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## **Race, Education, and Regionalism: The Long and Troubling History of School Desegregation in the Sunshine State**

by Irvin D. S. Winsboro and Abel A. Bartley

In 1845, as Florida joined the Union, the state legislature promulgated a law which stated that any “assemblies . . . by free negroes and mulattoes, slave or slaves, shall be punished . . . with a fine not exceeding twenty dollars, or stripes, not exceeding thirty-nine.” This measure, along with extensive and punitive slave codes, virtually eliminated opportunities to establish African American schools in the newest slaveholding state. Florida, true to the code of the white South, wanted to eliminate opportunities for slaves and free blacks to congregate and to pursue education for their children. Although based on the pervasive racial norms of the antebellum South, white Floridians’ efforts to deprive African Americans of equal-opportunity education would last through the modern civil rights movement of the 1950s and 1960s. This study will chronicle that educational inequality and explore how the Sunshine State’s reputed exceptionalism in the Deep South,

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as reported in the press, the media, and the literature, may not, in fact, match its actual record.<sup>1</sup>

In 1949, V. O. Key, Jr., in his classic *Southern Politics in State and Nation*, declared Florida an exception within Dixie, “scarcely part of the South,” in fact, a “world of its own” whose history emitted only “a faint tropical rebel yell.” Even though Key’s work proved flawed regarding issues of race, as Pearl Ford Dowe and others have underscored in *Unlocking V. O. Key Jr.: Southern Politics for the Twenty-First Century*, the intellectual construct of Key’s classic proposition—Florida’s regional exceptionalism—has endured and provided a baseline for many interpretations of race relations in the Sunshine State. This structural narrative of Florida as a state apart from its Dixie neighbors has long endured in the scholarship of southern apologists such as Ulrich B. Phillips, and later in the works of Hugh Douglas Price, Donald Matthews and James Prothro, and Manning J. Dauer, but has permeated many popular accounts of Florida as well. More recently, scholars such as those writing in *Old South, New South, or Down South?: Florida in the Modern Civil Rights Movement*, have begun to revise interpretations of Florida as deviating from the racial norms of the Deep South, especially with regard to educational inequities. Continuing in that vein, this study refocuses the historical lens on some of the largely unheralded black agency in combating Florida’s deep and persistent school segregation. In multiple examples, those personal and legal battles in Florida proved to be pioneering actions across the region.<sup>2</sup>

1 “Title Fourth: Of Offenses Committed by Slaves, Free Negroes, and Mulattoes, and of Certain Civil Remedies Against Free Negroes and Mulattoes,” in Leslie A. Thompson, *A Manual or Digest of the Statute Law of the State of Florida, of a General and Public Character, in Force at the End of the Second Session of the General Assembly of the State, on the Sixth Day of January, 1847. Digested and Arranged under and in Pursuance of an Act of the General Assembly, Approved December 10, 1845* (Boston: Charles C. Little and James Brown, 1847), 539. See 531-546 for the extensive and punitive slave codes; Donald G. Nieman, “Introduction,” in *African Americans and Education in the South, 1865-1900*, ed. Donald G. Nieman (New York: Garland, 1994), vii.

2 Pearl Ford Dowe, “V. O. Key Jr.’s Missing Link: Black Southern Political Culture and Development,” in *Unlocking V. O. Key Jr.: Southern Politics for the Twenty-First Century*, eds. Angie Maxwell and Todd G. Shields (Fayetteville: University of Arkansas Press, 2011), 23-38. On the issue of Florida gaining a reputation for moderation and exceptionalism as a Deep South state, see V. O. Key, Jr., *Southern Politics in State and Nation* (New York: Alfred A. Knopf, 1949), 83-84; Ulrich B. Phillips, “The Central Theme of Southern History,” *American Historical Review* 34, no. 1 (October 1928): 30; Hugh Douglas Price, *The Negro and Southern Politics: A Chapter of Florida History* (New York: New York University Press, 1957); Donald Matthews and James Prothro, *Negroes and the New Southern Politics* (New York: Harcourt, Brace and World, 1966); Manning

During the Civil War, the Union military and the Freedmen's Aid Society created by the American Missionary Association offered the first formal educational opportunities for blacks in Florida. In 1864, the New-England Freedmen's Aid Society authorized Dr. Esther Hawks, a Northern physician and philanthropist, to create a school in Union-occupied Jacksonville. The school opened shortly thereafter and by early 1865 numbered 150 black students and four teachers. Within months of Hawks's action, the Jacksonville *Florida Union* newspaper stated that in "the progress of their studies" the young pupils "compare favorably with the children in other [white] institutions of learning." In keeping with a trend in the South, as Ronald Butchart has noted in a recent study, black veterans often settled in areas of military service and became teachers. One such educator was former slave and Union spy Mary J. R. Richards, who became one of the earliest educators in Florida and the South when she assumed teaching duties in Jacksonville, Florida, after the war.<sup>3</sup>

3 J. Dauer, "Florida: The Different State," in *The Changing Politics of the South*, ed. William C. Harvard (Baton Rouge: Louisiana State University Press, 1972), 92-164. More recent scholarship challenging Florida's exceptionalism includes Irvin D. S. Winsboro, "Image, Illusion, and Reality: Florida and the Modern Civil Rights Movement in Historical Perspective," in *Old South, New South, or Down South? Florida and the Modern Civil Rights Movement*, ed. Irvin D. S. Winsboro (Morgantown: West Virginia University Press, 2009), 1-21; Marvin Dunn, "The Illusion of Moderation: A Recounting and Reassessing of Florida's Racial Past," in *Old South, New South, or Down South?*, 22-46; Paul Ortiz, "Old South, New South, or Down South? Florida and the Modern Civil Rights Movement: Towards a New Civil Rights History in Florida," in *Old South, New South, or Down South?*, 220-244. Regarding the New-England Freedmen's Aid Society's work in the South and Jacksonville, see "Second Annual Report of the New-England Freedmen's Aid Society," American Antiquarian Society Online Resource, "Northern Visions of Race, Religion and Reform in the Press and Letters of Freedmen and Freedmen's Teachers in the Civil War Era," <http://faculty.assumption.edu/aas/Reports/fr04-1865.html> (accessed October 25, 2013); Esther H. Hawkes, Jacksonville, Florida, Feb. 8, 1865, *The Freedmen's Journal*, <http://drbronsontours.com/bronsonjacksonvilleestherhawkesfeb81865.html> (accessed October 25, 2013). New England Freedmen's Aid Society appeared in publications and its documents in both hyphenated and non-hyphenated forms; Charles L. Crow, "History of the Early Public Schools in Florida," Preservation Photocopy, np., nd., Smathers Libraries, University of Florida, Gainesville, Florida, 3-14; Thomas Everette Cochran, *History of Public-School Education in Florida* (Lancaster, PA: Press of The New Era Printing Co., 1921), 19-28; "The Colored School," *Jacksonville Florida Union*, March 25, 1865; Ronald E. Butchart, *Schooling the Freed People: Teaching, Learning, and the Struggle for Black Freedom, 1861-1876* (Chapel Hill: University of North Carolina Press, 2010), 42; Gerald Schwartz, "An Integrated Free School in Civil War Florida," *Florida Historical Quarterly* 61, no. 2 (October 1982): 155-161; Joe M. Richardson, *African Americans in Reconstruction of Florida, 1865-1877* (Tuscaloosa: University of Alabama Press, 2008 [1965]), 98; Joe M. Richardson, "The Freedmen's Bureau and Negro Education in Florida," *Journal of Negro Education* 31, no. 4 (Autumn 1962): 460-461.

The historical record reflects that the newly freed Floridians, along with their counterparts throughout the South, desired education for their children, believing that it was a core value that would advance and empower their race. Blacks themselves built and financed schools for their youth. Their actions were soon matched by paternalistic Northerners like Hawks and societies such as the African Methodist Episcopal Church, the American Missionary Association, the African Civilization Society, and the American Freedmen's Union Commission, resulting in thirty actual or planned schools in the state whenever and wherever possible. Despite the sometimes onerous stereotyping of black children in the new "Schools for Freedmen," Heather Williams has noted correctly that these organizations helped the newly emancipated to create their own schools "to Dwo Business on our own hook." African American parents across the state soon pressured local and state leaders to establish a public school system in Reconstruction Florida to create "book larnin" for their youth. Despite the state's long history of racial injustice, post-war leaders for the first time bowed to the agency of the black community, albeit the military occupation of the state after the war expedited that historic event.<sup>4</sup>

In 1866, Tallahassee passed legislation authorizing the first state-sanctioned education for African Americans. Edward B. Duncan rose as the initial Superintendent of Schools for Freedmen. According to a contemporary Freedmen's Bureau report, that school year witnessed an immediate increase to sixty African American day and night schools (almost all in urban areas), thirty-three "coloreds" among the teachers, and a student body rivaling and perhaps even surpassing the number of white children in their state schools. In short order, the number of freedmen teachers increased to fifty-eight with a corresponding student enrollment of 2,726. A Freedmen's Bureau observer in Florida recorded,

4 See J. W. Alvord, *Third Semi-Annual Report on Schools for Freeman, January, 1867* (Washington, DC: Government Printing Office, 1867), for the historical term "Schools for Freedmen"; J. Irving E. Scott, *The Education of Black People in Florida* (Philadelphia: Dorrance, 1974), 7; Heather Andrea Williams, *Self-Taught: African American Education in Slavery and Freedom* (Chapel Hill: University of North Carolina Press, 2005), 80-95; James M. McPherson, "White Liberals and Black Power in Negro Education, 1865-1915," in *African Americans and Education in the South, 1865-1900*, ed. Donald G. Nieman (New York: Garland, 1994), 247-276; Henry Allen Bullock, *A History of Negro Education in the South: From 1619 to the Present* (Cambridge, MA: Harvard University Press, 1967), 60-146; Ronald E. Butchart, *Northern Schools, Southern Blacks, and Reconstruction: Freedmen's Education, 1862-1875* (Westport, CT: Greenwood, 1980), 97-114.

