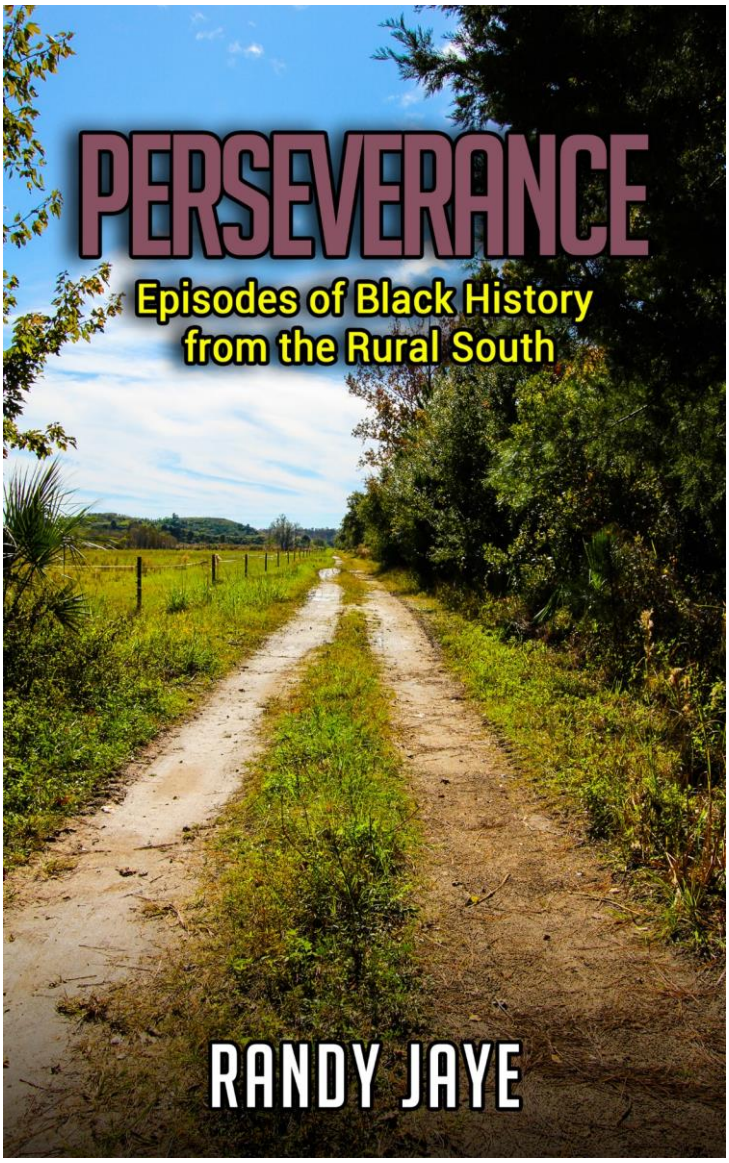
This article is an excerpt from chapter 16 - **Struggles to Desegregate Public Schools** - in the book:

Perseverance: Episodes of Black History from the Rural South

by Randy Jaye



The book is available for purchase on Amazon:

https://www.amazon.com/dp/1655315617

16

Struggles to Desegregate Public Schools

On May 17, 1954, the U.S. Supreme Court handed down its decision on the *Brown v. Board of Education of Topeka* case, which stated that "separate educational facilities are inherently unequal," and therefore violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. That meant that the seventeen U.S. states (*fig. 16.1*) that had laws that established racial segregation in public schools were now unconstitutional, even if the segregated schools were considered equal in quality.

However, the U.S. Supreme Court did not outline detailed plans or methods to end racial segregation in public schools. In 1955, a second decision by the U.S. Supreme Court in the *Brown II* case (349 U.S. 294) ordered states to desegregate "with all deliberate speed." Both decisions fell short of providing clear methods and timelines to desegregate public schools (*fig. 16.2*). This resulted in the continuation of the unconstitutional practice of racial segregation in many public school districts for many years.

It was clear to segregationists that drastic action was needed to challenge the federal government's quest to fully integrate public schools. This resulted in Southern politicians and organized groups of segregationists scrambling to find ways to circumvent the federal courts, or demonstrate some small degree of token compliance. Since the *Brown v. the Board of Education* and *Brown II* decisions did not set a strict timeline for desegregation several methods were created in order to forestall full public school integration. They included the implementation of pupil assignment laws, "freedom of choice" plans, "Grade-a-Year" Plans and Restrictive Transfer Provisions, school equalization and the anti-busing campaign.

Pupil Assignment Laws

In 1955, after the landmark *Brown v. Board of Education* ruling began the process of national public school desegregation, the state legislature of North Carolina passed the Pupil Assignment Act. This act removed any wording related to segregation in state statutes, and granted school districts across the state the power to assign students to specific schools based upon vaguely defined "sociological, psychological and like intangible socio-economic factors."

