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A Desegregation Study of Public Schools in North Carolina

Ransome E. Holcombe

East Tennessee State University

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A DESEGREGATION STUDY OF PUBLIC SCHOOLS
IN NORTH CAROLINA

A Dissertation
Presented to
the Faculty of the Department of Supervision and Administration
East Tennessee State University

In Partial Fulfillment:
of the Requirements for the Degree
Doctorate in Education

by
Ransome Ellis Holcombe
December, 1905
APPROVAL

This is to certify that the Graduate Committee of

RANSOME ELLIS HOLCOMBE

met on the

29th day of October, 1985.

The committee read and examined his dissertation, supervised his defense of it in an oral examination, and decided to recommend that his study be submitted to the Graduate Council and the Associate Vice-President for Research and Graduate Studies in partial fulfillment of the requirements for the degree Doctor of Education.

[Signatures]

Signed on behalf of the Graduate Council

Signed on behalf of

Associate Vice-President for Research and Graduate Studies
ABSTRACT

A DESEGREGATION STUDY OF PUBLIC SCHOOLS
IN NORTH CAROLINA

by

Ransome Ellis Holcombe

The purpose of this study was to investigate and describe the desegregation of public schools in a selected southern state between the years 1954 and 1974.

In developing the research project that described the elimination of legal biracialism in North Carolina's schools, public sentiment emerged as a major factor in the desegregation story. Some of the key influences on public sentiment which helped to determine the success of the desegregation initiative were presented in this study.

North Carolina's public schools were unusual when compared to other states with dual systems because, despite the fact that the state had one of the largest black populations in the nation, the desegregation drama proceeded peacefully and successfully, albeit slowly. Throughout the twenty-year period that was required to completely eliminate the dual school structure that existed at the time of the Brown decision, an abiding commitment to preserve a stable public school system was demonstrated by the people of North Carolina.

In the implementation of the Brown ruling, the federal government gave the state ten years to begin and ten more to reach compliance. This judicious application of "all deliberate speed" allowed North Carolinians an opportunity to adjust to major societal change as progressive sentiment gradually overcame conservative resistance.

The strong stand on law and order by North Carolina's leaders at critical stages of the desegregation process helped to account for the relatively peaceful demise of legal biracialism in the public schools. While most of the people were pro-segregationist and repeatedly elected leaders who advocated the continuance of segregated schools, they ultimately chose to obey the law. State officials, despite their pro-segregationist rhetoric, in almost every case stood firm on law and order issues.

What was thought of in the 1950s as a regional problem took on national dimensions, and, by the 20th anniversary year of the Brown decision, North Carolina had some of the best desegregation statistics...
in the nation. The year 1974 was also the 10th anniversary of the Civil Rights Act of 1964, the law that actually brought about the elimination of dual schools in the state. Under Title VI of the Civil Rights Act, the powerful influence of federal aid brought North Carolina schools into compliance more rapidly than federal officials could have expected when viewed in terms of the amount of existent biracialism ten years after Brown. In the Brown decision of 1954, the concept of legal biracialism was voided; by 1974, legal biracialism was a dead issue in North Carolina, and the system of dual schools was completely dismantled in the state.
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CHAPTER 1

Introduction

Brown v. Board of Education of Topeka represented a constitutional and national challenge to statutory and regional standards that had for generations united the South. While the Supreme Court decision on May 17, 1954, was limited to "separate but equal" public school facilities in southern and border states, the ruling eventually affected educational institutions throughout the United States.

The nation's public schools are ultimately contextual and operate within the limitations established by the larger societal framework. As the country's primary enculturation mechanism, the public schools are by nature reactive and of necessity evolutionary. They operate within the constraints of time and place. Since time is constant and accrual while place is relative and circumstantial, change is both intrinsic and inevitable. History is the record of human interaction in time and place; administration is a function of that interaction in context. The task of school administrators is to manage human resources adroitly enough to effect institutional goals that are dictated by societal demands in a climate of change. Change is the constant, the prime factor in the administrative function; evasion or avoidance may impede the phenomenon, but ultimately change must be managed. Succinctly, history is the evidence of change and the management thereof.

In the course of events that regulates human endeavor, there occasionally emerge conflicts or circumstances that profoundly affect
the attitudes, beliefs, and behaviors of the populace. Events of this magnitude that disrupt the societal equilibrium and threaten the philosophical foundations of institutions are rare in the history of America. Traditionally in an open society, problems are emergent and evolutionary while solutions are gradual and accommodating. In problems involving constitutional rights, citizens have a prescriptive imperative to seek redress of their grievances. To suppress an issue involving the circumventing of constitutional liberties and guarantees for a large segment of the population requires a tremendous amount of effort in terms of intrigue and conspiracy. Thus, the time and energy devoted to establishing and maintaining racial segregation in the public schools of the South guaranteed an emotional tinderbox ready to be touched off by the Brown decision. Traditions, customs, mores, and institutions were at risk. Dual schools devised to insure racial segregation was the issue, the crucible was the Constitution, and the heat was generated by the Brown decision.

The Problem

Statement of the Problem

The problem of this study was to investigate and describe the desegregation of public schools in a selected southern state between the years 1954 and 1974.

Purpose of the Study

School administrators study theory to better manage change. Their professional careers are dependent largely on their abilities to effectively recognize, assess, regulate, and direct change. Change
management is the rock on which school administrators' professional reputations are founded or upon which their careers founder. The opportunity to study change in order to effectively cope with the phenomenon is constant, and the professional task of dealing with the concept is unavoidable. Since profound change is rare in American institutions, the occurrence of such change begs for the attention of all who are judged by their ability to manage transitional imperatives. The Brown decision may be the best example in the history of education in the United States of profound change and as such provides a classic study for the training of educational administrators. It is one thing to develop a sensitivity to the winds of change but quite another to be caught in the eye of a hurricane. When the storm broke in May of 1954 with the announcement of the Brown decision, many public school administrators in the South found themselves in the center of controversy. Much is to be learned from the multifarious situations in which individuals and communities found themselves as they grappled with change.

Desegregation, like so many other educational problems, was complicated by myriad factors beyond the control of southern school administrators. With the Brown decision, educators found themselves in the bright lights of the arena facing a nemesis not of their choosing or understanding, and the coliseum was filled to capacity. Before the referee could give the rules to the opponents in the ring, fights began breaking out in the stands.
Significance of the Study

In establishing the significance of desegregation as a problem meriting study, it is important to recognize that the elimination of biracial public schools after the Brown decision brought about racial conflict at the "grass-roots" level in America. According to British historian, Arnold Toynbee, the most important aspect of the history of the twentieth century will be racial conflict. The East-West ideological conflicts are subordinate to and influenced by how the conflict between the white and colored races of mankind are to be resolved.1 What was thought of in the 1950s in the United States as a regional problem took on national dimensions and evolved into a dilemma that could only "be resolved in terms of action, attitudes, and behaviors of the entire country."2

The selection of the desegregation of North Carolina's public schools as a dissertation topic might seem ambitious in scope. With the application of strict limitations and the establishment of careful parameters to the problem statement, however, an important, clearly defined panel in a much broader panorama can be examined successfully. Scholarly investigations of this type have been accomplished for many school systems in southern states. Regional overviews of the desegregation ordeal have been published that are descriptive of the social issues involved in the elimination of the dual school systems


in the South. Dual schools were products of biracialism, and biracialism is the single most important unifying theme of the southern psyche. The South is a state of mind that, although geographically based, transcends location and time.\(^3\) The mind of the South is as rarely left behind when its natives cross regional boundaries as it is acquired by outsiders as they flood the Sun-belt. There are as many Souths as there are types of southerners. In addition to biracialism, the common bond is a state of mind based on tradition, heritage, and a sense of place in time that gives ground grudgingly to the national sameness exemplified by the voice giving the six-thirty news on any television network.

North Carolina has probably been called home by more different genres of southern stereotypes than any other state. As one of the first settled regions in the political divisions that make up the southern states, North Carolina developed early a cultural and social diversity unequaled in any one state in the rest of the South. Looking south and west, North Carolinians can see mirrored reflections of the many Souths they have known within the state's own borders. North Carolina probably has as many elements representative of the regional whole as any other state in the South.\(^4\)

\(^3\) Miami is about as far south as one can go, yet the concept of "Southern-mindedness" there is not as prevalent as can be found in the "hill-billy enclaves" of Baltimore, Detroit, or any number of northern, western, and middle-American population centers.

A strong, though late-blooming, commitment to public education makes the state an attractive subject for the study of the desegregation of schools. This preoccupation with public schools in the twentieth century had clear economic overtones. The hymn of "the New South" proclaiming the gospel of industrialism found ready converts in North Carolina. The concept of tax-supported public schools was a tenet of "the New South" strategy for attracting development capital. During the first fifty years of public schools in the South, more notably since the 1940s, North Carolina has demonstrated a financial commitment to education rarely equaled in the region. The problem of financing a dual school system placed a relatively high burden in terms of ability to pay on the taxpayers of the state. A need for money for education weaves a common thread through the public school movement in North Carolina. This study will attempt to establish that this common thread was picked to facilitate the unraveling of the very fabric of segregation in the public schools. That the infusion of an unprecedented amount of outside money in the form of federal aid for education served to markedly temper the winds of change is a main thesis in this desegregation story in the South. Over a billion dollars of additional revenue judiciously distributed during the period selected for the study lends validity to the saying that "it's an ill wind that blows no good." The winds of change that blew through the South following the Brown decision destroyed the legal basis of biracialism, swept away the last vestiges of de jure racial segregation, and forever changed a way of life for the region.
Assumptions

The review of literature related to the study of the desegregation of the public schools in North Carolina led to four basic assumptions and several secondary areas for investigation. The first and most basic assumption was that historical inquiry of this nature is a legitimate area of educational research and that contributions to the body of knowledge in education are valid endeavors in educational research. The study of an educational topic in historical terms is justified by "the simple desire to acquire knowledge about previously unexamined phenomena" and the ability to organize the research data in such a way that it contributes to a better understanding of the events occurring during the period. According to the historian Bernard Bailyn, in this type of research, information may be presented and analyzed, but precise issues may remain undefined. "There are no specific questions and no hypothetical answers." The motivation for developing this kind of study is informational in nature. There is no claim made to breaking new ground or to reinterpreting the events described. This study is an attempt to synthesize and reorganize the data in a way that will help to fill an important gap in a historical period. The second basic assumption was that federal aid in large quantities can help accomplish national goals in regional matters. Third, it was assumed that the Supreme Court decision rendered in


Brown v. Board of Education of Topeka and the subsequent implementation rulings were legal and constitutional. Finally, it was assumed that the issue of school desegregation was both de jure and de facto in disposition and that de facto segregation would continue to be a pervasive national problem.

In addition to these basic assumptions, the following secondary premises were considered pertinent to the study:

1. That districts with a smaller population of blacks are easier to desegregate than districts with a greater concentration of blacks.

2. Conversely, that districts with a smaller population of whites are more difficult to desegregate than districts with a greater concentration of whites.

3. That stronger sentiments against desegregation are expressed by the populace in rural areas than in urban areas.

4. That state ways can eventually change folkways.

5. That de jure segregation is easier to dismantle than de facto segregation in cases where the law is the basic reason for the segregation.

6. That total desegregation is possible while total integration may not be an attainable goal.

7. That desegregation is practical and desirable, while integration may not be practicable or desired.

Limitations

1. The focus of this study is the two decades following the Brown decision, 1954-1974. The twenty-year period is broken down into two
equal parts: the ten years of resistance, from 1954 to 1964, and the
ten years of compliance strategies, from 1964 to 1974.

2. This study makes no attempt to address the complex problems
involved with de facto segregation other than superficially. The
phenomenon is a distinct problem outside the scope of this investi-
gation.

3. There is no claim made to breaking new ground or to
reinterpreting the events described. The study is an attempt to
synthesize and reorganize the data in a way that will help to fill an
important gap in a historical period.

4. This study is not presented as representative of desegregation
efforts for the region. Each state took a different path to arrive'at
the same destination, and some historical research has been published
to describe the various efforts. The paths converge at some points,
but the pilgrimage was generally as diverse as the situations and
individuals involved.

Questions Considered Pertinent
to the Problem

1. Was the rate of desegregation of the North Carolina public
schools accelerated by the threat of loss of federal aid to education?

2. Why did the desegregation of North Carolina's public schools
proceed at a faster rate and in a more orderly fashion than the
desegregation process in other states in the region?

3. Was the twenty-year period selected for the study of desegre-
gation of North Carolina public schools the most logical time-frame
for this project?
4. Did coherent patterns of resistance to desegregation strategies emerge during the desegregation proceedings?

5. Why is de jure segregation easier to eradicate than de facto segregation?

6. Did the elimination of dual schools provide equal opportunity for blacks in the North Carolina public school system?

**Definition of Terms**

**Segregation**

Separated or set apart from others. The provision for separate facilities in institutions or public places.

**De Facto Segregation**

Racial imbalance resulting genuinely from housing patterns or demographic distributions with no basis for the separation in law.

**De Jure Segregation**

Racial separation brought about by deliberate legal dictum on constitutional, statutory, ordinance, or school board authority, to include the gerrymandering of districts to avoid integration.

**Desegregation**

The act of ending segregation of races in schools and public facilities. Desegregation is distinguished from integration in that the latter implies much more than the mere removal of segregation barriers.
Integration

Removal of any barriers imposing segregation upon individuals or groups of various racial backgrounds so that they may function as a unit in a more or less stable or harmonious pattern. Integration implies a positive acceptance by whites of blacks as persons into the group or the acceptance by blacks of whites.

Organization of the Study

The study was organized into seven chapters followed by an annotated bibliography. Appropriate maps, tables, and graphs make up the appendices.

Chapter 1 includes the introduction, the problem statement, and the elements that define and delimit the study.

Chapter 2 is a brief review of the history of North Carolina from the Colonial Period to 1954, concentrating on education and racial segregation. The study is both chronological and thematic in nature, constituting a procedural effort to develop a comprehensive background for the investigation of the problem. Although narrow in scope, this chapter is necessary to explain an evolutionary cultural pattern that entrenched biracialism in North Carolina.

Chapter 3 is devoted to the 1954 Brown decision as it affected the North Carolina public schools. Public reaction to Brown on the local, regional, and national level is included in this segment.

The "Decade of Resistance" between 1954 and 1964 is presented in Chapter 4. The term "all deliberate speed" was never more than foot shuffling in North Carolina and the rest of the South.
Chapter 5 describes the impact of the Civil Rights Act of 1964 and other federal legislation designed to bring about desegregation compliance. "Civil Rights and Civil Wrongs" brought North Carolina into focus as the axis where desegregation turned the corner in the South.

The "Decade of Compliance" between 1964 and 1974 is chronicled in Chapter 6. By 1974, the eleven states of the old Confederacy had the highest level of school desegregation in the nation, and North Carolina was a national leader in the elimination of segregated schools.

Chapter 7 includes the summary and conclusions of the study.

**Procedures**

A listing of the procedures used in this study follows:

1. A search for related works was conducted in *Dissertation Abstracts*, the *Encyclopedia of Educational Research*, the *Readers Guide to Periodical Literature*, and the *Education Index* in the East Tennessee State University Library.

2. An ERIC and a Uninet computerized search were conducted for related materials in educational research and government documents.

3. A search of the card catalogs in libraries in several cities, colleges, and universities in Maryland, North Carolina, and Tennessee was completed to find primary and secondary sources related to the study.


5. An examination of statistical data concerning North Carolina which are compiled in relevant editions of the *Statistical Abstract*.
of the United States and the *City and County Data Book* was important to the study. Both reports are periodically issued by the Bureau of the Census, United States Department of Commerce.

6. Newspapers used in the documentation of this study are listed in the annotated bibliography.

7. A visit to the Department of Health, Education, and Welfare in Washington, D.C., was an important part of the research effort. This visit resulted in the opportunity to examine desegregation records and interview individuals who were directly involved in the program in North Carolina. Records and personnel in the Office of Equal Educational Opportunity were particularly beneficial because OEEO worked closely with the Department of Justice in the initiation of compliance litigation against school boards in North Carolina who were reluctant to desegregate their schools.

8. A visit to the State Department of Education in Raleigh, North Carolina, provided desegregation information on the public schools and afforded opportunities to interview individuals who were involved with the compliance proceedings at the state level.

9. Discussions with school personnel in several systems throughout North Carolina helped to develop a better understanding of the problems involved in desegregation at the local level.

10. A visit to the office of the Southern Regional Council in Atlanta, Georgia, provided material on desegregation statistics that proved helpful in developing this project.

11. A search of available primary and secondary sources in selected libraries in North Carolina and Tennessee pertaining to the
desegregation of North Carolina public schools was essential in developing a conceptual framework for this study.

12. The selection of the primary and secondary sources for the study involved careful scrutiny of available representative materials on the topic. The analysis and synthesis of the materials are based on over three decades of continuing interest by the researcher in the subject. Biracialism and the dual schools were vital concerns to a generation of North Carolina students who started school in the late 1940s. The issue sparked debate and discourse in the early 1950s. With the coming of the Brown decision, debates grew into emotional arguments, and discourse became diatribe. Constant exposure to the issues involved and an opportunity to study the desegregation crisis as it happened helped to provide conceptual direction to the project. Attendance at Ku Klux Klan meetings and at seminars at Hampton Institute helped provide insight into the problem, although sometimes the dialogue created more heat than light. The opportunity to participate in the desegregation conflict and then to objectively study and discuss the events in a clinical manner at a safe distance made it possible to establish a dispassionate perspective that facilitated the development of this project.
CHAPTER 2

A Brief History of Education in North Carolina to the Brown Decision

The Brown decision of 1954, the Civil Rights Bill of 1964, and the Elementary and Secondary Act of 1965 provided mechanisms to help alleviate over three centuries of social discrimination in North Carolina. In 1974, the black child attending public school in the southeastern region of the country was far more likely to attend a school that was racially desegregated than a black student in any other region of the United States.1 Yet biracialism in the public school was traditionally thought of as a southern problem. Efi Ginsberg, according to a study published in the New York Times, argues that the Negro problem has really been a white man's problem. Only white men throughout the history of interracial relations in the United States have been in positions of influence that could have made a real impact on the evolution of equal rights for the Negro. Ginsberg contended that for "three hundred fifty years white America has stood the Negro off."2 Two primary reasons account for the perception of biracialism as a southern dilemma. First is the fact that the problem is more visible in the South because blacks in the region make up a significant percent of the total population. In the United States, about 11 percent of the population is black. The percentage of Negroes in North Carolina and in

1 U.S., Congressional Record, 94th Cong., 2d sess., 1976, 9938.

other southern states is over twice the percent of those living in the rest of the country. The second factor is that historically the people in the South have openly practiced biracialism as a basic premise of their social and cultural mores. Under the combined assault of what has been called by historians the Bulldozer Revolution, the Second Reconstruction, and Sun-belt Immigration, the foundations of southern heritage have crumbled. In North Carolina, where blacks constitute one-fourth of the total population, biracialism as practiced in the past generations in the public schools as well as in virtually all aspects of public life has been relegated to history.

Legal biracialism came early and stayed late in North Carolina; it was finally eradicated only after centuries of suppression and oppression. Confrontation and violence flared frequently in the constant efforts to keep the Negro in his place. Blacks' gains were incremental and usually at least temporarily reversed as whites gave way grudgingly in the face of inevitability. It was two steps forward, one or more steps backward repeated over time, and some generations of blacks made little or no progress at all in the battle for dignity. Seeds of the irrepressible conflict were sewn in the 1600s when the first slaves were brought into the colony. Bitter fruits were to be harvested as a result of this unfortunate development. Secessionists made North Carolina the first colony to declare for independence from England in 1775. It was the Negro slave question that made secessionists declare their independence from the United States in 1860, and nearly a century later secessionist sentiment was aligned against the black equality movement in education.
Inequality in education was not limited solely to Negroes in North Carolina. For over two centuries education was deemed the right of the rich and privileged. The plantation society provided for the education of its young by employing tutors and establishing academies. All other social classes, which made up the bulk of the population, were left to their own devices. The first efforts to establish schools were made by missionaries of the Society for the Propagation of the Gospel around 1700 in North Carolina. There were no free public schools; however, some of the poor and orphaned were rudimentarily educated under the apprenticeship system that was established by colonial law. With the coming of the German and Scotch-Irish settlers to the colony, some community schools were developed. Almost every effort to promote education was church related with the only school-associated action by colonial government being the defeat of education bills in the 1749 and 1752 assemblies.

When representatives of the North Carolina colony severed their ties with England, a state constitution was written to replace the colonial charters. Section XLI of the 1776 Constitution provided for a public school system, but there was no allocation of funds for

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education. The government, a democracy in name only, was dominated by the slave-holding eastern planters because participation in state government was predicated on a substantial landholding requirement. Free schools and public education were the antithesis of the political and social philosophy advocated by the plantation owners. Planters were committed to keeping the bulk of society poor and ignorant in order to maintain their political supremacy and promote a slavocracy. The most popular sentiment among state legislators was that education was a private matter, not a function of the state. They felt that the state could not justly tax one man's property to benefit another man's child. Slavery and education were inevitably in conflict as institutions. The ruling planter class considered the two institutions to be at cross purposes and turned their legislative efforts toward passing laws that prohibited the education of slaves. Repeatedly they turned down free-school bills while over one-third of the adult white population of the state was illiterate. Sporadic efforts to appropriate money for public schools were successful, but the money was not used for education. Some academies were established in the early 1800s, but the education of the general public was left to local initiative. Church-related and subscription, or old field schools, were broadcast throughout the state,


8 Connor, Colonial Period, p. 479. A bill was passed in 1825 to provide money for the establishment of common schools, but no schools were built.
but they provided for only a small percentage of the school-age children.

The 1830s were marked by a surge of Jacksonian Democracy which elevated the common man and gave the individual a greater voice in government. This spirit of democracy was manifest in North Carolina by the constitutional reforms of 1835 which paved the way for a redistribution of the legislature and a referendum on public schools. As a result of this plebiscite, North Carolina passed the legislation and provided the funds to establish 1250 school districts. A school was to be built in each district; the first common schools were opened in 1840, and, by 1846, there was a school in every county of the state.9 Through the 1840s and 1850s, under the direction of Superintendent of Common Schools, Calvin H. Wiley, public education was made available to every white citizen. By the time that support for the "peculiar institution" caused North Carolina to secede from the Union, the state had one of the best school systems in the South. The common schools operated effectively throughout most of the Civil War, only to collapse along with the Confederacy in 1865.

A way of life collapsed with the defeat of the Confederacy in 1865, changing most established institutions in general and the public schools in particular. For over two hundred years, the philosophical commitment to education had been shackled by the institution of slavery. Negroes were brought into the colony early, and, at the time of the American

revolution, more than 25 percent of the total population were slaves. By 1830 Negroes made up one-third of the total population. The growth of the black population, in conjunction with abolitionist activities and actual slave insurrections in the South, influenced legislative action in North Carolina during the 1830s. With a large percentage of blacks, state legislators were concerned about the insurrection potential and passed a series of acts to control the growing Negro population. These laws, known as slave codes, greatly restricted the blacks' mobility and rigidly controlled their social interaction. Legal restrictions on Negro education extended beyond the slave codes. The teaching of slaves to read and write was outlawed, and free Negroes were forbidden to teach or preach. These restrictions undercut some of the objection to free public schools and helped pave the way for the educational progress in the 1840s and 1850s. By 1860, the black population had increased to 361,000 and constituted 36 percent of the state's total population. By the outbreak of the Civil War there were 30,000 free Negroes in North Carolina. Because of the large number of blacks in the state, the legal separation of educational opportunity along racial lines was to be repeatedly reinforced by legislative action over the next century.

Following the Civil War, the economic and political mechanisms of the South were in total disarray. Under military Reconstruction, the

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political and economic vitality languished as the southern people went through a period of withdrawal precipitated by the rapid change in their way of life. During this time the highest premium was placed on acquiring the basic necessities of food and shelter. Few people showed enthusiasm for the economic realignment required to replace the slave-based plantation system which had consumed much of the capital expenditures in the ante-bellum period. In addition to the economic base, a way of life had been destroyed, and southerners seemed reluctant to move in a new direction. The national government, however, was determined to change the institutions, mores, and direction of the state of North Carolina along with the rest of the South.