"The aptitude of the children in reading is remarkable . . . and the parents of these children take much pride." The "teachers have been mostly colored, of good moral character, delighting in their work, maintaining good discipline, men of energy, and many well qualified," Duncan wrote in his initial year-end report.<sup>5</sup> The first State Superintendent of Education, C. Thurston Chase, was recorded as stating, "With the great mass of them [blacks], the avidity to learn was most intense with these first opportunities."<sup>6</sup> By all measures, blacks coveted education and pursued it with vigor and commitment, a pattern that continued unabated for generations of African Americans in the Sunshine State.

After passage of the 1868 State Constitution, Florida again broke with its Old South past by offering free public education to all residents. Copying the "Systems of the older States," legislators enacted their version of "Common Schools" and a "Common School Fund" in the new constitution. This provision was codified into law in January 1869, when the Florida legislature outlined sources of public funding in its new "School Law." It called for "separate schools for the different classes in such manner as will secure the largest attendance of pupils, [and] promote harmony and advancement of the school, when required by the patrons." Thus, the new school code superseded and replaced the Schools for Freedmen and in the process sanctioned a caste-based public school system.<sup>7</sup>

As post-war Florida entered the 1870s, Governor Ossian B. Hart (1873-1874) appointed Jonathan C. Gibbs, an African American graduate of Dartmouth College and the former Florida Secretary

5 *The Acts and Resolutions Adopted by the General Assembly of Florida* (Tallahassee: Office of the Floridian and Journal, 1859-1866), 37-39; Alvord, *Third Semi-Annual Report on Schools for Freedmen, January*, 17-18; J. W. Alvord, *Fourth Semi-Annual Report on Schools for Freedmen, July 1, 1867* (Washington, DC: Government Printing Office, 1876), 35-40, quotation 35; Richardson, "The Freedmen's Bureau and Negro Education in Florida," 460-462; Frederick B. Rosen, "The Development of Negro Education in Florida During Reconstruction, 1865-1877" (EdD diss., University of Florida, 1974), 129; quoted in William M. Sheats, "Administration of Superintendent Chase," *Bi-Ennial Report of the Superintendent of Public Instruction of the State of Florida for the Two Years Ending June 30, 1894* (Tallahassee: John G. Collins State Printer, 1895), 11.

6 Quoted in Sheats, "Administration of Superintendent Chase," 12.

7 Constitution of the State of Florida (1868), Article VIII, Sect. 2; quoted in Sheats, "Administration of Superintendent Chase," 11; Cochran, 34-36; Robert Lenton Mitchell, "Legislative Provisions and Their Effects on Negro Public Education in Florida, 1869-1947" (PhD diss., Florida State University, 1970), 14-29.

of State (1868-1872), as State Superintendent of Public Instruction. This was a bold step for Hart, but a savvy one as the governor sought to solidify Republican support and project a compliant state in his effort to slip Florida out from under Washington's yoke of Reconstruction. Even as Gibbs feared the reactionary violence of the Ku Klux Klan in Florida, he rendered "all the assistance in my power" to create opportunities for "the education of the whole people of the South, without reference to race, color or previous condition." The black community (almost one-half of the state's population) responded by committing large numbers of youth to the emerging educational system. Many of these schools, such as the subsequently famous Cookman School (Institute)(est. 1872) in Jacksonville, opened under the auspices of local churches and households. There is evidence that their educators looked at many models of curricula, including a Bahamian model of instruction for eager but disadvantaged youth. Often submerged in the historical literature is the fact that many black churches in Florida expanded their Sunday School programs into "Sabbath Schools" to offer young parishioners a once-a-week opportunity to learn grammar, arithmetic, and other academic disciplines that the children normally would not be privy to within the family work week. During the Gibbs years, blacks came to account for one-third of all the students in Florida facilities, albeit they attended segregated and inferior schools. Moreover, African Americans at the local level created private educational endeavors and industrial schools to uplift the race, as the nationally recognized Booker T. Washington urged his generation. As Wali Kharif notes, however, segregated educational systems of all kinds now became the norm in Florida, including institutes for the deaf, blind, and juvenile delinquents.<sup>8</sup>

8 Hon. J. C. Gibbs, *Report of the Superintendent of Public Instruction of the State of Florida, For the Year Ending September 30, 1873* (Tallahassee: Hamilton Jay, State Printer, 1874), 49; Jonathan C. Gibbs, "Education in the South," in *The Education of Black People in Florida*, ed. J. Irving E. Scott (Philadelphia: Dorrance, 1974), 141; "The Florida Conference," *Southwestern Christian Advocate* (New Orleans), February 26, 1874; "Letters from Florida," *Southwestern Christian Advocate* (New Orleans), December 31, 1874; "Florida Letter," *Southwestern Christian Advocate* (New Orleans), March 1, 1877; "Letter from Florida," *Southwestern Christian Advocate* (New Orleans), August 16, 1877; "Florida Notes—Sabbath School Convention," *The Star of Zion* (Salisbury, N.C.), September 26, 1889; Maxine D. Jones and Kevin M. McCarthy, *African Americans in Florida* (Sarasota: Pineapple Press, 1993), 44-45; Joe M. Richardson, "Jonathan C. Gibbs: Florida's Only Negro Cabinet Member," *Florida Historical Quarterly* 42, no. 2 (April 1964): 363-368; Wali Kharif, "Black Reaction to Segregation and Discrimination in Post-Reconstruction Florida," *Florida Historical Quarterly* 64, no. 2 (1985): 161-173.

Despite the creation of a universally segregated school system, most whites in Florida still opposed any measures to provide quality education for blacks in their own schools. When the reactionary Democrats (Bourbons) regained control of Florida in the mid-1870s, whites applauded the reinstatement of Old South racial codes, including the historical denial of educational opportunities for blacks. African Americans were initially disheartened by the election of the "millionaire" George Franklin Drew to be Florida's, and the Bourbon's, new "Redemption" governor. Paradoxically, the governor (1877-1881) argued, "Only through the schools could the colored race become fit to exercise the privileges of voting intelligently, to perform all the sacred rights of freedmen, to enjoy their liberty, to become wise and good citizens." He added that even a meager public support of schools for black children was cheaper than state support for prisons and poor houses. He thus advocated academic education for whites as a means of expanding the economy, and vocational education for blacks as a means of contributing labor to his new economic order.<sup>9</sup>

While serving during the Drew Administration, Superintendent of Education William P. Haisley made a much-publicized tour of the state's public and vocational schools. He executed his trip in the wake of the U. S. Supreme Court's decision overturning of the Civil Rights Act of 1875. Haisley thereafter made several recommendations to update the state's system of education, including instituting Dixie's now rigid pattern of separate supervisory and school systems for blacks under ultimate white control. The evolving racial divide continued with the exclusion of blacks from any senior-level supervisory and administrative positions in the state and the appointment of Confederate veteran "Col." Albert J. Russell as State Superintendent of Public Instruction in 1884. Thus, by the mid-1880s, the Sunshine State had eschewed any semblance of progressivism on the education issue. Rather, Tallahassee had now re-embraced its antebellum concept of race oppression and a white-hierarchical control of blacks. Where once the schoolhouse door offered African Americans hope and

9 Edward C. Williamson, "George F. Drew, Florida's Redemption Governor," *Florida Historical Quarterly* 38, no. 3 (1960): 206; quoted in Arthur O. White, "State Leadership and the Public Education in Florida: The Evolution of a System," in *Education and the Rise of the New South*, ed. Ronald K. Goodenow and Arthur O. White (Boston: G. K. Hall, 1981), 238.



aspirations in the wake of the Civil War, by the 1880s it implied exclusion and inequality.<sup>10</sup>

In May 1885, Tallahassee lawmakers promulgated a new state constitution. The document embodied the Southern Bourbons' rejection of the Reconstruction-era's unprecedented concepts of citizen and education rights. Article 12, Section 12 stated, "White children and colored children shall not be taught in the same school. . . ." To protect themselves from Northern criticism and legal challenges from African Americans, lawmakers correspondingly mandated—although the mandate soon proved hollow—that "impartial provisions" be provided for both races.<sup>11</sup>

In retrospect, the 1885 Constitution and its local iterations set the enduring and troubling pattern of a "dual" school system in Florida and underfunded black educational affairs for almost a century. Yet white elites in Florida were not satisfied. In 1889 state officials wrote a new school law that further strengthened school segregation in Florida. In 1895, Tallahassee politicians declared that henceforth any race mixing in schools would be "a penal offense." That same year, Superintendent William N. Sheats, whose reputation among whites "personified the spirit of white supremacy," acknowledged in his biennial report the statistical and qualitative imbalance between black and white schools. Instead of addressing the disparity, he simply dismissed his own conclusions by stating that the "recent denizens of the cotton patch" simply exhibited "a minimal of interest in all that pertains to progress or intellectual advancement."<sup>12</sup> Thus, a racial climate of separate-but-unequal was the norm in Florida long before the *Plessy v. Ferguson* decision provided the legal basis for this in 1896. Even though

10 William P. Haisley, *Biennial Report of the Superintendent of Public Instruction for the School Years 1876-1877, and 1877-1878* (Tallahassee: State of Florida, Department of Education, 1879), 24-27; W. S. Cawthon, *A Semi-Centennial View of Public Education in Florida and Other Addresses* (Tallahassee: State Superintendent of Public Instruction for Florida, 1936), 5; White, "State Leadership and the Public Education in Florida," 238.

11 *Journal of the Proceedings of the Constitutional Convention of the State of Florida, Which Convened at the Capitol, at Tallahassee, on Tuesday, June 9, 1884* (Tallahassee: N. M. Bowen, State Printer, 1885), 86, 575, 882 for quotation.

12 Quotation in Mitchell, 37; W. N. Sheats, *Digest of the School Laws of the State of Florida with the Regulations of the State Board of Education and the Instructions and Forms of the Department of Education* (Tallahassee: T. J. Appleyard, 1915), 87; William N. Sheats, *Bi-Ennial Report of the Superintendent of Public Instruction of the State of Florida for the Two Years Ending June 30, 1894* (Tallahassee: John G. Collins, State Printer, 1895), 12, 59; Cochran, 84-88.

*Plessy* mandated separate but equal, as in most former Confederate states, Florida officials ignored the *equal* provision of the law.

