gender and race. Through the lens of gender, resistance to desegregation was an issue of masculinity. Further research should explore how masculinity manifested as active and passive resistance.

---

<sup>492</sup> Antonia Cerejido, “What Does Latino Segregation Look Like?” *Latino USA*, National Public Radio, October 7, 2016, accessed October 23, 2017 from [latinousa.org/2016/10/07/latino-school-segregation/](http://latinousa.org/2016/10/07/latino-school-segregation/)

<sup>493</sup> See Lauren Camera, “Achievement Gap Between Black and White Students Still Gaping,” *U.S. News and World Report*, Jan. 13, 2016.

## Bibliography

- "2492 Whites Attend Miss. Black Schools." *The Clarion-Ledger* (Jackson, Mississippi), January 11, 1970.
- "4 States Ask Quota System Nationwide." *The Clarion-Ledger* (Jackson, Mississippi), January 24, 1970.
- A Proposal for Work in Mississippi and Other Deep South States Among Poor White People Who Feel Threatened By School Desegregation Speed-Up. MS, Subject File: Integration 1967-1969, Mississippi Department of Archives and History.
- "A Three Judge Federal Court Panel Upholds the Freedom of Choice Plan for 25 Mississippi School Districts." *Jackson Advocate* (Jackson, Mississippi), May 24, 1969.
- Aarons, Leroy. "Decades of Rights." *The Washington Post*. Accessed August 26, 1973.
- "About 6,350 Negroes in Desegregated Schools." *The Clarion-Ledger* (Jackson, Mississippi), December 4, 1966.
- "Alexander v. Holmes County Board of Education." Oyez. Accessed March 26, 2015.  
<https://www.oyez.org/cases/1969/632>.
- Allen, Marylee, Cindy Brown, and Ann Rosewater. "Children Out of School in America." Children's Defense Fund. 1974. Accessed July 15, 2017.  
<http://diglib.lib.utk.edu/cdf/main.php?bid=124&pg=3>.
- Americans for the Preservation of the White Race, Jackson Chapter. 1967-1969. MS, Subject File: Integration 1967-1969, Mississippi Department of Archives and History, Jackson, Mississippi.
- "Announce Formation of Southern Party to Continue Mix Fight." *The Clarion-Ledger* (Jackson, Mississippi), December 1, 1969.
- Arnez, Nancy L. "Implementation of Desegregation as a Discriminatory Process." *The Journal of Negro Education* 47, no. 1 (1978): 28. Accessed June 29, 2017. doi:10.2307/2967098.
- "Ask Dixie Governors Meet on School Plan." *The Clarion-Ledger* (Jackson, Mississippi), April 13, 1967.
- "Baptist Leader Doubts Churches Used for Private Schools is Best." *The Clarion-Ledger* (Jackson, Mississippi), December 2, 1969.
- Barnes, B. "School Integration Highest in the South." *The Washington Post*. Accessed June 30, 2017.

- Baum, Howell S. *"Brown" in Baltimore: School Desegregation and the Limits of Liberalism*. Ithaca: Cornell University Press, 2016.
- Beard, W. I. "Letter to the Editor." *The Clarion-Ledger* (Jackson, Mississippi), December 29, 1969.
- Bell, Derrick A. "Waiting on the Promise of "Brown"." *Law and Contemporary Problems* 39, no. 2 (Spring 1975): 341-45. doi:10.2307/1191105.
- Bell, Derrick A. *Shades of Brown: New Perspectives on School Desegregation*. New York: Teachers College Press, Columbia University, 1980.
- Bell, Derrick A. "Brown v. Board of Education and the Interest-Convergence Dilemma." *Harvard Law Review* 93, no. 3 (1980): 518. doi:10.2307/1340546.
- Bell, Derrick A. *Silent Covenants: Brown v. Board of Education and the Unfulfilled Hopes for Racial Reform*. Oxford: Oxford University Press, 2006.
- "Bishop Asks for Support for Public Schools." *The Clarion-Ledger* (Jackson, Mississippi), January 4, 1970.
- Board of Education of Oklahoma City Public Schools v. Dowell (United States Court of Appeals for the 10th Circuit January 15, 1991), Oyez.org.
- "Board of Education of Oklahoma City Public Schools v. Dowell." Oyez. Accessed October 24, 2017. <https://www.oyez.org/cases/1990/89-1080>.
- Bolton, Charles C. "The Last Stand of Massive Resistance: Mississippi Public School Integration, 1970." Mississippi History Now. Accessed October 19, 2016. <http://www.mshistorynow.mdah.ms.gov/articles/305/the-last-stand-of-massive-resistance-1970>.
- Bolton, Charles C. *The Hardest Deal of All: The Battle Over School Integration in Mississippi, 1870-1980*. Jackson: University Press of Mississippi, 2007.
- Bonastia, Christopher. *Southern Stalemate: Five Years Without Public Education in Prince Edward County, Virginia*. Chicago: The University of Chicago Press, 2012.
- Brazziel, William F. *Quality Education for All Americans*. Harvard University Press, 1974.
- Brown, Ronald W. "Busing and the Search for Equal Educational Opportunity." *Journal of Law and Education* 1, no. 2 (April 1972): 226. Accessed June 28, 2017. <http://www.heinonline.org.ezproxy.gsu.edu/HOL/Page?handle=hein.journals/jle1&id=1&size=2&collection=journals&index=journals/jle>.
- Brown v. Board of Education of Topeka, No. 347 slip op. at 483 (May 17, 1954).