Alabama, Florida and other Southern states passed similar Pupil Assignment Laws. These state laws officially removed race from any documentation and provided an application process for black students to enroll into previously all-white schools. School administrators had broad authority to legally reject applications submitted by blacks without technically violating the *Brown* decision. These laws were based

on an interpretation of the *Brown* decision that determined that while the federal government was forbidden from discriminating against citizens, it was not obligated to enforce integration.

The Pupil Assignment Laws provided early success in the refusal to cooperate with the *Brown* decision in the South. As an example, Florida remained strictly segregated outside of military bases for most of the 1950s.

Interestingly, as Pupil Assignment Laws in many Southern states were successful in curtailing desegregation, many hardcore segregationists were disappointed that they fell short of maintaining complete racial segregation in public schools. For these segregationists, any desegregation that occurred, even token desegregation, was unacceptable.

"Freedom of Choice" Plans

After the passage of the Civil Rights Act of 1964, which under Title VI gave the federal government the power to directly enforce integration, "Freedom of Choice" plans became popular in the South.

These "Freedom of Choice" plans gave students the ability to apply to any school of their choice within a specific geographical area, without taking an entrance test and provided that there was available classroom space for them.

The main problem with these "Freedom of Choice" plans were that the initial student assignments were predetermined by race, laws or by segregated neighborhoods within the specific geographic areas, and school boards held the power to reject any application.

Most students, white and black, opted to stay in their own schools. Although the "Freedom of Choice" plans did not directly violate the *Brown* decision, they proved, in practice, to be very ineffective at integrating public schools.

"Grade-a-Year" Plans and Restrictive Transfer Provisions

The "Grade-a-Year" plans originated in Nashville, Tennessee, and generally proposed a gradual desegregation of public school systems by starting with one school grade per year.

The plans usually incorporated a form of geographic zoning, which assigned black students to predominantly white schools, and white students to predominantly black schools. These plans usually included what were known as restrictive transfer provisions, which in theory worked like "Freedom of Choice" plans, but in practice actually favored students who were a minority in one school and wished to transfer to a school in which they were the majority.

What actually resulted from these "Grade-a-Year" plans was essentially a re-segregation of the school system before it was ever fully integrated.

School Equalization

Southern states began to increase spending on facilities for black students to circumvent the *Brown* decision. New school construction for predominately black schools was usually on par with, and in some

cases better than, those of predominately white schools in the area. This practice is known as School Equalization, which was a well-funded attempt to maintain segregation by improving the historically underfunded and black segregated schools.

Segregationists hoped that School Equalization would delay, or halt public school integration by providing "equal" school plants and facilities for blacks.

These School Equalization improvements for black schools are ironically some of the best physical examples of various Southern community's resistance to integration. They obviously were funding black schools with the intent to continue racial segregation within their public school districts.

Forced Busing

One of the most extreme tactics implemented by the federal government to achieve public school integration was forced busing. Starting in the 1960s, forced busing assigned and transported students to schools within or outside their local school districts. Some students traveled many miles beyond schools that were closest to their homes.

Forced busing caused a national controversy, especially in white communities. The controversy prompted the Commission on Civil Rights to point out, "… children had been bused long distances for decades to perpetuate segregation. But when transportation for the purposes of desegregation was decreed, busing suddenly became a national issue."

In 1971, the U.S. Supreme Court's decision in *Swann v. Charlotte-Mecklenburg Board of Education* affirmed the constitutionality of forced busing.

Opponents of forced busing claimed that students were being bused through, or into, unsafe neighborhoods. They also objected to the increased transportation time, which they claimed reduced students' study time and lowered participation in sports and other extracurricular activities. They argued that these issues were reducing the overall quality of education of all students that were involved in forced busing programs.

A phenomenon known as "white flight" started to occur in middle- and upper-class neighborhoods where white families that were affected by forced busing began moving out of urban areas, or enrolling their children into private or parochial schools. With a reduced number of white students in many urban areas, school districts found it very difficult to meet court-ordered desegregation mandates.

In some areas, forced busing lasted into the late 1980s and early 1990s and opponents of this federally ordered practice believe it did more harm than good as it did little to change the racial integration in many school districts.

Delay Tactics in Flagler County

From 1954 to 1967, (13 years), Flagler County and its School Board did not spend much time on physical efforts to comply with federal desegregation laws and maintained a dual public school system in defiance of the federal government's mandates.

In 1965, the Flagler County Board of Public Instruction created a Notice of School Desegregation Plan under Title VI of the Civil Rights Act of 1964 (Required by 181.46 and 181.53 of the Statement of Policies). This notice was published in the *Flagler Tribune* and was mailed to parents of the Flagler County schools (see Chapter 16 Appendix for a full transcription). The notice did not result in any physical integration within the Flagler County School District.