Many scholars trace the explosion of school injustice to the nadir of race relations during the post-*Plessy* era. Yet, as noted, Tallahassee had set in motion separate and unequal treatment of blacks well before the Florida Constitution of 1885. That same document provided for a poll tax. Florida became the first state in Dixie to adopt this measure as well as a convict-lease system. With little political opposition, Tallahassee had straightaway nullified the spirit and practices of Reconstruction, and in ensuing statutes in 1905, 1913, and 1939, strengthened these practices or created similar race-based measures. When whites desired even further oppression, they often resorted to violence. Michael Newton, in *The Invisible Empire: The Ku Klux Klan in Florida*, characterized the state as “one of the Klan’s strongest and most violent realms . . .” The black press of the times regularly illuminated Florida’s racial mayhem through such articles as “Prejudice in Florida,” “Florida Beaten at Her Own Game,” and “Florida’s Consistency in Wickedness.” Indeed, the state’s racial brutality and ingrained white supremacy would effectively freeze in place the state’s color line for generations, including the polarization of the races in separate and inferior schools.<sup>13</sup>

In the midst of such racial inequities, virtually every school district in Florida practiced systematic discrimination, not only in school assignment but also in disbursement of funding, term of academic year, student per capita funding, and, most glaringly, in pay for teachers. By the eve of World War I, Florida allocated \$12.50 per capita for white schools versus \$2.87 per capita for black school construction and maintenance, and \$8.35 per capita versus \$4.92 per capita between the races for educational programs. Even though blacks comprised roughly 41 per cent of Florida’s

13 Florida Constitution (1885), Article 12, Section 12; Paul Ortiz, *Emancipation Betrayed: The Hidden History of Black Organizing and White Violence in Florida from Reconstruction to the Bloody Election of 1920* (Berkeley: University of California Press, 2005), 53-54, 56, 70, 171-178, 212; Jerrell H. Shofner, “Custom, Law, and History: The Enduring Influence of Florida’s ‘Black Codes’,” *Florida Historical Quarterly* 55, no. 3 (Winter 1977): 277-298; James Button, “Blacks,” in *Florida’s Politics and Government*, ed. Manning J. Dauer (Gainesville: University Presses of Florida, 1984), 286-289; Michael Newton, *The Invisible Empire: The Ku Klux Klan in Florida* (Gainesville: University Press of Florida, 2001), xv; “Prejudice in Florida,” *Southwestern Christian Advocate* (New Orleans), June 30, 1898; “Florida Beaten At Her Own Game,” *Southwestern Christian Advocate* (New Orleans), August 25, 1898; “Florida’s Consistency in Wickedness,” *Southwestern Christian Advocate* (New Orleans), May 28, 1903.

population in 1910, Tallahassee invested \$2,067,356 in white schools and \$184,255 in black schools, or about 8.2 per cent of what the state spent on the total allocation for school property in 1910. Moreover, not one accredited high school for blacks existed in the state's major urban areas of Jacksonville, Tampa, and Pensacola.<sup>14</sup>

In the practice of pay disparity, Florida did not prove exceptional but rather conformist when compared to other former Confederate states. Into the 1920s, the average annual pay for black teachers fell well below that of white teachers. For example, in Gainesville the annual salary was \$562 for blacks and \$970 for whites. Across the state, white female teachers averaged \$115.20 per month and white male teachers averaged \$169.20 per month, while black female teachers earned just over \$60 per month and black male teachers earned roughly \$80 per month, with some Florida counties paying blacks a paltry \$30 monthly. Black teachers in Mississippi in 1890 earned \$23 per month while white teachers earned about \$33 per month, and in Alabama in 1900, blacks earned roughly \$17.66 a month and whites about \$25 per month. From 1911-1913, the average yearly salary in Virginia was \$322.69 for a white teacher, and \$172.63 for a black teacher. Similarly, in Georgia during the same years, a white teacher earned \$318.63 a year, while a black educator grossed \$119.35 annually. White teachers in South Carolina received \$333.28 a year during the same time period, compared to \$110.54 for blacks.<sup>15</sup>

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- 14 See Thomas A. Bailey, *Narrative Reports of County Superintendents, 1892-94 to 1898-1900, Research Report-21, Division of Research* (Tallahassee: NP, 1962), 35-181; Thomas A. Bailey, *Narrative Reports of County Superintendents, 1900-1902 to 1904-1906, Research Report-27, Division of Research* (Tallahassee: NP, 1963), 3-189; Thomas A. Bailey, *Narrative Reports of County Superintendents, 1906-1908 to 1910-1912, Research Report-37, Division of Research* (Tallahassee: NP, 1965), 3-204; William M. Holloway, *Bi-Ennial Report of the Superintendent of Public Instruction of the State of Florida, For the Two Years Ending June 30, 1912* (Tallahassee: T. J. Appleyard State Printer, 1912), 448, 454; W. S. Cawthon, *Biennial Report of the Superintendent of Public Instruction* (Tallahassee: Florida Department of Public Instruction, 1926), 218-219; "Whites Must Not Teach Negroes: Not One Public High School in All Florida for Colored Boys and Girls," *Baltimore Afro-American*, January 24, 1914; James D. Anderson, *The Education of Blacks in the South, 1860-1935* (Chapel Hill: University of North Carolina Press, 1988), Table 6.3, 194.
- 15 W. S. Cawthon, *Biennial Report of the Superintendent of Public Instruction* (Tallahassee: Florida Department of Public Instruction, 1930), 176; Charlton W. Tebeau, *A History of Florida* (Coral Gables, FL: University of Miami Press, 1971), 305; Maxine D. Jones, "The African-American Experience in Twentieth-Century Florida," in *The New History of Florida*, ed. Michael Gannon (Gainesville: University Press of Florida, 1996), 384; Scott, 64; Adam Fairclough, *A Class of Their Own: Black Teachers in the Segregated South* (Cambridge, MA: Belknap Press, 2007), 126; Louis R. Harlan, *Separate and Unequal* (New York: Atheneum, 1968), 257.

Additionally, Florida severely underfunded black schools (generally one-room schoolhouses with no facilities) when compared to white schools. For instance, in 1897-98 white schools statewide were budgeted \$565,465; that same year, black schools were budgeted only \$171,486. The amount of money spent per student also differed significantly in other states of the Deep South as well as in conformist Florida. In Beaufort County, South Carolina, in 1910, the average expense for each white student was \$40.68, while only \$5.95 was spent for each black student. The same was true in Alabama. In 1910, Macon County, Alabama, expended approximately \$39.99 per white student; each black student, conversely, received only \$3.89. In North Carolina in 1914-15, \$7.40 was spent for each white student, while \$2.30 was spent on each black child. In Amelia County, Virginia, in 1915, \$11.63 was disbursed for each white child, and \$0.94 was disbursed for each black child (in terms of salaries for teachers). By the time of the economic crash preceding the Great Depression of the 1930s, little had changed in Florida; Tallahassee budgeted \$703,454 for the state's 37 per cent black population and \$11,364,476 for the state's white population. Thus, Florida paralleled its Jim Crow counterparts in miserly support for black education. The African-American *Pittsburgh Courier* decried the situation to its national audience in the featured article, "Says Negro Education in Florida Needs Help: Amazing Situation Revealed."<sup>16</sup>

For its part, the NAACP, America's leading civil rights organization, pursued an aggressive strategy to expel Jim Crow from American society, initially by focusing on these types of education disparities in the courts. Black educators and local branches of the NAACP in Florida consistently pushed the NAACP legal staff to move on school equalization suits at many levels. In 1939, representatives of Florida's black teachers contacted the NAACP's executive director, Walter White, requesting that he file a suit through the NAACP's Legal Defense and Education Fund on behalf of Florida's segregated and inferior black educational

16 W. S. Cawthon, *Biennial Report of the Superintendent of Public Instruction of the State of Florida for the Two Years Ending June 30, 1928* (Tallahassee: T. J. Appleyard, 1928), 255; Cochran, 199; William H. Chafe, et al., *Remembering Jim Crow: African Americans Tell About Life in the Segregated South* (New York: The New Press, 2001), 153; Harlan, 131-132, 167; "Says Negro Education in Florida Needs Help: Amazing Situation Revealed," *Pittsburgh Courier*, December 28, 1929.

system. White, though, was leery of moving too fast and wanted sustainable data for the lawsuit prior to litigating it. The NAACP's legal staff also feared that state officials would argue that black teachers had a lower cost of living and therefore needed less pay. The NAACP worried, as well, that its lawyers would not be able to find plaintiffs willing to jeopardize their employment by filing suits. Indeed, across the South, as Adam Fairclough has determined in his massive study of the issue, the NAACP witnessed white elites "tenaciously [pursuing] a battery of tactics, some nakedly aggressive, others cunningly subtle" to thwart legal challenges to their white supremacist school systems. Attorney Simuel Decatur McGill of Jacksonville directed most of the NAACP cases in Florida. He had practiced law for over thirty years and earned a national reputation for successfully fighting "legal lynching" in the Sunshine State when the NAACP finally sent a teacher equalization suit to him. Florida would, in turn, prove no exception to Fairclough's assessment of Dixie as a whole.<sup>17</sup>

In retrospect, McGill and the NAACP should have had little difficulty in proving discrimination in Florida. In the midst of the Great Depression, over half of Florida's 67 counties had no public high school for African Americans. Additionally, only 16 per cent of all black children ages 14-17 attended any form of advanced school as compared to 67 per cent of white children of the same cohort. James Anderson has researched this topic and concluded that this practice effectively excluded blacks "from the revolution in public secondary education that characterized the nation and the region during the period 1880 to 1935." There were other obvious schoolhouse discrepancies for the Sunshine State's 430,000 plus blacks, including outdated textbooks, lack of school buses, leaky roofs, poorly ventilated and heated buildings, absence of indoor restrooms, and no formal coordination for the 866 black schools

17 For the many actions requested by black educators and local branches of the NAACP in Florida, see August Meier, ed., *Papers of the NAACP: Part 3, The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Series B: Legal Department and Central Office Records, 1940-1950* (Frederick, MD: University Publications of America, 1986, microfilm version, no pagination), reel 1; Genna Rae McNeil, *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights* (Philadelphia: University of Pennsylvania Press, 1983), 26; see Scott, 64-80; Jones and McCarthy, 101-102; Fairclough, 344; "S. D. McGill, 'Little Scottsboro Case' Attorney, Has Thwarted Legal Lynchings In Florida For 25 Years: Brilliant Florida Lawyer Amazingly Successful in Fighting Legal Lynchings, State Will Bow Once Again to His Legal Genius this Month," *Pittsburgh Courier*, July 13, 1940.

in the state. Moreover, the Great Depression and its economic constrictions at the local level affected African American schools disproportionately. Overcrowding became a major problem during the inter-war years, forcing most black schools to operate double sessions. What had been a substandard condition for black schools in Florida had become a dire condition by the eve of World War II. These types of educational disparities continued through and after the war.<sup>18</sup>

Proving substandard conditions and salary discrimination should have been unproblematic. Even Northern newspapers such as the *Pittsburgh Courier* recognized the gross disparity of benefits for Florida's black minority and spoke out for the cause of the state's black teachers "waging a relentless battle for equalization of salary." As the *Pittsburgh Courier* stated to its widespread readership on both sides of the Mason-Dixon Line, "The outcome of [their] case . . . will have much to do, not only with better pay for teachers but better educational opportunities for Negro children in the South."<sup>19</sup> It was in this milieu, then, that Florida's black educators launched one of the first sustained efforts at school and teacher equalization suits in the Jim Crow states of America.