Early in 1865, the United States Congress created the Freedmen's Bureau to help carry out reconstruction programs in the southern states. In North Carolina, the Freedmen's Bureau was in operation between 1865 and 1869. In addition to monitoring the state's governmental machinery, the bureau established an educational system for Negroes which organized 431 schools. The special emphasis on Negro education ended when the 1868 Constitution was ratified and the Freedmen's Bureau was phased out. This 1868 Constitution proved useful in restricting the civil rights of the state's large Negro population. Article 1, section 27 and Article IX, sections 1, 4, 5, 8, 9, and 11 of the constitution all dealt with the separation of races and provided a fundamental base for the "Jim Crow" laws which evolved as the legal pressure to insure civil rights for the Negro from the federal level of government waned. Native Carolinians took control of government from the Carpetbagger Regime in the early 1870s. By subsequent amendments to the Constitution of 1875, they
established a dual system of state public schools under the provision that "the children of the white race and the children of the colored race shall be taught in separate public schools."\(^{12}\)

Opposition to educating blacks retarded the growth of North Carolina's public school system prior to 1900. The legislature passed a bill to allow the division of taxes for public schools to be divided between black and white schools on a formula based on the amount of taxes contributed by each respective race.\(^{13}\) This legislation was later declared unconstitutional because it violated the "separate but equal" provision written into the state constitution. As a result of the reluctance of government to tax to support schools for both races, the State Department of Education became primarily a statistical bureau.\(^{14}\) By 1900 education in North Carolina was still well below its stage of development in the late ante-bellum period.

The reasons that the state's school system had languished following the Civil War go beyond the simplistic explanation of poverty. While it was true that with the collapse of the Confederacy, North Carolina had lost an estimated investment of $250,000,000 in slave property, there were a multitude of other problems that compounded the education issue.\(^{15}\) Public education had never benefited to any extent from the


13 Connor, Rebuilding An Ancient Commonwealth, p. 278.


capital equity that was tied up in slavery. One factor that had stymied educational progress was the Negro problem which had resulted from slavery. It was largely the Negro problem which led to the struggle over politics and government that retarded the public school movement. The Reconstruction period had seen a succession of Republican governors in North Carolina. The South's nemesis, Thaddeus Stevens, had presented a bill for the reconstruction of North Carolina that guaranteed Republican control of the state prior to the "redemption" of the compromise of 1877. By including the blacks in the election process, while excluding numbers of whites, this plan had made the Negro a potent force in state politics. Much to their chagrin, North Carolinians became accustomed to seeing black faces in unprecedented places during the reconstruction period. They accepted Negroes in public offices and serving on juries only because white people had no choice or recourse in the matter. Racial mixing in public frequently occurred. Randolph Shotwell, Ku Klux Klan leader and editor of the Asheville Citizen, made observations that bear testimony to the unusual situation. Shotwell, who was convicted of "Ku Kluxing" and sent to a federal penitentiary in New York in 1872, stated that "long processions of countrymen entered the village by various roads mounted and afoot, whites and blacks

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marching together, and in frequent instances arm-in-arm, a sight to
disgust even a decent Negro."18

The federal Civil Rights Act of 1866 was passed to protect the
civil liberties of Negroes as citizens and to guarantee them all the
rights enjoyed by white citizens. Along with the passage of the
Fourteenth and Fifteenth Amendments, Congress approved other bills to
reinforce their constitutional guarantees. With the Civil Rights Act
of 1875, the rights of blacks were insured to an even greater extent.19
After the adoption of the 1875 Act, the blacks successfully tested their
freedoms by using most of the public accommodations that had been denied
them in the past. The whites reluctantly complied with the laws because
they needed to impress Congress with their willingness to operate their
state government without federal supervision and because they needed
the black support at the polls. Between 1876 and 1884, fifty-two Negroes
were elected to serve in the state legislature of North Carolina.20 The
uneasy alliance of this fusion system dominated state politics until
the 1890s.21 In 1885, a Negro newspaperman from Boston aggressively
tested his civil rights in several North Carolina cities including
Wilmington. He was so impressed with his fair treatment that he wrote
his editor optimistically reporting that the situation was better than


19 Woodward, Burden of Southern History, p. 78.


expected. In his letter he said, "If you should ask me, watchman tell us of the night . . .", he would reply, "The morning light is breaking." The facts confirm that this black newspaperman was overly optimistic and that while racism was still strong, it was of necessity masked. If he had visited Wilmington again thirteen years later, instead of the morning light that he predicted was breaking, he would have seen the light from buildings burning in the worst race riot of North Carolina's history. For almost a decade, however, the Negroes were treated with some dignity and a lot of hypocrisy.

Democrats had gained control in 1877 when popular Zebulon B. Vance, who had been removed as governor during the Civil War when North Carolina came under control of the Union, was elected. With the help of the blacks, the Democrats were able to control the statehouse until 1897. Agrarian unrest, brought about by the economic distress suffered by the farmers, spawned the Populist or Red-Shirt movement. Using fusion tactics against the Democrat leadership, the farmers put together a coalition of blacks and Republicans that was strong enough to put their man in as governor in 1896. D. L. Russell was the only Republican to win the gubernatorial election for almost a century after the "redemption" in 1877. Unpleasant memories of reconstruction days and the rising determination to put the Negro in his place caused many of those same red-shirts and white Republicans who had engineered the

coalition to march in "white supremacy" parades in 1898. The open attack on the Negro led to violence and racism throughout the state as the movement to disfranchise the Negro gathered momentum. Backed by local legislation to effect "Jim Crow" laws and the "separate but equal" ruling in Plessy at the national level, the voters of North Carolina effectively eliminated the Negroes from meaningful participation in politics. The Negro's place in the social system and the determination of white North Carolinians not to allow racial mixing in the schools had been the most important factors in the decline of public education in the state following the Civil War. Once the problem was solved, education became an important issue.

With the disfranchisement of the Negro the Democrats moved back into firm control in the election of 1900. Now that the danger of racial mixing in the schools was behind them, North Carolina Democrats elected Charles B. Aycock, who was running on a "better schools" platform. Aycock had campaigned strongly for universal education, and he was elected governor by a clear plurality. Biracialism was now again firmly entrenched in North Carolina's social structure, so state leaders felt secure in making a commitment toward attempting to eliminate illiteracy, which for almost a half-century had been an increasing concern. According to the U. S. Census, North Carolina had one of the

24 Clark, South Since Appomattox, pp. 72-73; Knight, Public Schools in North Carolina, p. 323, and Woodward, Strange Career of Jim Crow, p. 89.

highest illiteracy rates in the nation. The new governor, in a series of well-publicized meetings, turned the focus on the school program. Aycock believed in the education of the Negro as long as the schools were segregated. Ironically, one of the methods used to disfranchise the Negro was illiteracy, and, once the black's place in society had been reestablished, the state began to take steps to educate all the children regardless of their race.

Aycock's effectiveness as an education governor rested mainly on the fact that he was able to successfully convince leaders of business and industry that the best investment the state could make was in a better school system. Either the governor was correct in his conviction that good education promotes industrial development or the times were pregnant for industrial growth because, as the state improved its education effort, the industrial climate evidenced concommitant improvement. North Carolina embarked on a steady course of progress in industry and education that moved the state ahead of the rest of the South in both areas. This confluence of education and industry draws attention to another determinant in the progress of the state's schools.

In addition to the effect of the political struggle to establish the dominance of the Democrat Party based on white supremacy, disfranchisement of the Negro, and biracialism, education in North Carolina was dramatically influenced by the rise to power of the businessman.

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Although for over a decade following the Civil War the state's economy had languished, toward the end of the seventies there was some evidence of an enterpreneurial reawakening. Cotton prices, driven upward by scarcity, brought new money to the South. The scattered textile plants that had been in operation in North Carolina before the war, and had survived, were enlarged; new manufacturing concerns were established. Soon the cotton mills' combined output was greater than the ante-bellum textile production.

By the 1880s, a new excitement had begun to pulse in the South, and southern blood quickened to the promise of a northern-oriented industrialism. The prophecy of a "New South" that would take a defeated people back into the mainstream of American life generated enthusiasm throughout the region. Evangelists of the "New South," such as Henry Grady and his disciples, preached the gospel of industry. North Carolinians, being fundamentalists by religious preference, responded to the apostles of the mill. Here was a dream, something to be taken on faith, and it fit the psychic mechanism of

28 Clark, *South Since Appomattox*, p. 60.


Undaunted by a heritage removed from the American way, the state embraced the philosophy of industrialism and clung tenaciously to the "New South" version of the great American dream.

This industrialism centered around textiles, which remained for years the state's major economic base. Additionally, North Carolina saw increased manufacturing productivity in the tobacco and furniture industries. The rapid growth of big business in the state was responsible for developing financial and business leaders who greatly influenced the state's political as well as economic decisions.

These labor-intensive industries employed a large number of workers; therefore, because decisions affected the economic well-being of so many people, the business and industrial leadership became the most important factor in the state's politics and government. Attracting and promoting industry became one of the major goals of state government. To facilitate the economic objectives, leaders needed to cultivate a progressive image, and they realized that improvement of schools was both an ingredient and a result of the state's economic concerns. Better schools were good for business.

Governor Aycock deserves credit for enlisting the state's business leaders in the public school effort, and he also should be

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34 Key, Politics in State and Nation, pp. 210-11.
credited with the establishment of equal treatment of the Negroes in the division of school revenues. His principles on the revenue issue were buttressed in state law and by the U.S. Supreme Court. Blacks had won suits to make sure that the laws were at least superficially enforced. A real commitment to public education had been made; Aycock and subsequent governors promoted free public schools for both races. With more adequate tax revenues allocated to education, the state's school system became a model for the South. Under the "separate but equal" law, black students in North Carolina were afforded some of the best educational opportunities for Negroes south of the Mason-Dixon Line. School laws were applied generally to both races; however, Negro schools were usually inferior to the schools for whites. Several outside sources provided additional revenue for blacks' schools. The Peabody Education Fund, the Julius Rosenwald Fund, the Jeanes Fund, the Slater Fund, and the General Education Board all made direct contributions to Negro education.

It was the industrial leaders, in their determination to promote North Carolina's image as a progressive state, who probably made the greatest contribution to education. These leaders of business and industry increasingly controlled government in North Carolina, and they positively influenced attitudes in support of better schools. Aside from their opposition to child labor laws, which adversely

35 Lowery v. School Trustees. 140 N.C. 33, 52 S.E. 267 (1905).
36 Brown, E-Qual-ity Education, pp. 115-16.
affected the large textile industry, business leaders consistently backed progressive education legislation.\(^{38}\) With their support, more was accomplished in the first three decades of the twentieth century than had occurred in all of the state's history.\(^{39}\)

During this period, North Carolina made steady gains in providing better schools for both races. Outside of temporary lulls during periods of recession, the state legislature proved receptive to supporting bills to improve the schools in every session. They lengthened the school terms and enacted compulsory attendance legislation. During the 1917 session, the General Assembly ordered a comprehensive study of education in the state. The result of the long-term study was the creation of the State Department of Public Instruction by the legislature in 1921. During the same legislative session, the General Assembly created the Division of Negro Education which was given the responsibility of providing an instructional program for the Indian schools as well as operating the black schools.\(^{40}\)

The establishment of the State Department of Public Instruction was a major step in North Carolina's educational development. Local communities had been relegated the responsibility for funding the schools in their communities, with supplemental money coming from the


\(^{39}\) Stem, *Tar Heel Press*, p. 140.

\(^{40}\) Brown, *E-Qual-ity Education*, pp. 100-01. Indian schools had previously been under local control.
state. With the advent of the Department of Public Instruction, the state began moving toward increasing state control of education and major state funding with local supplementation. The increasing interest in the schools by the state's business leaders was being translated into government initiative.

Government leaders realized that with the growing state commitment to education more public money had to be raised. The state's mounting investment in the public schools was becoming too great for the traditional state funding mechanisms. A study of the state's expenditures would indicate that in some years the government spent over half of the public revenues on education. The neophyte Department of Public Instruction was becoming heavily involved with school consolidation funding and developing a vast transportation network. In 1931, under Governor O. Max Gardner, the state assumed fiscal responsibility for a minimum school term of six months. This was during the depression, and traditional sources of state revenue were decreasing as state education expenses were increasing. Although the state's taxpayers were hard-pressed by the economic conditions, the schools were becoming visibly better. More money, however, had to be made available if the state's educational goals were to be realized. During the interval between the biennial sessions of 1931 and 1933, a new School Machinery Act was developed by a state education committee and promoted to increase revenues. Predicated on the passage of an

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41 Coates, School Segregation, pp. 20-21.

unpopular three-cent sales tax, the School Machinery Act can be viewed as a gauge of public commitment to education in North Carolina. Despite strong opposition, Governor J. C. B. Ehringhaus supported the three-percent sales tax and sold the tax measure as the only way that the school term could be extended to eight months. The passage of the sales tax by the General Assembly in 1933 in the middle of the depression indicates the strength of public sentiment for education that has prevailed in twentieth-century North Carolina. Although unpopular with retail merchants who had to collect it, the three-cent sales tax proved to be a very effective method to generate revenue for the schools even in times of economic distress.

In addition, there were other measures of success in education that were not so visible. These improvements eventually began to show as statistical measurements were employed and comparisons were made in the study of the schools. An example of progress in educational funding was the expenditures in excess of twenty-million dollars for the 1933-34 school term. The first annual appropriation in the state's budget for schools was only $100,000 in the school year 1899-1900 which amounted to only one-half of 1 percent of the 1933 amount. Per-pupil expenditures were over six times greater in 1930 than they were in 1915, and teachers' salaries for the same period more than tripled.

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The literacy rate for about the same period increased from 54.3 percent to 90 percent which was a real measure of educational progress. The per-pupil expenditure for Negroes increased by about the same percentage as for the whites, but there was still a marked difference in the school funds as they were divided between the races.47

Although Negro schools improved at about the same rate as did schools for the whites, racism still limited the black's hope for fairer treatment. The depression compounded the problem. Federal intervention again increased the racial tensions and the fears that the Negro status would change at the expense of the whites. Several of Roosevelt's programs to help the impoverished during the New Deal Era seemed to benefit the Negroes more than the whites. It was a resurfacing of old problems connected with who pays the taxes and who gets the benefits that had repeatedly antagonized North Carolinians. The federal relief lists and the rolls of the public works programs showed a heavy percentage of blacks signed up for benefits. The make-work programs paid more than day wages in the "cheap labor" state. Employers complained that they could not get help nor afford it when it was available because of the relief programs.48 Federal administrators of the New Deal agencies made sure that Negroes got a greater portion of the benefits according to their numbers because they were in greater need. Resentment grew among the whites for some of the same traditional reasons that have always undergirded racism. The


48 Tindall, Emergence of the New South, p. 478.
only outlet for the hostilities and frustrations of the whites was at the local level, and it was at that level that the social stratification mechanisms operated. "Jim Crow" laws were enforced and refined, becoming more firmly entrenched by the reaction to the "outside" pressures. The National Association for the Advancement of Colored People was increasingly active, and the open friendship between the President's wife and Negroes was a source of constant irritation. Because of his attitude toward the blacks, Franklin D. Roosevelt was the most profaned president ever to enjoy landslide victories at the polls in North Carolina.

In education the "Jim Crow" laws affected every aspect of public school operations. Everything was separate, if not equal. Even the textbooks had to be kept separate according to the students' race. Whites, who had shared not only the same water bucket but often the same dipper in old schools, could not drink from the same water fountain with blacks in the few public buildings that they were allowed to occupy at the same time.

The fact that "separate but equal" public school facilities were failing everywhere to educate the Negro was dramatically documented in Gunnar Myrdal's study of blacks in the South. In North Carolina, however, those inequities were losing ground. It was not any decline in enthusiasm for a racial caste system that was moving North Carolina

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49 Clark, South Since Appomattox, p. 392. The Association is hereafter referred to as the NAACP.


to moderation. Those lawyers in the statehouse were responsible for promoting more equal treatment for the blacks. Over the years, a series of Supreme Court rulings had been eroding the "separate but equal" concept. Highly sensitive to legal evolution, leaders in North Carolina's government began working to close the gap before it was too late. When the Supreme Court ruled that salary differentials based on race were unconstitutional in the public schools, most southern states disregarded the ruling. Four years later, in 1944, North Carolina was the only southern state in compliance, and other equalization progress was being made throughout the public schools. North Carolina meant to keep the Negroes in their place even if it meant spending more tax money proportionately on the blacks to make sure that the letter and the intent of Plessy was in conspicuous compliance. North Carolina was the most fair-minded state in the South in racial matters pertaining to schools because they intended to keep biracialism intact.

The effort to upgrade and equalize the state's public schools took an ever-increasing amount of tax revenues. When the first bills for federal aid to education began to appear in Congress in the early 1940s, they were viewed as a blessing. The mood changed when amendments were added to involve equitable distribution of federal education money to blacks. While it was an acceptable source of revenue for North Carolina leaders, the bill was deserted by most southern congressmen,

52 Coates, School Segregation, pp. 22-23.
53 Clark, South Since Appomattox, p. 351.
North Carolina wanted education money from any source, and a federal commitment to help educate the state's children would have relieved some of the state burden. The economic stimulus of World War II helped finance the public programs during the 1940s, but North Carolina remained a relatively poor state.

World War II probably caused as much change in the United States as any other five-year period in history. Change was constant and dramatic in North Carolina, and it extended to the Negro. The war years created opportunities for employment unprecedented in the state. One black leader was quoted as saying, "Thank God for Hitler." The war economy created more job opportunities and better pay for the Negro than had ever existed in the past. The improved economic status of the black gave rise to new mobility and new militancy in the black community. The militant spirit was evident when Negro leaders issued a statement of what the blacks wanted and expected in the South. In a meeting in Durham, North Carolina, in 1942, black leaders developed a long list of expectations involving equal rights for the Negro in most areas of social intercourse. The statement, which was labeled the Durham Manifesto, demanded equal opportunity in education. The Manifesto reads in part, "it is imperative that every measure possible be taken to insure an equality of education to Negroes and, indeed, to all underprivileged people."

54 Tindall, Emergence of the New South, p. 497.
The Durham Manifesto created such controversy that the University of North Carolina funded an extensive study which was published under the title *What The Negro Wants*. The blacks who contributed to the book startled the professors editing the book by starting their demands at about where the most radical blacks had been expected to end their proposals for societal change. In his essay that was included in the book, a young Roy Wilkins called for an end to segregated schools. Wilkins, later to become one of the moderate leaders in the civil rights movement, stated that "there can be no equality with segregation . . . the Jim Crow public school system would seem to be all the proof needed."  

The publication of the book caused an increase in the level of tension in North Carolina. Howard Odum, the prominent University of North Carolina expert on interracial relations, wrote extensively about the rising level of racial tensions caused by the social flux during the war years. According to Odum, the relations between the races had deteriorated to an alarming extent. Roy Wilkins gave testimony to that fact by noting that although Negroes were making a real contribution in the military forces, they were treated as second class citizens when they tried to serve their country. He cited the example of a Negro teacher who, when he went to a recruiting office in Charlotte with four of his students, was

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57 Clark, *South Since Reconstruction*, p. 351.

attacked and beaten by the recruiter. In North Carolina, patriotism had its price.59

While the 1940s saw some educational progress for the blacks, most of the efforts in education were to upgrade the quality of the schools in general. In 1941, the education effort was focused on changing the public school graduation requirements from eleven years to twelve. Three years later, the state went to a full nine-month school term for both races. That same school year, 1943-44, saw the compulsory attendance age raised from fourteen to sixteen.60 Near the end of the 1940s, the General Assembly asked the governor to appoint a committee to make a comprehensive study of the public school system. This study pointed out the progress made in the total school program and revealed some glaring inequities in the dual-school system.

This report entitled Education in North Carolina: Today and Tomorrow was prepared by the State Education Commission and served as a base for legislative action to upgrade Negro schools. When Governor Cherry presented the report to the biennial session of the General Assembly, progress in school finance was obvious. In the years after the state took control of the public school system in the early 1930s, educational expenditures had more than tripled.61 In the past eight years, the school outlays had increased to more than twice the 1940

59 Clark, South Since Reconstruction, p. 357.


expenditure while the population had shown an increase of only 13 percent. Federal aid to education, which had been only a fraction of 1 percent in the early thirties, had grown to over 2 percent by 1940 largely through New Deal legislation. Impact aid and agricultural subsidies had accounted for increased federal funding until by 1948 they both constituted over 7.5 percent of the total state education budget. This federal revenue had helped make it possible for the state to have the best public school system in the South. On the debit side of the report was the problem of the dual-school system. Class sizes in Negro schools and a few white schools ranged as high as forty students per class. The level of education attained by teachers varied greatly. Some schools had excellent college preparatory and vocational courses while others had courses that did not prepare students well for anything. There were marked differences among all schools, but when Negro schools were compared to white schools, the contrast was dismal. On standardized achievement tests, the black children scored from one to two grade levels below white students. The report concluded that the greatest inequities existed in school facilities. School plants ranged from attractive, well-designed school buildings to "unsanitary, overcrowded shacks." There were few decent Negro school buildings in the state.62

62 Material concerning differences in the black and white schools comes from pages 142-143 on test data, 545 on school expenditures, and 571-572 on contrasting conditions of State Education Commission Report.
The best measure of the inequity between the black school facilities and those for the whites was starkly brought out by the statistical evidence. While the Negro student accounted for about one-third of the public school enrollment, the value of white school property was almost eight times greater than the value of the Negro schools. It was clearly evident that the white school facilities were, on the average, over twice as good as the Negro buildings during the 1940s. Since the difference in educational facilities appeared to be the biggest problem, the state legislature approved a $50,000,000 appropriation and bond issue for upgrading public school facilities. Voters approved the bond issue in a 1949 referendum.

The decade in which the blacks would break the color barrier in schools in North Carolina began with one of the worst examples of racist politics in half a century. This senatorial campaign that was described as "a display of racial bitterness such as this state had not witnessed for fifty years" put liberal educator Frank P. Graham out of the United States Senate before he had an opportunity to learn his way around. Graham had been appointed to the Senate in 1949, and in his first campaign to keep the seat, he was crushed by Willis Smith. Publicists for Smith's position declared that "the whole N double A CP" was backing Graham to the hilt. The dynamics of the voter support


for Smith, who was running on an openly racist, "white supremacy" platform, clearly reaffirmed the North Carolina voters' stand on racial issues and reiterated the social statement that made North Carolina's blend of progressive conservatism peculiar. The election of Smith reconfirmed that North Carolina voters were determined to keep the Negro in his place.

With the movement to reinforce the "separate but equal" dictum, the state went about trying to equalize the dual-school system determinedly. Concerned about the encroachment of biracialism standards by the federal courts, the state legislature appropriated an additional fifty-million dollars to upgrade schools, and the Negro students began to receive for the first time a really equitable portion of state educational expenditures. North Carolina led the South consistently in public-school-expenditures effort, and now the Negro students were getting their share. The results of the equalization effort began to emerge statistically; for every dollar spent on white students, the Negro students now got ninety-one cents. Where the legislature had found obvious disparity—in school property—enough progress had been made in the early fifties to reach near-parity. North Carolina was now spending more on its black school children than its white students. If in North Carolina state education was a "sacred duty" as the Supreme Court of North Carolina


69 McCauley, Southern Schools, pp. 37 and 148.
had declared in one of its decisions, the Negro children now benefited from that sanctity. 70

Placing a high premium on education made the North Carolina taxpayers have to dig far deeper into their pockets than did their neighbors. The state ranked fifth from the bottom in per capita income in the nation while they ranked fifth from the top in public school expenditures as a percent of total personal income. 71

The school budget for the school year 1953-54 was set at just under 150 million dollars, and state officials were very aware of the decreasing revenue from the federal level. With the extra money that had become available because of the buildup of federal installations during World War II, North Carolina budget makers had begun to depend on federal aid for education. In the years immediately following the war, almost 8 percent of the total school revenue was coming from Washington. This was no small blessing to a state in which per capita earnings were extremely low and educational effort was exceptionally high. Nearly seven-million dollars in federal largess had been available to the public schools in 1948. 72 Now as the school expenditures increased enormously in the effort to improve the dual-school system, the percentage of the federal funds decreased substantially. The taxpayers in the relatively poor state were faced with making up the difference. What had been a dependable source of revenue for the


public schools was greatly diminished in a time of need. As the federal installations were cut back to peacetime levels, the dollar amount of federal aid in the 1953-54 school year was actually less than had been received in 1948. The total revenue from federal sources was only about half of the percentage that the state's public schools had received in the post-war years. As taxes had to be increased to make up for the revenue loss, state budget directors began to realize just how important the additional revenue from federal aid had become. It was a lesson well learned that would figure prominently in the eventual breaking down of segregation barriers.

