

SOCIAL PROBLEMS

VOLUME 2

APRIL, 1955

NUMBER 4

DESEGREGATION IN THE PUBLIC SCHOOLS

Consulting Editor for the Symposium

KENNETH B. CLARK

Introduction	KENNETH B. CLARK	197
Desegregation and Social Change	IRA DE A. REID	198
The Role of the NAACP	ROY WILKINS	201
The Challenge to Southern Social Scientists and Educators	HERMAN H. LONG	204
Scholastic Achievement of Negro Children in Desegregated Schools	RICHARD L. PLAUT	205
Protestant Churches and Public School Desegregation	OSCAR J. LEE	212
Legal Background of the May 17th Decision	ROBERT L. CARTER	215
Conclusions	KENNETH B. CLARK	218
Text of the Supreme Court Opinions		221
Appendix to Appellants' Briefs: Statement by Social Scientists		227

BOOK REVIEWS

H. T. Christensen J. A. Clausen S. K. Weinberg N. L. Whetten

OFFICIAL REPORTS

NEWS AND ANNOUNCEMENTS

INDEX

PUBLISHED BY THE SOCIETY FOR
THE STUDY OF SOCIAL PROBLEMS

THE ROLE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE IN THE DESEGREGATION PROCESS

ROY WILKINS

National Association for the Advancement of Colored People

Because the National Association for the Advancement of Colored People played a major role in the legal action which resulted in the Supreme Court decision of May 17, 1954, it is natural that estimates of its continuing activity would place major emphasis on law suits. This is doubly logical in view of the fact that its attorneys now are armed with an actual opinion on the unconstitutionality of racially segregated schools, rather than the mere belief in that unconstitutionality and the hope of such a pronouncement.

But, popular opinion to the contrary, the NAACP would prefer using legal action as a last resort in the many situations which will arise in hundreds of communities. The basic question has been solved: racially segregated schools are unconstitutional. The complexities ahead involve compliance. How shall the Court's opinion be implemented? The approach and program of the NAACP to implementation has already taken shape, influenced in part by the traditional policy of the Association (for first-class citizenship free of discrimination and segregation) and by events immediately before and since May 17.

1. Pending the handing down of decrees in the specific cases before the highest court, the NAACP has sought to persuade states and school districts to desegregate in compliance with the opinion.

The first step in this effort was a meeting in Atlanta, Georgia, five days after the decision, of seventeen Southern state presidents of the Association where the Atlanta Declaration was formulated. This Declaration asserted:

Having canvassed the situation in each of our states, we approach the fu-

ture with the utmost confidence . . . We stand ready to work with other law-abiding citizens who are anxious to translate this decision into a program of action to eradicate racial segregation in public education as speedily as possible.

In pursuit of our objectives, we will accelerate our community action program to win public acceptance of the Court's desegregation order from all segments of the population . . . we are confident of the support of teachers, parents, labor, church, civic, fraternal, social, business and professional organizations.

Petitions asking compliance were drawn and local NAACP branches in communities which had had compulsory school segregation presented these to local school boards. Some few boards refused to receive NAACP delegations, the majority received and put aside the petitions, and a goodly number began action at once on desegregation plans.

This NAACP action, plus other factors, including the conviction of responsible public officials that segregation should be eliminated, helped in the Missouri change-over, which must be regarded as the best state-wide compliance program so far in the nation. In the Baltimore transition the NAACP branch played an effective role in consultations with school and city officials. Much the same action was taken by the little NAACP branch in Hobbs, New Mexico.

Two of the five communities which came before the Court have abolished segregation in their schools: Washington, D.C., and Topeka, Kansas. The Delaware district involved already has mixed schools under a lower court decision and the decree can thus only prohibit the state of Delaware (the appellant) from upsetting the present system there. That leaves two school districts, one in Virginia

and one in South Carolina, to be directly affected by the decrees.

NAACP local chapters, backed by the national organization, will join other agencies and citizens in these communities in seeking compliance with the terms of the Court order. Moreover, with the Court order as a pattern, the Association will continue to work with any and all groups in affected communities to effect a transition without resort to legal action.

2. The NAACP will resist efforts in areas outside the compulsory segregation belt to institute or continue a variety of forms of segregation, using the Court opinion and decrees as added weapons.

It has been popular to charge "the South" with racial discrimination and segregation and to suppose that other areas are guiltless. While the South has been the greatest and most consistent practitioner of racial discrimination, certain Northern communities have also practised discrimination, even on the school question. Indiana, southern Illinois and southern Ohio until very recently had racially segregated schools, as did Arizona. Less than ten years ago southern New Jersey had separate schools.

Even in the face of the May 17 opinion some Northern towns are persisting in practices which, in effect, enforce segregation in public schools. Gerrymandering is a popular device and is being used (and challenged) in Englewood, New Jersey, and Hempstead, New York. The New Jersey Division Against Discrimination has acted on the complaint of Negro parents in Englewood, and the NAACP is active on the Hempstead situation. Both towns drew district lines in such a manner as to require the attendance of Negro children at an all-Negro school.