Lawyers representing African American teachers initially asked that their clients earn the full allocation for teachers across the state. But the legal goals evolved to fit the particular circumstances of Florida. Counties ranging from St. Johns in the north to Dade in the south to Hillsborough in the west closed black schools in various months of the academic years to allow students to work as field hands harvesting fruits and vegetables. Since white schools did not experience such closures, blacks operating through local teachers' associations and the NAACP began to challenge these "strawberry" and "bean pickers" schools as discriminatory and harmful to the academic growth of black children. In one notable action, the NAACP branch in Fort Lauderdale raised \$3,500 to begin actions under the direction of Thurgood Marshall, who

18 "Florida Spends Six Times As Much on White Students," *Pittsburgh Courier*, June 19, 1937; Anderson, 186, Table 6.5, 236; "Negroes in the United States, 1920-32," U.S. Bureau of the Census (1935), 9-10, 15; Scott, 14-21; "In Florida Negroes Attend Inferior Schools," *Pittsburgh Courier*, December 5, 1953; Judith Bockel Poppell, "The Desegregation of a Historically Black High School in Jacksonville, Florida" (Ed D diss., University of North Florida, 1998), esp. 35-36.

19 "Florida Teachers to Continue Salary Fight: Leaders Plan New Approach to Get Equal Salaries," *Pittsburgh Courier*, October 19, 1940.

would later gain fame as the first African American to sit on the U.S. Supreme Court, to attack the School Board's closing of schools for "bean pickers" from December 1 to July 1. When confronted with these types of challenges, many county officials refused to discuss the issue. NAACP lawyers modified their legal strategy to pressure large, urban counties to equalize pay and terminate abbreviated academic years, anticipating that this would force smaller rural counties to follow suit. Concurrently, NAACP lawyers sought to litigate the glaring pay inequity in Florida, but they had difficulty finding a teacher willing to put his or her name on such a lawsuit. In time, however, state NAACP activist Harry T. Moore persuaded John E. Gilbert, an eleven-year teaching veteran and principal of the segregated Cocoa Junior High School, to underwrite the first legal challenge to pay inequity in the Deep South. As the news circulated in a number of major African American newspapers, now often serving as the "voice" of local protesters in Southern states, the Florida State Teacher's Association stepped forward and agreed to compensate Gilbert once he was fired.<sup>20</sup>

On the eve of World War II, attorney McGill guided Gilbert in filing his suit to equalize teacher's pay in the Sunshine State. Eventually, the school district fired Gilbert after he lost the case. The Florida Supreme Court validated the lower court's ruling, based in part on the recent U.S. 4<sup>th</sup> Circuit Court of Appeals decision in *Alston v. School Board of City of Norfolk, Virginia* (1940). That ruling had the effect of shifting the equalization fight to local courts, forcing county-by-county struggles rather than a decisive, sweeping victory for plaintiffs. Gilbert appealed the state court's decision to the U.S. Supreme Court. While his appeal was pending, Mary White Blocker, a sixty-nine year old school teacher in the heavily populated County of Duval, sued the local public school system over its unequal pay scales for African American teachers.

20 Jones, 384; Jones and McCarthy, 95-96, 107; Scott, 65-66; "Florida Principal Files Petition for Equal Pay," *Baltimore Afro-American*, June 11, 1938; "Florida Principal Sues for Equal Salary: First of Its Kind in Deep South," *Pittsburgh Courier*, June 11, 1938; "Florida Teachers to Continue Salary Fight: Leaders Plan New Approach to Get Equal Salaries," *Pittsburgh Courier*, October 19, 1940; see Lishi, no last name given, to Thurgood Marshall, January 18, 1945, in *Papers of the NAACP: Legal Department and Central Office Records, 1913-1950, Series B: Legal Department and Central Office Records, 1940-1950*, ed. August Meier, (Frederick, MD: University Publications of America, 1986, microfilm version, no pagination), Part 3: The Campaign for Educational Equality, 1913-1950, Reel I, Film 5886.

Almost simultaneously, George H. Stark and the Teachers' Association of the sparsely populated Marion County in Central Florida, with Thurgood Marshall of the NAACP as one of the plaintiff's attorneys, filed a suit over racial pay disparity against the Board of Public Instruction and Superintendent Broward Lovell. Both of these suits paralleled a similar pay discrepancy action in Hillsborough County. Although these disparate legal actions did not in themselves pull down the wall of pay inequity for teachers in Florida, they did create a small fissure in that barrier, which would eventually crumble from its own inequitable weight.<sup>21</sup>

Because Jacksonville was Florida's largest city at the time, the NAACP focused its resources on Blocker's lawsuit. Several events occurred just as the case reached the Court. The school district hastily retired Blocker in an attempt to undermine the lawsuit. However, Jacksonville's 285 African American teachers voted to recompense Blocker's salary, a benefit they provided until her death twenty-three years later. The school district's plan failed, and McGill argued the case with the assistance of NAACP special counsel Thurgood Marshall. The NAACP combined the Duval County case with "guinea pigs of democracy" cases from Marion, Tampa, Miami, Palm Beach, and Escambia Counties. Presiding Judge Louis W. Strom, whom Marshall found exceptional inasmuch as he "went with it [the law]" (unlike many Southern jurists), chose the Duval County suit as the representative case for the combined arguments.<sup>22</sup>

21 *Alston v. School Board of City of Norfolk, Virginia* (112 F2d 992), 1940, cert. Denied (311 U.S. 693), 1940; Scott, 65-66, 73; Ben Green, *Before His Time: The Untold Story of Harry T. Moore, America's First Civil Rights Martyr* (Gainesville: University of Florida Press, 2005), 40-41; George H. Starke, and the Marion County Teachers' Association, a Voluntary Unincorporated Association vs. Board of Public Instruction for the County of Marion, State of Florida, a body Corporate, and Broward Lovell, Superintendent of Public Instruction for Marion County, Florida, in the District Court of the United States, No. 42 Ocala—Civil vs. District Court, Jacksonville Division, July 22, 1942, National Archives and Records Administration, Southeast Region, 17; "NAACP Fights for School Equalities in Eight States," *Baltimore Afro-American*, March 14, 1942; Barbara J. Shircliffe, "Rethinking *Turner v. Keefe*: The Parallel Mobilization of African-Americans and White Teachers in Tampa, Florida, 1936-1946," *History of Education Quarterly* 52, no. 1 (February 2012): 99-104, 117-132.

22 Juan Williams, *Thurgood Marshall: An American Revolutionary* (New York: Random House Press, 2000), 22; Scott, 72-74, 80; quoted in Mark V. Tushnet, ed., *Thurgood Marshall: His Speeches, Writings, Arguments, Opinions, and Reminiscences* (Chicago: Lawrence Hill, 2001), 457.



Marshall and McGill submitted a compelling argument to Judge Strom. Their brief noted that the state's local school systems contravened the law with race-based pay scales, which paid white teachers sometimes double the base salary of black teachers. Also, white teachers received one-third more money for years of college completed and white principals earned a substantially larger stipend than black principals. As the news of the lawsuit spread, the *Baltimore Afro-American* newspaper included Florida in its condemnation of regressive states unwilling to part with their Old South customs. To the dismay of old-line leaders in the Sunshine State, educational inequalities, so long entrenched in the state and regional infrastructures, were now playing out in unflattering ways on a national stage.<sup>23</sup>

Teacher equalization suits posed not only a national embarrassment for Florida, but represented a possible economic hardship for the state as well. The NAACP estimated that these types of cases in other states of the South would produce more than \$25 million in salary adjustments for African American educators. The U.S. Office of Education estimated the cost of equalizing educational facilities in the South at more than \$35 million. In Maryland and Virginia alone, the NAACP eventually pressured state officials to spend \$629,000 equalizing teacher's pay. Equalizing teacher's pay in Florida would cost taxpayers roughly \$1,588,104 annually. Lawmakers in Florida, a state priding itself on low taxes (and low services), found these figures sobering, to say the least.<sup>24</sup>

After it became obvious that the fight would be lost, the Duval County Board of Public Instruction became the first district in Florida to offer what it deemed a nonracial salary plan. The proposal called for a salary rate based on countywide teacher examinations and levels of training. Teachers "satisfied" with their pay could have their salaries frozen or take the exam and receive an adjustment based upon the results. Marshall argued that the plan unfairly advantaged white teachers. He asserted that whites could have their salaries frozen at the higher rate while black teachers would have their salaries determined by a subjective examination. After some

23 "Teachers of 8 States Fighting for Decent Pay," *Baltimore Afro-American*, December 6, 1941; "Why Fight to Equalize Pay Must Go On," *Baltimore Afro-American*, December 13, 1941; Scott, 64-80.