According to the 1950 Census, North Carolina had the second largest Negro population in the United States. Georgia had more blacks than any other state, however, their total Negro population was only a few thousand more than that of North Carolina. When compared statistically with the white population in North Carolina from 1940 to 1950, there was a decline in the percentage of the Negroes—because of emigration—although their population figures increased marginally. The Negroes constituted about 25 percent of the state's total with a population of 1,047,353 compared to a total of 3,016,576 whites.

Most of the Negroes lived in the eastern half of the state with the heaviest percentages occupying the black-belt that had been a part of the old, plantation South. There were nine counties with a black population of over 50 percent; this number of black majority counties

73 This section of federal aid is based on figures from the 1948 State Commission on Education Report and McCauley, Southern Schools, pp. 26 and 89.

74 Clark, South Since Appomattox, p. 185.
was down from nineteen in 1900. Forty-three additional counties had a black population between 25 and 50 percent. Blacks could be a potent force in local politics which had been proved to North Carolinians' dismay immediately following the Civil War. Generally impoverished and repressed in 1950, the Negroes had little impact on state politics. That they were a potential force to be dealt with was evident to North Carolinians by the rise in the number of voting-age Negroes who were registered to vote between 1940-1950. In 1940, out of the blacks eligible to vote, only 10 percent were registered. By 1950 this number had risen to 18 percent, and with the rising militancy displayed in the black communities, segregationists had reason for concern.

Out-migration continued to be a means of registering discontent; from 1930 to 1950, North Carolina had lost a large number of blacks, and following 1950, 207,000 more blacks left the state.

The Negro citizens were getting restless and making demands; the "white supremacy" majority was getting uneasy—especially in the eastern half of the state—because blacks wanted to vote.

Two reactions to the black unrest were immediately obvious. In most southern states, the extremist elements worked diligently at keeping the Negroes in their place. This was the extra-legal route,

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75 Brown, E-Qual-ity Education, p. 145; Coates, School Segregation, p. 32; Ashmore, The Negro, pp. 188-90.


even though it often enjoyed legal sanction. The second reaction was legitimate control through the mechanics of government that had worked in the past. An inherent problem involved in using legal strategies to control blacks was that law is evolutionary and tends to erode over time as exceptions become precedent. There were plenty of segregationists in the state who were willing to emulate the illegal tactics of their fellow extremists in other states. There were also the lawyers in the statehouse who worked on legal innovations to deal with the problem.

There were several examples in the early 1950s of the extremists' search for a solution such as night-riding, cross-burning, and general Ku Kluxing. Much of the violence and racial harassment was in the eastern half of the state and probably contributed to the high migration rate in the eastern counties. A series of conflicts broke out in early 1952 in the southeastern part of the state near the South Carolina border. For over a year the violence and continual conflicts kept Robeson County—together with its neighboring counties—in a constant state of lawless turmoil. The area was an armed camp during the period. More than a dozen people were flogged, crosses lit up the nights, and kidnapping and assaults were common. In a public statement to the Klan, the Solicitor of Robeson County told the members that if they broke the law they would be charged, arrested, and vigorously prosecuted in the state's court system. In 1953 after several of the Klan's members had been prosecuted and convicted, the General Assembly passed the
strongest anti-Klan legislation in the South. By their actions the legislators reiterated their conviction that North Carolina was, and would remain, a state of laws. 78

While the lawyers who run the state government made it clear that they would uphold law and order, they worked on legal strategies to maintain the segregation that most voters of North Carolina demanded. One strategy had long been employed and was periodically refined. This technique had been devised to assure Democrat political control in the state at the expense of the Republican Party. The Republicans were distric ted out of real political power through sophisticated gerry­-mandering techniques in the west as the blacks might be in the east. The black strategy was not as clearly defined as the Republican strategy because the threat of a concentrated black vote had been of little consequence after 1900. With the growing militancy among blacks and their demands to participate in elections, political control techniques would have to be developed. The example of the dispersal of Republican strength might be used against the blacks as effectively. Although the members of the Republican Party were concentrated in the uplands along that spine of Republicanism that runs down into the South along the range of the Appalachian chain, political districts dissipated their impact. Even though the party made up one-third of the registered voters in the state, the Republicans could elect only a few local legislators and were rarely able to send one of their members to Congress. They had the numbers, but the districts were drawn to

78 "Hard Times for the Klan," New South, March-April 1952), pp. 6-7, Clark, South Since Reconstruction, pp. 496-97.
neutralize their numerical advantage. The Tenth District was a perfect example. The Tenth ran from the Tennessee state line above Elizabethton past Charlotte over a hundred miles to the east—from Mitchell to Mecklenburg. Of the six counties forming the district, only Mecklenburg County had a strong Democrat majority. The remaining five western counties ranged from staunchly to moderately Republican in voting strength. Mecklenburg, containing Charlotte—the largest city in the state—with its heavy percentage of urban Democrats, provided the margin that usually eliminated Republican hopefuls. Charlotte blacks, who were mostly registered as Democrats, helped maintain the party strategy. As the number of black voters increased, the districts might have to be rearranged. That was a time-tested "law and order" way of dealing with political forces. Before the techniques to neutralize the black vote were necessary, the legal minds in state government were faced with a more important consideration in the Brown decision.

The speck that appeared on the far horizon in Justice Harlan's dissent concerning the Plessy decision had been growing almost unnoticed through a half-century. With the gradual erosion of the "separate but equal" doctrine, North Carolina's leaders became aware of gathering clouds and began making belated equalization efforts in the dual-schools program. By 1954 enough progress had been made toward meeting constitutional requirements that they felt confident that the state

79 Sindley, Change in the South, p. 183; also see Bartley, Southern Politics, p. 91; Key, Southern Politics, pp. 223-27; and Tindall, Emergence of New South, pp. 166-67.
could ride out the impending storm and emerge with institutions intact. The leaders were concentrating more on legalisms than realities, however, and North Carolinians were unprepared for the flash of lightning that struck on May 17. Therefore, the storm that broke with the Supreme Court's ruling drove many of the state's people into the extremists' camp.

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80 Coates, School Segregation, p. 25.
CHAPTER 3

Decade of Resistance

Brown et al. v. Board of Education of Topeka et al. (1954) was a culmination of the United States Supreme Court's deliberation of five school desegregation cases involving Kansas, Virginia, South Carolina, Delaware, and the District of Columbia. The cases were essentially a challenge to the "separate but equal" doctrine that had been established in 1896 by the Plessy v. Ferguson (1896) decision. Originally involving racial segregation on railroad accommodations, Plessy v. Ferguson undergirded the legal concept of "separate but equal" facilities in a broad spectrum of areas which included the segregation of children in public schools. Known as the "Jim Crow" doctrine, the Supreme Court's Plessy v. Ferguson ruling which legitimized segregation solely on the basis of race was severely eroded by 1953 when the school desegregation cases were grouped under one title. Actually the District of Columbia case, Bolling v. Sharpe, was not added to the Brown compendium until the final Brown action because of procedural differences in the case. These cases were to change laws nearly a century old that represented a way of life for forty million Americans in the South. Over four and one-half million of those Americans lived in North Carolina.

The theoretical "separate but equal" based on the Plessy v. Ferguson ruling never translated into much more than one-half of an equation. While the reality of separation was accomplished in the public schools of North Carolina, the concept of equality was illusive even after it became a major goal. In a 1948 report to Governor Cherry, a select
committee had focused on the great differences in educational opportunities available to Negro children when contrasted with those available for white children. This report made by an independent committee that included future governor William B. Umstead stated that:

The State Constitution provides in part as follows:
'The children of the white race and the children of the colored race shall be taught in separate schools but there shall be no discrimination in favor of or to the prejudice of either race.'

The report concluded that the allocation of educational funds had not followed the mandate of the legislature or the constitution. The response by the state legislature to the frank admission that "separate but equal" was not working in North Carolina was a significant increase in the allocation of fiscal support for the Negro schools. Progress was made toward equalizing educational expenditures and facilities for Negro students that was unmatched by other states in the South in the early 1950s. Educational equality in the fiscal sense appeared to be a realistic goal in 1954 when the U.S. Supreme Court changed the rules concerning the conditions that constituted educational equality. The landmark case, Brown v. Board of Education, that forever changed the structure of education in the South attacked the dual-school systems

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2 Education in North Carolina, p. 589.

that existed by statute in twenty-one states and the District of Columbia. 4

The first of the cases that led to the Supreme Court decision read by Chief Justice Earl Warren in the early afternoon of May 17, 1954, had initially reached the federal court system in the summer of 1951. When the petitions were declared unconstitutional in the federal district courts, the NAACP had decided to use these cases for a direct assault on segregation in the nation's public schools. The concern of governments dedicated to the maintenance of the dual-school systems deepened as these cases began reaching the U.S. Supreme Court in 1952. Cognizant of the extensive preparations for arguing these cases by the capable civil rights attorney Thurgood Marshall and a host of competent NAACP lawyers, state officials increased their efforts to improve black schools. 5 The reading of the Brown decision rendered the belated school equalization endeavors meaningless. 6 After five months of deliberation, the court had ruled that laws requiring racial segregation in the public schools were unconstitutional. The justices had unanimously agreed "that in the field of public education the doctrine of separate but equal has no place. Separate educational facilities are inherently unequal." 7 May 17, 1954,


5 Blaustein and Ferguson, Desegregation, pp. 45-53.


marked a turning point in the long struggle for equal rights by the Negro, but throughout the South it was hailed as "Black Monday" and marked the beginning of the end to a way of life based on legal biracialism.

The reaction to the Brown decision in North Carolina was predictably negative. Many astute historians and scholars had considered the state to be ready for integration of the public schools because they viewed North Carolina as being closer to the national expectations and national norms than other southern states. With a reputation for progressive action in education and race relations, the state was considered to be moderate and open to the forces of change. Traditionally, the cooperation between white and black leadership had been positive and effective. Overall relations between the races had been harmonious and progressive for half of a century. As an economically impoverished state with a strong commitment to education, North Carolina struggled under the tax burden of a dual-school system. The economic relief that would be enjoyed by integration of its schools appeared to make the state a likely candidate for desegregation compliance. When Negro journalists had visited the state to assess the degree of racial harmony, they had declared North Carolina a model community in its race relations and a living answer to the riddle of race.

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10 *News and Observer* (Raleigh), 17 July 1947.
authority on race relations, Howard W. Odum, predicted that integration would go better than expected. Some representatives of the news media in the state initially felt that reaction to the Supreme Court’s desegregation decision would be generally positive in nature and that North Carolina would abide by the high court ruling. This was the positive side of the issue, and the optimists were generally ignoring the latent racism that had dominated social intercourse throughout the state’s history. The optimists should have known better because it was North Carolina’s Professor Ulrich B. Phillips who had described the South as "a people with a common resolve indomitably maintained—that it shall be and remain a white man’s country." The social stratification based on race was deep-rooted in tradition, history, and regional mores. North Carolina was one of the few states that sometimes took biracialism a step further to tri-racialism in applying the "separate but equal" doctrine based on Plessy v. Ferguson. In the southwestern part of the state, as well as in a few eastern counties, where there was a significant Indian population, there were sometimes three separate restroom facilities. In education, North Carolina had white schools, black schools, and Indian schools. The Cherokee, Lumbee, and the minor tribes were not interested in going to colored schools and often were not welcome in white schools.

When an Associated Press reporter, only a few days after the Brown decision, predicted that North Carolina was apparently willing to try to circumvent the Supreme Court verdict, he was only stating what most North Carolinians already knew. The prominent attorney, Irving Carlyle, as the keynote speaker at the 1954 North Carolina Democrat Convention, stated that "as good citizens, we have no other course except to obey the law as laid down by the Court." Carlyle, the leading candidate to replace Clyde Hoey in the United States Senate, disqualified himself in North Carolina politics by saying that the Supreme Court ruling should be followed. Political leaders in tune with the popular sentiment would not have made such a mistake. The memory of United States Senator Frank P. Graham's defeat in the 1950 Democratic Primary was too fresh in the minds of the astute North Carolina politicians. Graham, former president of the University of North Carolina and one of the South's most prominent educators, had been appointed to the Senate in 1949. The following year, running as a progressive liberal with the support of Governor Kerr Scott, Graham was defeated by conservative Willis Smith who ran a "White-People-Wake-Up" campaign. The strong vote for Smith, generated by the worst display of racial invective since the white-supremacy elections at the turn of the century, did not go unnoticed by North Carolina politicians. They

had few illusions about how the majority of North Carolina voters felt about the desegregation issue. When Governor William B. Umstead expressed terrible disappointment with the Court decision and when former governor Kerr Scott, who was engaged in a successful run for the United States Senate, stated that he was against the Brown ruling, only the optimists were surprised.\footnote{Greensboro Daily News, 18 May 1954.}

In the weeks following the high court decision, Governor Umstead led the resistance movement for the state. Although already a dying man, having suffered a heart attack the day after his inauguration in 1952, Umstead displayed remarkable fortitude in directing the segregationist initiatives. Soon after the Court ruling, the Governor asked the Institute of Government at the University of North Carolina to study the ramifications of the Brown decision and make recommendations.\footnote{Albert Coates, The School Segregation Decision (Chapel Hill: The University of North Carolina Press, 1954), pp. 36-119.} At the end of May, he made a public statement charging the Supreme Court with a usurperous attack on "states rights" and brought attention to the gains made in the public schools toward equalization of educational facilities. On the legal front, he directed the State Attorney General, Harry McMullan, to initiate a "friend of the Court" brief with the United States Supreme Court. Critics claimed that had Umstead and other prominent North Carolina leaders directed their energies and leadership toward promoting compliance strategies instead of resistance efforts, the desegregation of the public schools could have been accomplished in short order. Objective observers, however, had to admit that Bill
Umstead, sick as he was, still had no difficulty ascertaining the predestined route of the parade. Knowing the route allowed him to move to the front and head a popular cause which is an important part of political leadership in a democratic state.

Within a few weeks the press began to lose its initial enthusiasm for law-abiding compliance and generally adopted a wait-and-see attitude. The editorials reminding that "North Carolina has an unbroken record of never turning backward," an inspirational slogan that had been used repeatedly since the Civil War, gave way to more conservative admonitions against extremist excesses on either side of the desegregation issue.21

In June, Governor Umstead had another opportunity to help the resistance program when Senator Hoey died in office. The Governor replaced Hoey with Sam Ervin, a Morganton attorney and jurist, who shared Umstead's states-rights and "separate but equal" philosophy. The appointment of Senator Ervin insured that North Carolina would have an able and eloquent spokesman in the nation's capital to work constantly for the maintenance of the dual-school concept.22 As the summer passed and it became obvious that nothing would be done to affect the coming school year, tensions ebbed. In August, the University's Institute of Government presented its report with recommendations to the governor. The alternatives or courses of possible action that were presented to the State by the University Institute were:

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1. North Carolina could take the position that the Court had ruled, so let them enforce their decision. The State could attempt to evade the Court ruling anywhere along the spectrum from passive resistance to open defiance.

2. It could accept the Supreme Court decision and get on with the task of desegregating its public schools.

3. The State could stall for time, seeking to avoid confrontation with the Federal government and keeping the schools open while it explored ways of minimizing the impact of the Supreme Court decision.23

Given these three alternatives, leaders in the state considered the viability of numbers one and three as possible courses of action. Alternative two, acceptance and compliance, never received serious consideration as a course of action. Option three was favored by moderates. It was very likely that other states would attempt open defiance of the Supreme Court ruling, and by stalling for time, North Carolina could maintain the public school system and see how other states fared in their impending confrontation with federal authority. After reviewing the institute's report, Governor Umstead appointed a select committee to develop a plan of action that would "preserve the state public school system by having the support of the people."24 Lieutenant Governor Luther Hodges, chairman of the State Board of Education, also appointed a Board Committee to study the problem;

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however, it was clear that the Governor's special statewide committee would be responsible for developing the major course of action.  

Governor Umstead appointed his biracial committee on August 4, 1954. The Special Committee on Education was made up of nineteen members and was led by its chairman, the Honorable Thomas J. Pearsall of Rocky Mount, a former speaker of the State House of Representatives. Having distinguished himself as a state leader in several political offices, Pearsall enjoyed the respect and confidence of leaders throughout North Carolina. The advisory committee began meeting on a regular basis as the school year 1954-55 began with schools all over the state operating on a segregated basis.

After the initial enthusiasm for law and order cooled soon after the Supreme Court ruling, conservative and extremist sentiments began appearing in the press as newspaper editors began to realize that the majority of North Carolinians heavily favored maintaining segregated schools. There was a large amount of vocal opposition to the Brown decision. Tension was high because most people had understood the Court ruling to mean immediate integration of the schools. Public indignation and editorial outrage quickly subsided when a second military Reconstruction failed to materialize. A guarded atmosphere of optimism grew as it became obvious that the federal government was not going to put blacks in white schools immediately. The hopeful attitude of the white segregationists was encouraged by a president

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who admitted "that stateways can never change folkways." The ominous black cloud of desegregation which threatened in the hot summer of 1954 to wash away the stability of historical custom and generational social mores in a single cloudburst became a mere speck on the horizon.

On the legal front, the Brown decision had included, at the end of the written opinion, permission for the states affected by the ruling to appear as amici curiae before the court. A written request by the Governor had to be filed by September 15, 1954, and the "friend of the Court" briefs had to be submitted by October 1, 1954. Attorney General Harry McMullan filed a well-researched, carefully worded brief for the state. In his document, citing the same cases the Supreme Court had used in coming to the decision, the Attorney General accepted the power of the federal courts to issue orders to direct state school boards to stop denying Negro children admission to public schools solely on the basis of race. McMullan also conceded the equity powers of the high court in ordering relief for the plaintiffs. His brief rejected, however, federal court authority to require state boards of education to take affirmative action on desegregating schools and denied the Court's right to order specific or prescriptive remedies in desegregation proceedings. Federal courts must not be allowed to "take the assignment of children to specific state school buildings out of the hands of the state school officials and place it in the hands of Negro children," read the North

Carolina brief.27 The brief further argued, based on precedents presented, that the Court "in the exercise of its equity powers can permit a gradual adjustment from the existing school system to a system not based on color distinctions."28 North Carolina, with its first legal response to Brown, indicated the direction the state would follow in the desegregation conflict. The state's leaders wanted time to exhaust all legal efforts and to see how other states fared in their more direct confrontation with the federal government. Although segregation sentiment was very strong in North Carolina, the state traditionally was a state of law. Lawyers historically had controlled state government; the "big business" interests had been the policy-making body. Lawyers ran the state; they knew best that the law is evolutionary in nature and that litigation molded the law over time. Legal resistance could provide active resistance against the law of the land without inviting the presence of federal troops to enforce the law which had happened during the Reconstruction Period. The "friend of the Court" brief was but the first shot in the legal battle to avoid desegregation of schools. There were many more skirmishes to come.

In the fall of 1954, Governor Umstead died, and Lieutenant Governor Luther Hodges assumed the gubernatorial duties. Hodges was only the second governor in the century who did not have the traditionally prerequisite degree in law. The only elected governor who was not a lawyer was Kerr Scott, a politically astute farmer. Hodges had been a


28 Brief of Harry McMullan, p. 13.
successful corporate executive with over twenty years experience in Democratic Party politics and a record of both state and federal service. He was also a graduate of the University of North Carolina, another helpful prerequisite to state political leadership in North Carolina. Partially because of his non-legal background, Hodges did not have the support of the Umstead camp in his successful campaign in 1952 for Lieutenant Governor and was consistently denied access to the inner circle of state leadership prior to Governor Umstead's death in November, 1954. Upon taking the oath of office, the new governor accepted Umstead's staff and commitments for the term, which included the popular stance of legal resistance to desegregation of the state's public schools.

The Governor's Special Advisory Committee on Education was asked by the new governor to continue the work on developing recommendations on the desegregation issue. On December 30, 1954, the committee submitted a report which Governor Hodges presented on January 6 to the General Assembly in his State of the state address. The report urged that the state devise strategies to accommodate the ruling in the Brown decision while making every effort to maintain its public school system intact. The report stated "that the mixing of the races forthwith in the public schools throughout the State cannot be accomplished and should not be attempted." The only specific remedy of consequence offered to legitimately deal with the Supreme Court ruling was practical,


technical, and creative in its legal ramifications. This tactic recommended that "complete authority over the enrollment and assignment of children in public schools and on school buses" be removed from the responsibility of the State Board of Education. The legal authority could then be transferred to the local jurisdiction of school boards in the city systems and the one-hundred county systems throughout the state. Termed the Pupil Assignment Plan, this tactic became the mechanism by which state leaders were to impede implementation of the Supreme Court's desegregation decision. The committee plan meshed well with the "friend of the Court" brief that petitioned for a long period of time in which to deal with the desegregation process and reflected the influence of the lawyers who had been appointed to the Governor's Special Advisory Committee on Education. It was an astute legal strategy requiring that any effort by federal authorities to force compliance with desegregation proceedings had to be engaged on a case-by-case basis against local school boards throughout the state. The maneuver promised a legal nightmare and a lawyer's dream.

If enacted in law and deemed constitutional, the act in one maneuver eliminated the possibility of federal authorities bringing one suit against the State Board of Education to eliminate dual schools. It would remove the litigation arena from one site in Raleigh to the myriad legal jurisdiction of school systems throughout the state. The Pupil Assignment Plan was a clever strategy designed to keep the desegregation deliberations in the calm of the

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legal court systems and away from conflict in the streets. It was perhaps the most effective resistance strategy devised by any of the southern states and circumvented the tragedy and embarrassment of open racial conflict and confrontation with federal troops. The potential for violence and social disruption was as prevalent in North Carolina as in other Southern states; however, the violence and the open conflict with federal authorities that occurred in Little Rock, Clinton, and a score of localities throughout the South was probably avoided by this basic legal ploy which served North Carolina well.

The 1955 session of the General Assembly endorsed the Committee's recommendation that efforts be made to meet the mandates of the Supreme Court's ruling without really changing the structure or viability of the existing school system. Bills were introduced in both houses to transfer the authority of pupil assignment from the State Board of Education to local county and city boards. There was no mention of race in the carefully worded, legally correct bills; the act was to provide that pupil assignment would be carried out in "the best interest of the child involved." Other more openly segregationist bills were proposed. One called for the termination of state funds of any school that attempted to desegregate, while another recommended the use of state funds for support of private schools set up to avoid integration of the public schools. The legal forces prevailed in floor debate, and the Pupil Assignment Plan passed in April by a large majority. The new law provided for appellate relief for parents not satisfied with

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32 North Carolina General Statutes. 1955, Chapter 366.
their child’s assignment. Disgruntled parents could petition the local school board for reassignment, and if the petition were denied, they could take their case to the state courts. The plan effectively removed the State Board of Education from the litigation proceedings and set up an expensive and time-consuming mechanism that had to be pursued on an individual basis for any parents who wished to have their children schooled in an integrated environment. The new law was roundly criticized by Negro organizations throughout the state to no avail. The law was carefully grounded in legal theory. It did not conflict with the Brown ruling; it did not threaten to close schools or withhold funds if a system integrated under the "local option" clause; and it did not assure segregationists that desegregation would not occur. What it did insure was that the desegregation process would be slow, expensive, and hopefully not worth the effort.

About the same time that the North Carolina state legislature was passing the Pupil Assignment Act, a representative of the state was involved at the national level in arguing the amici curiae brief. From April 11 to April 14, 1955, the Supreme Court listened to the states' attorneys in the second phase of Brown v. Board of Education which was to result in the implementation decision. Attorney General McMullan, who had prepared the "friend of the Court" brief was ill during this period and unable to address the Court. An Assistant Attorney General, I. Beverly Lake represented North Carolina in the proceedings. Only six states sent their attorneys general to take part in the litigation that was to determine the parameters of the desegregation decision on federal, state, and local levels. The states' attorneys' basic argument
was that the Supreme Court should direct the school districts involved in the Brown decision to admit Brown and the other plaintiffs to the public schools and close the matter. This would have made it possible to have each individual case argued on the basis of its merits in the sequential context of the lower courts which would delay the impact of the decision for years. In his presentation for North Carolina, Lake argued that "an attempt to compel the intermixture of the races in the public schools of North Carolina would result in such violent opposition as to endanger the continued existence of the schools." He asked the Court to consider the divergent conditions existing in North Carolina and to allow sufficient time and ample discretion so that the ruling might possibly obtain the intended results. In its opinion announced May 31, 1955, the Supreme Court agreed that implementation of the May 17, 1954, ruling should take into account existing local conditions and proceed "with all deliberate speed" in eliminating the process of assignment of children to schools on the basis of race. The decision remanded compliance proceedings to the lower courts and ordered them to carry out the law of the land, adding that constitutional principles would not yield simply because of disagreement with them.