- Camera, Laura. "The Quiet Wave of School District Secessions." *U.S. News and World Report*, May 5, 2017. Accessed October 9, 2017. <https://www.usnews.com/news/education-news/articles/2017-05-05/the-quiet-wave-of-school-district-secessions>.
- Cameron, Don. *The Inside Story of the Teacher Revolution in America*. Lanham, MD: ScarecrowEducation, 2005.
- "Catholics Act to Curb Public School Transfers." *The Clarion-Ledger* (Jackson, Mississippi), February 25, 1970.
- Cereijido, Antonia. "Latino USA." In *What Does Latino Segregation Look Like*. National Public Radio. October 7, 2016. Accessed July 2, 2017. <https://www.npr.org/2016/10/07/497036352/what-does-latino-segregation-look-like>.
- "Chief Mixer 'Forced Out'." *The Clarion-Ledger* (Jackson, Mississippi), February 18, 1970.
- "Choice Amendment Proposal is Passed." *The Clarion-Ledger*(Jackson, Mississippi), February 21, 1970.
- "City Schools Given 2-Step Mix Order." *Jackson Daily News* (Jackson, Mississippi), December 2, 1969.
- Civil Rights Act of 1964. <https://www.gpo.gov/fdsys/pkg/STATUTE-78/pdf/STATUTE-78-Pg-241.pdf>
- Clark, Kenneth B., and Mamie K. Clark. "Segregation as a Factor in the Racial Identification of Negro Pre-School Children." *The Journal of Experimental Education*8, no. 2 (1939): 161-63. doi:10.1080/00220973.1939.11010160.
- Clark, Kenneth B., and Mamie K. Clark. "The Development of Consciousness of Self and the Emergence of Racial Identification in Negro Preschool Children." *The Journal of Social Psychology*10, no. 4 (1939): 591-99. doi:10.1080/00224545.1939.9713394.
- Clark, Kenneth B., and Mamie K. Clark. "Skin Color as a Factor in Racial Identification of Negro Preschool Children." *The Journal of Social Psychology*11, no. 1 (1940): 159-69. doi:10.1080/00224545.1940.9918741.
- Clark, Kenneth B., and Mamie P. Clark. "Emotional Factors in Racial Identification and Preference in Negro Children." *Journal of Negro Education*19 (1950): 341-50. Accessed January 20, 2016. doi:10.1007/978-3-662-37819-9\_7.
- Clark, Kenneth Bancroft. *A possible Reality: A Design for the Attainment of High Academic Achievement for Inner-City Students*. New York: Emerson Hall; distributed by D. White, 1972.
- "Court Puts Mix Burden Upon State." *The Clarion-Ledger* (Jackson, Mississippi), December 18, 1969.

- "Court Throws Out Jackson Mix Plan: Must Offer Busing; New Shakeup Due." *The Clarion-Ledger* (Jackson, Mississippi), May 6, 1970.
- "CR Chief Says Nixon Speech Won't Alter School Program." *The Clarion-Ledger* (Jackson, Mississippi), March 22, 1970.
- Crespino, Joseph. "The Best Defense Is a Good Offense: The Stennis Amendment and the Fracturing of Liberal School Desegregation Policy, 1964–1972." *Journal of Policy History* 18, no. 03 (July 2006): 304-25. Accessed October 3, 2014. doi:10.1353/jph.2006.0008.
- Dalehite, William Moore. *A History of the Public Schools in Jackson, Mississippi, 1832-1972*. Baton Rouge, LA: TJM Corporation, 1974.
- "Deep South Faces Multiple Mix Suits." *The Clarion-Ledger* (Jackson, Mississippi), January 1, 1970.
- Dittmer, John. *Local people: The Struggle for Civil Rights in Mississippi*. Urbana: University of Illinois Press, 2006.
- "Dixie Demos Press Free School Choice." *The Clarion-Ledger* (Jackson, Mississippi), December 17, 1969.
- Downey, James H. "Canton: Double System Planned." *The Clarion-Ledger* (Jackson, Mississippi), January 6, 1970.
- Downey, James H. "Mix Suit Decision Pending." *The Clarion-Ledger* (Jackson, Mississippi), July 1, 1970.
- Dudziak, Mary. "Desegregation as a Cold War Imperative." In *Critical Race Theory: The Cutting Edge*, 20. New York, NY: New York University Press, 1995.
- Dudziak, Mary L. *Cold War Civil Rights: Race and the Image of American Democracy*. Princeton (N.J.): Princeton University Press, 2011.
- "Eastland Tags Hearings on School Mix 'Farce'." *The Clarion-Ledger* (Jackson, Mississippi), April 23, 1970.
- "Editorial." *Jackson Advocate* (Jackson, Mississippi), June 28, 1969.
- "Editorial." *The Clarion-Ledger* (Jackson, Mississippi), July 6, 1969.
- "Enrollment." Enrollment Reports. Accessed August 18, 2017. <http://mdereports.mdek12.org/data/>.
- Ethridge, Tom. "Mississippi Notebook: Where the Grapes of Wrath are Stored." *The Clarion-Ledger* (Jackson, Mississippi), February 4, 1970.