24 "35,000,000 Needed to Equalize Teachers' Pay," *Baltimore Afro-American*, December 27, 1941.

initial balking, NAACP lawyers reluctantly accepted the Board's plan. Though not a total victory, this equalization suit symbolized the first volley in an upcoming battle to purge racial discrimination from all areas of educational practices and policies in the Sunshine State. Indeed, within short order, African American plaintiffs filed more pay-equalization suits in varied locales like Pensacola, Tampa, West Palm Beach, and Miami. The NAACP won the suit in Pensacola (Escambia County) for equalized monthly pay in what the *Pittsburgh Courier* labeled "a first victory in the Deep South . . . in a series of suits for the payment of equal salaries to teachers in public schools." Thus, the agency of everyday blacks in the Sunshine State created one of the first stress points in the region regarding educational inequalities. That stress point in the South as a whole would subsequently widen to unparalleled proportions following the *Brown v. Board of Education* decision.<sup>25</sup>

However, the equalization victories came with a price and ultimately depended on courts to enforce the settlements. State officials, for their part, often found ways to circumvent the agreements by using smoke screens like a new Minimal Foundation Program and merit ratings based on discriminatory guidelines, funding, and implementations. Moreover, equalization suits generally benefited teachers in large urban settings and often did not affect teachers in smaller, rural counties where judges were less inclined to support such measures. As reported in the *Pittsburgh Courier* in 1945, even the federal government bore responsibility for "such a system that grants so complete a sovereignty to a county, especially [given] the deplorable school condition for Negroes. . . ."<sup>26</sup> By the early 1950s, though, in Florida and in the rest of the South, black agency in the form of legal actions and local activism reached new heights—Jim Crow inequalities now faced mounting and sustained challenges unlike any of the past eras.

Casual observers may overlook the connection with World War II, the reinvigorated African American civil rights movement,

25 "Florida Teachers Offered 'Compromise' Plan: Board Proposes Pay Scale Based on Examination," *Pittsburgh Courier*, June 20, 1942; Scott, 78-79; "Fla. Teachers Win: Judge Rules Pay Parity By 1943," *Pittsburgh Courier*, April 11, 1942; "Florida White Teachers Oppose Equalization," *Pittsburgh Courier*, January 24, 1942; "Florida White Teachers Fight Equal Pay Suit: Appeal Victory Won By Negroes," *Pittsburgh Courier*, April 18, 1942; "Teacher Pay Parity Suits Hit 11 States," *Baltimore Afro-American*, October 30, 1943; *Brown v. Board of Education of Topeka*, 347 US 483 (1954).

26 "Future of Florida Negroes Looks Promising Although Economic, Educational Outlook Uncertain," *Pittsburgh Courier*, February 11, 1945.

and Florida's habit of ignoring or deferring racial equalization measures. Nevertheless, the record reflects numerous ways that the war set the stage for racial permutations. The massive effort expended to end the racist mayhem of Nazi Germany and Imperial Japan reawakened within black leaders the need to combat bigotry in America. The war made America a superpower, challenged its hollow commitment to equality, and initiated the nearly forty five-year struggle between the Soviet Union and the United States over ideological domination of the Third World. As a result of the new "Cold War," the Soviet Union effectively used propaganda to excoriate America's racial bigotry. These criticisms focused negative light on the United States and embarrassed its leaders in their efforts to win the hearts and minds of people living in underdeveloped areas. As a special investigative committee on civil rights reported to President Truman, "we cannot escape the fact that our civil rights record has been an issue in world politics," and that international critics "have stressed . . . our shortcomings [as they] have tried to prove our democracy an empty fraud."<sup>27</sup>

Accordingly, the federal government slowly came to support new civil rights measures (and leaders) as Washington bureaucrats and the federal judiciary sought to deflect criticism from behind the Iron Curtain. Historian John Hope Franklin's interpretation of the era is that "The courts . . . took cognizance of racial questions and rather frequently ruled in favor of equality. The executive branch, sensitive to both domestic and foreign pressures, exerted considerable influence in eradicating the gap between creed and practice in American democracy." The shift in federal opinion encouraged African Americans in the Sunshine State to dramatically accelerate ongoing litigation to end racial inequality there.<sup>28</sup>

As the national expectations changed, the black community's expectations changed on a number of fronts. What had been a nascent civil rights movement in the courts and the states in the 1930s and 1940s would grow to national proportions by the mid-1950s. School desegregation was at the forefront of that burgeoning movement. Despite Tallahassee's dogged refusal to

27 United States President's Committee on Civil Rights, *To Secure These Rights: The Report of the President's Committee on Civil Rights* (Washington, DC: Government Printing Office, 1947), 147.

28 John Hope Franklin and Alfred A. Moss Jr., *From Slavery to Freedom: A History of African Americans* (New York: McGraw-Hill, 1994), 461; Kermit L. Hall and Eric W. Rise, *From Local Courts to National Tribunals: The Federal District Courts of Florida* (Brooklyn: Carlson, 1991), 141-142.

comply with newly mandated school integration measures and court orders in the 1950s and 1960s—what scholars have recently termed Florida’s “Down South” stonewalling of the inevitable—the Sunshine State was now at a crossroads regarding its almost century-old unequal educational practices and policies. Even so, the white leaders of the state continued to delay the inevitable through various subterfuges.<sup>29</sup>

Perhaps the best way to illustrate the stonewalling itself is to analyze the state’s response to the 1954 *Brown* decision, which found segregated schools “inherently unequal” and a social impediment to “equality of educational opportunity.” Even in the face of such a dramatic and forceful directive as *Brown*, Florida, like other entities of the Deep South, clung to its long-standing practices of white supremacy and racial segregation. Historians have theorized that the “Yankee” in-migration and economic strides in this emerging Sunbelt State, as well as a lack of political and geographical homogeneity, had worked to mitigate Florida’s racial divide. Recent studies challenge this assumption. Despite the unstoppable tide of school desegregation, the Sunshine State’s segregationist tactics and practices over time ensured that it would become one of Dixie’s battleground states. In lock step with the region, the burden of Florida’s past would shape both its contemporary and sustained reaction (i.e., stonewalling the inevitable) to *Brown*. Nevertheless, reform would come to Florida, starting with new equality demands at the schoolhouse doors.<sup>30</sup>

The Court’s ruling in *Brown* forced the question of race mixing of children into new levels of political discourse and actions. Throughout the South, state leaders immediately condemned

29 “In Florida Negroes Attend Inferior Schools,” *Pittsburgh Courier*, December 5, 1953; Winsboro, “Image, Illusion, and Reality: Florida and the Modern Civil Rights Movement in Historical Perspective,” 1-21.

30 Key, Jr., 83-84; *Brown v. Board of Education of Topeka* 347 U.S. 483 (1954); Vincent P. Franklin, “American Values, Social Goals, and the Desegregated School: A Historical Perspective,” in *New Perspectives on Black Educational History*, ed. Vincent P. Franklin and James D. Anderson (Boston: G. K. Hall, 1978), 193-212; Winsboro, “Image, Illusion, and Reality: Florida and the Modern Civil Rights Movement in Historical Perspective,” 1-22; Dunn, “The Illusion of Moderation: A Recounting and Reassessing of Florida’s Racial Past,” 22-46; Ortiz, “Old South, New South, or Down South?: Florida and the Modern Civil Rights Movement: Towards a New Civil Rights History in Florida,” 220-244; Caroline Emmons, “A State Divided: Implementation of the *Brown* Decision in Florida, 1954-1970,” in *With All Deliberate Speed: Implementing Brown v. Board of Education*, ed. Brian J. Daugherty and Charles C. Bolton (Fayetteville: University of Arkansas Press, 2008), 139-154.

the ruling and instituted policies to repudiate it. Florida helped lay the groundwork for that regional defiance. Acting Governor Charley E. Johns (1953-1955) arose as one of the first regional leaders to suggest extraordinary legislative sessions to devise ways to perpetuate school segregation. Johns attended regional conferences on segregation, arguing in concert with other reactionary officials that the vast majority of Southern blacks and whites favored separation. Johns subsequently submitted a proposal to the Southern Governors' Conference that would have amended the U.S. Constitution to require in perpetuity "separate but equal public schools for the races."<sup>31</sup>

For their part, Florida's blacks (at that time 22.3 per cent of the state's population) quickly organized after *Brown* and instituted direct-action marches and similar measures, placing them at the forefront of the earliest actions against Dixie's surfacing massive resistance. Indeed, the *Brown* decision raised the collective consciousness of blacks throughout the South, especially invigorating black parents to challenge the entire edifice of segregation and unequal education. Their agency in the Sunshine State met with the typical white virulence, resistance, and mobilization observed across the South—now a region-wide phenomenon of reactionary politicians ensuring that the school desegregation issue became a fixture of the public sphere. As a result, Tallahassee balked at *Brown* and no Florida school districts undertook efforts to integrate African American (students, teachers, and administrators) into white, majority schools.<sup>32</sup>

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- 31 "Johns Considers Special Session of Legislature," *Fort Myers News-Press*, May 18, 1954; "Johns Rules Out Legislative Session Now on Segregation; U.S. Capitol Readies Charge," *Tampa Morning News*, May 19, 1954; "Johns Suggests Governors Act on Segregation," *Fort Myers News-Press*, November 12, 1954; "Dixie Governors' Meet, Split on Segregation: Tallmadge, Johns Lead Defiance of High Court," *Pittsburgh Courier*, November 20, 1954; David R. Colburn, "Florida's Governors Confront the *Brown* Decision: A Case Study of the Constitutional Politics of School Desegregation, 1954-1970," in *An Uncertain Tradition: Constitutionalism and the History of the South*, ed. Kermit L. Hall and James W. Ely, Jr. (Athens: University of Georgia Press, 1989), 328-329.
- 32 W. D. Workman Jr., "The Deep South: Segregation Holds Firm," in *With All Deliberate Speed: Segregation-Desegregation in Southern Schools*, ed. Don Shoemaker (Westport, CT: Negro University Press, 1957), 92; Joseph A. Tomberlin, "The Negro and Florida's System of Education: The Aftermath of The *Brown* Case" (PhD diss., Florida State University, 1967), 17-198; Joseph A. Tomberlin, "Florida and the School Desegregation Issue, 1954-1959: A Summary View," *Journal of Negro Education* 43, no. 4 (Autumn 1974): 457-467.