The Supreme Court had spoken on the implementation question, and its final ruling in the Brown case seemed no immediate threat to North Carolina's schools.

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33 Assistant Attorney General of North Carolina, Amicus Curiae, cases 1-4, Supreme Court of the United States, April 11-14, 1955.

The 1955 General Assembly had adjourned after adopting a resolution that claimed mixing of the races in the schools was not practical and that any such action would be dangerous for public schools in the state. The legislators accepted the recommendations of the Governor's Special Advisory Committee on Education and asked the governor to appoint a new advisory committee to conduct an ongoing study of the problems stemming from the Supreme Court ruling on desegregation.

In a speech at Duke University on June 21, 1955, Governor Hodges announced that Thomas Pearsall would again head the Advisory Committee on Education. The size of the committee was reduced to seven men to make it more effective and less cumbersome. This time there was no mention of a need for a biracial committee. Governor Umstead had gotten into trouble on that issue with his nineteen-member group. The three Negroes whom he had named to the committee had all been employees of the state, and charges of "tokenism" from the black community had been embarrassing. Furthermore, even though they were castigated by the blacks in the state who favored immediate integration of schools, they were still subjected to tremendous pressure from the state's Negro leadership to openly advocate integration. Hodges meant to avoid a similar problem, so he chose a committee made up of white lawyers and elected officials. The committee was charged to develop a plan that would prove both workable and in technical compliance with the Supreme

35 For a more thorough description of the "Pearsall Committee" which consisted of W. T. Joyner of Raleigh, R. O. Huffman of Morganton, Senator Lunsford Crew of Roanoke Rapids, Senator William Medford of Waynesville, Representative E. F. Yarborough of Louisburg, and Representative H. C. Philpott of Lexington, see Hodges, Businessman in the Statehouse, pp. 82-84.
Court decision regarding the operation of public schools. The committee met frequently, as often as twice a week for almost a year, in headquarters set up in the Agriculture Building in Raleigh. They studied desegregation strategies and responses being developed in other states as well as the problems at home in an effort to devise alternatives that would be both acceptable and legal.

Events in the summer of 1955 increased the tension in North Carolina concerning the desegregation issue. One-fourth of the state's population, over 1 million blacks, understood the Brown decision to mean immediate school desegregation. In their view it was already one school-year overdue. Segregationists, including the state's white leadership, were searching for any legal strategy that would continue the dual-school structure. In this time of turmoil, they were getting mixed signals which raised the hopes of the white majority. In the second Brown decision, they had been encouraged because the Court had asked for "a reasonable and prompt start" to develop a plan and "all deliberate speed" within the context of the local conditions to end segregated public schools. Satisfied that compliance proceedings were being delayed and could be avoided for years, perhaps even generations, school boards across the state had begun meetings to duly discuss reasonable plans to comply with the Court decision at some future date.

Then in July came the legal opinion from a native North Carolinian, Judge John J. Parker, chief judge of the United States Court of Appeals for the Fourth Circuit in the hearing of Briggs v. Elliott that added

a new dimension to the Brown decision. Judge Parker, one of the most respected jurists in the South, interpreted the Brown decision to mean that the Court "has not decided that the states must mix persons of different races in the schools . . . . What it has decided, and all it has decided, is that a state may not deny any person on account of race the right to attend any school that it maintains." The judge went on to say that the ruling "does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation." This interpretation of Brown was gladly endorsed by some of North Carolina's leaders, but it was soundly rejected by the black leadership. It increased black militancy on the issue at a time when they were mustering their forces to attack segregationist resistance. Voluntary segregation became a part of Governor Hodges' overall strategy to maintain the dual-school system, but black leaders "poisoned the well" on that issue. The majority of blacks wanted integration immediately, while for the majority of whites, the desegregation of schools constituted a threat to the way of life that they were dedicated to maintain. The concept of "voluntary segregation," which was openly rejected by the black leadership, was being promoted in speeches across the state by Governor Hodges. Adding to the confusion was a speech by Assistant Attorney General

37 Briggs v. Elliott, 132 F. Supp. 776, 777 (E.D.S.C. 1955). Ironically, the NAACP had been responsible for successfully pressuring the Senate to refuse confirmation of Judge Parker when President Hoover appointed him to the U.S Supreme Court in 1930.

I. Beverly Lake advising "every community in the state to be prepared to operate private schools to avoid integration." Lake's speech angered the blacks to the extent that the NAACP called for his removal from office. Governor Hodges came to the defense of his staff member and attacked the NAACP for what he termed bringing in outside agitators to put pressure on the state leadership to promote integration. The governor claimed that North Carolina people of both races were opposed to integrated schools. This claim was summarily challenged when the first school desegregation petition was filed in a county in the western part of the state.

It is not surprising that a suit for relief would be filed in one of the western counties because the black population in the uplands was so sparse that some counties did not have either an elementary school or a high school that Negro students could attend. A black child in Mitchell County could attend a Negro elementary school in an adjoining county, but to attend high school that same child would have to cross adjoining counties to reach a secondary school. While the state provided transportation for such students, the trip of over a hundred miles each day on difficult mountain roads took hours and created a very real hardship on a black child who wanted to get an education.

39 Governor Hodges, in a speech at Lincolnon claimed that his decision would not be affected by pressure groups such as the NAACP. See Hodges, Businessman in the Statehouse, p. 86.

40 Asheville Citizen, 18 August 1955.

41 As a child in Mitchell County, I remember the Negro school bus that carried these children past my house about dark each evening; it left in the mornings before I got up and passed several schools where the children could have attended on its daily journey.
Governor Hodges made two speeches in August, 1955, that delineated his position clearly. On August 8, the governor made his "Crossroads" speech that was broadcast live by ten television stations and sixty radio stations. "North Carolina now stands at the crossroads," the Governor proclaimed at the beginning of the speech. The choice would be made, in the months ahead, between the integration of schools or the abandonment of schools. Hodges discussed the history of public education in North Carolina and the gains that had been made in the effort to equalize Negro and white schools. He discussed the work of the Pearsall Committee and the impact of the Brown decision on North Carolina's schools. Pointing out the possibilities suggested by Judge Parker's interpretation of Brown, Hodges made an eloquent plea for voluntary separation of the races in the public schools of the state and called for a display of temperance and racial harmony throughout North Carolina. In his conclusion, he said: "We in North Carolina have remained comparatively calm and restrained during this difficult period, but that hasn't meant we don't feel strongly on the subject." He stated that the problems had been met not as two races, but as one citizenry attempting to do best for the children. By promoting cooperation and positive attitudes, he concluded that North Carolinians could "come through this situation with our public school system intact and with our basic traditions intact." The speech was lengthy, carefully prepared, and eloquently delivered; while it was in no way racist, it-

was blatantly segregationist. Hodges' statewide talk was harshly criticized by the black leadership, condemned by a few prominent whites as avoidance of the issue, but generally well-received by the vast majority of North Carolina's citizens. Governor Hodges was Moses leading his people out of the wilderness. For the North Carolina blacks, however, the "Promised Land" was in the other direction.

The black citizenry in North Carolina felt strongly about the desegregation issue. The Brown decision had inspired hope; they had no intentions of letting the white leaders in the state circumvent their drive for equality now that the wall had been breached. The Brown ruling had created a chink in the armor of biracialism; school desegregation was only the beginning battle of the war for civil rights and full equality. Governor Hodges' appeal for "voluntary segregation" fell on deaf ears in the black community. His approach was temperate; it was logically presented; it was rational; however, it was more of the same. The black leadership had witnessed a changing of the guard. The old leadership which had worked long and hard for peaceful coexistence and racial harmony was losing ground to the younger, more militant leaders. Compromise leaders, who often held their power positions because they were accepted by white leaders and felt that blacks could best be served by accommodating white authority, had lost influence. Moderate leaders who were susceptible to white influence were forced out of power. The black community wanted leaders who were militant on school desegregation.

43 Charlotte Observer, 9 August 1955.
in decision-making roles. Thus when Governor Hodges took his "voluntary segregation" to black audiences, he received a cool reception. At Shaw University in Raleigh, the Governor addressed the all-black North Carolina Teachers Association and called upon its members to cooperate in the program of "voluntary segregation" to preserve the school system of the state. The educators were polite but unenthusiastic. In newspapers the following day, they issued a strongly-worded reply that called for full and prompt integration of the public schools. In early November in a speech in Greensboro, the Governor was given a cold reception by the black audience at North Carolina Agricultural and Technical College. Even though his speech was repeatedly interrupted, Hodges refused to believe that the students' hostile attitude was representative of North Carolina's black citizenry. He claimed that North Carolina's public schools opened without incident in the fall of 1955 with complete and voluntary separation of races. The desegregation suit brought in the United States Court of Appeals by North Carolina blacks in the fall of 1955 belied that statement.

The Pupil Assignment Plan which was North Carolina's basic strategy for avoiding or prolonging implementation of desegregation proceedings was put to the test only a few months after becoming law. The law had

45 M. Elaine Burgess, Negro Leadership in a Southern City (Chapel Hill: The University of North Carolina Press, 1960), pp. 178-86. This is a study of Negro leadership in Durham, North Carolina.


47 Hodges, Businessman in the Statehouse, pp. 90-91.

48 Carson v. Board of Education, 227 F. 2d 789 (4th Cir. Ct. 1955)
been carefully crafted, and the best feature of the law was that it was painstakingly legal. North Carolina had traditionally been a state of law—the law of lawyers—since the Civil War. The attorneys who wrote the law were well aware of the legal concept known as "exhaustion of remedies" doctrine. In strict accord with judicial practice, the Pupil Assignment Law had been constructed to take optimal advantage of extending the litigation as far as possible. In removing the authority for pupil assignment from the State Board of Education and vesting the power in the local school boards, the state had established a lengthy procedure to deal with—and discourage—the desegregation action. The plan provided that the local school board make the pupil assignment. If parents of a student were dissatisfied with their child being assigned to a black school, they had to appeal the assignment to the school board. If a satisfactory remedy was not provided, their next appeal had to go to the state superior court. The next step in the appellate process was the state supreme court. All this had to occur just to reach the federal court level under the "exhaustion of remedies" doctrine before the litigants could hope to obtain relief if their case was successful. The case that was brought in the fall of 1955 against the county school board that had denied the Negro child admission to a white school in McDowell County had been started in the federal district court in North Carolina and moved to the United States Fourth Circuit Court of Appeals. The Court of Appeals ordered the federal district court to dismiss the case without prejudice as premature. Statutory remedies had not been exhausted, and the plaintiffs were back at the starting point where they had to begin their litigation again, this time through the state courts
to again reach the federal level. The Pupil Assignment Plan had worked just as it had been designed to operate, and the Negro plaintiffs had learned an expensive, time-consuming lesson. It was quite clear that the school year 1955-56 would see no breaking of the color barrier in the public schools of North Carolina. 49

In the spring of 1956, southern members of Congress gave moral and tactical support to the state leaders who were waging the war to maintain segregated schools. Most southern Congressmen signed a "Declaration of Constitutional Principles" that denounced the Brown decision as abuse of judicial powers and an encroachment on the powers of the state. The attitudes of the majority of the people of North Carolina were firmly entrenched behind the ten representatives and two senators who signed the "Southern Manifesto," as the statement became popularly called. 50 That North Carolinians were willing to support segregation at the polls became all the more obvious with the defeat of two representatives who refused to sign the manifesto in the fall elections. 51

A few weeks after the March signing of the "Congressional Manifesto," the Pearsall Committee released an official report, keeping the segregation news on the front page of newspapers throughout the state. The committee recommended that the state's Pupil Assignment Law be


continued with some modifications and that a constitutional amendment be passed authorizing tuition grants for students who did not want to attend desegregated schools. It also proposed a local option clause that would permit a community to close their schools if they were forced to integrate. Governor Hodges approved the plan, and, the following day in a press conference, he announced that he would call a special session of the General Assembly to consider the constitutional changes necessary to make the plan law. The NAACP immediately went on record as opposing the "Pearsall Committee" plan, as did the State Congress of Parents and Teachers. Most state leaders supported the plan which accommodated both the segregationists and the moderates who favored a gradual, peaceful adjustment to integrated schools. The Governor called for the special session and on July 23, 1956, addressed a joint session of the two houses. He explained the plan and asked for a prompt and positive action. After his speech, the legislators returned to their chambers and began a four-day session that resulted in an overwhelming approval of the plan and the legislative mechanics that made it workable. Several other bills were introduced expressing stronger segregationist sentiment, but they were easily defeated. The General

52 North Carolina Advisory Committee on Education, Report to the Governor, the General Assembly, the State Board of Education, and the County and Local School Boards of North Carolina (April 5, 1956).

53 Raleigh News and Observer, 6 April 1956.


Assembly adjourned on July 26 after one of the shortest legislative sessions in memory. Their task was finished; it was up to the people to make the Pearsall Plan law in a special election in the fall. The proposal was the topic of heated debate throughout the summer. The press generally supported the plan as being a moderate, middle-road device, somewhere between "outright defiance of the Supreme Court Mandate and outright defiance of Southern folkways and custom." Pressure was growing for emergency options because a number of desegregation suits had by this time been filed and were making their way slowly through the court system. Schools in North Carolina began without incident or integration in the fall of 1956, and in early September the majority of voters in every one of the state's one hundred counties voted for the amendments that made the Pearsall Plan law. In the largest voter turnout for a special election in the state's history, the plan passed by an almost five-to-one majority. The massive turnout and the huge majority left little doubt where the citizens of North Carolina stood on school desegregation.

With the fall election of 1956 that enacted the Pearsall Plan, North Carolina's legislative initiative to impede the desegregation of schools ended. Of the three options available to fight integration of the public schools, only the Pupil Assignment Plan was used effectively.

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56 Greensboro Record, 27 August 1956; Greensboro Daily News 16 July 1956.


58 U.S. Commission, Civil Rights: Southern States, p. 69.
The local option to close schools was never employed, and only a brief flirtation with tuition grants ensued. North Carolina had a strong commitment to the public school system. The state traditionally had the smallest non-public enrollment in the South which consisted of approximately 2 percent. North Carolina would not support private schools with public money. The state leadership knew that ultimately they had to comply with the Supreme Court ruling; the Pupil Assignment Plan was used to delay desegregation as long as possible to pave the way for a peaceful and lawful transition to a single-school system. The plan took for granted that ultimately the desegregation suits would move through the courts and that black children would gradually move into the white schools of the state. Indeed, Colonel Joyner, one of the attorneys who helped develop the plan, admitted that it was inevitable, even desirable. In an address before the North Carolina Bar Association, he said:

One of the nightmares which besets me on a restless night is that I am in a Federal Court attempting to defend a school board in its rejection of a transfer requested by a Negro student, when a showing is made in that court that nowhere in all of the State of North Carolina has a single Negro ever been admitted to any one of more than 2000 schools attended by white students.

The die had been cast; now all that remained was for the first blacks—and Indians—to be admitted to the state’s public schools.


60 Greensboro Daily News, 28 October 1956.
CHAPTER 4

The Decade of Resistance: Token Desegregation

Nineteen hundred and fifty-six had been an important year for North Carolina's move toward the desegregation of the public schools. Two key leaders were up for election in November, and they had made their positions clear on the issue. They were with the people of North Carolina. In March, Senator Sam Ervin had helped draft the "Southern Manifesto," and in April he blasted the Supreme Court for its desegregation ruling. Governor Hodges had taken his desegregation stance repeatedly. There was strong interest by some local leaders in beginning desegregation proceedings in a few city school districts in the fall of 1956. Since Hodges was running on his "voluntary segregation" position, state officials quietly petitioned these systems to delay their desegregation initiatives until the following year. This led NAACP attorneys to charge that at least six North Carolina communities had been ready to desegregate that fall but had delayed their action because the governor had intervened. While the NAACP was unable to prove this in court, it was undoubtedly true for study groups had been meeting on the desegregation issue in Asheville, Charlotte, Winston-Salem, and Greensboro since the summer of 1954. There is


little question that these cities were ready to get on with making an effort to begin public school integration.4

The NAACP charges led Governor Hodges to encourage the enactment of anti-NAACP legislation when the General Assembly met in the spring. Strong opposition to the proposal developed in both houses. The point was made that if any citizen in North Carolina wanted to belong to any dues-paying organization that either supported or opposed desegregation, they should be permitted to do so. It was a point well-taken because some of the members of the General Assembly belonged to White Citizens Councils. The legislative body rejected the proposal. It was one of the few times that the General Assembly went against the governor on his separation-of-races positions, and North Carolina was the only state in the South to reject anti-NAACP laws.5

A tension-filled summer was in store for North Carolinians, because it was increasingly clear that 1957 was going to be a year of decision on the desegregation issue. Officials of three of the largest cities in North Carolina were meeting on a regular basis on the schools issue. Near the end of July, the school boards of Charlotte, Greensboro, and Winston-Salem by agreement met on the same night and announced that they would begin desegregation programs for the fall term in accordance with the regulations of the state's Pupil Assignment Law.6 Since the state's constitutional requirement for separation of races in the


5 Sarratt, The Ordeal of Desegregation, p. 36.

public schools had been declared invalid the previous year, the school boards were acting within legal authority in coming to their decision.\(^7\)

Reaction to the desegregation issue was predictably intense. Although widely predicted and generally expected, the announcement of the desegregation decision sounded the call for action by the extremist groups. The major segregationist organizations in the state were the Patriots of North Carolina, the White Citizens Council, and the Ku Klux Klan. During the month of August 1957, a flurry of activity by these and other segregationist proponents served to raise the level of tension markedly. At a Klan rally in Monroe, on the outskirts of Charlotte, a speaker claimed that the Klan could muster 50,000 men before the opening of school to put a stop to any integration, voluntary or otherwise. In Winston-Salem, a Patriot leader addressed the school board, arguing against desegregation because Negroes paid less taxes than whites. In Charlotte, a local Patriot leader presented a petition signed by over sixteen thousand people favoring segregation. In Greensboro, a Patriot's attorney filed suit asking for an injunction to prevent the desegregation plans.\(^8\)

To counter the widespread Klan, Patriot, and Citizens Council action, the pro-segregationist forces, comprised mostly of NAACP and PTA groups, worked diligently to promote peaceful integration sentiment. The blacks, constituting 25 percent of the state's population, were the largest group of integrationists. At the other end of the spectrum was

\(^7\) Covington v. Montgomery County School Officials, 139 F. Supp. 161, 163 (M.D.N.C. 1956).

about the same number of die-hard segregationists. Occupying the
middle ground was over half the state's population who supported
long-standing tradition and regional social customs but who were also
accustomed to supporting law-and-order measures. They had grown up
with the traditional patterns of segregation, but they were leaders
among the southern states in conforming to national standards in legal
controversies. Despite the "Jim Crow" laws, there was a prevalent
attitude of racial moderation in the relations between the white and
black communities. It was within this moderate majority that
occupied the middle ground that the decision would be made concerning
the degree of resistance to racial mixing in the schools. The strongest
factors that influenced this moderate middle beyond traditionalism and
legalism were leadership, religion, and the media.

The "Bible Belt" which includes all of North Carolina means
Protestant Christianity. Protestants make up 97 percent of North
Carolina's church memberships. Of the Protestants, members of the
Baptist Church greatly outnumber all others. There were mixed feelings
about where the church leaders stood on legal desegregation because
ministers were in the forefront in extremist groups at both poles.
Segregationists who traditionally coalesced around religious leaders


10 C. Chilton Pearson, "Race Relations in North Carolina: A Field Study of Moderate Opinion," *South Atlantic Quarterly* 22 (1924) and Capus Waynick, *North Carolina and the Negro*.

worried about the influence of the ministers. The prominent leader of the Patriots of North Carolina, W. C. George was quoted as saying: "The group most difficult to combat and the group most influential, perhaps, in bringing this evil upon us are the ministers." In the other camp, Spottswood W. Robinson, III, an NAACP attorney, had said: "The worse obstacle we face in the fight . . . is the white preacher." 12

The state's largest religious organization, the North Carolina Baptist State Convention, whose members make up one-fifth of the state's total population, supported the peaceful desegregation of schools. Many communities had biracial committees set up by the churches to discuss peaceful ways to comply with the Supreme Court ruling. Although there were notable exceptions, the clergy lined up mainly with the proponents of law and order. Their position had a beneficial influence on promoting the legal desegregation of schools. 13

Another factor, important in greatly influencing public sentiment, was the media. The Brown decision and its aftermath probably generated more reports and sold more newspapers than any other story in the 1950s throughout the state. The newspapers of the state's largest cities were moderate and progressive in their reporting, and the media statewide generally followed their influence. The Raleigh News and Observer traditionally supported education and the Democrat party. The Greensboro Daily News promoted a moderate approach to the race relations


and compliance with the Brown decision. The Charlotte Observer and the Winston-Salem Journal were organs of big business. They both were dedicated to maintaining good public images for the communities and promoted desegregation as good for business. As newsmen, the reporters, however, were obligated to report the news, and segregationist excesses made good copy. By the questions they asked and by the emphasis newsmen put on their reporting, the media often made news as well as reported news; however, in preparing for the opening of schools, the press usually gave an even-handed account of the events related to desegregation. In editorials, the papers generally supported peaceful compliance with the law of the land. Compared to news reporting in other southern states, the North Carolina media was positive in the approach to school integration and responsible in handling the sensitive issue.

The North Carolina leadership, as a factor in influencing sentiment on the desegregation issue, will be viewed here in two dimensions. Since the turn of the century, two factions have controlled the state in tandem. While the Democrat politicians led the dance, the state's representatives of big business and industry called the tune. Lawyers generally administered state government at the higher levels; leaders of business and industry were the policy-making body. This combination worked effectively for over a half-century and was largely responsible for the state's image of moderation and progress. That a powerful agricultural bloc did not develop in the state's political structure

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was largely due to the small size of the farm operations and the fact that many of the rural citizens were black. Contributing to this phenomenon was the fact that although North Carolina led the South in percentage of farm-dwellers, it also led the region in the proportion of its labor force employed in manufacturing.\textsuperscript{15}

If the political leaders had to court the state's pro-segregationist voters, the business leaders had no such obligation. In their view, desegregation was good for business; racial conflict might discourage outside capital and the image of North Carolina as a progressive state which business leaders had worked hard to cultivate. While Governor Hodges maintained a segregationist position, leaders of industry felt that desegregation would be in the best interests of the state. These leaders controlled some of the state's most influential newspapers. They also had great community influence in the industrial centers. When industrialist James G. Hanes called a meeting of business leaders in Winston-Salem to discuss the coming school year, he was mustering support for the peaceful integration of the schools. While he personally opposed desegregation, it was the law of the land, and to defy the law would hurt the image of the region. Attending the meeting were the leaders who controlled the vast majority of the financial resources of Forsyth County. They decided that there would be no trouble when desegregation was implemented and passed the word that opposition would be bad for business, insuring that the opening

of school would be peaceful. Many such meetings across the state had a tremendous moderating effect on the state's populace.

By the end of August 1957, the tempo of the interest and the level of concern rose. When the ambassador of racism, John Kasper, announced that he was going to be in North Carolina for the opening of schools, the media and the Governor voiced strong opposition to his visit. State leaders, including officials of the Carolina Patriots, warned that he was unwelcome. A native of New Jersey and executive secretary of the Seaboard White Citizens Council, Kasper had been responsible for increasing the tensions in the violence that had accompanied the desegregation of the high school in Clinton, Tennessee, in the fall of 1956. Led by this roving segregationist agitator, the mobs in Clinton had become so violent that Governor Clement was required to send a hundred state highway patrolmen to restore order. These forces were followed by seven M-41 tanks and three armored personnel carriers supported by over six hundred national guardsmen. They occupied the town for the next three weeks to carry out the desegregation process. These actions got Clinton, Tennessee, and John Kasper a lot of attention. Many North Carolinians opposed Kasper's visit because of the trouble he had caused in Tennessee.

Schools in Greensboro were scheduled to open on September 3, 1957, while the opening date in Charlotte and Winston-Salem was September 4.