Ethridge, Tom. "Eyes on Our Crisis in Education." *The Clarion-Ledger* (Jackson, Mississippi), December 12, 1969.

*Eyes on the Prize*. Produced by Henry E. Hampton. PBS Eyes on the Prize, Episode 6. April 15, 2016. Accessed October 17, 2016. <https://www.youtube.com/watch?v=Ej2BCUIdUI4>.

Felton, Emmanuel. "How the Federal Government Abandoned the Brown v. Board of Education Decision." The Hechinger Report. September 08, 2017. Accessed November 09, 2017. <http://hechingerreport.org/how-the-federal-government-abandoned-the-brown-v-board-of-education-decision/>.

"Finch Attacks Proposal to Allow School Choice." *The Clarion-Ledger* (Jackson, Mississippi), December 15, 1969.

"Finch to Call for Veto If HEW Bill Unchanged." *The Clarion-Ledger* (Jackson, Mississippi), February 23, 1970.

Fleming, George. "Sumner: No Battle Plans Against Suit." *The Clarion-Ledger* (Jackson, Mississippi), July 11, 1970.

"Florida Governor Defies Mix Order: Tells Pupils Ignore Court's Plan Today." *The Clarion-Ledger*(Jackson, Mississippi), April 6, 1970.

"Fractured: The Breakdown of America's School Districts." EdBuild. June 2017. Accessed October 3, 2017. <https://edbuild.org/content/fractured>.

"Free Choice Rallies Due Here, In Delta." *The Clarion-Ledger* (Jackson, Mississippi), February 5, 1970.

"Freeman v. Pitts." Oyez. Accessed October 22, 2017. <https://www.oyez.org/cases/1991/89-1290>.

"Governor Discloses Mix-North Plans." *The Clarion-Ledger* (Jackson, Mississippi), December 11, 1969.

"Governors to Seek Action in Congress." *The Clarion-Ledger* (Jackson, Mississippi), February 9, 1970.

Green, Kristen. *Something Must Be Done About Prince Edward County: A Family, a Virginia town, a Civil Rights Battle*. New York: Harper Perennial, 2016.

Hampton, Henry E., prod. "Eyes on the Prize." In *Eyes on the Prize*. PBS.

Hampton, Henry E., writer. "Freedom Summer 1964 Part 1." In *Eyes on the Prize*. PBS.

- Harris, Bracey. "Commission Keeps JPS on Probation." *The Clarion-Ledger* (Jackson, Mississippi), October 17, 2017, accessed November 1, 2017 from <http://www.clarionledger.com/story/news/2017/10/17/jps-accreditation/767896001/>
- Harrist, Ron. "School Mix Decree in Effect Today for 30 State Districts." *The Clarion-Ledger* (Jackson, Mississippi), January 5, 1970.
- Hendrie, Caroline. "U.S. Schools Lapsing into 'Resegregation,' Orfield Warns." *Education Week* 16, no. 29 (April 16, 1997): 9. Accessed November 4, 2017. <http://web.a.ebscohost.com.ezproxy.gsu.edu/ehost/detail/detail?vid=4&sid=5b546664-bf31-4108-a3fd-edd3f679bc19%40sessionmgr4009&bdata=JnNpdGU9ZWwhvc3QtbGl2ZSZzY29wZT1zaXRl#AN=9709093820&db=a9h>.
- "Henry Sees Vote as Tool for Negro Advancement." *Jackson Daily News* (Jackson, Mississippi), January 11, 1967.
- "HEW, School Plans on File." *The Clarion-Ledger* (Jackson, Mississippi), June 1, 1970.
- Hicks, Terence, and Abul Pitre. *The Educational Lockout of African Americans in Prince Edward County, Virginia (1959-1964): Personal Accounts and Reflections*. Lanham, MD: University Press of America, 2010.
- Hill, Charles M. "Governors Pessimistic Over Unity." *The Clarion-Ledger* (Jackson, Mississippi), February 25, 1970.
- Hill, Charles M. "Governor Finds Sympathy in D.C. but Sees No Help." *The Clarion-Ledger* (Jackson, Mississippi), February 25, 1970.
- Hill, Charles M. "May Ask Public To Finance Northern Mix Campaign," *The Clarion-Ledger*, December 18, 1969.
- Hill, Charles M. "School Choice Measure Gains House Approval: Shapes Own Version of JBW Proposal." *The Clarion-Ledger* (Jackson, Mississippi), March 20, 1970.
- "Howe Says Southern Guideline Complaints are Exaggerated." *Jackson Daily News* (Jackson, Mississippi), September 30, 1966.
- "I.Q. Tests Found Inaccurate in Estimating True Potential of the Disadvantaged Negro Child." *Jackson Advocate* (Jackson, Mississippi), May 3, 1969.
- "Integration Plans Nixed for '68-'69." *The Clarion-Ledger* (Jackson, Mississippi), August 7, 1968.
- Jackson, Evelyn, "Say Women's Groups Liberal on Schools," *The Clarion-Ledger*, December 5, 1969.