One researcher has characterized this Florida-style stonewalling as essentially a case study of Dr. Martin Luther King's admonition, "'Wait' has almost always meant 'Never'." Florida Supreme Court Chief Justice William Glenn Terrell declared from the bench that, "segregation . . . has always been the unvarying law of the animal kingdom," and added, "we are now advised that God's plan was in error and must be reversed." Reminiscent of an earlier states' rights movement, the report of a special advisory committee to the legislature and governor recommended a frontal attack on the powers of the Court itself for "abrogating the powers of the States to control their system of education . . . as the fundamental basis of our Union." Although he styled himself a non-radical and uttered statements on segregation less inflammatory than those of Johns, Governor LeRoy Collins (1955-1961) nevertheless embraced a deferral framework based on Florida's bifurcated racial traditions. Using the code words of the white South much like his "moderate" counterpart in North Carolina, Governor Luther Hodges, Collins stated to the legislature in the spring of 1955, "Segregation in our public schools is a part of Florida's custom and law. I will use all the lawful power of the Governor's office to preserve this custom and law." Three years later, the governor was quoted as saying, "We propose to choose what part [of the Constitution] we will accept and what part we will reject. We're moderates." To which the ever-vigilant black press retorted, "Governor Collins proudly calls himself a 'moderate.' If this is moderation, the word has certainly taken on a new and ominous meaning. . . ."<sup>33</sup>

33 Lise M. Steinbauer, "'Wait' Has Almost Always Meant 'Never'," in *Old South, New South or Down South?*, 155-175; "Terrell Says Mix Mandate Reverses God," *Orlando Sentinel*, October 20, 1955; "A Report of the Special Committee, Appointed by the Governor and Cabinet of the State of Florida to Recommend Legislative Action Relating to Public School Education and Other Internal Affairs of Such State Deemed Expedient After Consideration of Recent Decisions of the Supreme Court of the United States," Tallahassee, July 16, 1956, 5; quoted in *Florida Across the Threshold: The Administration of Governor LeRoy Collins, January 4, 1955-January 3, 1961* (Report, Tallahassee: Florida Governor, 1961), 54; LeRoy Collins, "How It Looks from the South," *Look*, May 15, 1958, 95-97; "The Poison of Moderation," *Baltimore Afro-American*, June 7, 1958; on Governor Luther Hodges, see William H. Chafe, *Civilities and Civil Rights: Greensboro, North Carolina and the Black Struggle for Freedom* (New York: Oxford University Press, 1980), 56-97; Sarah Caroline Thuesen, *Greater Than Equal: African American Struggles for Schools and Citizenship in North Carolina, 1919-1965* (Chapel Hill: The University of North Carolina Press, 2013), 211-215.

In later life, Collins recounted Tallahassee's reaction to *Brown*, "the legislature passed many bills patterned after the most radical segregationist actions taken in other Southern states." In *Simple Justice*, his monumental study of *Brown* and its aftermath, Richard Kluger stated that Florida's attorney general submitted the "most extensive and spirited brief" to the High Court in an attempt to "slow the desegregation process" of *Brown*. Florida's U.S. Senator George Smathers criticized *Brown vs. Board* as a "clear abuse of judicial power."<sup>34</sup>

Although frequently presumed a "moderate" like Collins on the desegregation issue, Florida Superintendent of Public Instruction Thomas D. Bailey also publically defied *Brown*, stating, "We have a lot of people down here who hate to be pushed around, whether the state or federal government is doing the pushing." The widely respected and politically connected Bailey soon advised counties to allocate increased funds for new educational facilities. His plan called for new construction to balance opportunity in all racial and instructional matters while continuing racially separate schools themselves. Bailey's prime purpose for this funding equalization movement was to make separate schools materially "equal" and thereby delay or deflect the school desegregation movement in the Sunshine State. Bailey had not originated the equalization ruse, but in his efforts to derail the implementation of *Brown* and any subsequent court directives, he joined other defiant states like Georgia, North Carolina, South Carolina, and Mississippi in a well-planned maneuver to prevent color-mixed schools. In his comprehensive examination of Mississippi, Charles Bolton has characterized the equalization tactic as the region's "last gasp effort to try to maintain a segregated educational system." Bailey's equalization plans were not the only efforts to dispatch *Brown* in Florida. In a subsequent report ordered by Governor Collins, his advisory commission suggested the extreme position that the "Legislature could propose an amendment to our State Constitution which would permit the abolition of the

34 LeRoy Collins, "Past Struggles, Present Changes, and the Future Promise for Civil Rights in Florida and the Nation," in *The Civil Rights Movement in Florida and the United States: Historical and Contemporary Perspectives*, ed. Charles U. Smith (Tallahassee: Father and Sons, 1989), 16; Martin A. Dyckman, *Floridian of His Century: The Courage of Governor LeRoy Collins* (Gainesville: University Press of Florida, 2006), 89, see 106; Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* (New York: Vintage, 1975), 724.

system of free public schools."<sup>35</sup> Collectively, these modes of state-level stonewalling and statements provided encouragement for reactionary local officials across Florida.

As these events unfolded in Florida, many of the states of the Deep South expressed their defiance of *Brown* in aggressive political assaults on the decision and the court, and sometimes in sensational and even violent forms of defiance, which the national media soon characterized as "massive resistance." Whereas equalization sought to submerge the issue of school desegregation, massive white resistance called for direct attacks on, and widespread organizing against, federally ordered school desegregation. In his study of the phenomenon, George Lewis surmised that the movement represented the "most egregious forms of public resistance to desegregation" in the South, and was not immobilized until federal responses eventually countered the movement. While federal authorities and grassroots civil rights organizations made gallant attempts to counter the troubling roadblocks put in place by the Deep South's massive resistance, the endemic obstructionism itself resulted in a major setback in the *Brown*-instituted movement for school desegregation. As Southern power brokers "closed ranks," per Clive Webb's findings, the widespread opposition also precluded the possibility of racial moderation from taking root in the South. As a result, transformation of the segregated school districts across the South did not occur until a decade or more after the Court issuance of *Brown v. Board*.<sup>36</sup>

Florida did not reject the spirit of massive resistance. While the movement manifested itself in state laws against funding measures

35 "Bailey Sees No Push For Desegregation," *Fort Myers News-Press*, June 2, 1955; Charles C. Bolton, "Mississippi's School Equalization Program, 1945-1954: 'A Last Gasp to Try to Maintain a Segregated Education System'," *Journal of Southern History* 66, no. 4 (November 2000): 781-814; Thomas V. O'Brien, *The Politics of Race and Schooling: Public Education in Georgia, 1900-1961* (Lanham, MD: Lexington, 1999), 53-76; W. E. Solomon, "The Problem of Desegregation in South Carolina," *Journal of Negro Education* 25, no. 3 (Summer 1955): 315-323; Marcia G. Synott, "Desegregation in South Carolina, 1950-1963: Sometime 'Between 'Now' and 'Never'," in *Looking South: Chapters in the Story of an American Region*, ed. Winfred B. Moore, Jr. and Joseph F. Tripp (New York: Greenwood, 1989), 51-64; Thuesen, 129-157; Rebekah Dobrasko, "School Equalization" <http://www.usca.edu/aasc/Equalization%20Schools.htm> (accessed October 28, 2013); Florida Governor's Advisory Commission on Race Relations, *Report of the Advisory Commission on Race Relations to Governor LeRoy Collins, March 16, 1959* (Tallahassee: NP, 1959), Smathers Library, University of Florida, Gainesville, Florida, 18.

36 Clive Webb, "Introduction," in *Massive Resistance: Southern Opposition to the Second Reconstruction*, ed. Clive Webb (New York: Oxford University Press, 2005), 5; George Lewis, *Massive Resistance: The White Response to the Civil Rights Movement* (London: Hodder Arnold, 2006), 185-186.



for desegregation such as those in cross-border Georgia, other states like Mississippi passed laws designed to give the appearance of token desegregation, or actually closed public schools and replaced them with "quality" private schools. Even more states simply outlawed the practice of desegregation and any attempts to integrate public schools. North Carolina, under presumed moderate Governor Hodges, and Virginia under the leadership of Southern segregationist hero, U.S. Senator Harry F. Byrd, Sr., and other states bordering the Deep South, rhetorically promulgated similar measures, but seldom enacted measures to desecrate their public schools. In 1956, ninety-nine members of Congress signed the "Southern Manifesto," a sweeping denunciation of *Brown* and equally polemical demand to obstruct school desegregation in the South. The two U.S. senators and eight congressmen from Florida signed the declaration. The massive resistance movement reached a crescendo in 1957 when Governor Orval Faubus ordered National Guard troops to prevent black students from entering, and thereby desegregating, Central High School in Little Rock, Arkansas. That sensational act of defiance forced President Eisenhower to use newly federalized Guard troops to enforce the court's order, but the event itself served as somewhat of a metaphor in the national media for the extreme position some Southern states would take to thwart *Brown*. As similar segregation efforts continued and intensified in the South over the next ten years, Florida reflected stark similarities to the region. While Florida did not often capture nation bylines for sensational and violent acts such as those of its neighbors, the Sunshine State nevertheless included its own examples of violence and fierce white resistance to *Brown* in the mid-1950s. However, the proverbial Sunshine State managed to carry out its stubborn resistance in less headline-capturing ways than many other states in Dixie.<sup>37</sup>

37 Winsboro, "Image, Illusion, and Reality," 1-21; *The Southern Manifesto*, 84<sup>th</sup> Congress, 2<sup>nd</sup> sess., *Congressional Record*, vol. 102, 4; Lewis, *Massive Resistance*, 1-26, 71-112; Numan V. Bartley, *The Rise of Massive Resistance: Race and Politics in the South During the 1950's* (Baton Rouge: Louisiana State University Press, 1969), 67-81, 237-292, 340-345; O'Brien, 53-76; James McGrath Morris, "A Chink in the Armor: The Black-Led Struggle for School Desegregation in Arlington, Virginia, and the End of Massive Resistance," *Journal of Policy History* 13 (2001): 329-366; James W. Ely Jr., *The Crisis of Conservative Virginia: The Byrd Organization and the Politics of Massive Resistance* (Knoxville: University of Tennessee Press, 1976), 30-50, 70-106, 122-164; Benjamin Muse, *Virginia's Massive Resistance* (Bloomington: Indiana University Press, 1961), 25-28, 71-75. On the issue of "racial moderation" as a non-agent of change, see Chafe, 67-97, 337-355, and Mathew D. Lassiter and Andrew B. Lewis, "Massive Resistance Revisited: Virginia's Moderates and the Byrd Organization," in *The Moderates' Dilemma: Massive Resistance to School Desegregation in Virginia*, ed. Mathew D. Lassiter and Andrew B. Lewis (Charlottesville: University Press of Virginia, 1998) 1-21.