In Benton Harbor, Michigan a somewhat different device was attempted. A new school was built in an all-Negro neighborhood and the Negro children who had been attending a mixed school nearby were as-

signed to the new building. However, the Negro principal of the mixed school was retained in her post.

Settlement of the uproar over the new pattern still left an all-Negro school, but with the children divided by grade, not by race, so that the older Negro children were re-enrolled in the mixed school.

Thus school site selection and school construction programs are added to gerrymandering as devices for maintaining segregated patterns. These and other schemes, frequently camouflaged in school board resolutions whose language must be carefully analyzed, will claim the attention of NAACP units throughout the country.

3. The NAACP will seek to safeguard the moral and tenure rights of Negro teachers in the assignment of personnel in desegregated systems. To this end, a new section (headed by Dr. John W. Davis, former president of West Virginia State College) has been added to the Legal Defense arm of the Association.

It was announced that this department to protect Negro teachers and principals from racial discrimination would develop an educational program to advise the teachers of their rights and employment status, and to counsel with them during the desegregation process. This action was in line with the Atlanta Declaration which had insisted that there be "integration at all levels including the assignment of teacher personnel on a non-discriminatory basis."

Thus far, no great problems have arisen with teachers. In Phoenix, Tucson, Washington, Baltimore, St. Louis and smaller cities and towns Negro teachers have been retained in the new system, although, in a very few instances, some have lost their jobs.

The desegregation of the St. Louis high schools indicates the pattern which may be expected in centers of heavy Negro population. Here the two Negro high schools remain as they were, except that instead of

drawing their students from the Negro population of the entire city, they now draw from the residential areas immediately surrounding the schools. These areas are solidly Negro. All Negro students living outside these areas now attend what were formerly "white" high schools. The faculties of the two schools remain for the present all-Negro, but some Negro teachers have been assigned to the newly mixed schools.

In the main, the teacher problem will be met in this manner, or variations of it, so that there is little logical prospect that Negro teachers will lose their employment in wholesale lots. The NAACP will address itself to those situations in which there is a threat of mass dismissals on the score of race, or to any situation where even a single dismissal seems to be motivated by race alone.

It is not anticipated, in view of the tremendous overall shortage of teachers in the nation, that any appreciable number of qualified Negro teachers will be dismissed from their posts. Where legitimate consolidations occur and where seniority, tenure rights, and qualifications are taken into account, such teachers as are displaced will have aid in seeking new posts.

4. The NAACP will oppose the allocation of any and all forms of federal aid to education to those states or school districts which refuse to comply with the Supreme Court opinion.

At a meeting of the national board of directors, February 14, 1955, a resolution was adopted providing:

That any new federal legislation in aid of education in the states at whatever level or of whatever character should contain corrective and safeguarding features which make such aid available only to such states as comply fully with the spirit and purpose of the Constitution.

This sentiment has been expressed repeatedly in resolutions adopted by the annual conventions of the Association and was set forth in the Atlanta Declaration as follows:

... we strongly support federal aid to assist our states in the building of new schools and the expansion of educational facilities for all our children, provided that any such legislation contains the necessary safeguards to insure the distribution of funds in accordance with the court's decision.

The NAACP position is simply that since racially segregated public school systems have been declared unconstitutional, no federal funds should be allocated to those areas which defy what is now the law of the land. This applies specifically to legislation pending in the 84th Congress to aid the states in building new schools.

5. Needless to say, if all other methods fail, the NAACP legal staff will make its services available to any Negro parents in any school district who wish to challenge in court those local school authorities who choose to ignore, evade, or openly defy the ruling of May 17.

The Association believes that the rights of the children to equal education are paramount. The nation's highest court has declared that such equal education cannot be secured in a racially segregated system. While recognizing the existence of certain administrative problems (and certain psychological ones), the NAACP believes all these can be solved in a reasonable time if they are attacked by responsible officials and bodies of citizens — if a beginning is made on a plan to comply. Failing such a beginning, the situations must ultimately be brought before the courts for examination and determination.

The NAACP believes, as was stated at Atlanta, that substantial numbers of white Southerners want to abide by the Constitution and are willing to begin, in their school districts, a program of desegregation. Many of these people have been intimidated by extremely vocal politicians and seekers or holders of public office who, in some places, have crudely cast the school question in a setting where decent people hesitate to become embroiled.

Despite this hysteria and the frantic actions by South Carolina, Georgia and Mississippi legislatures looking to the abolition of the public schools, the NAACP is confident that on a people-to-people, school-district-to-school district level, desegregation will move forward once the Supreme Court has handed down its decrees on procedure. Americans are basically law-abiding. Americans are basically fair. There is nothing fair about the Jim Crow school system. Even die-hard opponents of integration now freely admit (as they scramble for delay and *any* device for non-compliance) that the segregated school was *not* equal. Their unequal and unfair system has

been dragged out into the light, spread before the nation's highest court, measured against the guarantees of the United States Constitution and found wanting. At such a stage they will fume and fulminate and call upon tradition and custom; they will deliver political orations, and summon the myths that have served so well in the past. But, unless they should make the extremely unlikely choice of leaving the Federal union, in the end (and sooner than many now think) they will act as Americans have always acted when fair play is demanded. There will be a new order and they will bring it about.