- Jackson, Mississippi Convention and Visitor Bureau. *Jackson Civil Rights Movement Driving Tour*. Jackson, MS: Jackson, Mississippi Convention and Visitors Bureau.
- "Jackson Mix Date Ruling Due Monday." *The Clarion-Ledger*(Jackson, Mississippi), January 11, 1970.
- "JBW Chooses Tarnished Knight to Lead Million Dollar Crusade." *Jackson Daily News* (Jackson, Mississippi), December 15, 1969.
- "JBW's Program Slated for Solons on Tuesday." *Jackson Daily News* (Jackson, Mississippi), January 8, 1970.
- Jensen, Arthur. "How Much Can We Boost IQ and Scholastic Achievement." *Harvard Educational Review*39, no. 1 (1969): 1-123. Accessed June 17, 2017. doi:10.17763/haer.39.1.13u15956627424k7.
- Jones, Leon. "School Desegregation in Retrospect and Prospect." *The Journal of Negro Education*47, no. 1 (Winter 1978): 46. Accessed June 30, 2017. doi:10.2307/2967099.
- Joondeph, Bradley W. "Missouri v. Jenkins and the De Facto Abandonment of Court Enforced Desegregation." *Washington Law Review*, no. 71 (1996): 599. January 1, 1996. Accessed September 25, 2017. <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1429&context=facpubs>.
- "Kirk 'Overrules' Court Mix Order." *The Clarion-Ledger* (Jackson, Mississippi), January 31, 1970.
- "Kirk Claims Help Coming, Gives In." *The Clarion-Ledger* (Jackson, Mississippi), April 13, 1970.
- Klarman, Michael J. *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial justice*. New York: Oxford University Press, 2004.
- Klein, Rebecca. "Latino Segregation: The Big Educational Problem That No One is Talking About." *Latino Voices*. October 26, 2015. Accessed October 31, 2017. [https://www.huffingtonpost.com/entry/latino-school-segregation\\_us\\_561d70a5e4b050c6c4a34118](https://www.huffingtonpost.com/entry/latino-school-segregation_us_561d70a5e4b050c6c4a34118).
- Kruse, Kevin Michael. *White Flight: Atlanta and the Making of Modern Conservatism*. Princeton, NJ: Princeton University Press, 2007.
- Ladson-Billings, G. "Landing on the Wrong Note: The Price We Paid for Brown." *Educational Researcher* 33, no. 7 (2004): 3-13. Accessed September 26, 2016. doi:10.3102/0013189x033007003.
- Laosa, Luis M. "ETS Policy Notes, Volume 10, Number 1. Spring 2001." *The New Segregation*. Spring 2001. Accessed November 9, 2017. <https://www.bing.com/cr?IG=0EDA067B703746BCBCC87E02C66EF8A7&CID=2FB084076B>

0A6BF217838F326A0C6A1D&rd=1&h=qMNazp8FZqrPQKOOadsD9InWocrIaJNIS564v6m2KA8&v=1&r=https%3a%2f%2fwww.ets.org%2fMedia%2fResearch%2fpdf%2fPICPNV10N1.pdf&p=DevEx,5066.1.

Leal, Fermin. "Growing Segregation for Latino Students Poses Challenge for Academic Success." Education Writers Association Blog. August 29, 2016. Accessed September 25, 2017. <http://ewa.org/blog-latino-ed-beat/growing-segregation-latinos-public-schools-poses-challenge-academic-success>.

"Least Desegregation Noted in Schools of Mississippi." *The Clarion-Ledger* (Jackson, Mississippi), May 28, 1968.

Letter from Parents for Segregation to All White Parents. 1965-1966. MS, File Subject: Integration, Mississippi Department of Archives and History, Jackson, Mississippi.

"Letter of Dispute Resolution from The United States Department for Rights Region II to James G. Memoli, Acting Superintendent of the School District of South Orange-Maplewood." U.S. Department of Education. October 28, 2014. Accessed June 6, 2017. <https://www.ed.gov/news/press-releases/us-department-education-announces-resolution-south-orange-maplewood-nj-school-district-civil-rights-investigation>.

Levin, Betsy, and Willis Hawley. "Forward." *Law and Contemporary Problems* 39, no. 2 (Winter 1975): 1. Accessed June 14, 2017. <http://www.heinonline.org.ezproxy.gsu.edu/HOL/Contents?handle=hein.journals/lcp39&id=1&size=2&index=journals/lcp&collection=journals>.

Lukas, J. Anthony. *Common Ground a Turbulent Decade in the Lives of Three American Families*. New York: Vintage Books, 1986.

"March Protests School Burning." *The Clarion-Ledger* (Jackson, Mississippi), January 5, 1970.

"May Ask Public to Finance Northern Mix Campaign." *The Clarion-Ledger* (Jackson, Mississippi), December 17, 1969.

"May Pay Teachers Who Balk." *The Clarion-Ledger* (Jackson, Mississippi), December 11, 1969.

McAdam, Doug. *Freedom Summer*. New York: Oxford University Press, 1990.

McCain, William D. *The Story of Jackson*. Jackson, MS: Hyer Pub. Co., 1953.

"MEA Nixes Merge Bid with MTA, 237 to 252." *The Clarion-Ledger* (Jackson, Mississippi), May 10, 1970.

"Methodist Group Gives Statement." *The Clarion-Ledger* (Jackson, Mississippi), February 4, 1970.