Henceforth, both public and legal actions in Florida centered on obstructing or circumventing *Brown* through stonewalling or token actions. The *Pittsburgh Courier* summed up the situation this way, "Florida defiantly has aligned with other states in the South determined to return the status of the Negro to the inhumane days of Reconstruction following the bloody Civil War." Even though this led to further lawsuits, over a decade later Florida State Department of Education findings on the post-*Brown* years concluded that the decision had "no [substantial] effect on Florida." This did not change until local activists, frustrated and aggrieved by Florida's deferral, began to file suits in federal, rather than state, courts to "push" for compliance with the Civil Rights Act of 1964. Still, the period leading up to the new federal measure of 1964 reflected more regional conformity in Florida rather than what can reasonably be defined as regional variance.<sup>38</sup>

In the lead-up to the new grassroots activism, Florida's political leaders embraced a two-pronged strategy on public school integration. They publicly acknowledged that integration was inevitable but they privately opposed it. On May 31, 1955, the Supreme Court rendered a second ruling on desegregation in *Brown II*. The judgment simply ordered desegregation as "soon as practicable." Without a Court-mandated deadline for desegregation, the State of Florida found just cause to continue non-compliance. Indeed, following *Brown II*, Governor Collins approved Florida's Pupil Assignment Law, "deemed expedient after consideration of recent decisions of the Supreme Court." The new statewide measure mandated that counties assign students to schools based on sociological and psychological factors. The law did not mention race but allowed pupils to transfer between schools only if they were "qualified" and matched the moral, psychological, and socioeconomic background of the pupils in the school of admission. Many white legislators believed that this would stop most black children from transferring to white schools. Concurrently, the powerful rural and reactionary element of the legislature argued that more drastic measures were needed to prevent race mixing in Florida's schools. The Sunshine State, like most Southern states, supported such pupil placement laws as a subterfuge to *Brown* and a method of ignoring the inevitable. Despite the appearance of a new school improvement movement in this "state on the move," and

38 "State of Florida Schemes to Hamstring NAACP," *Pittsburgh Courier*, February 6, 1957; Dan Cunningham, "School Desegregation in Florida, 1954-1970," Florida Department of Education, November 18, 1970 (five-page report, typed), Smathers Libraries, University of Florida, 1, 4.

intermittent talk about progressive education, Tallahassee lawmakers remained insistent on projecting the illusion of school reform while they practiced "school as usual."<sup>39</sup>

As massive white resistance to *Brown* swept throughout the South and the Sunshine State, Collins, Bailey, and state Attorney General Ervin ramped up their efforts to convince the media that Florida was pursuing a non-radical policy in the wake of *Brown*. Their tactic was to delay desegregation as long as possible while convincing the courts that Florida was developing an action plan. Tallahassee's leaders made the regional stratagem of pupil assignment laws a cornerstone of their attempts to placate federal officials. For its part, the *New York Times* contributed to the notion of Florida exceptionalism by declaring that the Jim Crow legacy of Florida persisted, "but, even so, its human and climatic temperature remains mild." In *Florida's Crisis in Public Education*, Arthur O. White concluded that Collins, Bailey, and Ervin created "a moderate policy of lawful avoidance." Yet moderation in this case, as White himself observed, meant that "these men considered legal means to delay action." It is a matter of historical speculation whether the black communities viewed these actions in defiance of *Brown* as "mild" or "moderate" state policy. Education scholar V. P. Franklin has concluded in his work that "perspective" has often shaped each generation's interpretations of historical events. Indeed, from the African-American perspective of the era and since, what would have marked Florida a Dixie contrarian? Certainly, reactionaries in Florida structured responses to *Brown* in virtual lockstep with other former Confederate states.<sup>40</sup>

39 *Brown v. Board of Education*, 349 U.S. 294 (1955); Donald G. Nieman, *Promises to Keep: African-Americans and the Constitutional Order, 1776–to the Present* (New York: Oxford University Press, 1991), 155, 158-159; Hall and Rise, 134-139; Thomas A. Bailey, "Florida's School Assignment Law" (Report, Tallahassee: State Department of Education, 1956), 14-18. In many states of the South, the Pupil Assignment Laws became commonly known as the Pupil Placement System.

40 "State Relieved," *Fort Myers News-Press*, June 1, 1955; "Desegregation Postponed Ervin Says" *Miami Herald*, June 3, 1955; "Report on the South: The Integration Issue: Florida," *New York Times*, March 13, 1956; Arthur O. White, *Florida's Crisis in Public Education: Changing Patterns of Leadership* (Gainesville: University Presses of Florida, 1975), 7; Charles U. Smith and Charles Grigg, "School Desegregation in Florida," in *The Civil Rights Movement in Florida and the United States*, 178-222; Tomberlin, "The Negro and Florida's System of Education: The Aftermath of the *Brown* Case," 73-100; Darryl Paulson, "Unfinished Journey: After 50 Years of Striving, The Destination Is Still Unclear," *Forum* (Spring 2004), 7-9, 9-11; David R. Colburn and Richard K. Scher, *Florida's Gubernatorial Politics in the Twentieth Century* (Tallahassee: University Presses of Florida, 1980), 225-226; Vincent P. Franklin, "Introductory Essay: Changing Historical Perspectives on Afro-American Life and Education," in *New Perspectives on Black Educational History*, ed. Vincent P. Franklin and James D. Anderson (Boston: G. K. Hall, 1978), 1-18, quotation 1.

In 1957, the "Pork Choppers," a group of reactionary politicians representing twenty-two rural North Florida counties, attempted to pass a strict segregation bill. The unsuccessful "Gang" took advantage of the furor over the possible qualification of a few African American children to attend white schools under the Pupil Assignment measure. With the help of the Senate President and House Speaker, the reactionaries in the legislature passed a defiant interposition resolution in unison with seven other Southern states based on the current federal "usurpation" of state powers. Governor Collins denounced the legislation. The "states' rights" legislature struck back by passing a "last resort bill," enabling a vote of 25 percent of the property holders in a district threatened with desegregation to abolish their public schools. Collins vetoed the legislation, referring to the bill as a national embarrassment for the state. The legislature failed to override his veto and the school crisis seemed averted for the moment. Nevertheless, Attorney General Richard Ervin observed that Florida legislators had done "almost all [they] could to prevent integration." By pursuing such race-based measures and proposals, as scholar W. D. Workman Jr. found in his study on the topic, Florida had established its brotherhood with the seven other Southern states that had actually increased their resistance to desegregation in the wake of *Brown*.<sup>41</sup>

Concurrently, some Southerners organized violent demonstrations in new efforts to derail the desegregation movement. As noted in the national press, there was a series of bombings throughout Dixie aimed at "bastions of integration." Between January and May of 1958, there were forty-five racially motivated bombings in the South. Jacksonville accounted for the last one when unidentified assailants bombed the all-black James Weldon Johnson Middle School.<sup>42</sup> Despite its reputation in the media for moderation, the Sunshine State witnessed many of the same tactics against integration that characterized the former Confederacy at large.

In the midst of it all, some areas of Florida bowed to the inevitable and began the process of integrating their schools as local affairs. In 1959, the thoroughly segregated Dade County Public

41 "Ervin Says Legislature Did Almost All It Could to Prevent Integration," *St. Petersburg Times*, August 8, 1959; Workman, 99-100, 109; Colburn, "Florida's Governors Confront the *Brown* Decision," 336; Colburn and Scher, *Florida's Governorial Politics*, 175-178, 226.

42 "FBI Inquiry Asked: Case of Jersey Sees Terror Drive in Southern Bombings," *New York Times*, May 11, 1958.

Schools initiated Florida's first desegregation plan. Local officials in Miami integrated their public school system in a preemptive effort to circumvent federal interference in their district. Even though most of the white residents in the targeted neighborhood moved, the plan represented an historical leap for the Sunshine State. Nonetheless, by garnering both national and state attention, this action returned educational desegregation to the top of Florida's public agenda. Concurrently, it re-energized the state's reactionary forces, especially the proponents of pupil assignment actions, as a way to circumvent compliance with *Brown*.<sup>43</sup> Even as the new decade dawned, the struggle over color-blind schools still influenced the educational, political, and social climate of "scarcely part of the South" Florida.

Farris Bryant became Florida's new "staunch segregationist" governor in 1961. Unlike his predecessor, Bryant (1961-1965) did not make education the capstone of his legislative agenda. Bryant's major constituents were industrialists who wanted him to reduce spending and decrease the state budget. He reassured his business constituents that, "I don't propose to collect taxes." In speaking to his reactionary bloc, he added, "and I don't propose to enforce civil rights." As the governor spoke these words, only six of the state's 67 counties had moved to integrate their schools. Focusing on the lack of progress in the decade, Florida historian Raymond A. Mohl concluded, "With only a few exceptions, Florida's political leaders through the 1960s strongly supported segregation . . ."<sup>44</sup> Accordingly, state power brokers in the 1960s knew that they could not stop integration, but they hoped that they could delay or deflect it as long as the political tide in the Sunshine State continued to be reactionary. Public school integration was coming to Florida, but state officials enacted delay after delay in efforts to sidetrack or unravel the movement. By 1964, a decade after *Brown* and repeated NAACP suits in Florida, fewer than 2 per cent of the Sunshine State's school districts had instituted more than token

43 "Fla. Quietly Bows: Miami Mixes 1<sup>st</sup> School, Others May Follow Suit," *Baltimore Afro-American*, September 19, 1959; Winsboro, "Image, Illusion, and Reality," 9.