A Freedom of Choice form (*fig. 16.3*) was also introduced in 1965 but resulted in no white students choosing the Carver High School, which was the county's black high school. A few black students did initially choose Bunnell High School, the county's white high school, but transferred back to Carver High School before the school year began.

Finally, in 1967, U.S. attorneys threatened county officials with a stoppage of all federal funds and the enforcement of desegregation laws by a federal court order.

The first physical step taken by Flagler County towards desegregation was to close the senior high section of the George Washington Carver School (grades 10 through 12) and integrate all its black students into Bunnell High School during the 1967-68 school year. This action was prompted by a January 1966 recommendation of the School Plant Planning Section, Florida State Department of Education, who said that Carver and Bunnell high schools were too small and expensive to justify the operation of each as separate schools in Flagler County.

Additionally, the black teachers from Carver High School would be placed in Bunnell High School, and some white teachers would be placed at the Carver School (grades 1 through 9).

A petition was circulated around the county in the spring of 1967 that received over 500 signatures (the vast majority from white citizens) that requested a freedom of choice plan for all students. The Flagler County School Board voted 3-2 to move forward with the senior high school desegregation plan.

In 1968, the Flagler County School Board attended a hearing at the Health, Welfare and Education Department (HEW) in Washington, D.C., and were informed that they were not in compliance with integration requirements and would be losing federal funding. Additionally, in September of 1968, James Craig, Flagler County Superintendent of Schools, announced that HEW informed him that the Justice Department was in the process of pursuing legal action against Flagler County Schools that would force integration of all county public schools.

Fourteen years after *Brown v. Board of Education of Topeka* decision, and increasing pressure from the federal government, attitudes of defiance to public school integration in parts of the rural South are evident

in the following Editorial published in the *Flagler Tribune* on September 26, 1968 by John A. Clegg, editor. He stated that, "We deplore the interference of federal government into local administrative affairs…If George Wallace were to be elected there could be a noticeable change in policies of HEW and Justice Departments."

HEW Cuts off Federal Funding to Flagler County Schools

On July 7, 1969, Robert H. Finch, Secretary of HEW, announced that federal funds totaling around $63,000 to the Flagler County schools would be cut off effective August 7, 1969. Flagler County was one of four counties in Florida that had their federal funding cut off because of their non-compliance to full public school integration at this time.

Partial Integration in Flagler County Schools by 1970

By 1970, it was apparent, especially in Flagler County, that HEW and the federal government was going to continue to apply serious legal pressure on school boards for non-compliance to full public school integration.

Progress towards full integration in Flagler County, although hindered for years by delay tactics and obviously forced upon the school board by the federal government, resulted in the partial integration of Flagler County public schools by the 1970 school year. This was in addition to the senior high school grades 10 through 12 that had been integrated in the 1968 school year.

Grades 7 through 12 were fully integrated at the Bunnell High School building (and several black teachers were assigned there); grades 1 through 6 at Bunnell Elementary No. 2 (formerly Carver School) were still one hundred percent black (and several white teachers were assigned there): K through grade 6 at Bunnell Elementary No. 1 were predominately white with only a few black students that had transferred; and grades 1 through 6 at Flagler Beach School were still one hundred percent white.

Justice Department puts Flagler County Schools on Notice

On May 7, 1970, Flagler County, and 19 other Florida school boards, were put on notice by the Justice Department as it stated, "…the federal government will no longer tolerate delay in pupil segregation."[1] Representatives of the Justice Department and HEW announced that these counties will lose federal school funds and face court action if they fail to comply with federal integration standards by September 1, 1970. Note: Flagler, Baker, Taylor and Lafayette counties had already lost their federal funding.

Frank Dumbaugh, deputy assistant attorney general for civil rights, said, "that because of Supreme Court rulings last fall [1969] in desegregation suits, compliance will be required for the start of school in September [1970]." He also said that the Justice Department is promising to take school boards to court if they do not have a plan for full integration in place by two weeks to a month from May 7, 1970.[2]

Federal Lawsuit against Flagler County

On July 10, 1970, the U.S. Justice Department filed a school integration lawsuit against Flagler County (and five other counties), which "…gave them two weeks to come up with unitary systems to meet federal guidelines."[3]

U.S. District Judge William McRae immediately issued orders to the school superintendents of these six counties to prepare and submit plans by July 24, 1970, or a hearing would be scheduled for the first week of August 1970.

The State of Florida announced that it would assist in the defense of these six counties, even though the state was not specifically named in the federal lawsuit.

Flagler County Schools Placed Under Federal Court Order

After federal funding was cut off, a federal lawsuit filed and several warnings to comply with full integration of public schools the Flagler County school system was still not in compliance with federal mandates by August 1970.