- Middleton, Jeanne Marie. *The History of Singleton v. Jackson Municipal Separate School District: Southern School Desegregation from the Perspective of the Black Community*. PhD diss., 1978.
- Mills, Roger, and Miriam Bryan. "Grouping. . . Testing: The New Segregation in Southern Schools?" *Southern Regional Council*, 1976, 47. Accessed August 15, 2017. <http://files.eric.ed.gov/fulltext/ED131124.pdf>.
- "Mississippi Faces School Desegregation: A State Surrenders." *Chicago Tribune* (Chicago, IL), January 4, 1970.
- "Mississippi Kickouts." *Newsweek*, October 11, 1965.
- "Mixed Statement Praised by Reed." *The Clarion-Ledger* (Jackson, Mississippi), February 13, 1970.
- "Mixing 'Cabinet' Selected to Help Schools Carry Out Court Integration Plans." *The Clarion-Ledger* (Jackson, Mississippi), February 17, 1970.
- "Mixing Chief Plans Attack on Suburbs-- To Shift Site Policy for Public Housing." *Clarion-Ledger* (Jackson, Mississippi), April 28, 1970.
- "Mixing Coalition Formed in State." *The Clarion-Ledger* (Jackson, Mississippi), January 11, 1970.
- "Mixing Plans Ordered Implemented by December 31." *The Clarion-Ledger* (Jackson, Mississippi), November 7, 1969.
- "Mixing Relief Measures Cleared By Both Houses -- Stennis Provision Cleared." *The Clarion-Ledger* (Jackson, Mississippi), February 20, 1970.
- Moger, Allen W., and Bob Smith. "They Closed Their Schools: Prince Edward County, Virginia, 1951-1964." *The Journal of American History* 52, no. 3 (1965): 657. doi:10.2307/1890890.
- Morganti, Leroy. "Mix Grudgingly Accepted Except in Black-Belt Areas." *The Clarion-Ledger* (Jackson, Mississippi), January 18, 1970.
- Myrdal, Gunnar, and Sissela Bok. *An American Dilemma: The Negro Problem and Modern Democracy*. New York, NY: Harper and Brothers, 1944.
- "NAACP to Appeal Jackson Ruling." *The Clarion-Ledger* (Jackson, Mississippi), January 23, 1970.
- "NAACP Urges Mix Rush," *The Clarion-Ledger*, December 20, 1969.
- "National Education Association Demand Return to School Guidelines." *Jackson Advocate* (Jackson, Mississippi), July 12, 1969.
- "NEA Official Estimates Mix Order Has Caused 1,000 Teachers to Quit." *The Clarion-Ledger* (Jackson, Mississippi) January 22, 1970.

- "NEA to Form 3rd State Teacher Group." *The Clarion-Ledger* (Jackson, Mississippi), April 2, 1970.
- "Negro Due Soon? Mrs. Chappell Named New School Trustee." *The Clarion-Ledger* (Jackson, Mississippi), February 4, 1970.
- "Negroes Distrust President See Political Opponents Among Those Raising the Question of Negro Suspicion of Him and His New GOP Administration." *Jackson Advocate* (Jackson, Mississippi), February 15, 1969.
- "New Private School Gets Start Here." *The Clarion-Ledger* (Jackson, Mississippi), February 5, 1970.
- "New Private Schools Mushroom in the South." *The Clarion-Ledger* (Jackson, Mississippi), January 6, 1970.
- Newton, Michael. *The Ku Klux Klan in Mississippi: A History*. Jefferson, NC: McFarland & Co., 2010.
- "Nixon Against Plans for Choice, Equality." *The Clarion-Ledger* (Jackson, Mississippi), February 11, 1970.
- "Nixon Regime Seen Easing Guidelines on Desegregation." *Jackson Advocate* (Jackson, Mississippi), July 5, 1969.
- "Nixon Spells Out Limits of School Mix Actions: President De-Emphasizes Role of Federal Force." *The Clarion-Ledger* (Jackson, Mississippi), March 25, 1970.
- "No Mix Relief At HEW." *The Clarion-Ledger* (Jackson, Mississippi), June 26, 1970.
- "No Statewide Solution to School Crisis-- JBW: Private, Public Coexistence Urged." *The Clarion-Ledger* (Jackson, Mississippi), January 4, 1970.
- Noble, Stuart Grayson. *Forty Years of the Public Schools of Mississippi, with a Special Reference to the Education of the Negro*. New York, NY: Teachers College, Columbia University, 1918.
- Ogbu, John U. *Minority education and caste: The American System in Cross-Cultural Perspective*. New York: Academic Press, 1979.
- Orfield, Gary, Sara Schley, Diane Glass, and Sean Reardon. "The Growth of Segregation in American Schools: Changing Patterns of Separation and Poverty Since 1968." *Equity & Excellence in Education* 27, no. 1 (1994): 5-8. Accessed September 25, 2017. doi:10.1080/1066568940270102.
- Overby, Charles. "Serious Setbacks Seen for Schools: It's a 'Black Wednesday' for Mississippi Congressmen." *Jackson Daily News* (Jackson, Mississippi), October 30, 1969.