44 Quote in Colburn and Scher, *Florida's Gubernatorial Politics*, 233; Colburn, "Florida's Governors Confront the *Brown* Decision," 340; White, 12-13; "Florida Schools Open Door to Negro Students," *Pittsburgh Courier*, September 1, 1962; Raymond A. Mohl, "The Patterns of Race Relations in Miami Since the 1920s," in *The African American Heritage of Florida*, ed. David R. Colburn and Jane L. Landers (Gainesville: University Press of Florida, 1995), 347.

desegregation measures, and only 1.53 per cent of Florida's black children attended class with white children.<sup>45</sup>

Titles IV and VI of the Civil Rights Act of 1964 ultimately provided the federal government and federal courts with the power of school desegregation enforcement that they had heretofore lacked. Moreover, governmental agencies, now seen as allies to the black community, had the power to withhold federal funds from school districts that practiced segregation or otherwise adopted mechanisms to cause protected groups to be "denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."<sup>46</sup> The Department of Justice could now act as plaintiff to force school districts to comply with federal desegregation guidelines. Pro-segregation factions in Florida at this instant faced a new reality regarding their delay and stonewalling tactics.

Even in the face of Florida's governor and attorney general quietly advising officials on how to "dodge" the new law, the Act notably coalesced opponents of segregation and instigated new rounds of activism. Capturing the spirit of the time, one seasoned black educator in Fort Myers recalled the transformative effect of the new measure, "The Civil Rights Act of 1964 changed it all." This latest phase of black activism, stimulated by the new Civil Rights Act, was eventually augmented by other higher case precedent, in particular the *Green* and *Alexander* decisions. Through these cases, the U.S. Supreme Court not only struck down "freedom of choice" plans but also delineated the responsibility of local school boards to abolish dual attendance zones. The cases spawned legal challenges in Florida, manifesting themselves in a spate of NAACP and local protagonists' filings against segregated school districts in diverse regions such as Alachua County in the north, Pinellas County on the west coast, Monroe County at the southern extreme, and Brevard County on the east coast. As late as 1969, one such suit had led the U.S. Supreme Court outright to order Florida to stop delaying desegregation of its schools.<sup>47</sup>

45 United States Commission on Civil Rights Florida Advisory Committee, *Desegregation of Public School Districts in Florida: 18 Public School Districts Have Unitary Status, 16 Districts Remain Under Court Jurisdiction* (Washington, DC: U.S. Commission on Civil Rights, 2007), 2.

46 United States Civil Rights Act, 1964, Title VI, 42 USC §§2000d B 2000d-7, available at [www.usdoj.gov/crt/cor/coord/titlevistat](http://www.usdoj.gov/crt/cor/coord/titlevistat) (accessed February 15, 2012); "Civil Rights During the Kennedy/Johnson Years," *Pittsburgh Courier*, February, 15, 1986; Frank Brown, "The First Serious Implementation of Brown: The 1964 Civil Rights Act and Beyond," *Journal of Negro Education* 73, no. 3 (Summer 2004): 182-190.

47 "Florida Attorney Gen. Tells How to Dodge New Law," *Pittsburgh Courier*, July

Yet, reactionary Florida still contested the inevitable. In 1967, Claude Kirk, Jr. (1967-1971) entered the governor's office as a staunch segregationist. He told the media that he felt little incentive to make the Civil Rights Act of 1964, and its evolving iterations, priorities of his administration. Kirk, a Richard Nixon "law and order" Republican, also emulated Nixon in pursuing ultra-conservative fiscal and social policies, including actively working against the use of cross-neighborhood busing to achieve racial integration in Florida's color-coded schools. Not only did Kirk defy court-ordered school desegregation, but he punctuated his Old South proclivities by suspending the school board of Manatee County and appointing himself as school superintendent there. He told his supporters that he did this in order to prevent the impending desegregation of that school district. Shortly thereafter, Kirk took his petition-waving protests against school desegregation to the steps of the U.S. Supreme Court in Washington, D.C. in an event that captured national headlines. In so doing, the governor was possibly reading the mood of his electorate in the Sunshine State; in the presidential election year of 1968, Florida voters had registered 40.5 per cent of their vote for the racially insensitive Richard Nixon, 30.9 percent for the pro-civil rights Hubert Humphrey, and 28.5 per cent for the racial demagogue George Wallace. The Sunshine State had entered the decade with dual and unequal schools, and it capped the decade the same way, punctuated by the self-described "confrontation politics" of Governor Claude Kirk and the anti-integration mood of its electorate.<sup>48</sup>

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25, 1964; Daisy Sapp Benjamin, Lee County Black History Society Program Chair (former teacher, Lee County Public Schools), interview by author, March 9, 2005; *Green v. School Board of New Kent County, Virginia*, 391 U.S. 430 (1968); *Alexander v. Holmes County Board of Education*, 396 U.S. 1218 (1969); Rowland Young, "Review of Recent Supreme Court Decisions," *American Bar Association Journal* 54 (1968): 912-913; "Desegregation Now—But How to Do It?," *U.S. News and World Report*, November 10, 1969, 45-46; "The Supreme Court: Integration Now," *Time*, November 7, 1969, 19-20; *Wright v. Alachua*, Case # 367, *Bradley v. Pinellas*, Case # 64-98-T, *Major v. Monroe County of Board of Public Instruction*, Case # 64-331-CF, *Weaver v. Brevard County Board of Instruction*, Case # 1172, "Civil Liberties Court Cases, 1945-Present," National Archives and Records Administration, Southeast Region, 16-18; Tomberlin, "The Negro and Florida's System of Education: The Aftermath of Brown," 233-258; White, 90. In regard to the myriad grass-roots movements and individual challenges to Florida's Down South-type stonewalling of desegregation, see Winsboro, ed., *Old South, New South, or Down?*

48 "Ain't Nobody Gonna Touch King Claude," *Time*, April 20, 1970, 30; "Former Florida Gov. Claude Kirk dies at age 85," *Tampa Bay Times*, September 29, 2011; Lauren Milcarek, "History in More Than Black and White: The Story of One District Judge Who Faced Down a Fiery Desegregation Controversy and Created a Lasting Legacy," *Florida Historical Quarterly*, 92, no.2 (Fall 2013): 246-248.

In retrospect, the climactic Civil Rights Act of 1964, by essentially codifying many of the school equalization goals and invalidating the South's roadblocks to desegregation, fueled yet another equality drive. This occurred most notably when color-line Florida finally moved into a new era of political reality, as the "old school" of political leaders like Kirk gave way to a "new school" of World War II and post-World War II Democratic leaders like Governor Reubin Askew (1971-1979). These leaders had begun their public careers in the era of *Brown*, with the realization that Florida must shed its Dixie persona in order to grow as a national business and tourist mecca. Indeed, Askew, representing this new vision of progress and race relations, appointed the first blacks since Reconstruction to the Florida Supreme Court and the state cabinet. These were unprecedented acts designed in part to move Florida out of the segregation and exclusion of the past and into the political and economic realities of the future. Askew's Democratic successors, Governor Bob Graham (1979-1987) of south Florida and governor Lawton Chiles (1990-1998) of central Florida, continued this forward vision as the Sunshine State finally abandoned its educational pattern of racial deferral and attenuation for the educational imperatives of the post-*Brown* decades.<sup>49</sup>

Nevertheless, school equalization in Florida unfolded slowly. By the late 1960s, over 90 per cent of students attended segregated schools and about half of the state's school districts faced litigation in the federal courts to repudiate actual or vestiges of public school segregation. As Florida entered the 1970s, 76 per cent of its counties conducted school affairs under federal court-ordered desegregation or Health, Education, and Welfare (HEW) plans of timetables, compliance, and goals for desegregation. Because most of the displaced, dismissed, or demoted administrators and teachers in the slow integration process were, in fact, African Americans, the black press found the process to be less "integration" and more "outegration." When the busing of students to achieve court-mandated desegregation plans arose as a divisive educational and social issue in the period, Florida voters, by a margin of roughly three-to-one, approved an anti-busing resolution in a referendum.

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49 See White, *Florida's Crisis in Public Education*, 90-109; Martin A. Dyckman, *Reubin O'D. Askew and the Golden Age of Florida Politics* (Gainesville: University Press of Florida, 2011), 89-93, 203-208, 222; Jones, "The African-American Experience in Twentieth-Century Florida," 378-379.



In effect, the Sunshine State had deferred or stonewalled public school access, matriculation, and social restructuring precisely as long as the most obstreperous, defiant, and violent states of the Deep South.<sup>50</sup>

Since the need for compliance with the federal Civil Rights Act of 1964 resulted in the final demise of historically segregated schools by the 1970s, Florida faced a rising tide of unofficial segregation as “white flight” impacted many of the state’s educational settings, especially those in urban areas. As white flight compounded the Sunshine State’s rendezvous with meaningful public school desegregation, new and often bitterly divisive issues such as student assignment, controlled choice, magnet schools, and busing (reinforced by the state’s parsimonious funding measures) militated against district-wide integration and diversifying of schools. Despite the deep inter-generational struggles for quality schools and racial desegregation, recent testing data and subsequent scholarship on the subject suggest that Florida continues to sustain its historical black-white student equalization and achievement gaps.<sup>51</sup> Although presumably ended by the 1970s, Florida’s long and troubling history of school segregation and regional congruence continued to be an issue well into the new millennium, as racial divides underscored the Sunshine State’s educational experiences and opportunities.

50 U.S. Center for Educational Statistics, 1969; U.S. Bureau of the Census, “Census of Population: 1970, PC (1), table 24; *Desegregation of Public School Districts in Florida: 18 Public School Districts Have Unitary Status, 16 Districts Remain Under Court Jurisdiction*, 58; “Displacement of Black Teachers: ‘Integration’ Labeled ‘Outegration,’” *Pittsburgh Courier*, February 20, 1971; “Fla Rejects Busing, Favors Integration,” *Baltimore Afro-American*, March 25, 1972; Everett E. Abney, “A Comparison of the Status of Florida’s Black Public School Principals, 1964-65/1975-76,” *Journal of Negro Education* 49, no. 4 (Autumn 1980): 398-406.

51 See, for example, Kathryn M. Borman, Tamela McNulty Eitle, Deanna Michael, David J. Eitle, Reginald Lee, Larry Johnson, Deirdre Cobb-Roberts, Sherman Dorn, and Barbara Shircliffe, “Accountability in a Postsegregation Era: The Continuing Significance of Racial Segregation in Florida’s Schools,” *American Education Research Journal* 41, no. 3 (Autumn 2004): 605-631; “Educational Funding in Florida Can’t Be Easily Explained,” *Sarasota Herald-Tribune*, February 28, 2010.