On August 7, 1970, District Judge Charles R. Scott placed the Flagler County school system under a federal court order, which resulted in the federal court assuming jurisdiction over all Flagler County public schools. Several of the details of this federal court order were as follows:

> "The School Board must make a detailed report to the Justice Department on October 1 and April 15 of each year to indicate that students are completely desegregated in each class in each school. The report includes desegregation of buses and teacher assignments, transfer and dismissals.
>
> The Federal Court reserves the right to review any plans the School Board might have to repair, improve or construct any school facilities until the court is assured that complete desegregation will be observed in the facilities.
>
> The School Board must report to court the disposition or abandonment of any school plant or property having a value of $500. Ostensibly, this would prohibit use of any facilities or equipment for private school purposes."[4]

Although the Flagler County School Board delayed compliance with federally mandated full integration of its public school system for many years it wasted no time planning to apply for reinstatement of federal funding at an August 14, 1970 special meeting.

USA v. Flagler County School District

James O. Craig (Superintendent of the Flagler County Board of Public Instruction) decided to file an appeal to the federal court order requiring the immediate desegregation of Flagler County public schools. None of the Flagler County School Board members supported him as they realized that the federal government's patience with delays to desegregation compliance had run out by the early 1970s.

This Court has seen, heard, or heard of everything, that is, until today

The appeal was so absurd that Chief Judge John R. Brown[5] of the United States Court of Appeals, Fifth Circuit, practically made a mockery out of Craig's attempt to defy the federal court order. Following are the details and findings of the United States Court of Appeals, Fifth Circuit.

"457 F.2d 1402

UNITED STATES of America, Plaintiff-Appellee,
v.
FLAGLER COUNTY SCHOOL DISTRICT et al., Defendants, James O. Craig, Supt. of Schools, School Board of Flagler County, Defendant-Appellant.

No. 71-2323.

United States Court of Appeals, Fifth Circuit.

March 29, 1972.

Stanley D. Kupiszewski, Jr., DeLand, Fla., for defendant-appellant; James O. Craig, pro se.

Jerris Leonard, Asst. Atty. Gen., Brian K. Landsberg, Atty., U. S. Dept. of Justice, Washington, D. C., John L. Briggs, U. S. Atty., John D. Roberts, Asst. U. S. Atty., Jacksonville, Fla., David L. Norman, Asst. Atty. Gen., Roderick N. McAulay, Atty. Dept. of Justice, Washington, D. C., for plaintiff-appellee.

Before JOHN R. BROWN, Chief Judge, and INGRAHAM and RONEY, Circuit Judges.

JOHN R. BROWN, Chief Judge:

1 - As a last gasp in the struggle against desegregation in the Flagler County (Florida) School District, Superintendent James O. Craig, now alone and unaided by the school board, appeals pro se from the District Court's order enjoining the operation of racially segregated public educational facilities and requiring the immediate implementation of a unitary school system, including compliance with the semi-annual reporting provision of Singleton v. Jackson Municipal Separate School District, 5 Cir., 1970, 426 F.2d 1364. (1)

2 - In the long march from Mansfield (2) this Court has seen, heard, or heard of everything (3)-everything, that is, until today.

3 - Here the District Court, after finding that Flagler County was operating a dual school system, ordered the immediate implementation of a unitary school system on August 7, 1970. The School District resisted, arguing that it did not know what the term "race" or "ethnic origin" contemplated. It contended that it could not assure that Negro students were not being discriminated against because it did not have a Congressional definition of the term "Negro." What began as an ingenious quandary soon became disingenuous when HEW [Health, Education and Welfare] offered these definitions:

Negro:

4 - persons considered by themselves, by the school or by the community to be of African or Negro origin.

Oriental:

5 - persons considered by themselves, by the school or by the community to be of Asian origin.

6 - Similar guidelines were announced for identifying American Indians, Spanish Surnamed Americans and All Others. Thereupon, the School District blithely filed a Supplemental Report identifying all teachers and students in the District as "Orientals," since they were so "considered by the school." Therefore, it reasoned, there was no discrimination, since there was only one race in the entire school district (i. e., "Orientals") and it could not be found to be in noncompliance with Constitutional standards.

7 - With no surprise to anyone the District Court summarily rejected this absurdity and to the credit of the School District and the good sense of its members, the Board consented to a decree, avoiding any further embarrassment by urging that contention in this Court. The School Superintendent, who was named as a party-defendant in the suit below as a matter of form, appeals singly pro se from the District Court's order.