- "Panetta Blasts President." *The Clarion-Ledger* (Jackson, Mississippi), February 28, 1970.
- Pardue, Mary Ann. "Abernathy Questions Jail Threat." *The Clarion-Ledger* (Jackson, Mississippi), February 11, 1970.
- Pardue, Mary Ann. "Senate Backs Stennis Bid for Equal Mix Enforcement." *The Clarion-Ledger* (Jackson, Mississippi), February 19, 1970.
- Paul Z. Ball, letter to the editor, from the newspaper scrapbook of former Mississippi State Representative Walter Hester. 1967-1969. MS, Subject File: Integration 1967-1969, Mississippi Department of Archives and History, Jackson, Mississippi.
- Pearce, John. "Private Schools Must Mix or Lose Tax Rights." *The Clarion-Ledger* (Jackson, Mississippi), July 11, 1970.
- Perkins, John. "Negroes State 'Legal' March." *Jackson Daily News*, July 1, 1965.
- Pietila, Antero. *Not in My Neighborhood: How Bigotry Shaped a Great American City*. Chicago: Ivan R Dee, Inc, 2012.
- Pitts, Winfred E. *A Victory of Sorts: Desegregation in a Southern Community*. Lanham: University Press of America, 2003.
- Plessy v. Ferguson, No. 163 (May 18, 1896) (National Archives, Dist. file).
- "President Denies Plans to Send Mix Vigilantes." *The Clarion-Ledger* (Jackson, Mississippi), July 21, 1970.
- "President Eases School Deadline on Desegregation." *The New York Times* (Jackson, Mississippi), July 4, 1969.
- "President Nixon Told of Hardships and Frustration of Negro Parents and Their Children and the Growing Loss of Jobs of Negro Teachers as a Result of Cutting of Funds to School Districts in Order to Compel Integration in Mississippi and Other Southern States." *Jackson Advocate* (Jackson, Mississippi), June 7, 1969.
- Pride, Richard A., and J. David. Woodard. *The Burden of Busing: The Politics of Desegregation in Nashville, Tennessee*. Knoxville: University of Tennessee Press, 1985.
- "Private School System Urged." *The Clarion-Ledger*, December 21, 1969.
- "Promise MEA Will Continue." *The Clarion-Ledger* (Jackson, Mississippi), April 11, 1970.
- Pulliam, John D., and James J. Van Patten. *History of Education in America*. Upper Saddle River, NJ, NJ: Merrill, 2007.

"Push-outs: New Outcasts from Public School." *National Public Radio Transcript*, September 9, 1974. Accessed June 5, 2017. <http://files.eric.ed.gov/fulltext/ED096373.pdf>.

"QuickFacts." U.S. Census Bureau QuickFacts selected: UNITED STATES. Accessed October 28, 2017. <https://www.census.gov/quickfacts/fact/table/US/PST045216>.

United States Commission on Civil Rights. *Racial Isolation in the Public Schools: Summary of a Report of the U.S. Commission on Civil Rights*. Washington: Government Printing Office, 1967.

Reardon, Sean F., Elena Tej Grewal, Demetra Kalogrides, and Erica Greenberg. "Brown Fades: The End of Court-Ordered School Desegregation and the Resegregation of American Public Schools." *Journal of Policy Analysis and Management* 31, no. 4 (2012): 876-904. Accessed September 26, 2017. doi:10.1002/pam.21649.

Reese, Andrew. "Freedom-of-Choice Plans Hinge on Court Hearing." *Commercial Appeal* (Memphis, Tennessee), October 7, 1968.

"Rezoning Could Earn Federal Nod." *The Clarion-Ledger* (Jackson, Mississippi), March 24, 1970.

"Richardson Declares Balance Not Criteria." *The Clarion-Ledger* (Jackson, Mississippi), July 28, 1970.

Rist, Ray. "Student Social Class and Teacher Expectations: The Self-Fulfilling Prophecy in Ghetto Education." *Harvard Educational Review* 70, no. 3 (2000): 257-302. Accessed June 26, 2017. doi:10.17763/haer.70.3.1k0624l6102u2725.

Rossell, Christine H., and Willis D. Hawley. *White Flight from School Desegregation: Magnitude, Sources, and Policy Options*. Report. Institute for Public Policy Studies, Education Policy Development Center, Vanderbilt University. Nashville, TN: Vanderbilt University, 1981. Accessed October 1, 2017. <http://files.eric.ed.gov/fulltext/ED245024.pdf>.

United States. Connecticut State Department of Education. *Review of Research on School Desegregation's Impact on Elementary and Secondary School Students*. By Janet Ward Schofield. Connecticut State Department of Education, 1989.

Schofield, Janet Ward. "School Desegregation and Intergroup Relations: A Review of the Literature." *Review of Research in Education* 17 (1991): 335-36. Accessed January 17, 2016. doi:10.2307/1167335.

"School Aid Cut Off to 8 Districts." *Associated Press/The Clarion-Ledger* (Jackson, Mississippi).

"School Exemptions Suspended." *The Clarion-Ledger* (Jackson, Mississippi), June 27, 1970.

"School Integregation: It's Tough All Over." *The Clarion-Ledger* (Jackson, Mississippi), February 24, 1970.