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The rise in tension that accompanied the desegregation plans was largely due to the promise of demonstrations and open resistance by all the major extremist factions of the segregationists. The threats of violence and the level of concern of officials in the week preceding the opening of the schools brought Governor Hodges out of his neutralist stance. The Governor made a statewide appeal on radio and television for law and order as the "North Carolina way." He stated that "we will not tolerate any lawlessness or violence." John Kasper arrived in Greensboro on August 31. He spoke at the Greensboro Courthouse and at some White Citizens Council meetings urging open resistance and promoting white resistance to racially-mixed schools. His success in fanning the fires of racial conflict was nominal. The resistance factions in all three cities did not live up to their promotional declarations. City officials had made adequate preparations. The police were well organized and carried out twenty-four hour patrols of the school sites for weeks; law and order prevailed. Crowds gathered at most of the schools to be desegregated with leaders of the White Citizens Council, the Ku Klux Klan, and the North Carolina Patriots in attendance. They were, however, outnumbered by curiosity-seekers, by members of the news media, and probably by plain-clothes policemen in the crowds. The extremists were largely subdued, probably less by a desire for racial harmony than by the prospects of inspecting the interiors of a North Carolina municipal jail. The Greensboro students entered the schools with no problem except for the taunts of a few hecklers. Several of the crowd

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19 Charlotte Observer and Raleigh News and Observer, 1 September 1957.
members followed the black students into the hallways of the school building, but they were escorted off of the school grounds by police. Newsmen and segregationists alike were told to leave after the students entered the building. School officials reported that most of the commotion on opening day was caused by "outside news media representatives." On September 4, the Greensboro Senior High School was desegregated by a black student "without incident" as attention focused on Charlotte and Winston-Salem.20

There was little to report from Winston-Salem. The planning there had even gone so far as to include a statement of policy covering the event.21 Charlotte's opening day of school was a bit more exciting. Media representatives ruled the day. The press was looking for news, and the segregationists in the crowds were cooperative. There was a highly publicized spitting episode involving a fifteen-year-old Negro girl and several minor incidents that gave Charlotte bad national publicity.22 Local officials did not sufficiently control the situation, allowing newsmen into the schools. Photographers and reporters followed students into their homerooms. In view of the avalanche of news media and the opportunity for the segregationists to display their sentiments on national television, it was perhaps a little surprising that there was no real trouble. Charlotte took its lumps, but North Carolina

21 Sarratt, Ordeal of Desegregation, p. 260.
broke the racial barrier in the public schools in the fall of 1957. Only eleven black students were admitted to schools in the three systems. All three cities had received requests for admittance to the white schools by black students "as had the boards in Raleigh, Chapel Hill, Bryson City, Old Fort, and Mecklenburg County." There were several suits petitioning for the admittance of black students to white schools pending in the courts at the time. There had been a lot of tension and alarm caused by the issue; however, after the relatively uneventful beginning, the whole thing seemed like a lot of bother for a simple process. It constituted only a token beginning, but at least it was a start.

Although the desegregation effort beginning in North Carolina in the fall of 1957 fell far short of an enthusiastic endorsement of the Brown decision, when contrasted to the occurrences in Clinton the year before and in Little Rock, it gave rise to guarded optimism from many quarters. The national media, after the disappointment in North Carolina, moved on to Little Rock where their appetite for drama and excitement was rewarded. The hecklers in Greensboro and Charlotte paled in significance when Governor Faubus's circus got underway in Little Rock in the days following North Carolina's peaceful integration of the selected schools. The reporter's dream of continuous national headlines

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went on for weeks as the Arkansas National Guard was "federalized" and President Eisenhower was forced to send in the 101st Airborne Division to carry out court-ordered desegregation. It was late November before the integration crisis was stabilized enough to withdraw the troops from the Arkansas school grounds. In the interim, the schools in North Carolina were operating in a very normal fashion. While most of the citizenry had been opposed to racial-mixing in the schools, there was a certain satisfaction in being able to do something that their neighboring states could not accomplish. The number of black children in the schools that were desegregated was so minimal that it seemed hardly worth worrying about, and being labeled "progressive and moderate" in national terms was good for business. Governor Hodges, who was chairman of the Southern Governor's Conference, and four other southern governors met with President Eisenhower to discuss the Little Rock situation. North Carolina's governor acted as an intermediary between the President and Governor Faubus in an unsuccessful effort to reconcile their differences in the desegregation conflict. Hodges, as a result of the successful school experiment in North Carolina, was getting some national attention. In the winter, he was invited to speak on school desegregation before the Harvard Law School Forum. His explanation of North Carolina's approach to desegregation was well received by the press and people as he spoke in other sections of the United States. In fact, after the Little Rock ordeal, North Carolina's success—limited as it was—looked so good that Hodges was asked by the
United States Information Agency in November to discuss the desegregation topic on a Voice of America broadcast.26

All of this speech-making must have seemed a bit strange to fellow-North Carolinians who had elected Hodges the previous year when he was running on a "voluntary segregation" platform. The Governor had not changed; however, the times had changed, and most of the people understood that fact. The Governor had taken a position that was untenable over time. Business leaders in North Carolina had supported limited desegregation, and as his political position eroded, Hodges was forced to change with the times. He latched on to the "law and order" segment of his political stance and remained a popular, effective governor.

Explaining the state's position to the people while the Governor was making speeches across the country fell to the lawyer leadership in state government. In a series of speeches beginning in early 1958, Malcolm Seawell—the Attorney General of North Carolina—stated clearly the course of action the state must pursue to avoid social and legal conflict. In speeches that drew strong and mixed reactions, Seawell told the people that they must follow the law of the land on the desegregation issue and that to take a course of defiance of the law would result in irreparable damage to the state and its people. He pointed to the example of federal troops with bayoneted rifles forcing

desegregation in Little Rock. The only choice open to the first officer of the law in North Carolina and the people was to obey the law. The choices were clear; as Attorney General, he had to enforce compliance of the desegregation laws or recommend that the state go out of the business of education. Legally, those were the only two options. Seawell promoted compliance with the law and maintenance of the schools. In his "North Carolina at the Crossroads" speech, the Attorney General presented an argument for compliance that left no room for rebuttal. The specter of federal troops with bayonets made an impression on the people of North Carolina. Two recent issues of a national news magazine had stated that it was the general consensus that North Carolina had the best program for dealing with desegregation of any of the southern states.\textsuperscript{27} Seawell reminded the people that North Carolina was called a "middle of the road" state, and he explained in graphic terms that it would be beneficial to stay in the middle of the road on this issue. He advised the people of the state not to be influenced by extremists on either side of the desegregation issue.\textsuperscript{28}

Once the school desegregation process started and North Carolina lined up on the side of law and order, the rest of the decade following the Brown decision was largely a story of statistics. The Pupil Assignment Act was repeatedly upheld in the federal courts against challenges of blacks impatient with the almost interminable pace of compliance. Desegregation evolved in fractional increments of

\textsuperscript{27} U.S. News and World Report, 27 September 1957, pp. 32-33 and 4 October 1957, p. 100.

percentage points giving real substance to the question concerning what constitutes "all deliberate speed." If "justice delayed is justice denied," then a question about North Carolina's concept of justice was in order. The fact was, meager as the gains were, the state was leading the southeast in compliance.

The process of desegregation, although slow, was orderly in North Carolina and procedurally correct; the delaying strategy gave the people time to prepare for the inevitable. The extremists had their moments, but the incidents were so scattered across the state and the leadership so firm in their "law and order" stance, that the actions created more interest than significance. The segregationists' meetings often took place in clearings in the "piney woods" far from the school house. They usually took place at night; the schools operated peacefully during the daylight hours. The segregationists generally did little damage to the broom sage and red clay of their meeting places. The audiences were treated to race-baiting and white-segregationist, religious fervor. They often went home with hatred burning in their hearts, hymns ringing in their ears, and chigger-bites scattered over their bodies.

One of the more interesting incidents occurred near Maxton in Robeson County during January of 1958. A large group of members of the Ku Klux Klan gathered for a cross-burning to discourage the interest in integration efforts of the Lumbee Indians. The fact that they were "Ku Kluxing" Indians instead of Negroes is noteworthy. The Klansmen intended to disrupt an Indian public meeting, stage a rally, burn a cross, and generally raise a little hell. They had invited Klan Wizard
"Catfish" Cole to appear at the rally, and there was a large crowd in attendance. Angered at the effrontery of a number of previous cross-burnings and speeches directed at them, the Indians attacked the Klan rally in force. Armed with rifles, shotguns, and pistols, the Indians effectively dampened the enthusiasm for cross-burning. There was yelling, screaming, gunfire, and general disorder that resulted in Klansmen taking cover in ditches, behind cars, and running for their lives. No one was seriously hurt, and the rally dissolved into confusion and the darkness. Governor Hodges publicly condemned the Klan and threatened them with severe legal prosecution. North Carolina had some of the strongest anti-Klan laws in the South on their books, so his threats were not idle. The Governor went on to censor the Indians for using weapons and force against the lawless element. The whole episode took on comic proportions when it was reported statewide in the press, but the potential for serious injury and the promises of retribution by Klansmen brought on strong statements supporting law and order against segregationist excesses.

North Carolina had a long history of clusters of Klan activity in the state. The Klaverns were generally made up of religious, racist white trash—but violent white trash as the numerous floggings, cross-burnings, and night-ridings attest. They were able to cause a lot of tension and trouble but were never able to really affect the peaceful school desegregation. The ridicule heaped on the Klan as a result of the ignominious rout at the hands of the Indians for a time disrupted

29 Clark, South Since Reconstruction, pp. 491-94.
their activities. An August 1958 parade in Burlington met with little success; however, the Klan's meetings and night-riding continued.

Another interesting segment of the segregationists' posturing was the publicity attracted by the Episcopalian minister James Parker Dees of Statesville. A nephew of federal judge John J. Parker of the U.S. Fourth Circuit Court of Appeals who ruled on many of the North Carolina desegregation suits, Dees denounced the NAACP as "the greatest enemy that the Negro people have," responsible for "driving the Negro race to destruction."30 This speech which pointed out that black birds and blue birds did not mix and discussed the folly of intermingling Black Angus cattle with Herefords was used as a segregationist tract. The state's leading segregationist organization, the Patriots, distributed 190,000 copies of the speech.31 Dees was elected president of the North Carolina Defenders of States Rights in early 1959. In a policy statement, Dees stated: "We are concerned primarily with the preservation of racial segregation in our public schools . . ." in a critical time "when the destruction of the white race through racial amalgamation is being carefully planned . . ."32 While the clergyman's position on integration was at variance with the public posture of the Episcopal Church, the Bishop of the North Carolina Diocese did nothing beyond suggesting that Dees spend more of his energy on his church responsibilities.

30 Sarratt, Ordeal of Desegregation, p. 276.
31 Sarratt, Ordeal of Desegregation, p. 276.
32 Sarratt, Ordeal of Desegregation, p. 277.
Educators were sometimes involved in extremist organizations. The president of the Patriots of North Carolina, W. C. George, was a professor of anatomy at the progressive University of North Carolina. George made a study to attempt to prove that Negro mental capacity was generally inferior to that of whites. At the other end of the spectrum were professors at Negro colleges leading militant black groups. The educators who took extreme positions on integration demonstrated that extremists on both sides of the issue were not all white trash or black rubble. They were simply people who were out of step with the majority of North Carolina citizens and who were caught up in the rising tide of the movement to end racial discrimination in the state's public schools.

After the initial flurry of excitement and concern subsided in the fall of 1957, an attitude of highly developed, adroit complacency set in as only one more school system was added to the state's desegregation compliance totals in the following school year. This system, Wayne County, was the first rural system to integrate in North Carolina. The tokenism approach to desegregation was receiving excellent press coverage. The courts had viewed the procedure as a "good faith" beginning, and the media was touting it as "a model for the rest of the South." The state's Attorney General defended this "gradualism" approach before a U.S. Senate Committee in 1959. He was quoted as saying that the people of North Carolina were "making a genuine effort to gradually adjust themselves to the new, and what

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33 Sarratt, Ordeal of Desegregation, pp. 189 and 273.
seems to them to be revolutionary, requirements imposed by the
decisions of the Supreme Court. . . ." His argument was supported by
the fact that other southern states were making less progress on the
desegregation issue.35

Even Governor Hodges was backing away from his segregationist
stance, but he still recognized that public sentiment had not really
changed that much. In a conference with human relations leaders in
1959, the governor was quoted as saying, "Gentlemen, I suspect that
personally I am about as liberal as any of you on this racial matter,
but I am in politics and I can't afford to express such views. If . . .
I leave politics or the political climate changes, and I feel free to
express liberal views, I will do so."36 Hodges recognized that conser­
vatism on racial issues still got votes in North Carolina. The state's
senior Senator Sam J. Ervin, Jr., used that fact to his advantage. He
still maintained that the Court's decision effectively abrogated a
Constitutional premise that could only be legally changed by the
amendment process.37 His conservative posture had allowed him to spend
less than $5,000 to win both the primary and the general elections for
another six-year term in the U.S. Senate. "The times, they were a-
changing," but conservatism might never be unpopular in the state of
North Carolina.38

36 William Bagwell, School Desegregation in the Carolinas
37 Waynick, North Carolina and the Negro, p. 227.
Changing times were evident in the gubernatorial contests in 1960 in the state. Clear choices were presented by the candidates vying for the state's highest office. Representing the segregationist wing of the Democrat party was I. Beverly Lake who, as Assistant Attorney General, had represented North Carolina in the *amicus curiae* arguments before the Supreme Court in 1955. Lake, a Columbia Ph.D. and a former Wake Forest University law professor, made a strong defense of segregated schools his main issue. Malcolm Seawell who, as the state's Attorney General, had promoted desegregation as the state's only course of action on the issue was viewed as the integration candidate. Terry Sanford, a lawyer, whose views on the issue were not clear-cut, was seen as the moderate, middle-of-the-road candidate. Lake ran well enough in the black-belt lowlands and in the blue-collar districts of the cities to force a runoff with Sanford in the primary. With Seawell out of the contest, there was still a clear choice. Concerned by Lake's virulent racism, Governor Hodges and the state's business leaders threw their support to Sanford although as a Kerr Scott follower he was a bit too liberal for their tastes. Lake ran well everywhere except in mountain counties and made a credible showing with 44 percent of the vote. Sanford won the election with strong support from the establishment forces and near-unanimous backing from the black voters. As a Kennedy Democrat, the new governor had been elected on a progressive platform that gave strong emphasis to the promotion of better schools.39

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By the time Sanford took office in 1961, ten systems had initiated the gradualism desegregation strategy, and eighty-two black children were attending previously all-white schools in the state. Chapel Hill, Durham, High Point, and Raleigh—all city schools—had enrolled black students in white schools for the first time. Craven County and Yancey County joined Wayne as the only rural schools to desegregate. Of the ten systems now integrated, only Yancey County had been desegregated by court order. The other nine systems enrolled black students under a voluntary plan consistent with the state's Pupil Assignment Act. Yancey County, nestled between McDowell County and the Tennessee line, crosses the Blue Ridge mountains at the highest point in the United States east of the Rockies. This county was one of those that had no separate schools for their black population and sent the Negro children to schools in another county. Although Yancey County officials tried to avoid integration by offers to open up schools within the county to accommodate the children, the federal court ruled that the Negroes must be allowed to enter the two white high schools in the fall of 1960.40

An irony of the Yancey County court order was the situation in adjoining McDowell County which had brought suit in federal court in 1954 before the Brown decision was rendered. In three separate cases, the McDowell litigants went to federal court repeatedly seeking both equal facilities and the right to attend white schools. The case that started the plaintiff's journey on the legal treadmill was Carson v.

Board of Education of McDowell County. In federal court when the Brown decision was announced, the case was subsequently dismissed because the relief asked for had been made available. When the black students were denied admission again, the parents went back to federal court seeking an injunction to prevent the school board from refusing to admit the Negro children. This time their case was dismissed as premature because statutory remedies had not been exhausted. The plaintiffs then entered their plea in the state court as a class action to include other Negro children in the county. They were turned down in the superior court, so they appealed to the North Carolina Supreme Court in May 1956. This action was eventually dismissed because it was improperly drawn. The suit had been brought as a class action, and the North Carolina Pupil Placement Act required actions to be brought on an individual basis. The litigants were then unsuccessful in a suit to have the Pupil Placement Act set aside as offering no remedy in Carson. At that point the litigants went to federal court again to ask for a declaratory judgment based on Brown allowing students to enroll in schools without regard for race. Federal Judge Wilson Warlick ruled that the Pupil Assignment Act must be followed which led to the Carson v. Warlick case. This litigation went on and on exhausting the plaintiffs and a lot of money. When McDowell County finally voluntarily desegregated their schools in 1964, the students who first asked the courts for permission to enter the white schools

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probably had children of their own. The Pupil Assignment Act proved effective over time. It was repeatedly judged as legal and effectively controlled the rate of the desegregation progress.\footnote{Carson v. Warlick and Wheeler v. Durham City Board of Education, 309F 2d 630.}

Terry Sanford was often compared to Charles B. Aycock as an education governor. He campaigned on the "quality" schools issue, and he made quality education one of his primary goals. While he encouraged the comparisons between his administration and Aycock's on education, Sanford's task in dealing with the Negro and the school was much more complicated than his earlier predecessor. Educational leaders pointed to Aycock's public school legislation as a model for the rest of the South; Sanford wanted North Carolina's desegregation progress to show the way in the southern states. In his "The South is Rising Again" speech in July, 1961 before the South Carolina Educational Week Conference in Columbia, Sanford challenged the South to establish quality education as an achievable goal. While most southern governors were searching for means to circumvent the Supreme Court's ruling, the North Carolina governor avoided any trace of resistance to the Court's decree in his address. He quoted Walter Hines Page's statement: "I believe in the free public training of both the hands and the mind of every child born of woman."\footnote{Memory F. Mitchell, ed., Messages, Addresses and Public Papers of Terry Sanford, Governor of North Carolina 1961-1965 (Raleigh, N.C. Historical Commission, 1966), p. 156.} Depicting children of the region as unable to compete in a national job-market because of their poor schools, Sanford challenged the rest of the South to equal North Carolina's
commitment to quality education for all the people. The governor's enthusiasm for improving education mitigated to some degree his "softness" on desegregation which still worried a lot of people in the state.

While he was perceived as being "soft" on desegregation, there was little doubt where Sanford stood on the "law and order" issues. The governor dealt with extremist actions as firmly as Luther Hodges had, and he had to deal with more of them. The sit-in demonstrations started in the winter of 1960 in Greensboro and within a week spread all across North Carolina. Soon Civil Rights marches and protests began disrupting North Carolina communities. The growth in civil rights activism and militancy gave rise to a concomitant increase in white segregationist activity in the state. Governor Sanford repeatedly spoke out against the rising militancy of the Ku Klux Klan. By the summer of 1963, mass demonstrations by civil rights activists and by segregationists spread across the piedmont area of North Carolina. These demonstrations led to confrontations and some violence on a frequent basis. Sanford had his Attorney General Capus Waynick assemble some 150 Negro leaders in Raleigh on June 25, 1963. At this meeting, the governor made an address that clearly stated his position on unruly demonstrations. Sanford told the blacks that the white man was not the enemy in the civil rights conflict. He stated that the enemies of the people of North Carolina were ignorance and an inherited social system that would take time and education to dismantle. The governor took his

46 Bullock, History of Negro Education in the South, pp. 27-76.
stand for strong law enforcement and peace-and-order. He ended his talk with the admonition to put an end to racial conflict and let reason temper actions. As a Kennedy Democrat, Sanford's words had more impact with the blacks than Governor Hodges'. He was perceived in the black community as a progressive leader, and this image probably saved the state considerable difficulty on the desegregation issue. Sanford dealt respectfully with the black leaders, meeting with them on a frequent basis and promoting moderation. The governor openly admitted to the need for social change. He believed that racial differences were a local problem that needed to be solved within the state. His support among white people in the state grew with his firm handling of racial disorder and fostered the gradual acceptance of the social changes that were occurring with the desegregation of the schools.

As the Klan activities increased near the end of his term, Governor Sanford gained greater respect from both races with his firm stand against the hooded order. If other southern governors had taken a similar law-and-order stance against Klan excesses, some of the violence attending school desegregation probably could have been avoided. In a widely publicized speech on the subject, in response to growing concern about Klan activities, Governor Sanford said "the Ku Klux Klan is not going to take over North Carolina." He listed the statutes that pertained to controlling the Klan and advised that the FBI, the State Highway Patrol, and local law enforcement officers were going to be

47 Clark, The South Since Reconstruction, pp. 395-398.
48 Waynick, North Carolina and the Negro, pp. 2-3.
used against Klan activities. Sanford added that court officials had been ordered to bring indictments against violators of the Klan statutes. The governor ended with, "Let the KKK get this clear, I am not going to tolerate their illegal actions, and the people of North Carolina are not going to put up with it." Terry Sanford's strong position on "law and order," with both the black activists and the white segregationists who advocated racial conflict, had a positive influence on the tensions created by the compliance process to desegregate the public schools. The governor's influence helped to keep most of the integration decisions in the board rooms of the local school authorities.

At the end of the decade following the Brown ruling, forty of the state's school districts had successfully implemented desegregation compliance in their schools. An additional county, Harnett, had desegregated some of their Indian student population. Nearly twenty-thousand students who had previously attended Negro or Indian schools had been admitted to white schools. Of the many actions filed to pressure recalcitrant school districts, only two had actually resulted in court-ordered desegregation. Many cases were at the time pending, and there is no question that suits filed against several of the voluntarily desegregated schools had helped accelerate their desegregation process.

50 Flake, Statistical Summary, 1963-64, pp. 35-38.
In the fall of 1963, the Attorney General of North Carolina issued a policy statement in a letter which proclaimed: "The mandatory requirement as to enforced separation in Article IX, section 2, by the 1875 amendment, is no longer the law in North Carolina. I think the official position is that the race provision is no longer the law." That this was a moot point is clearly evidenced by the fact that in the school year of 1963-64 only 1,865 Negroes, or one-half of 1 percent of the black students in the state, were attending white schools.

That even this small percentage was not truly representative of the state's desegregation status became evident later in the year in a controversy which once again centered around the Charlotte-Mecklenburg System. Advocates of desegregation charged that the system's administrators were evading the law and were trying to maintain the status quo. Spokesmen for the system claimed that they were making a sincere effort toward gradual compliance. Harry Golden, editor of Charlotte's Carolina Israelite, said: "They're sincere all right—sincere in trying to do as little as possible, as gradually as possible." Out of this controversy came some facts that helped to clarify the dubious progress that the system had made since the initiation of their voluntary plan. While desegregation of the school system was at best negligible, 490 Negroes were attending desegregated schools in Charlotte-Mecklenburg out of a

52 Calculations based on 1963-64 figures in Flake, Statistical Summary, p. 35.
53 Editorial, Carolina Israelite, February 8, 1964, p. 4.
total Negro enrollment of over 20,000. In the light of cold reality the picture was even more bleak. Of the 490 Negroes enrolled with white students, 418 attended Bethune Elementary School which had a total enrollment of 425. These figures made it obvious that to judge the extent of desegregation by number and percent of Negro students who were not in all-Negro schools distorted the true picture of the state's integration statistics. The placement of a single non-Negro student in an otherwise all-Negro school—in Charlotte's case, seven white students—had the effect of transferring large numbers of Negro students for statistical purposes to schools which were not all-Negro schools. This served to facilitate de jure integration while promoting de facto segregation. Bethune School's figures made over one-fifth of the state's desegregation total of 1,865 blacks in schools with whites invalid which automatically reduced the state's integration figures of only .53 percent of the black student population to a more realistic .41 percent.