8 - His argument is that he cannot enforce the District Court's order because it contains no definition of what is a Negro and therefore, he contends, the order is vague and uncertain. Justice Douglas's statement in Tijerina v. Henry, 1970, 398 U.S. 922, 90 S.Ct. 1718, 26 L.Ed.2d 86, sufficiently answers that argument-"One thing is not vague or uncertain, however, and that is that those who discriminate against members of this and other minority groups have little difficulty in isolating the objects of their discrimination." The record indicates that in the past the School District has apparently had no difficulty identifying Negroes for the purposes of segregating them. For desegregation, they can be identified with similar ease.

9 - Appellant's other argument, that he does not know how to implement the District Court's mandate that discrimination in the system be rooted out completely by use of non-discriminatory assignment of students (as the Trial Court suggests, on the basis of alphabetical order) is without any redeeming merit.

10 - Whether viewed as frivolous under our Rule 20, which it clearly is, or on the merits-or more accurately, the total lack of merits-the appeal utterly fails.

11 - Affirmed.

(1) - The United States instituted the present action nearly six months after the entry of a consent decree providing a desegregation plan for the county, because the first semi-annual report required by that decree failed to include statistical data relating to the racial composition of student bodies and faculties.

(2) - Jackson v. Rawdon, 5 Cir., 1956, 235 F.2d 93, cert. denied, 352 U.S. 925, 77 S.Ct. 221, 1 L.Ed.2d 160.

(3) - See, e. g., Hernandez v. Driscoll Consolidated Independent School District, 2 Race Rel.L.R.

> 329 (S.D.Tex., January 11, 1957). There, the school district tried to circumvent an order of the State Superintendent of Public Instruction, promulgated as a result of a court order in Delgado v. Bastrop Ind. School Dist., Civil No. 388 (W.D.Tex., June 15, 1948). The Superintendent's order had permitted segregation of Mexican Americans in the first grade only-as a means of combatting a prevalent language deficiency. Driscoll Independent School District's coup was to keep Mexican American students in the first grade for the first four years of their educational careers."[6]

In early 1972, right around the time when Chief Judge John R. Brown ruled that James O. Craig's frivolous lawsuit appeal contained a total lack of merits Craig resigned as the Superintendent of the Flagler County Board of Public Instruction, and assumed the position of supervising principal for the Flagler County School System.

Soon afterwards, on June 3, 1972, James O. Craig suddenly died at the age of 54 after suffering a fatal heart attack.

Flagler County Schools Fully Integrate in 1972-73

After losing the *USA v. Flagler County School District* appeal, and still under the jurisdiction of a federal court order, there were no more legal delay tactics for the Flagler County School Board to pursue as they realized that resistance to the federal government's mandates was futile.

Nearly 18 years after the *Brown v. Board of Education of Topeka* case ruled that racial segregation in public schools was unconstitutional both the Bunnell Elementary No. 2 (formerly Carver School which had all black students) and the Flagler Beach School (*fig. 16.4*) (which had all white students) were closed. All Flagler County public school students were fully integrated into the Bunnell High School and Bunnell Elementary No. 1 buildings.

Benefits of Integrated Classrooms

One of the main goals, and accomplishments, of the Civil Rights Movement was to ensure the federal government forced full integration in public schools.

Benefits of integrated classrooms include the preparation of students to become better citizens and leaders in a country that is growing in diversity. Psychological and sociological studies have discovered that integrated classrooms indoctrinate students with more tolerance and inclusionary behaviors with all races of people, which prepares them for the increasing complexity of the social and cultural aspects of modern globalization.

Chapter 16 Appendix

Flagler County Board of Public Instruction

Bunnell, Florida

Notice of School Desegregation Plan Under

Title VI of the Civil Rights Act of 1964

(Required by 181.46 and 181.53 of the Statement of Policies)

- Published in the *Flagler Tribune* on October 28, 1965 and April 28, 1966.

1. **Desegregation Plan in Effect**
   The Flagler County public school system is being desegregated under a plan in accordance with, Title VI of the Civil Rights Act of 1964. The purpose of the desegregation plan is to eliminate from our school system the racial segregation of students and all other forms of discrimination based on race, color or national origin.

2. **Thirty-Day Spring Choice Period**
   Each student or his parent, or other adult person acting as parent, is required to choose the school the student will attend next year. The choice period will begin on April 15, 1966, and close on May 15, 1966.

3. **Explanatory Letters and School Forms**
   On the first day of the choice period, an explanatory letter and this notice will be sent by first-class mail to the parent, or other adult person acting as parent, of each student then in the schools who is expected to attend school the following school year. A school choice form will be sent with each letter, together with a return envelope addressed to the Superintendent. Additional copies of the letter, this notice and the notice form are freely available to the public at any school and at the Superintendent's office.

4. **Returning the Choice Forms**
   Parents and students, at their option, may return the completed forms by hand to any school or by mail to the Superintendent's office, at any time during the 30-day choice period. No preference will be given for choosing early during the choice period. A choice is required for each student. No assignment to a school can be made unless a choice is made first.