- "School Views to Be Told." *The Clarion-Ledger* (Jackson, Mississippi), March 22, 1970.
- "Segregation Repeal Voted." *The Clarion-Ledger* (Jackson, Mississippi), March 27, 1970.
- "Stennis Blocks Left on Mix Aid Strings." *The Clarion-Ledger* (Jackson, Mississippi), June 23, 1970.
- "Senate Debates, Delays Vote on Stennis Move." *The Clarion-Ledger* (Jackson, Mississippi), February 18, 1970.
- "Senate Nullifies Three Anti-Mix Amendments: Southerners Predict School Destruction." *The Clarion-Ledger* (Jackson, Mississippi), March 1, 1970.
- Skelton, Billy. "Schools Open Desegregated." *The Clarion-Ledger* (Jackson, Mississippi), September 3, 1967.
- Skelton, Billy. "Don't Fight School Mix, Davis Advises." *The Clarion-Ledger* (Jackson, Mississippi), December 18, 1969.
- Skelton, Billy. "Justices May Rush Jackson Pupil Mix." *The Clarion-Ledger*, December 15, 1969.
- Skelton, Billy. "Freedom of Choice Spurned by Senate." *The Clarion-Ledger* (Jackson, Mississippi), December 18, 1969.
- Skelton, Billy. "HEW Outlines Plan for City Pupil Mix." *The Clarion-Ledger* (Jackson, Mississippi), January 7, 1970.
- Skelton, Billy. "Council Votes Down Private School Aid." *The Clarion-Ledger* (Jackson, Mississippi), January 14, 1970.
- Skelton, Billy. "City Awaits Ruling on Pupil Mix Plan." *The Clarion-Ledger* (Jackson, Mississippi), January 20, 1970.
- Skelton, Billy. "Russell Orders Altered HEW Mix Plan Adopted." *The Clarion-Ledger* (Jackson, Mississippi), January 28, 1970.
- Skelton, Billy. "92 Percent of Jackson Students Registered for Second Semester." *The Clarion-Ledger* (Jackson, Mississippi), January 30, 1970.
- Skelton, Billy. "Blacks Again Demand School Board Members." *The Clarion-Ledger* (Jackson, Mississippi), February 18, 1970.
- Skelton, Billy. "Third Mixing Plan on File." *The Clarion-Ledger* (Jackson, Mississippi), June 3, 1970.

- Skelton, Billy. "NEA to Open Office to Assist in Mixing." *The Clarion-Ledger* (Jackson, Mississippi), April 2, 1970.
- Skelton, Billy. "Mix Violates Son's Rights, Preacher Says." *The Clarion-Ledger* (Jackson, Mississippi), March 27, 1970.
- Skelton, Billy. "Preacher Sues to Transfer Sone, 10, From Negro School." *The Clarion-Ledger* (Jackson, Mississippi), May 15, 1970.
- Skelton, Billy. "Jackson Teachers Get Pay Hike." *The Clarion-Ledger* (Jackson, Mississippi), April 21, 1970.
- Skelton, Billy. "School Mix Order Confuses Officials: Study New Ruling; Unitary Unexplained." *The Clarion-Ledger* (Jackson, Mississippi), May 7, 1970.
- Skelton, Billy. "Black Group Gives Council 10 Demands." *The Clarion-Ledger* (Jackson, Mississippi), May 26, 1970.
- Skelton, Billy. "Plaintiffs File Plan for Mix." *The Clarion-Ledger* (Jackson, Mississippi), June 4, 1970.
- Skelton, Billy. "HEW, City Schools Argue Busing Mix." *The Clarion-Ledger* (Jackson, Mississippi), June 9, 1970.
- Skelton, Billy. "Judge Begins Work on New Mix Plan." *The Clarion-Ledger* (Jackson, Mississippi), June 10, 1970.
- Skelton, Billy. "Schools May Request Mix Formula Changes: Serious Overcrowding, 'Magnet' Status Issues." *The Clarion-Ledger* (Jackson, Mississippi), June 17, 1970.
- Skelton, Billy. "Schools Announce Elementary Zones." *The Clarion-Ledger* (Jackson, Mississippi), July 1, 1970.
- Skelton, Billy. "Court OK's School Plan." *The Clarion-Ledger* (Jackson, Mississippi), July 22, 1970.
- Smith, Charles. "Quiet Mix Response to Aid Efforts-- Stennis." *The Clarion-Ledger* (Jackson, Mississippi), January 16, 1970.
- Smith, Mike. "Mississippi Reports Least Integration in the State." *The Clarion-Ledger* (Jackson, Mississippi), April 23, 1967.
- Southern National Party, Mass Demonstration of Protest. 1970. MS, Subject File: Integration 1970-1979, Mississippi Department of Archives and History, Jackson, Mississippi.
- "Southerners Encouraged By Nixon View." *The Clarion-Ledger* (Jackson, Mississippi), February 14, 1970.

"Statewide Political Meet to Offer School Solutions." *The Clarion-Ledger* (Jackson, Mississippi), December 31, 1969.

"Stay Home, Parents Urged By Dr. Martin." *The Clarion-Ledger* (Jackson, Mississippi), February 5, 1970.

Stennis, John. "Integration Guideline Secret is Well Kept." *The Jackson Daily News* (Jackson, Mississippi), December 13, 1967.

"Stennis Lashes School 'Butchery' By Federals." *The Clarion-Ledger* (Jackson, Mississippi), February 6, 1970.

"Stennis Plan Stuns North." *The Clarion-Ledger* (Jackson, Mississippi), February 20, 1970.

"Stennis Sees Gain Despite Loss: Senate Approves Education Measure." *The Clarion-Ledger* (Jackson, Mississippi), April 2, 1970.