An indication of the state's commitment to desegregation was the fact that, out of all school districts with Negroes, over one-fourth of the state's black students attending non-Negro schools were in the Charlotte-Mecklenburg school district. Thus, a decade after the Brown decision, the Civil Rights Act of April 1964 which was aimed directly at eliminating the dual-school system found the sovereign state of North

54 Aaron Cohodes, "Failure of a Plan," Nation's Schools, February 1964, pp. 41-42.

55 Calculations based on statistics from Cohodes, Nation's Schools, p. 41 and Flake, Statistical Summary, p. 43.
Carolina with an almost unblemished record of delay and evasion in its ten-year history of integration effort. Hard desegregation evidence indicated that North Carolina's Public School System would have the opportunity to make a fresh start at school desegregation in the second decade after Brown.
CHAPTER 5
Catalysts of Compliance

The school year of 1964 began in North Carolina with little evidence on the surface that the school system was in a turmoil or that the dilemma of a decade was reaching the critical stage. The Civil Rights Bill of 1964, which was signed into law on July 2, 1964, had shaken school officials over much of the state out of the ten-year lull of inactivity which had followed the initial excitement over the Brown decision.¹

The Supreme Court ruling in Brown had generated a lot of sound and fury but had accomplished very little. The Civil Rights Act was much more wide-ranging in intent. To conservative North Carolinians, the new law was another liberal assault on traditional values. They had depended on Sam Ervin and B. Everett Jordan in the Senate to carry the fight against federal legislation that attacked their institutions. Senator Ervin had been their main hope. The country lawyer from the foothills hamlet of Morganton had been waging a fairly successful battle against civil rights legislation since 1956. With degrees from the University of North Carolina and Harvard Law School, Senator Sam, as he was often called, was not just any "country lawyer." He enjoyed a well-deserved reputation as an authority on Constitutional law. Any person who wanted any civil rights legislation at all was a liberal as far as Senator Ervin was concerned, and this position was responsible

for his widespread popularity in North Carolina. He was a guardian of a literal interpretation of the Constitution and an outspoken critic of the liberties that he felt the Supreme Court took in interpreting Constitutional law.\(^2\)

The administration's civil rights bill attacking segregated schools that had been introduced in 1963 was not as drastic as had been expected, given the Kennedy position and the temper of the times. Open racial conflict was raging in North Carolina as well as all over the South. Hearings on the bill before the full Judiciary Committee were scheduled in the summer of 1963 just when racial tensions were at their worst in North Carolina. In a series of televised debates with Attorney General Robert Kennedy, that summer, Senator Ervin had represented the South well. Kennedy stated facts while the Senator argued the law. The Attorney General presented numerous figures to clearly demonstrate that desegregation was not working in the South. Senator Ervin told the story of the mountaineer who, when told that "figures don't lie," replied, "yes, but liars sure do figure."\(^3\) The debate on the relative merits of the bill went on for months in a summer fraught with civil rights agitation that included Martin Luther King's "I Have a Dream" speech in front of the Lincoln Memorial. Senator Ervin defended his state by contending that North Carolina had effectively educated the Negro without mass desegregation. He said that as a state legislator

\(^2\) **Charlotte Observer**, 15 November 1955. p. 3.

he had "always fought for liberal appropriations for the adequate education of North Carolina's children." The hearings ended, and the civil rights bill lost momentum. The racial violence in the South continued, but with the assassination of the President in November, it became clear that a civil rights bill which Kennedy had promoted so rigorously would pass in the next session of Congress.

When the much stronger civil rights legislation was introduced in the spring of 1964, Senator Ervin joined other southerners in one of the longest filibusters in history to defuse the bill. The Presidential assassination had, however, guaranteed the passage of the Civil Rights Act. The North Carolina Senator's many amendments devised to weaken the bill all failed, and after seventy-five days the Senate invoked closure. Nine days later, on June 19, the full body approved the measure with its threatening school desegregation ramifications intact. In the Civil Rights Bill of 1964 were the mechanics that would be used effectively to attack biracialism in the public schools of North Carolina.

The particular aspect of the 1964 Civil Rights Law which held real significance for North Carolina school administrators was Title VI—Federal Aid. This part of the law:

Provides that no person shall be subjected to racial discrimination in any program receiving Federal aid. Directs Federal agencies to take steps against discrimination, including—as a last resort, and after hearings— withholding of Federal funds from state or local agencies that discriminate.

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Since the North Carolina public schools had long depended on federal financial aid to supplement state allocations, school officials realized that the United States Department of Health, Education, and Welfare (HEW) had finally been provided with an effective desegregation instrument. Concomitantly, the Office of Equal Educational Opportunity (OEEO) began marshaling their forces for an assault on the segregated school systems of the South to try their new weapon in hostile country. Local administrators on the county and city district levels brushed the dust off plans that had been prepared over the years—and in some cases initiated—in preparation for the anticipated visits. They hoped to prove to HEW representatives that they were in the process of making an attempt "with all deliberate speed" at desegregation of their respective districts.

The HEW officials moved gingerly into the South, and North Carolina was not flooded with OEEO enforcement officers as had been anticipated. The main impetus for desegregation was shifted from the federal courts to the officials of HEW where the power of the purse could be a useful persuader. Every federal agency giving financial aid to education was required to issue regulations to implement desegregation proceedings in each school district. School boards, seeing their districts' federal funds jeopardized, began making token efforts and taking tentative steps toward desegregation. HEW began receiving plans for compliance

7 The Department of Health, Education, and Welfare and the Office of Equal Opportunity will be hereinafter referred to as HEW and OEEO, respectively. OEEO was at that time an enforcement arm of HEW.

to be studied, and many formerly all-white schools began to show a sprinkling of black faces. There was little resistance because the integration percentage was so small, but the handwriting was on the wall. School administrators began to talk of 1965 in apprehensive terms. While little real progress had been made, the wheels had finally been set in motion; they would prove difficult to stop and impossible to reverse.

The elections of 1964 came two months after school started. Since a governor cannot succeed himself in North Carolina, every fourth year requires extensive governmental adjustments. Sanford's term was almost over, and many white Democrats were filled with a sense of relief. The early 1960s had been a period of unsettling social change. Sanford had proved to be too much of a Kennedy liberal to the voters in the essentially conservative state. On the positive side, he had proved equal to the task on "law and order" issues, and North Carolina had escaped much of the chaotic violence that had rumbled through the South during the period. Blacks had been restive during his term, and "white supremacy" extremists had agitated on a regular basis. With blacks challenging segregation standards on all fronts, the potential for conflict was ever-present. Confrontation between Negroes and whites was occurring on a daily basis throughout the state. While there was some violence and bloodshed, the Governor had taken a firm hand with both white extremists and black militants. Much conflict was avoided or neutralized by the Governor's strong stand on the law.

Most of Sanford's peacemaking efforts, however, went beyond dealing sternly with lawless elements. The Governor was a compromiser and negotiator. In his strategies for defusing racial tension, he avoided
the posturing and stagecraft that seemed the forte of so many southern governors. In calling for reason and logic as an approach to conflict situations, Sanford helped to keep the lid on a boiling issue. He was recognized as a skilled mediator and a fair-minded leader by both races. During his administration, biracial human relations committees were established in municipalities across the state. Many problems were worked out dispassionately in meeting rooms instead of violently in the streets. The problem for most whites was that such an approach required good faith and integrity to be effectively employed. The changes that resulted were too fast and wide-sweeping to suit white North Carolinians. Many felt that Sanford, in keeping the peace, was compromising the social institutions. They preferred a leader like Senator Ervin who in throwing himself in front of the civil rights steamroller insured his reelection for a lifetime. Ervin's stance on the issue was very popular, but he was not facing racial conflict. Sanford's position was unpopular, but immensely practical in the context of the times. The strongest criticism was that Sanford, and the times, were moving too much on social issues.

There was little doubt that a conservative Democrat would win the 1964 election. The three top contenders were all conservatives. Reactionary I. Beverly Lake, the former Wake Forest professor, came in a close third behind Judge L. Richardson Preyer and Judge Dan K. Moore.


In the runoff election, Moore with the help of the Lake faction defeated Freyer who had the support of the Sanford organization. The conservative victory, however, proved too little too late in the school desegregation matter.

Former governor of North Carolina, Luther Hodges, in a 1964 address, described "a social revolution centering on the demands of Negro rights, and given the whole history of this nation and of the world itself, the ultimate outcome cannot be in doubt." Hodges at the time was United States Secretary of Commerce, and his public stance had changed drastically since his earlier efforts in North Carolina to impede the desegregation of schools. His philosophical bent had not changed that much because, even while he was fighting the desegregation ruling, he admitted privately that his position on the issue was necessary for political reasons. Luther Hodges could tell which way the winds of change were blowing. Change appeared inevitable; it was only a matter of time.

The Civil Rights Act of 1964 helped North Carolina end years of fractional percentage measurements in desegregation calculations. The desegregation figure for North Carolina's public school system in the school year of 1964-65 was 1.42 percent. This was not a very significant figure in light of the fact that the Negro students constituted over


30 percent of the total enrollment in North Carolina's public schools, and the 1.42 percent figure was based only on the number of Negroes enrolled as a percent of the total Negro enrollment. In other words, almost one in every three students in North Carolina's public schools was black, while less than one Negro student in every 200 students was enrolled in a desegregated school. Nonetheless, even these insignificant totals showed promise of a start being made.

September came too early for the vast majority of North Carolinians in 1965. The spring of 1965 had seen the passage of the massive Federal Aid to Education Act, Public Law 90-10. This law, better known as the Elementary and Secondary Education Act of 1965, was enacted on April 11 and provided the carrot by which federal officials felt that the balky desegregation donkey could be moved. This legislation created a set of teeth for the Title VI section of the Civil Rights Act of 1964 by providing for a substantial increase in educational funding for public schools.

Three weeks after enactment of the Elementary and Secondary Education Act of 1965, the Office of Education issued its first set of standards designed to implement Title VI's desegregation requirements. These standards, known as guidelines, were based upon the regulations issued by HEW to put the provisions of Title VI into effect. The guidelines provided three methods that a school could use to qualify for federal funds. First, the school district could agree to do away with

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the dual school system, completely desegregate, and file an assurance of compliance—HEW Form 441. Second, school districts under a United States final court order to desegregate schools could submit the order and agree to comply with it to become a Court Order District. The third method was for districts that fell into neither category. These districts could submit a voluntary plan that the Commissioner of Education felt would be a step toward school desegregation.\footnote{15} Most of North Carolina's schools fell into the third category. These districts submitted voluntary compliance plans on HEW Form 441B, and they were designated Freedom of Choice districts.

The school districts were faced with the fact that they must accept one of the three plans provided by the guidelines or risk losing the federal funds. The sanction of withdrawal of federal assistance had acquired more significance with the increased federal spending for education. Federal financial assistance had become a large portion of local school budgets, and North Carolina public school administrators stood to lose over ninety-six million dollars if they were not able to satisfy the United States Office of Education.\footnote{16}

The long hot summer was fast coming to a close, but the local situation showed promise of becoming much warmer. The western portion of the state, because of its mountains, had usually been spared the oppressive heat that plagued the central and eastern section of the

\footnote{15} Personal Interview with Gregory Anrig, 14 June 1968.

\footnote{16} Financial figure obtained from files of Office of Education, Washington, D.C.
state in late summer. Long before the frost started creeping down the
ridges, it became obvious that the sociological climate of this region
would be much cooler than the rest of the state because of the low
density of Negro population in the area. The rest of the state huddled
under the white sun; the powdery dust from the parched earth and the
hostile tension of over two-thirds of the state's population hung heavy
in the air as the last of August and the opening of school came in
tandem. The hard-core resistance was crystallized in the eastern half
of the state, where some counties had a population of around 70 percent
Negro. The central part of the state, traditional center of Ku Klux
Klan activity, stirred uneasily.

A few districts in the western end of the state that had only a
handful of Negro students filed HEW Forms 441 which assured that these
systems did not "maintain any characteristic of a dual school
structure."17 Of the "441 districts" only one school district had a
percentage of Negro students that exceeded 10 percent. That was the
Cabarrus County system which had a total black student enrollment of
13.5 percent, and their best effort at school desegregation was 18.5
percent or 157 of 1,102 Negro students enrolled in desegregated schools
for the 1965-66 school year. Needless to add, this figure did not meet
the requirements set up for compliance under HEW Form 441. Most of
the districts which filled out HEW Form 441 fell short of the specified
requirements for the year, but some were able to completely do away
with the dual school. All these districts were in the western end of

the state with the single exception of Dare County on the east coast, which contrary to the general demographic pattern contained a non-white population of only 7 percent.  

Another phenomenon of North Carolina's desegregation pattern in the fall of 1965 was the "Court Order" districts. Prior to the enactment of Title VI of the Civil Rights Act of 1964, the major action of the federal government in school desegregation had been in the courts. After federal money became the whip used by OEO, negotiation became more important than litigation. Therefore, most "Court Order" districts were the reluctant stepchildren of the pre-Title VI era, and while they provided a broadcast pattern, they made up a significant one. In 1965, there were seven county districts and thirteen city districts under "Court Order" desegregation. The city-districts had a non-white student enrollment that averaged about 28 percent of the total enrollment. Of the seven counties, three had "Court Order" city districts indicating a dual suit, and four were in areas of a relatively high concentration of Negro population. The significant conclusion to be drawn from these figures was that the frequency distribution of "Court Order" districts lay heavily in the city districts where the Negroes represented only one-fourth of the population but were better organized and had enough affluence to bring litigation against the segregated school. Further, according to the Census of 1960, over two-thirds of the Negroes in North Carolina lived in a rural situation and had not filed suits against

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18 Dare County percent of non-white population based on Southern Regional Council Map of 1960.
their respective school districts. In twenty-eight school districts that were composed of over 50 percent Negroes enrolled in the public schools, only one, Caswell County, was under Court Order to desegregate. The other twenty-seven were operating under the Freedom of Choice plan. Halifax County district, which was made up of roughly 77 percent Negro and 23 percent white students, had only 1.7 percent of its Negro students attending desegregated schools in 1965. This indicated that these people were either satisfied with second class schools or that they were not well organized or affluent enough to force desegregation.

The much predicted and long dreaded confrontation did not take place in the fall of 1965. Moderation prevailed, and only sporadic incidents and scattered violence occurred as "Freedom of Choice" provided a way out in the areas that were committed to hard-core resistance. According to state officials, the number of blacks in desegregated schools almost doubled to a total of over 8,000. The gains were made in areas of low Negro concentration, and local politicians pointed with pride to areas that had complied and had become "441 districts." In the schools which became "441 districts," the students, after the initial tensions drained away, went out of their way to cooperate and get along together. There was obvious paternalism and false enthusiasm engendered

19 United States Census, 1960. Total non-white rural population in North Carolina is 65.7 percent of the total Negro population.

20 Calculations based on 1965 figures from the files of OEEO and HEW. I was assisted in the use of the files by Dr. Gregory Anrig, Director of OEO.

by the situation. The educational climate based on false premises could not remain static and did not; many of the Negro students were hard pressed to compete in the classroom. The enthusiasm often became toleration, toleration sometimes became rejection, and the students in many instances segregated themselves within the school. The black students, victims of an inferior school system, soon were able to relax, and some of the pressure was relieved. The equilibrium, although it did not improve, generally did not deteriorate. Gradually, some of the Negroes who were better students moved into the academic mainstream, and in many schools across North Carolina much progress was made toward racial harmony.

The school year had an orderly start, but during the 1965-66 term incidents occurred that showed evidence of resistance. During the school term several private schools opened for whites. For the first time, tuition grants were requested, and legislative approval of the first such grant led to a court decision against state aid to private schools that propagated segregated schools. The Court ruled that the flight of white children to new or established private or parochial schools promotes resegregation. On April 4, 1966, state tuition grants for attendance at segregated private schools were declared unconstitutional in North Carolina. The local systems that had chosen "Freedom of Choice" plans as a method of compliance enrolled


very few black children although located in areas of high concentration of the Negro population. The poor desegregation showing by these systems led the President to designate the Attorney General as the coordinator of all Title VI activities in late 1965. New guidelines were developed that were procedurally more strict. In May of 1966 several southern Congressmen served notice on the Commissioner of Education that not only were the guidelines too harsh, but in their opinion they were illegal. Eighteen senators sent a letter to President Johnson entitled "A Most Solemn Petition."

This letter, signed by both of North Carolina's senators, B. Everett Jordan and Sam Ervin, Jr., protested the abuse of power involved in imposition of the guidelines and beseeched the personal intervention of the Chief Executive to right the wrong and revoke the order. Their petition appealed to the President to intervene and prevent illegal, unfair, and unrealistic action of the Office of Education. President Johnson reportedly replied that he considered the guidelines to be fair, and no significant change occurred in the Office of Education's dealings with North Carolina.25

The performance on school desegregation in North Carolina during 1965–66 was anything but reassuring, and the number of Negro children attending schools with white children was very low. In 1954, the year of the Brown decision, 293,965 Negroes attended all-Negro schools; eleven years later 331,282 Negro students attended all-Negro schools—an increase

of almost forty thousand. While they lost ground in numbers, they gained proportionately. Six and one-half percent of the Negro students attended schools that were not 100 percent Negro, but this figure dropped to 2.1 percent if only the Negro students who were attending schools with less than a 95 percent Negro student body were counted.\(^26\)

The Commission on Civil Rights found that the slow pace of desegregation was attributable to the Freedom of Choice Plan adopted by most school districts as the most suitable method of desegregation.\(^27\)

Disappointment with the poor desegregation statistics for 1965 led to a new resolve by the federal agencies. Many desegregation strategists were beginning to realize that "Freedom of Choice" could never be free in areas where blacks were repressed and impoverished.\(^28\)

Plans for the 1966-67 school year were developed to require a greater desegregation effort with more exacting compliance guidelines. Congress had approved the largest federal aid for education appropriation in history. North Carolina was scheduled to receive almost twice as much federal aid as the states outside the South were apportioned. Federal officials felt that they had both the strategy and the financial clout


\(^27\) Hannah, "Southern School Desegregation," p. 3.

to make a lasting impact on desegregation in the state's schools.

The final phase of the desegregation of the public schools in North Carolina began in 1966, and the compliance totals rose steadily until a high point was reached in the early 1970s. Although resistance strategy was still a primary concern of the state's representatives in Congress, local leaders generally accepted the elimination of dual schools as a common goal. An important consideration in the acceptance of the enforcement guidelines was the increased federal aid to education which played a major role in changing the attitudes of school administrators state-wide.

In the summer of 1966, there was a marked increase in federal effort to increase compliance activities. Determined to make a better effort in the 1966-67 school year, the Department of Health, Education and Welfare (HEW) sent more than 100 northern law students into school districts of the South to monitor desegregation programs.  

These outsiders were resented, and their positive effect was questionable because they were viewed as regulators instead of facilitators. Another effort directed toward enforcement was initiated by strategists of the Equal Educational Opportunities Program of the Office of Education. North Carolina school districts were assigned to regional specialists who enforced provisions of Title VI, reviewed desegregation

plans, and conducted compliance investigations. The major interest of these specialists was in the systems which had chosen Freedom of Choice plans because the Court Order districts were under the scrutiny of the judicial officers and the remaining districts had filed assurance of compliance forms that signified completion of desegregation programs. There was a tremendous amount of work involved because North Carolina had 121 Free Choice districts, each with different local problems and various compliance proposals. A flood of paperwork the previous year created by the number and variety of desegregation plans had been a source of confusion and frustration for most of those responsible for implementation procedures. State Superintendent of Schools, Charles F. Carroll, made a plea for a systematic, simplified compliance plan long before the school year started. Carroll contended that desegregation officials had an obligation to provide direction for implementation of compliance requirements. His concern reflected the sentiments of local school administrators across the state. Faced with the threat of a cut-off of funds at a time when an unprecedented amount of federal aid to education was available made most school administrators amicable toward the application of compliance guidelines. If they wanted federal money, little could be done at the local level to resist desegregation mandates. Legal efforts to delay public school

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integration had to be made in Congress. The key to avoiding immediate compliance was to neutralize the threat of loss of funds or to delay the process leading to deferment of federal aid to education. Senator Sam Ervin proposed legislation to allow school districts in violation of the federal guidelines to continue to receive aid until Congress could conduct lengthy hearings. To withhold funds, federal agents would have to prove that local boards were intentionally discriminating against blacks. The North Carolina Senator called for an amendment to "clarify the ambiguities of Title VI."^4

A few weeks after Ervin's initiation, Representative L. H. Fountain was brought into the battle in defense of Franklin County which was in imminent danger of losing federal money. Franklin County, a part of Fountain's Second District in the black belt, was faced with drastic changes in the school program to avoid loss of funds. Enforcement officials were recommending that two grades of students be interchanged between white and black schools immediately. The unanticipated federal intervention enraged a volatile community, and the Congressman realized that it would be politically prudent to show his constituents that they were well represented in Washington.\(^5\) Fountain therefore introduced an amendment to the 1966 Elementary and Secondary Education Act (ESEA) funding bill which would prevent the government from deferring funds for federal programs from a school


district until Health, Education, and Welfare (HEW) officials decided the case against the district. Deferral of funds had been used effectively against school systems in enforcement proceedings because delay or resistance meant operating without federal money until full compliance was achieved. The Fountain Amendment passed the House but was watered down in a House-Senate conference committee. In final form, this amendment provided that "instead of a complete ban on deferral, Congress required that hearings be held within sixty days after notice of deferral and that a decision be rendered within an additional thirty days."6

Southern Congressmen realized that the real threat to the delaying tactics of Free Choice was the Commissioner of Education's power to withhold federal aid. Commissioner Harold Howe, Francis Keppel's successor, was proving to be much more aggressive on compliance requirements. At the first opportunity, southern Congressmen were determined to discredit the Commissioner in hopes that he would be replaced by a less militant official. An opportunity arose when a sentence from one of Howe's speeches was taken out of context and given wide publicity. The Commissioner was quoted as saying, "If I have my way, schools will be built for the primary purpose of social and economic integration." This quote was aired by television and radio stations across North Carolina.7 Howe was thoroughly denounced by opponents of school desegregation.

In Washington, the Commissioner was called before the powerful House Rules Committee to answer charges that the Office of Education was proving to be too zealous in its enforcement program. Representative Harold Cooley of North Carolina's Fourth District began the proceedings by calling the enforcement efforts "deplorable and intolerable." Cooley, whose black belt district in the eastern part of the state joined Representative Fountain's, was in serious political trouble at the time. A Republican challenger was accumulating support in the district by denouncing the enforcement guidelines. The Congressman was obliged to let the people back home know he was carrying the battle to Commissioner Howe. He wanted President Johnson to bring the Office of Education back in line. A talk with Johnson in his opinion, "would put an end to it and we would go back to freedom of choice." Cooley talked with the President about the enforcement guidelines and was given some encouragement. Commissioner Howe was able to weather the immediate storm, but the Office of Education was pushed back toward a more moderate stance. The battle had been waged in Washington by North Carolina's Congressmen, and some concessions from the federal officials had been won. At state level, however, while Congressional rhetoric might get votes and good publicity,

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9 Orfield, Reconstruction, p. 291.

10 Orfield, Reconstruction, p. 303.
federal dollars were making the real impact. The Congressional struggle was watched with interest, but leaders at the local level were no longer in doubt about the realities. The ESEA funding increase for the 1966-67 school year had cleared the air; most school administrators were willing to desegregate in order to get their share of the federal money.

For over a decade federal aid to education had averaged from 4 to 5 percent. In the summer of 1966, the federal allocation almost doubled as a percent of public school expenditures in the state and was more than double in the actual dollars. The option to give up federal aid to avoid desegregation, in view of the increase in revenue, became even more unrealistic. In effect, the federal government was buying compliance at a dear cost.

The Congressional funding was making a dual assault on North Carolina's resistance sentiment. First, there was the level of funding factor. The average financial support pattern of federal aid for 1966-67 for the United States was 8 percent; in North Carolina the funding level was an all time high of 15 percent. The second federal thrust was in the dispersal of funds strategy. Most of the money was directed toward freedom of choice districts in the black belt counties and in other regions with high concentrations of black

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students. In both areas desegregation plans were meeting the strongest resistance. Many of the counties in the eastern part of the state which had the poorest record of desegregation compliance were faced with the loss of between one and two million dollars in federal aid. Therefore, in the impoverished black belt districts where the need for federal aid was greatest, a real incentive for improving their desegregation statistics was offered. The areas most vulnerable to economic sanctions were faced with the choice of accepting unitary schools or going out of the business of public education. State leaders gave the eastern counties limited options. They encouraged a lawful and orderly compliance with desegregation guidelines.

Representative Fountain's home county of Edgecombe, with a population of just over 50,000, stood to lose over a million dollars in federal aid. The county's Negro population exceeded 50 percent of the total, yet only one-tenth of 1 percent of the black students were enrolled in white schools. As a comparison, Randolph County, which was about one hundred miles to the west of Edgecombe, received less than $300,000 in federal aid. Although the county's black population constituted about 10 percent of the total, all the schools had been desegregated voluntarily. As a result, the county had a relatively large number of Negroes in white schools yet received a comparatively small amount in federal aid. The school districts that were benefiting the most from the federal money were the systems with the worst compliance records.

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Another example of the use of fiscal pressure to improve desegregation statistics was in Robeson County. Robeson's population was less than 90,000 yet they were scheduled to receive over two million dollars in federal benefits. Their non-white population was over 50 percent, but only about 1 percent of their non-white population—mostly Indians—attended white schools. In order to get the federal aid, these free choice counties had to meet compliance quotas that would drastically change the racial composition of their schools. Under the new federal economic pressures, freedom of choice was no longer free.