5. **Choice Form Information**
   The school choice forms lists the names, locations and grades offered for each school. The reasons for any choice made are not to be stated. The form asks for the name, address and age of the student, the school and grade currently or last attended, the school chosen for the following year, the appropriate signature, and whether the form has been signed by the student or his parent. Any letter or written communication which identifies the student and the school he wishes to attend will be deemed just as valid as if submitted on the choice form supplied by the school system. The names of students and the schools they choose, or are assigned to under the plan, will not be made public by any school officials.

6. **Course and Program Information**
   To guide students and parents in making a choice of school, listed below, by schools, are the course and programs, which are not given at every school in this school system.

Carver High School……..Spanish I & II
Carver High School……..Vocational Agriculture
Bunnell High School……Industrial Arts

7. **Signing the Choice Form**
   A choice form may be signed by a parent or other adult person acting as parent. A student who has reached the age of 15 at the time of choice, or will next enter the ninth or any higher grade, may sign his own choice form. The student's choice shall be controlling unless a different choice is exercised by his parent before the end of the period during which the student exercises his choice.

8. **Processing the Choices**
   No choice will be denied for any reason other than overcrowding. In cases where granting all choices for any school would cause overcrowding, the students choosing the school who live closest to it will be assigned to that school. Whenever a choice is to be denied, overcrowding will be determined by a uniform standard applicable to all schools in the system.

9. **Notice of Assignment, Second Choice**
   All students and their parents will be promptly notified in writing of their school assignments. Should any student be denied his choice because of overcrowding he will be promptly notified and given a choice among all other schools in the system where space is available.

10. **Students Moving into the Community**
    A choice of school for any student who will be new to the school system may be made during the spring 30-day choice period or any other time before he enrolls in school. An explanatory letter, this notice and the school choice form will be given out for each new student as soon as the school system knows about the student. At least seven days will be allowed for the return of the choice form when a choice is made after the spring 30-day period. A choice must be made for each student. No assignment to any school can be made unless a choice is made first.

11. **Students Entering First Grade**
    The parent, or other adult person acting as parent, of every child entering the first grade or kindergarten is required to choose the school his child will attend. Choices will be made under the same free choice process used for students new to the school system in other grades, as provided in paragraph 10.

12. **Priority of Late Choices**
    No choice made after the end of the spring 30-day choice period may be denied for any reason other than overcrowding. In the event of overcrowding, choices made during the 30-day choice period will have first priority. Overcrowding will be determined by the standard provided for in paragraph 8. Any parent or student whose first choice is denied because of overcrowding will be given a second choice in the manner provided for in paragraph 9.

13. **Test, Health Records and Other Entrance Requirements**
    Any academic tests or other procedures used in assigning students to schools, grades, classrooms, sections, courses of study, or for any other purpose, will be applied uniformly to all students without regard to race, color or national origin. No choice of school will be denied because of failure at the time of choice to provide any health record, birth certificate, or other document. The student will be tentatively assigned in accordance with the plan and the choice made, and given ample time to obtain any required document. Curriculum, credit, and promotion procedures will not be applied in such a way as to hamper freedom of choice of any student.

14. **Choice Once Made Cannot Be Altered**
Once a choice has been submitted, it may not be changed, even though the choice period has not ended. The choice is binding for the entire school year to which it applies, except in the case of (1) compelling hardship, (2) change of residence to a place where another school is closer, (3) the availability of a school designated to fit the special needs of a physically handicapped student, (4) the availability at another school of a course of study required by the student, which is not available at the school chosen.

15. **All Other Aspects of Schools Desegregated**
All school-connected services, facilities, athletics, activities and programs are open to all on a desegregated basis. A student attending the school for the first time on a desegregated basis may not be subject to any disqualification or waiting period for participation in activities and programs, including athletics, which might otherwise apply because his is a transfer student. All transportation furnished by the school system will also operate on a desegregated basis. Faculties will be desegregated, and no staff member will lose his position because of race, color or national origin. This includes any case where less staff is needed because schools are closed or enrollment is reduced.

16. **Attendance Across School System Lines**
No arrangement will be made, or permission granted, by this school system for any students living in the community it serves to attend the school in another school system, where this would tend to limit desegregation, or where the opportunity is not available to all students without regard to race, color or national origin. No arrangement will be made, or permission granted, by this school system for any students living in another school system to attend this system, where this would tend to limit desegregation, or where the opportunity is not available to all students without regard to race, color or national origin.