"Strom Says South Becoming Disenchanted with Nixon." *The Clarion-Ledger*, July 26, 1970.

"Summer Project Documents (Freedom Summer) 1964-1965." Civil Rights Movement Veterans. <http://www.crmvet.org/docs/msfsdocs.htm#msfs>.

"Summer Says His Office Just Begun to Fight." *The Clarion-Ledger* (Jackson, Mississippi), November 20, 1969.

"Sumner Sees No Relief from Mixing." *The Clarion-Ledger* (Jackson, Mississippi), March 26, 1970.

Swann v. Charlotte-Mecklenburg Board of Education (April 20, 1971).

Tabb, Billy. "Veteran Teacher Condemns Tyranny." *Clarion-Ledger* (Jackson, Mississippi), February 4, 1970.

The Council Schools Foundation, Notice to Prospective Patrons. 1969. MS, Subject File: Desegregation 1969, Mississippi Department of Archives and History, Jackson, Mississippi.

"The Merger of NEA and MTA." *Jackson Advocate* (Jackson, Mississippi), March 28, 1969.

Thompson, Allen C. "Statement Before the Civil Rights Commission." Address, Public Hearing to the Civil Rights Commission, Mississippi, Jackson, February 16, 1965.

"Thurmond Attack Gets Wide Backing, Warning on Nixon Mix Acts." *The Clarion-Ledger* (Jackson, Mississippi), July 1970.

"Top Court Orders Full Mix by Feb. 1." *The Clarion-Ledger* (Jackson, Mississippi), January 15, 1970.

"Top Court Rejects Governor's Appeal." *The Clarion-Ledger*, February 3, 1970.

U. S. Constitution, § Amendment 13-Section 1.

U. S. Constitution, § Amendment 14-Section 1.

"U.S. Launches Statewide Racial Quota Campaign: State Board Rejects Demand for Action." *The Clarion-Ledger* (Jackson, Mississippi), April 23, 1970.

"U.S. Mixing Force Will Invade South, 100 to Ensure Full School Compliance." *The Clarion-Ledger* (Jackson, Mississippi), July 17, 1970.

"United South Could Wrest Negro Control, Letter to the Editor." *The Clarion-Ledger* (Jackson, Mississippi), December 29, 1969.

United States v. Jefferson County Board of Education (5th Circuit Court of Appeals December 29, 1966).

United States. U.S. Bureau of Census. Statistical Abstracts. 95th ed. Washington, DC: U.S.

Urban, Wayne J., and Jennings L. Wagoner, Jr. *American Education: A History*. Boston, MA: McGraw Hill, 2004.

"Voice of the People -- Praise Jackson Schools-- 'Law is Study Together, Not Mate Together'." *The Clarion-Ledger* (Jackson, Mississippi), March 7, 1970.

Warren, Lincoln, Jr. "Take Rankin Case, U.S. Court Urged." *The Clarion-Ledger* (Jackson, Mississippi), February 13, 1970.

Warren, Lincoln. "Segregation Bill Skirted." *The Clarion-Ledger* (Jackson, Mississippi), March 21, 1970.

Warren, Lincoln. "Segregation Repeal Voted." *The Clarion-Ledger* (Jackson, Mississippi), March 27, 1970.

Warren, Lincoln. "Court Bars Tax Break." *The Clarion-Ledger* (Jackson, Mississippi), January 14, 1970.

Watson, Jamantha. *Locked Out: A Story of the Prince Edward County School Closings*. VA: Epaga, 2015.

United States. U. S. Commission on Civil Rights. *New Evidence on School Desegregation ... U.S. Commission on Civil Rights ... June 1987*. By Finis Welch and Audrey Light. Place of publication not identified, GA: Publisher not identified, 1998. Accessed June 15, 2017. <http://files.eric.ed.gov/fulltext/ED293936.pdf>.

- White, William S. "Counterrevolution Begun Over Integration Rights." *Jackson Daily News* (Jackson, Mississippi), February 25, 1970.
- "White Teachers Say No, While Negro Teachers Are Saying Yes." *Jackson Advocate* (Jackson, Mississippi), May 10, 1969.
- Whittington, George. "Surprise Speaker JBW Asks Support as He 'Battles On'." *The Clarion-Ledger* (Jackson, Mississippi), February 6, 1970.
- Williams, James. "Letter to the Editor." *The Clarion-Ledger* (Jackson, Mississippi), December 17, 1969.
- Yudoff, Mark G. "Suspension and Expulsion of Black Students from the Public Schools: Academic Capital Punishment and the Constitution." *Law and Contemporary Problems* 39, no. 1 (Spring 1975): 374-411. Accessed July 12, 2014. doi:10.2307/1191114.

## APPENDIX

## A NOTE ON SOURCES

Sources for this dissertation include historical and legal records and books from the Mississippi Department of Archives and History located at 200 North Street, Jackson, Mississippi. The Jackson Public Schools central office, located at 622 S. President Street, Jackson, Mississippi provided records of school board meetings. Other information was obtained from the Brandon Sparkman memoir and papers, currently at the University of North Georgia, documents, including interviews conducted by the author as part of a special project of the College of Education of North Georgia College and State University, now known as the University of North Georgia. Articles and books were obtained through the Georgia State University library as well as through sources on the world wide web.