The desegregation issue had compounded a political problem that state leaders had to face in the summer of 1966. Unequal representation resulting in part from the migration of blacks from the eastern part of the state had led to litigation, and the state's Congressional Districts had been ruled unconstitutional.

Governor Moore was required to call a special session of the General Assembly to develop a plan for redistricting. The problem grew out of an effort in 1961 to gerrymander a single Republican out of office. Representative Charles F. Jonas had put together enough Republican Party support in Mecklenburg County to win the Tenth District. Since Jonas could not be beat at the polls because of the Republican upland counties and his local support in the Piedmont, Democrats decided to take Mecklenburg out of the Tenth and replace it with another Democrat county. This would put Jonas in the Eighth where he would have to run

14 Statistics based on map of Compliance Status by Counties and federal funds allocations obtained from HEW.

against Representative A. Paul Kitchen in the Democrat's home territory. They were able to develop the "Jonas Gerrymander" because the state had lost a Congressional District. The logical place to redistrict was in the eastern part of the state where black out-migration had caused the problem. The all-Democrat redistricting committee was reluctant to change district lines in the conservative, pro-segregationist black belt counties because of the concern about the growing voter registration movement among Negroes. In an earlier session, the First, Second, and Fourth Districts had been gerrymandered in a pattern to neutralize the potential black vote. With only some small adjustments, they were able to improve the voter effectiveness of the region to enhance the white Democrats' political control. This 1961 redistricting process resulted in three districts that ran from the coast to a point some three hundred miles inland. The three Congressmen representing the districts all lived within a few miles of each other in the heart of the black belt. Representative Fountain lived in Edgecombe County in the Second District. Joining Edgecombe on the west was Nash County, home of Representative Cooley. The county that bordered Edgecombe on the east—Pitt County—was the home of Congressman Walter B. Jones. All three Congressmen were influential, conservative Democrats whose districts included counties from the Outer Banks on the Atlantic Ocean to near the foothills of the Blue Ridge Mountains in the West.

These 1961 districts drawn by Democrats resulted in obviously questionable political alignments. When the mandated redistricting in the summer of 1966 was over, the Democrats' grand strategy seemed less grand. The attempt to eliminate Jonas backfired. With the Charlotte
Observer pointing out the unfair "bacon-strips" gerrymander and editorializing against the maneuver, Jonas was easily reelected to Congress. Then came the unconstitutional ruling and the resultant redistricting in 1966 which had to be conducted under the scrutiny of the courts. Of the resulting districts, only the Eleventh District remained intact. Instead of eliminating the one Republican, which had been one of the original goals, the Democrats lost ground state-wide. Of the new upland Ninth District, a state senator said, "... the Apostle Paul couldn't be elected on the Democrat ticket." The new Congressional Districts gave the Republicans their first consequential gains since the late 1800's at a time when the Republican Party strength was growing as a result of the desegregation issue. As conservative as the Democratic Party was, it was not conservative enough for a lot of North Carolinians. The Republican Party pointed to the Democratic leadership's failure to stem the tide of desegregation and civil rights legislation. They linked the North Carolina Democrats with the Kennedys, Johnson, and the proponents of the "Great Society" legislation that had rent their social fabric and was successfully putting black children in the white schools. As the number of blacks registered to vote grew, the number of whites voting the Republican ticket increased. Negroes joined the Democrat Party, and as the blacks registered as Democrats, whites deserted the ranks and switched to the


more conservative party in growing numbers. Once again it was largely the Negro issue that changed the political posture in the state. Anti-black sentiment had engendered one-party Democratic politics in North Carolina; now almost a century later that latent racism was returning the state to a two-party system.18

The political realignment accurately reflected the social discontent of the state's white populace; however, progress was being made toward unitary schools. The local feeling toward desegregation had not changed in the summer of 1966; it was just that the federal government had raised the ante to the point that resistance was beginning to lose its appeal. A flood of compliance forms with acceptable desegregation quotas were filed with the Office of Education before the fall deadline.

The school year 1966-67 opened with a marked improvement in the desegregation percentage. The percent of Negroes in school with whites in North Carolina was 12.8 percent, and, if whites and Indians in schools with over 95 percent black enrollment were included, the figure jumped to 15.6 percent. Either way it was figured, there was a real increase of about 10 percent.19 As over 50,000 black students entered white schools, there was a noticeable increase in resistance. Violence and intimidation flourished on a scale unprecedented in the previous decade as white extremists and segregationists tried to bulwark the


19 Calculations based on figures from Flake, Statistical Summary, 1966-67 and files of the Office of Education.
Freedom of Choice bastions. While most of the overt hostility was confined to the central and eastern regions of the state, few districts escaped an increase in racial tensions. In districts with a small number of black students in the schools, the problems were relatively insignificant. In schools with larger numbers of black students, however, the closer the equilibrium came to racial balance, the more open the tension and the hostility became. There were reports of gunfire into Negro homes in Edgecombe County; shotgun blasts into the homes of Negro students and teachers in Rowan County; bombings, threats, Ku Klux Klan activity and gunfire in Anson County; and economic reprisal, terrorist activity, and harassment in Harnett County, Wilson County, and Wake County.

In Moore County, where 1100 Negro students enrolled in thirteen previously all-white schools, Klansmen circulated a petition to have the superintendent and the school board chairman removed from their positions. Superintendent Robert E. Lee was convinced that federal officials were determined to eliminate dual school systems and held his ground in the face of community dissatisfaction and Klan activity. The school system was desegregated peacefully at a time when it was clearly evident that the majority of the citizenry favored the maintenance of segregated schools.

Moore County suffered from external pressures in the summer of 1966 that intensified the racial hostilities. As a part of Cooley's Fourth

District, the voters were caught up in the bitter attacks on desegregation and Commissioner Howe that were launched by both candidates in the Congressional election. Although the school year started peacefully, Klan activity kept the tension level high, and racial incidents occurred frequently during the year. Moore County might be considered a microcosm for racial change across the state. Although there were strong feelings involved, the positive effects of the generally harmonious school endeavor greatly outweighed the racial incidents that marred the desegregation process. Other systems experienced most of the same problems. The white majority did not want the unitary schools, but they generally chose to obey the law. Even the Ku Klux Klan bowed to the legal forces by bringing litigation to resolve problems involving children of Klan members.22

There were still many districts that displayed hard-core resistance in the 1966-67 school year. Accepting freedom of choice as the only salvation and gradualism as the only sane policy, administrators marshalled their forces to delay compliance in many critical areas of the state. These "Choice" advocates felt that this method of desegregation was valid no matter what the results, believing that freedom of choice was freedom forever.23 Hiding behind Title IV, Section 401 (6) of the Civil Rights Act of 1964, they believed that even if Freedom of Choice did not result in desegregation of schools,

23 Dunn, "Title VI," p. 72.
assignment of students to overcome racial imbalance constituted a violation of the law. As the school year progressed, however, there was evidence of desegregation progress despite the reluctance displayed by the devotees to the free choice gradualism.

Growing numbers of Negro and Indian students were being enrolled in white schools, and, of the 169 school districts in the state, 156 were in compliance with the federal guidelines. The number of non-white students in the state's desegregated schools ranged from one in Fremont City schools to about 5,000 in Charlotte-Mecklenburg. Graham County had no black residents in its district. Most of the Indians now attended white schools. North Carolina ranked fifth among all states in American Indian population, and, with the exception of the reservation schools in the west, all Indian schools had been closed. The largest Indian population was in the eastern part of the state where over 3,000 were enrolled in white schools. Indians and blacks were enrolled in almost every school district without a significant amount of open conflict. The peaceful school operations were the results of skillful maneuvering by school administrators, realistic goals set by HEW, moderation by the white majority, and a reluctant respect for law enforcement by most of the extremists. Moderation and respect for the

24 Greensboro Record, 11 September 1966.
law were responsible for much of the stability that had generally served North Carolina well in times of crisis.

The summer of 1967 was relatively calm in comparison to the three previous years. The people in the western end of the state had for the most part put their problems behind them. Many of the systems between mid-state and the mountains had completely converted to unitary systems that in several cases resulted in large numbers of black students in the schools. Negro population in some of the upland counties often exceeded 10 percent, and a majority of the schools in the region had enrolled significant numbers of blacks. Most of the mountain counties had few Negroes, and although there was no shortage of racist sentiment, there were not enough black students to justify strong local reactions to desegregation. The districts that had enrolled significantly large numbers of Negroes had done so with such minimal disruptions to their programs that only in the black belt counties and in city systems with large Negro populations was there cause for real concern.

Desegregation of schools was the law of the land, and the state leadership was still firm in their position on law and order. Governor Dan Moore was not just a conservative; he had been a conservative judge and epitomized the law in its constitutional essence. His election as governor had been assured by his contrast to the progressive, liberal—in North Carolina terms—Terry Sanford. Now his bed-rock conservatism guaranteed adherence to the law. Compliance with the law still included "free choice," and the freedom of choice plans in the hard-core resistance areas of the central and east-central portion of the state constituted a gradualistic approach that tempered the attitudes of the segregationists.
There were a number of federally funded desegregation institutes throughout the state for teachers in the summer of 1967. Most colleges and universities in the state had institutes lasting from two to six weeks. Grant money was plentiful, and many teachers took advantage of the opportunities available. Largely staffed by optimistic, ivory-tower integrationists, the institutes' effectiveness and value toward attacking the real problem of latent racism was questionable. The trouble with the desegregation institutes were that they generally treated the symptoms and ignored the disease. That summer, in addition to funding institutes, HEW hired local people instead of the northern lawyers and law students to work in the region to facilitate desegregation programs. While the acceptance of these people was better than their predecessors' reception, the lines of resistance had already crystallized. There was little question that desegregation was going to happen; however, most white people displayed little enthusiasm for the prospect. Although attitudes toward unitary schools were generally negative, the school year of 1967-68 opened in a relatively calm atmosphere. An insignificant amount of violence occurred as lines of opposition remained generally static, and the gradualists were able to increase the black enrollments without arousing a great deal of controversy. The state received another large increment of federal aid.

During the school year, Negro enrollment dropped about 5 percent in the state. The loss of the black students was mainly attributed to migration. Like the Appalachian white migration, the black exodus was in its second generation, and by then almost everyone had relatives
and friends in the big industrial cities of the North. For many Negroes, being enrolled but unwelcome in white schools was not the answer to problems caused by racism and economic deprivation. The North was still the "promised land." During the previous decade the black population had shown very little growth in comparison to white population increase. Out migration was the reason for the relative decline in numbers.  

Desegregation percentages for the black students in 1967-68 climbed to 16.5 percent, which was a real gain of roughly 4 percent. When the Indian enrollment in white schools was included, North Carolina had over 20 percent of the state's non-white students in desegregated classes. A summary of the state's desegregation progress at the end of the 1967-68 school year was encouraging:

North Carolina has a total of 159 school districts. Of these, 31 have eliminated the illegal dual system and 14 are desegregating their schools under court orders. The compliance status of the remaining 114 districts, which are desegregating under voluntary plans, is as follows:

1. The desegregation progress in 67 districts is now under review.
2. Fourteen districts have been referred to the General Counsel's Office for possible action leading to termination of Federal financial assistance.
3. Enforcement proceedings are presently in effect against 13 districts.
4. Proceedings have been dismissed in the cases of 13 additional districts, which are now in compliance with Title VI.

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5. The remaining voluntary plan districts are not in compliance and no review is being made of them at this time.30

A Supreme Court decision which greatly accelerated the desegregation effort in North Carolina was the most important development during the 1967-68 school year. Resulting from litigation in three states, the Green v. New Kent decision knocked the legal props from under the gradualists and die-hard segregationists by declaring Freedom of Choice invalid. This ruling did not find Freedom of Choice unconstitutional; rather it termed free choice unacceptable if it did not result in positive action toward desegregation. The Court ruled that: "The burden on a school board . . . is to come forward with a plan that promises realistically to work, and promises realistically to work now."31

In this third major desegregation ruling, the Court was undergirding a change in enforcement policy which had been announced a few months earlier by the Director of the Office of Civil Rights. Director Peter Libassi stated that free choice had outlived its usefulness. Free choice districts would be required to submit proposals that would eliminate dual systems by September, 1969. The Director's intent was affirmed in the guidelines sent to southern school districts in March, 1968. The guidelines instructed local officials to provide "an integrated unitary school system. Compliance with the law requires

30 Letter, Joshua B. Zatman to Albert Hockaday, April 23, 1968; received during interview with Joshua B. Zatman, Chief, Information Division, Office of Civil Rights, June 25, 1968.

31 Green v. County School Board of New Kent County, Virginia, 391 U.S. 430, 437 (1968),
In the summer of 1968 in North Carolina, there was an increase in desegregation planning and political activity as the people of the state prepared for the fall opening of schools and the general elections. School integration was a major topic of interest both socially and politically because the Green v. New Kent decision invalidating free choice forced the issue. School officials were preparing for a marked increase in black enrollment for the fall.

On the political front, three presidential hopefuls made school desegregation a leading issue. The Democrat candidate, Hubert H. Humphreys was a supporter of school desegregation efforts. George Wallace, the third party contender, was strongly segregationist. In the middle was Richard M. Nixon, who along with Wallace attacked desegregation guidelines and the deferment of federal aid to force compliance. At the state level, Sam Ervin was running against an avowed segregationist, Robert V. Somers, for the Senate. In the gubernatorial contest, conservative Robert Scott—lieutenant governor and son of U. Kerr Scott, the former governor and U.S. Senator—was running against the Republican 'right-winger, James C. Gardner. Political rhetoric concerning desegregation of schools was the main campaign strategy during the summer. 33


School opened in the fall of 1968 with a nominal amount of racial hostility scattered throughout the state. Most of the resistance was again in the eastern half of the state and was of little consequence. Forty-one percent of the Negro children was enrolled in schools with whites. This figure represented over twice the numbers attending desegregated schools the previous year. Clearly the Green v. New Kent decision attacking free choice was having an impact on public school statistics in North Carolina. There was obvious sentiment to get on with the unpleasant task throughout most of the state. A tremendous amount of federal aid was at stake, and economic conditions in North Carolina made the idea of losing federal dollars because of non-compliance unacceptable.

The November 1968 elections displayed once again the state's conservatism in politics and especially on desegregation which had been the dominant issue in the campaigns. In the presidential election, Nixon won as a Republican in a Democrat state largely on his conservative stance on desegregation. Humphreys, representing the Democratic Party ran well only in the predominately black precincts. On the American Party ticket, George Wallace made a good showing in low-income white districts. Using Wallace campaign strategy, Nixon won with solid support among white voters generally. Campaigning like a segregationist proved to be good political strategy for Nixon in North Carolina.

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In the general elections, Sam Ervin was reelected to Congress by a large plurality without campaigning and with no political organization in the state. Although he was running against a segregationist, his long battle against Negro rights made him untouchable. In the governor's race, James C. Gardner, running as a right-wing Republican, made a surprisingly strong showing in losing to Robert Scott by a slim margin. Although Scott was a Democrat and a conservative, the Republican nominee's segregationist stance got him a lot of votes. The Democrat candidate's overwhelming support from the black voters—who were reluctantly voting for conservatism as the less repugnant of the two platforms—actually won the election for him. In voting against Gardner, instead of for Scott, the black vote ironically was the difference in a conservative's election where desegregation was the issue. A large number of incumbents in the race for the eleven House seats were defeated, although in almost every case both incumbent and challenger were conservative and segregationist. The realigned districts took their toll as the eastern black belt lost influence at both the national and local level.

In the 1968-69 school year, North Carolina made significant progress in the movement toward a unitary school system. Its political position was again demonstrably conservative as the nation began to show

36 Dabney, A Good Man, p. 245.
37 Bartley, Southern Politics, pp. 130-132.
38 Orr, Congressional Redistricting, p. 117.
disapproval of "great society" change mechanisms. While the state's schools were reaching a comparable racial mix in national terms, the rest of the nation gave indication of moving back toward a conservatism that North Carolina had never left.

In 1969, President Nixon began to lead the gradual retreat on school desegregation issues. Although the commitment to eliminate de jure segregation remained, the divisive problem of de facto segregation grew in importance. The school year in North Carolina went very well, and the federal goal of elimination of dual schools by the 1969-70 term appeared realistic.

In July of 1969 a discernable shift in federal policy became apparent when the enforcement responsibilities for desegregation were moved from HEW to the Department of Justice. In this shift federal officials moved the compliance mechanism from an administrative function back to a case-by-case basis of litigation in the courts. Seeing this move as a sign of retreat or at least a delay in enforcement proceedings, several southern states reneged on their plans for a major desegregation effort in the fall. North Carolina was not among the states that chose more delaying tactics. The prevailing mood seemed to indicate that the state just wanted to get it over with. The only


real resistance to desegregation was in the black belt, and that region now had less influence in state government due to redistricting.

Even in the eastern part of the state real progress was being made in the most resistant areas. Rural Hoke County had a triple school system that desegregated and developed a unitary system that roughly reflected the county population percentages in the racial mix in the schools. Of the approximately 5,000 students, 50 percent were black, 35 percent white, and 15 percent Indian. School officials talked with parents, students, and community groups in preparation for the opening of school. Negro and Indian teachers were included on the instructional staff at each school. The relatively peaceful transition gave school officials reason to hope that the major desegregation obstacles were past.\(^4^2\) School opened in the fall of 1969 with the usual scattered demonstrations. This year, however, brought about a notable twist in sentiment as large groups of blacks angrily demonstrated against the closing of all-Negro schools in Charlotte and other communities. This development was evidence of changing attitudes among the blacks about the desegregation issue.\(^4^3\)

The attitudes were changing as the racial composition of the schools showed concomitant change. North Carolina now had well over half of the black students in desegregated programs. By the summer of 1970, it was obvious that the comparatively harmonious transfer to


unitary schools was almost accomplished. The practice of apartheid in the public schools as well as in many other facets of life was being relegated to history. The federal government's contribution of approximately three and a half billion dollars a year to the state's economy seemed no longer at risk. In July the Justice Department revealed plans to send enforcement representatives into the South to help solve problems involved with desegregation. North Carolina officials were confident that over 90 percent of the state's black students would be enrolled in desegregated schools in the coming school year. The progress had been made over a long, difficult period of time. Just when it seemed that the state had turned the corner on the desegregation issue, a new problem arose that was more significant in national terms than the impact at the local level implied.

The problem was busing. Three years of busing to achieve racial balance marked the high tide of racial integration in North Carolina. The problem began when U.S. District Judge James B. McMillan ruled in February, 1970 that the Charlotte-Mecklenburg School District had to achieve a racial balance in its schools that reflected the general percentages of the district's population. This decision which constituted a financial burden on Charlotte-Mecklenburg was a frontal assault on urban patterns of segregation that was a greater problem for larger northern cities than it was for most of the rural South. The

44 Dabney, A Good Man, p. 251.

decision generated angry protest from many segments of the community. School officials in Charlotte were dismayed by the fiscal ramifications of the ruling. The plan would require the purchase of almost four million dollars worth of buses at local expense. While the state of North Carolina transported more school children than any other state in the South, statutes forbade the use of transportation money for the purpose of achieving racial balance. The decision was opposed, however, for a more important reason than cost alone. It attacked the neighborhood school concept which brought an angry outcry from black and white parents alike. The litigation had been brought by the National Association for the Advancement of Colored People (NAACP) Legal Defense Fund as an attack on desegregation in housing. Although it angered Charlotte blacks, the intent of the litigation was a grandiose attack on apartheid at the national level. President Nixon, who had already displayed negative leadership in the desegregation issue, went on record as opposing busing to achieve racial balance. The decision was appealed to the U.S. Court of Appeals for the Fourth Circuit in Richmond. When the Appellate Court rejected the order as unreasonable, the U.S. District Judge reaffirmed his ruling, leaving Charlotte's school board in a hopeless legal tangle. The board


47 McCauley, Southern Schools, pp. 57 and 60.


appealed the case to the Supreme Court. As the busing furor increased, Attorney General John Mitchell issued a statement claiming that the Administration would not support an assault on de facto segregation. The mood in Congress was clearly anti-busing, and, without executive or legislative support, the Judiciary would be alone on the issue.

The battle over busing was untimely in that it renewed opposition to desegregation at a time when the problem was essentially solved in North Carolina. The school year 1970-71 opened with a violence that had not marred the desegregation effort in several years. Blacks and whites demonstrated; an elementary school was bombed in black-belt Edgecombe County, and tensions were exacerbated in districts that had operated unitary schools for years. Boycotts of the schools occurred in several communities. Some of the boycotts were by blacks, some by whites, and some were mixed. The Indians protested in Robeson County—which had once had four separate school systems—because they wanted to retain all Indian schools. With the uproar over busing, the fact that over 930,000 of the state's 1.2 million students were attending schools that were in total compliance with desegregation guidelines did not make much news.

The problem caused by busing in North Carolina led to the controversial Swann decision in 1971. Chief Justice Warren Burger read the

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unanimous decision which ruled that: "... reasonable transportation must be used where necessary to eliminate racially identifiable schools which remain as vestiges of de jure segregation." The executive branch gave the ruling unenthusiastic and qualified support. Senator Ervin presented an erudite brief as an amicus curiae during the Swann litigation in the losing cause. Acting as an attorney for the Charlotte-Mecklenburg Classroom Teachers Association, Ervin argued that the segregation in Charlotte was the result of residential patterns that were similar to existing de jure segregation in most cities nationwide. He later made the same argument as a minority report to the Select Senate Committee on equal educational opportunity chaired by Senator Walter F. Mondale. He charged that "the committee appears more committed to equal mixing of bodies in the schools than to an equal educational opportunity..." and "that the committee's majority report was in direct... conflict with Congress' expressed opposition to forced integration...".

In the fall of 1971, Congress enacted three anti-busing amendments, and Senator Ervin found new allies in his restrictive desegregation philosophy among his colleagues from almost every region of the country. An anti-busing bill similar to legislation that had been turned down when proposed by Ervin was passed in 1972. The sponsor of the bill

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Senator Robert Griffin, a liberal from Michigan, had led the opposition to the southern bill earlier. When Senator Ervin told Griffin that he was glad to see that his position on the matter had changed, the Michigan Senator replied, "they've gored my ox now just like you said they were going to." Griffin's Detroit District was facing desegregation orders, as were many districts throughout the North and West, that would require massive busing to implement.

The 1972-73 school year started quietly in North Carolina. Resistance to Swann had diminished, but from the attitudes displayed by the executive and legislative branches of government the judiciary would have been well-advised to relax their assault on North Carolina's schools. The state had reached its high point in establishing unitary schools. About 94 percent of all black students were attending desegregated institutions. In the number of Negroes attending white majority schools, North Carolina was a leader in the South which led the rest of the country in school desegregation.

With the consolidation of school districts resulting from desegregation, the state had reduced the number of school systems to 152. Officials had reached a point where they could be less concerned with numbers than with quality of programs. Racial violence caused by

56 Clancy, Country Lawyer, p. 1; The Charlotte Observer, February 8, 1972, p. 3.


resistance to change was greatly reduced. Of the 152 systems, 122 had no reported student conflict resulting from desegregation during the school year. In an address, Superintendent of Public Instruction, Craig Phillips, stated that "in today's society an integrated education is best for young people." He went on to say that better education was going on in the state than before integration. Studies conducted at the University of North Carolina substantiated Dr. Phillips' contentions. An investigation on the social and educational impact of desegregation in a largely black district led to the conclusion that desegregation seemed to be accompanied by an increase in the quality of education.

By 1974, North Carolina's educational picture had stabilized. At the national level, the busing issue was of diminished importance. The executive and legislative branches were on record as opposing busing and supporting the neighborhood school concept. The judiciary, with its increasingly conservative composition, was losing enthusiasm for the issue. Executive and legislative leadership was backing away from massive federal support to desegregate schools and seemed content to return educational decision making to the state level.


At the state level the black issues of desegregation and civil rights had radically changed the face of North Carolina politics. For the first time in almost a century, a Republican had been elected governor. To further complicate the political scene, Jesse Helms—whose political convictions ranged from ultra-conservative to embarrassingly reactionary—had been elected to the Senate. The new governor, James E. Holshouser, lost heavily in the black precincts of the state but gained enough support from the white districts to win the election. The state had a much stronger Republican Party now that so many Democrats had changed political allegiance because of the race issue. Helms joined Sam Ervin in the Senate and made the established conservative look liberal by comparison on racial issues. Concomitant gains were made by Republican candidates over the state. The desegregation issue had again polarized North Carolinians along racial lines. The Republican party which had been almost eliminated, as a result of the black stigma, now found itself in a power position because the Democrat Party had inherited the Negro vote.  