17. **Violations to be Reported**
It is a violation of our desegregation plan for any school official or teacher to influence or coerce any person in the making of a choice or to threaten any person with penalties or promise favors for any choice made. It is also a violation of Federal regulations for any person to intimidate, threaten, coerce, retaliate or discriminate against any individual for the purpose of interfering with the free making of a choice of school. Any person having any knowledge of any violation of these prohibitions should report the facts immediately by mail or phone to the Equal Educational Opportunities Program, U.S. Office of Education, Washington, D.C., 20202 (telephone: 202-962-0333). The name of any person reporting any violation will not be disclosed without his consent. Any other violation of the desegregation plan or other discrimination based on race, color, or national origin in the school system is also a violation of Federal requirements, and should likewise be reported. Anyone with a complaint to report should first bring it to the attention of local school officials, unless he feels it would not be helpful to do so. If local officials do not correct the violation promptly, any person familiar with the facts of the violation should report them immediately to the U.S. Office of Education at the above address or phone number.

CERTIFICATION
This plan of desegregation was duly adopted by the Flagler County Board of Public Instruction at a meeting held on February 22, 1967.

Harold Emery, Chairman
Flagler County Board of Public Instruction

ATTEST
Signed:

Coy G. Harris, Jr.
Superintendent, Public Instruction, Flagler County

Figures

16 – Struggles to Desegregate Public Schools

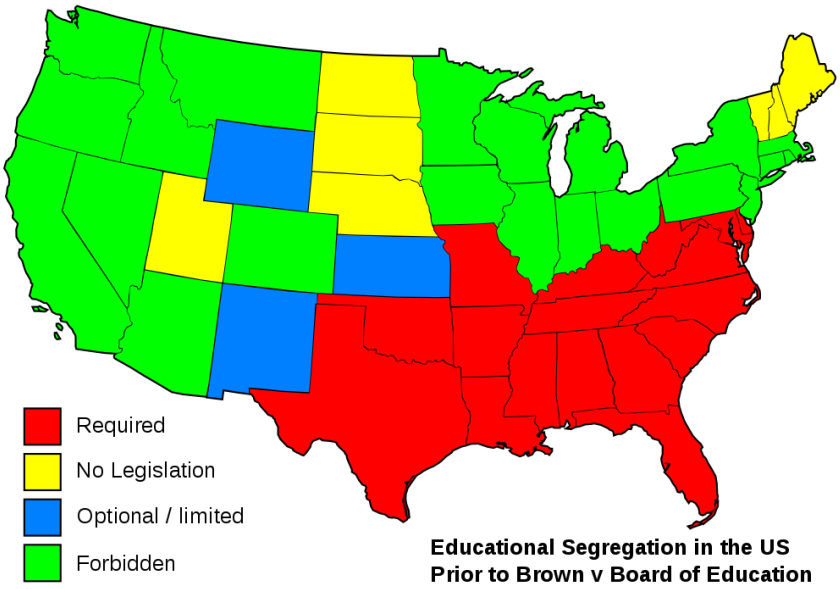


Fig. 16.1. Map of U.S. States showing the extent of racially segregated educational laws prior to the 1954 *Brown v. Board of Education of Topeka* ruling. Source: Public Domain (Wikimedia.org).

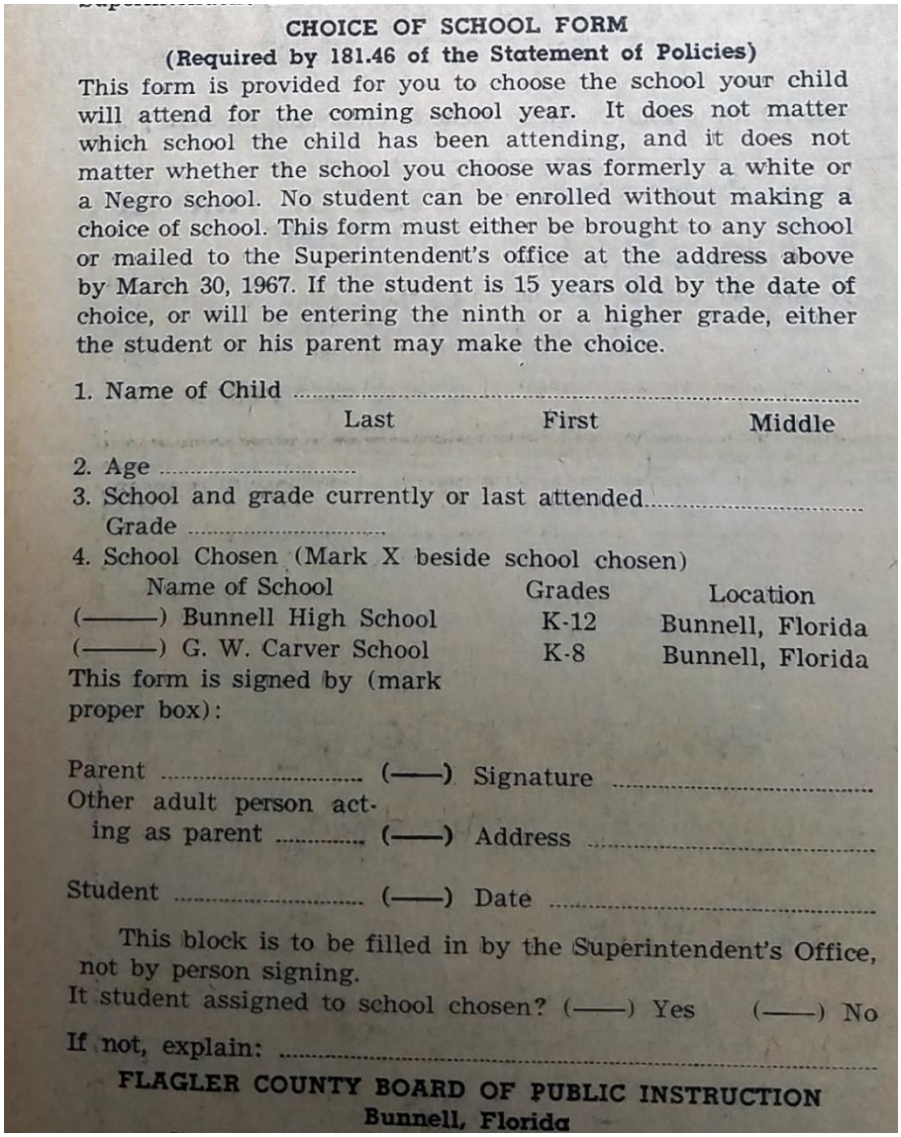
Required: Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia.

No Legislation: Maine, Nebraska, New Hampshire, North Dakota, South Dakota, Utah and Vermont.

Optional: Kansas, New Mexico and Wyoming.

Forbidden: Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Montana, New Jersey, New York, Nevada, Ohio, Oregon, Pennsylvania, Rhode Island, Washington and Wisconsin.

Fig. 16.2. Desegregating Public Schools – USPS 33-cent Postage Stamp – (released in 1999).
Source: Author's Collection.



CHOICE OF SCHOOL FORM

(Required by 181.46 of the Statement of Policies)

This form is provided for you to choose the school your child will attend for the coming school year. It does not matter which school the child has been attending, and it does not matter whether the school you choose was formerly a white or a Negro school. No student can be enrolled without making a choice of school. This form must either be brought to any school or mailed to the Superintendent's office at the address above by March 30, 1967. If the student is 15 years old by the date of choice, or will be entering the ninth or a higher grade, either the student or his parent may make the choice.

1. Name of Child .....
   Last First Middle
2. Age .....
3. School and grade currently or last attended.....
   Grade .....
4. School Chosen (Mark X beside school chosen)

Name of School	Grades	Location
(———) Bunnell High School	K-12	Bunnell, Florida
(———) G. W. Carver School	K-8	Bunnell, Florida

This form is signed by (mark proper box):

Parent ..... (——) Signature .....
Other adult person acting as parent ..... (——) Address .....

Student ..... (——) Date .....

This block is to be filled in by the Superintendent's Office, not by person signing.

It student assigned to school chosen? (——) Yes (——) No

If not, explain: .....

FLAGLER COUNTY BOARD OF PUBLIC INSTRUCTION
Bunnell, Florida

Fig. 16.3. Choice of School Form – published in the *Flagler Tribune* on March 2, 1967.

Fig. 16.4. The Former Flagler Beach School building – this photograph appeared in the *Flagler Tribune* on March 13, 1975.

Notes

16 – Struggles to Desegregate Public Schools

[1] Justice Dept. Puts Flagler on Warning. *Flagler Tribune*. May 7, 1970, p. 1.

[2] Flagler School Board Named in Integration Suit. *Flagler Tribune*. July 16, 1970, p. 1.

[3] Ibid.

[4] Flagler Schools Under Federal Court Order. *Flagler Tribune*. August 13, 1970, p. 1.

[5] **John R. Brown** (1910-1993) was a World War II veteran who served in the U.S. Army and retired from the military with a rank of major. He was a civil-rights Republican who said that "the Constitution would not tolerate any discrimination based on color or race." He served as a Federal judge, and chief judge, for United States Court of Appeals for the Fifth Circuit in New Orleans, which played a major role in desegregation cases that transformed the South. Judge Brown's court became a battleground as the busiest circuit in the nation and proved to be a firm enforcer of equal rights. He presided over the court from 1967 to 1979, when he retired after reaching the mandatory retirement age of 70 for chief judges.

[6] 457 F. 2d 1402 - *United States v. Flagler County School District*. OpenJurist.org. https://m.openjurist.org/457/f2d/1402/united-states-v-flagler-county-school-district-o, Accessed October 1, 2019.

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