The federal aid that had played such an important role in desegregating the schools of North Carolina had declined by percentage from the highest level of 15.4 percent in the 1966-67 school year to 12.6 percent in the 1973-74 term. It had decreased marginally each year as desegregation totals rose, effectively operating as an enforcement mechanism in the elimination of the dual school systems. When resistance sentiment threatened the desegregation gains in the

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early 1970s, the federal aid percentage of the school expenditures moved back up to a higher level as an inducement to neutralize the strong feelings over busing. Once North Carolina became a stabilized leader in unitary schools across the nation, the level of funding was reduced. Federal aid still remained an important portion of the state school budget, even after the national objectives were realized, because of the relative poverty of the state's people. The federal contribution to the state's school budget was approximately 125 million dollars for the school year 1973-74. This federal aid was up from about 30 million or approximately 5 percent of the state budget ten years earlier.

Twenty years after the Brown decision, federal revenues accounted for over 152 million dollars which was more than 12 percent of North Carolina's aggregate school expenditures. Federal aid had become an integral part of the state's education budget and had played an important role in overcoming conservative opposition to change involved in eliminating dual schools.

The conservative sentiment and latent racism that retarded the desegregation effort was eventually overridden by compliance laws and the desire of the state's citizenry to maintain a viable system of


64 See *Digest of the State Budget* prepared for Governor Terry Sanford, 1963, p. 63.

public schools. North Carolina led all states having large black populations in desegregation statistics by 1970. In the United States during this period, 93 percent of all black students lived in 21 states and the District of Columbia. North Carolina had the best record of desegregation effectiveness in these states and the District. After the busing for racial balance began in the early 1970s, the state's lead in establishing unitary schools increased. Because of the commitment to education, federal money played a key role in the desegregation effort. North Carolina set "great store by its system of public schools" and still endorsed the idea proposed in the early 1900s that upgrading schools would "alleviate regional problems." State leaders have generally felt compelled to endorse the educational philosophy of Governor Aycock as a platform requirement for election or appointment to public office. North Carolina citizens accepted the fifth highest tax burden of all fifty states in the early 1970s, and the state legislature regularly allocated most of the state revenues to the public school system. While trailing the rest of the nation, in terms of regional progress and commitment, the relatively impoverished state has made a real effort in education for all students.

By 1974, two decades after the Brown decision, North Carolina was a national leader in the movement to eliminate segregated schools, and legal biracialism in education was a problem of only historical importance.69

CHAPTER 7
Summary, Conclusions, and Recommendations

Summary

The problem of this study was to investigate and describe the desegregation of public schools in a selected southern state between the years 1954 and 1974. In developing the research project that described the elimination of legal biracialism in North Carolina's schools, public sentiment emerged as a major factor in the desegregation story. Some of the key influences on public sentiment which helped to determine the success of the desegregation initiative were the public response of selected elected officials, the quiet influence of the state's business leadership, and the role of the media in presenting the information to the public.

North Carolina's public schools were unusual when compared to other states with dual systems because, despite the fact that the state had one of the largest black populations in the nation, the desegregation drama proceeded peacefully and successfully, albeit slowly. Throughout the twenty-year period that was required to completely eliminate the dual school structure that existed at the time of the Brown decision, an abiding commitment to preserve a stable public school system was demonstrated by the people of North Carolina. The desegregation ruling and the compliance proceeding that eventually followed strained the warp and woof of the social and political fabric, but the state emerged from the ordeal with institutions intact.
To attract industry, North Carolina's leaders had for half a century promoted a progressive image which no doubt contributed to the comparative moderation on racial issues that was displayed once the compliance state of desegregation was reached. A viable public school system was an integral part of the progressive image that the state's leaders had worked to portray. Dual schools had been the socially acceptable mechanism to legally accommodate the problem the conservative populace had with racial mixing. The state's white citizenry was comfortable with segregated schools as a traditional means of satisfying the educational needs of both races. Thus, North Carolinians were pulled in at least two directions on the desegregation issue once it became the law of the land because North Carolina was a state of laws. Law and order was as much a part of the peculiar brand of progressive conservatism that permeated the social and political ideology of the Carolinians as was the traditional and customary institutional apartheid.

In the implementation of the Brown ruling, the federal government gave the state ten years to begin and ten more to reach compliance. This judicious application of "all deliberate speed" allowed North Carolinians an opportunity to adjust to major societal change as progressive sentiment gradually overcame conservative resistance.

When compared to other southern states, North Carolina had an easier and more successful transition to unitary schools than most. A generally accepted maxim of propensity for racial accommodation was that the tendency for racial moderation varied inversely with the percentage of blacks in the population. A state with large numbers of blacks usually had great difficulty with institutional desegregation. While this
theory helped to explain the stubborn reluctance of North Carolina's most resistant black-belt school districts to desegregate, the state made better desegregation progress than other southern states which had fewer blacks. The strong stand on law and order by North Carolina's leaders at critical stages of the desegregation process helped to account for the relatively peaceful demise of legal biracialism in the public schools. While most of the people were pro-segregationist and repeatedly elected leaders who advocated the continuance of segregated schools, they ultimately chose to obey the law. State officials, despite their pro-segregationist rhetoric, in every case stood firm on law and order issues. North Carolina's governors did not imitate the racist posturing of Orval Faubus, George C. Wallace, or Ross Barnett. No public official stood in the schoolhouse door to turn black children away. Unpopular though it was in North Carolina, the Brown decision was the law of the land, and that was the decisive factor.

During the two-decade social evolution between the ruling and compliance, influential leaders of business and industry worked quietly and effectively to encourage the peaceful transition to unitary schools. Their concern for maintenance of a progressive image for the state translated into strong support for peaceful desegregation. This quiet demonstration of power and influence helped change attitudes at the country-club and civic-club level which eventually made an impact on social and political attitudes. The role played by these leaders in the desegregation effort demonstrated once again that those who control the financial resources had considerable influence on the course of events that helped shape public opinion.
The media in their generally even-handed treatment of the desegregation story promoted peaceful compliance with federal mandates. Responsible journalism was usually the common practice; while the media reported the news, they avoided making the news. In several southern states reporters were too often responsible for fanning the flames of racial conflict. In North Carolina, editorials usually supported law-and-order measures and contributed to the moderation of public opinion.

What was thought of in the 1950s as a regional problem took on national dimensions, and, by the 20th anniversary year of the Brown decision, North Carolina had some of the best desegregation statistics in the nation. The year 1974 was also the 10th anniversary of the Civil Rights Act of 1964, the law that actually brought about the elimination of dual schools in the state. Under Title VI of the Civil Rights Act, the powerful influence of federal aid brought North Carolina schools into compliance more rapidly than federal officials could have expected when viewed in terms of the amount of existant biracialism ten years after Brown. The compliance decade saw busing requirements by the Court added to the impact of federal money to reach the highest level of desegregation in the state's history. In 1974, the judiciary joined the earlier retreat of the executive and legislative branches on the desegregation issue by restricting busing. The direct result of the waning enthusiasm for desegregation was a settling-in period that increased stability and social equilibrium in the unitary schools with only a minimal amount of resegregation in North Carolina's public schools.
The two decades that followed Brown was a period in which occurred some of the most profound changes in social and political institutions in the history of the state. This study documents some of those changes. It shows indications of power as a change mechanism, and it provides some insight into interracial relationships as they applied to public schools. Latent racism continued to be a problem in North Carolina, as did the relative poverty that impeded the economic progress that the affected progressive image had tried to promote. The progressive conservatism that marks North Carolina's social and political life has most often proved more conservative than progressive. Progress made during the period on desegregation demonstrated the state's commitment to education and provided optimism and hope for generational change. This change over time should integrate quality education programs with the acceptable desegregation quantity already accomplished.

Conclusions

Some of the questions that were considered pertinent to the problem turned out to be self-answering in the development of the study. Many of the answers just emerged during the research and presentation of the data. Other answers were more elusive and often led to more questions.

The effect of federal aid to education on the rate of desegregation in the North Carolina public schools was easily documented. When the state's high tax burden and relative poverty were considered in light of the strong and continual commitment to education, the obvious conclusion was that federal revenue was one of the most important determinants of the desegregation rate. The majority of North Carolinians were both heavily conservative and strongly segregationist.
They repeatedly demonstrated their conservative and segregationist convictions at the polls. Their traditional commitment to public education proved equally strong over time. Federal aid to education provided an important inducement to promote school desegregation. The federal money was used judiciously at optimal times to produce the desired response to compliance requirements. There was a positive correlation between the disbursement amounts and time frames and the progress of desegregation compliance. A billion dollars of federal aid to the state during the compliance decade unquestionably influenced the development of a unitary school system in North Carolina.

The question concerning why North Carolina's desegregation program proceeded at a faster rate in a more orderly fashion than did other states in the region proved to be too complex to address in a study of this nature. Once the research data were collected and organized it was readily apparent that comparisons with other states' desegregation progress were outside the parameters of this study. An investigation directed toward the question cited as a main thesis would constitute a major research project in itself. Therefore, without attempting to answer the central question, there are a few identifiable influences that can provide insight into reasons the desegregation program worked well in North Carolina. The fact that the state eliminated dual schools in a more orderly fashion than most other southern states is easy to document. North Carolina had less racial conflict as the schools were desegregated than other states in the region. One obvious reason was the law-and-order position maintained by the state's leaders and accepted by the North Carolina people. More violence accompanied the
desegregation of public facilities than occurred during the movement to eliminate dual schools. In part, this phenomenon was probably a result of the importance North Carolinians placed on their schools. It was one thing to drag a "freedom rider" off of a bus or a "sit-in protester" out of a restaurant, quite another to drag a black child out of a school. Even the most racist extremists seemed to respect school property when children were present. The Klan repeatedly attempted to break up civil rights demonstrations and marches.1 Yet the physical conflict that accompanied their efforts to disperse black protest gatherings was generally absent as they stood by while thousands of black children entered formerly all-white schools for the first time.

The question concerning whether the twenty-year period selected was a logical time frame for the study is self-evident. After reviewing the presentation of data, it is clear that no other period of time would work as well. If a ten-year time frame had to be selected, it would be the period of compliance between 1964 and 1974. The study would, however, be incomplete without linking the two decades. As stated, this twenty-year period covered initial reaction, political maneuverings, and compliance. In the Brown decision of 1954, the concept of legal biracialism was voided; by 1974, legal biracialism was a dead issue in North Carolina. The system of dual schools was completely dismantled in the state by 1974, and the high point of desegregation according to the statistical data was reached because of the busing effort. North

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1 It is important to note that most of the racial conflict involving civil rights occurred in North Carolina during the period when blacks were agitating for the passage of civil rights legislation. Once the Civil Rights Acts were passed, there was an obvious decrease in racial discord in the state.
Carolina's Department of Public Instruction no longer publicizes those statistics because they have established a unitary state school system. It is, however, safe to assume that the percentage of black students attending racially mixed schools is no greater ten years later than it was in 1974.

Coherent patterns of resistance to desegregation strategies did emerge during the desegregation proceedings. The research data pointed to schools in the Carolina black-belt and city schools with large black populations as the most difficult schools to desegregate. The resistance patterns were easy to identify and therefore easy to target as areas where increased federal aid could make an impact on the reluctance to establish unitary schools. Once isolated and treated with an influx of federal money, these school systems were desegregated with relative ease in a comparatively short period of time.

While the scope of this study ultimately did not include investigation into the reasons that de jure segregation was easier to eradicate than de facto segregation, some obvious conclusions can be drawn from the research. Examples of de facto segregation in North Carolina were found in most of the larger cities where racial imbalances resulted from housing patterns and demographic distributions. The only real solution to the problem of de facto segregation in North Carolina proved to be busing to desegregate. Busing was generally unpopular with both races because it eroded the neighborhood schools' concept and because of the inconvenience and time involved in transporting students out of their attendance area. In de jure segregation where the basis of racial separation was deliberate legal action, the situation could usually be
remedied by abolishing the law and allowing all students to enroll in the most convenient schools in their district.

The question of whether the elimination of dual schools provided equal opportunity for blacks in the state's public school system could only be partially answered based on the research findings. If the basic premise of the Brown decision which stated that segregated schools were inherently unequal was valid, then it follows that blacks were provided more equal opportunity with the establishment of unitary schools. In desegregated programs, students were provided opportunities for social experiences and academic opportunities that were not generally available in the segregated schools. The elimination of dual schools in North Carolina provided for more cost-effective use of public school revenues that increased educational opportunities for all students. In general terms—based on the research data—the question concerning equal opportunities for blacks in the unitary schools must be answered affirmatively.

**Recommendations**

The data concerning equal opportunity for blacks in the state's unitary school system support the conclusion that generally better educational programs were available because the dual schools were eliminated. Equal opportunity is a relative term, however, involving social and psychological implications that would best be addressed in an experimental type research project. The question is so broad, and includes so many variables, that in itself the problem of equal educational opportunity for blacks in desegregated schools would merit
a major study and would prove to be fertile ground for a number of dissertation endeavors.

Another recommendation for follow-up research would be the problem concerning the impact of federal aid on a school system or systems. The concept of using federal resources to facilitate implementation of national objectives has long been a subject of controversy. More careful research into the ramifications of social engineering as a legitimate objective of educational programs is needed in order to make better judgments concerning the issue.

Finally, a study that would investigate North Carolina schools during the decade from 1974 to 1984 might prove to be a worthwhile research project. Either a sociological or psychological approach to the educational experience of black children in desegregated schools could contribute to the field of knowledge on the subject.
BIBLIOGRAPHY
SELECT BIBLIOGRAPHY

Books


The year of the Brown decision witnessed the publication of this study on the status of the schools and the quality of Negro education under "separate but equal" doctrine sponsored by the Ford Foundation.


A Ph.D. dissertation investigating the desegregation of schools in Greensboro, North Carolina, and Greeneville, South Carolina, in the late 1950s and early 1960s.


An accepted guide on historiography and the mechanics of doing historical research.


One of the most scholarly studies on recent southern politics by two Johns Hopkins University professors.


A carefully-reasoned explanation of judicial review and the legal ramifications of the Brown decision with direct application to North Carolina court cases.


One of the widely-accepted surveys on methods and procedures of doing educational research.


This book, written by a Negro educator under the auspices of Governor Terry Sanford's administration, tells more than most people want to know about Negro education in North Carolina. Scholarship in this publication is of mixed quality, however, it is a valuable fact source.
Bullock, Henry A. *A History of Negro Education in the South*.
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A classic penetrating analysis of southern society by a keen student of N.C. politics and society.

Clancey, Paul R. *Just a Country Lawyer*.
One of at least two thoughtful, well-researched biographies of Senator Sam J. Ervin, Jr.

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One of the more scholarly of the general histories of the South explaining social, economical and political changes in the twentieth century.

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----------, and Kirman, Albert A. *The South Since Appomattox*.
A well-written, thoroughly-researched study of a century of southern history.

A report prepared under the direction of Governor William Umstead by the Institute of Government at the University of North Carolina to study the Brown decision's application to public education.

One of the earlier, serious historical studies of North Carolina in two volumes.
A book that was published as a spinoff of a Civil Rights study commissioned by the Office of Civil Rights. It is an important source of statistical data on desegregation.

Probably the best, most thoroughly researched biography of Senator Sam J. Ervin, Jr. of Morganton, N.C.

A fact book that was valuable for comparing population and demographic patterns of southern states.

This study was primarily developed to document the problem involving underage children in the employment force. The textile operations, along with agricultural enterprises in North Carolina, were the worst exploiters of child labor.

The Southern Education Reporting Service, which was established to function as a neutral observer, provided the best survey and analysis of most of the desegregation period. This annual and cumulative Statistical Summary developed by Tom Flake is the best source of desegregation statistics available for North Carolina.

A tedious, although informative, primer on North Carolina politics in the twentieth century.

A scholarly investigation of the unusually large population of free blacks in North Carolina.

The sectional theme in southern history was the unifying element in this collection of twelve essays reviewing regionalism in the South since Reconstruction.

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Stanford University. I studied under Dr. Graham at Johns Hopkins University and he encouraged my interest in desegregation in N.C. as a legitimate research project.

A scholarly survey of political development in North Carolina and other southern states during the ante-bellum period.

This autobiography by the former Governor of North Carolina written while he was serving as the U.S. Secretary of Commerce under President John Kennedy is a well-written, only minimally self-serving, account of the early years of the state government reaction to the Brown decision.

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Key's monumental Southern Politics addresses southern political history by state in detail. The focus is on the 1940s, however the study includes the historical background.

One of the most informative, although poorly written, of the early histories on education in North Carolina.

An important, well-researched early history of North Carolina. One of the few sources that addresses education in the colony.

An extensive, valuable, and up-to-date bibliographical appraisal of southern history.

An excellent source of statistical information on the state, especially in the areas of population distribution by race.

This study sponsored by SERS investigated the status and quality of Negro education under the Plessy doctrine by state. It has a wealth of statistical information concerning comparisons between Negro schools and white schools. Dr. Benjamin Carmichael who has been connected with East Tennessee State University assisted in this study.


A statistical source book providing useful information concerning the status of secondary education in southern states.


The basic book on Negroes and race relations in the South in the early 1940s. This monumental study backed up by numerous monographs was prepared by the Swedish sociologist with the assistance of Richard Sterner and Arnold Rose. There is hardly a phase of Negro life during that period that is not covered in the study.


The essential facts of universal education after 1865 in the state is presented in this survey on the development of the school system. This study ends in the 1920s, however, it provides valuable information concerning the development of public education in North Carolina.


One of the best accounts of federal initiative in the desegregation of southern schools. The use of the Civil Rights Act of 1964 and the Elementary and Secondary Education Act to increase the rate of desegregation effort is a main thesis in this book.


A thorough explanation of North Carolina's Congressional districts and the altering of those districts brought about by population shifts, politics, and court order.


A stark, pessimistic account of relationships between blacks and whites since colonial times in the United States.


This Southern Education Reporting Service produced analysis of the process of desegregation contains a considerable amount of information applicable to the elimination of biracial schools in North Carolina.

Change in the more recent South including special aspects of southern education was investigated by a group of scholars in the allied social studies under the direction of Allan Sindler.


This uncritical report was prepared for the Southern Regional Council, which was founded in 1946 by liberal southern whites in Atlanta to campaign aggressively against the southern biracial system.


The first school systems in North Carolina to begin desegregation proceedings was covered in this SRC report. SRC reports are of mixed quality.


A well-written, informative account of North Carolina through the eyes of a journalist. This work is weak on documentation but strong on appeal and provides valuable insight into the relentless drive for a progressive system of public schools in twentieth century North Carolina.


Some North Carolina school communities were chosen for comparative social and psychological studies on the impact of desegregation on students in this report.


A study of the phases of industrialization in the South that gave rise to the political prominence of the business class and the subsequent development of their control of many aspects of southern life.


Probably the most comprehensive, best-researched study of the period between 1913 and 1945. This is the survey that is considered essential reading for any serious student of recent southern history. It is a part of a massive ten volume history published by Louisiana State University.

In this collection of essays the theme revisited is Professor U. B. Phillips contention that the unifying principle of southern history was the common resolve that the South should be a white man's country. The essays reflect the opinion that the "central theme" was in transition.

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An informative report on race relations in North Carolina prepared for Governor Terry Sanford under the direction of the Attorney General's Office.

A Kappan sponsored report issued during the beginning phases of the desegregation ordeal that includes in-depth information on some of the first North Carolina school districts to initiate desegregation efforts.

A provocative collection of essays pursuing the elusive question of the identity and meaning of southern history by a prominent historian.

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Greensboro Record, 27 August 1956; 11 September 1966; month of August 1957.


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Anrig, Gregory, Personal interview, 14 June 1968.

Letter, Joshua B. Zatman to Albert Ilockaday, April 23, 1968; received during interview with Joshua B. Zatman, Chief, Information Division, Office of Civil Rights. 25 June 1968.


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Assistant Attorney General of North Carolina, Amicus Curiae, cases 1-4, Supreme Court of the United States, April 11-14, 1955.

The brief prepared by Attorney General McMullan was argued before the Supreme Court by G. Beverley Lake. McMullen was too ill at the time to present his "friend of the Court" petition.
In Briggs v. Elliott a legal opinion was posed that provided a basis for Governor Hodges appeal for "voluntary segregation."

The landmark decision by the United States Supreme Court that declared the legal concept of "separate but equal" unconstitutional.

One of several cases originating in McDowell County that petitioned for the desegregation of the county school system. This case was dismissed as premature under the doctrine of "exhaustion of remedies."

Another case from McDowell County involving a charge by the plaintiff Carson that Federal Judge Wilson Warlick was not providing a judicial remedy for an existing illegal situation involving biracialism in the public schools.

The state's constitutional requirement for separation of races in the public schools was declared invalid in this case.

In this litigation the state's Congressional Districts were declared unconstitutional because of unequal representation favoring the Democrat Party.

This ruling declared that the desegregation plans in the "Freedom of Choice" district were invalid if they did not result in immediate desegregation of the schools. The districts operating under "Freedom of Choice" were required to present realistic plans that worked.

State tuition grants to attend private schools provided for students who objected to attending racially-mixed schools were declared unconstitutional in North Carolina.

A class action suit petitioning the court to force the school board to admit black students to white schools. This action was dismissed as being improperly drawn.
Lowery v. School Trustees, 140 N.C. 33, 52 S.E. 267 (1905).
A court action that required that public school revenue be divided fairly under the "separate but equal" doctrine between Negro and white students.

Plessy v. Ferguson, 163 U.S. 537 (1896).
The Supreme Court's landmark decision that legitimatized segregation solely on the basis of race under the legal concept of "separate but equal."

Litigation involving the right of all students to be educated through the use of public revenues.

This case voided the state law that allowed state revenues to be used for education in private schools that permitted to required segregation by race.

A decision that upheld the legality of the states Pupil Assignment Act which provided for a slow, complicated process of desegregation.
Table 1.
COMPARISON OF PER PUPIL EXPENDITURES, 1964-65/1973-74

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<td>1944-45</td>
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<td>90,859,000</td>
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</table>

* Including occasional gifts from philanthropic agencies.

**Amounts estimated.
MAP 1
CONCENTRATION OF NEGRO POPULATION, 1960.

MAP 2
NEGRO FAMILY INCOME

MEDIAN INCOME FAMILIES, 1969, BY COUNTIES

- 4000 or more
- 3000 - 3999
- 2000 - 2999
- Less than 2000
**Negro Voter Registration**

*Table 3.* Estimated Percentage of Voting-Age Negroes Registered to Vote, 1940-1960, by States.

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<td>29</td>
<td>30 **</td>
<td>48 **</td>
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</tbody>
</table>

* Less than 0.5%.

**MAP 3**

**NEGRO POTENTIAL VOTERS REGISTERED, 1960.**

- Low (0-21.0%)
- Medium (21.0-50%)
- High (50%+)
Chart 2 compares the support pattern prevalent in other states with the pattern in North Carolina. Nationally, funds for public schools are proportioned by source as follows: 52 per cent local, 8 per cent federal, and 40 per cent state sources. Currently, North Carolina utilizes more federal and State funding and less local funding than the national average for the support of public schools.

Table 4

The Supreme Court that handed down the Brown decision: Justices Hugo L. Black; Harold H. Burton; Tom C. Clark; William O. Douglas; Felix Frankfurter; Robert H. Jackson; Sherman Minton; Stanley F. Reed; and the 14th Chief Justice of the United States, Earl Warren.
VITA

RANSOME ELLIS HOLCOMBE

Personal Data:  
Date of Birth: January 1, 1939  
Place of Birth: Burnsville, North Carolina

Education:  
Public Schools, Spruce Pine, North Carolina  
University of North Carolina, Asheville,  
North Carolina and Western Carolina  
University, Cullowhee, North Carolina;  
Johns Hopkins University, Baltimore, Maryland and  
East Tennessee State University, Johnson City,  
East Tennessee State University, Johnson City,  

Professional Experience:  
Teacher and Head Coach, Oak Hill High School,  
Teacher, Coach, Principal, Secondary Supervisor,  
Assistant Superintendent, Washington County Schools;  

Honors and Awards:  
Basketball Scholarship, Student Council, Academic  
Scholarship, Men's House Government; Western  
Carolina University and University of North  
Carolina-Asheville.  
Coach of the Year, Skyline Conference, 1967-68.  
Academic Fellowship, Johns Hopkins University.  
Doctoral Fellowship, East Tennessee State University.