

Abstract

With All Deliberate Speed:
The Pearsall Plan and School Desegregation in North Carolina, 1954-1966
by Arthur Larentz Carlson

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The decision of the United States Supreme Court in *Brown v. the Board of Education* legally ended the operation of segregated schools in the South. In North Carolina, a series of legal challenges began under the Pupil Assignment Act and, later, the Pearsall Plan to delay the desegregation of the state's school systems. In an effort to avoid massive public demonstrations, violence, and the closing of public schools as a result of public outrage, the Pearsall Plan transferred control of pupil assignments, along with the power to request the closing of schools, to local school boards. The decentralization of desegregation allowed communities to determine the level of social change comfortable to the majority of an area's residents. As a result, no school in any of the over one-hundred independent school systems in North Carolina lost a single day of classes on account of civil disobedience.

This thesis examines the background, development, and effect of the Pearsall Plan on North Carolina's educational, political, and social systems. It also outlines the factors that led North Carolina's leaders to deliberately embark down a path with one known ending: the declaration of the unconstitutionality of the Pearsall Plan. The decisions of these individuals and the outcome of their efforts comprise the focus of this thesis.

With All Deliberate Speed:
The Pearsall Plan and School Desegregation in North Carolina, 1954-1966

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Table of Contents

Chapter 1: Introduction.....	1
Selected Historiography of School Desegregation in North Carolina.....	9
Methodology.....	19
Chapter 2: The Rise of North Carolina’s Public Education System.....	21
Governor Aycock and Education for All.....	25
Challenges to Segregation.....	29
<i>Brown v. the Board of Education</i>	32
Chapter 3: The Announcement.....	38
<i>Brown v. Board</i> Reaction in North Carolina.....	45
Umstead’s Governor’s Special Advisory Committee on Education.....	49
Chapter 4: The Pearsall Plan to “Save Our Schools”?.....	55
Carrying Out the Pearsall Plan.....	69
A Move to Delay Desegregation.....	73
Chapter 5: The Pearsall Plan, Terry Sanford, and the Legal End of Segregation.....	77
The Metamorphoses of the Pearsall Plan.....	82
Legacy of the Pearsall Plan.....	84
Chapter 6: Conclusion.....	87
Excursus: North Carolina Desegregation in Relation to other Southern and Border States.....	92
Bibliography.....	95
Appendix A: First Pearsall Committee Members.....	101
Appendix B: Second Pearsall Committee Members.....	102
Appendix C: Year by Year Desegregation Progress in North Carolina.....	103

Appendix D: Desegregation Rates of Selected States, 1965.....	104
Appendix E: Desegregation Rates of Selected States, 1965.....	105
Appendix F: Year by Year Desegregation Rate of Selected States, 1956-1965.....	106

Chapter One: Introduction

As dawn broke on the morning of May 17, 1954, few Americans realized that the Supreme Court would usher in a new chapter in American history. In a stunning consensus decision, the United States Supreme Court overturned dual race separate but equal facilities, protected by *Plessy v. Ferguson* (1896). In the opinion released by Chief Justice Earl Warren in the *Brown v. Board of Education* (1954) decision, the Court announced that the operation of segregated schools inherently disadvantaged children of color.¹ The outcome of *Brown* set in motion across the South the first series of defiant challenges to the authority of the federal government since the Civil War. Politicians in Virginia, Georgia, South Carolina, and Mississippi quickly vowed to preserve the tradition of segregation. The public response in North Carolina was less vehement. North Carolina's civic leaders asked citizens to exhibit the patience and understanding to maintain the semblance of those patterns practiced by Tar Heel residents since the beginning of the twentieth century.² The Pearsall Plan rose from this desire to avoid significant social and economic disruption. Though not without its critics, and rightfully so from some perspectives, the Plan avoided much of the misery suffered in other states as it eased North Carolina towards a fully desegregated society.

North Carolina Governor William B. Umstead, who never fully recovered from a heart attack suffered two days after his inauguration on January 8, 1953, realized the importance of guaranteeing the continued operation of the state's public schools. Massive resistance north in Virginia and proclamations of defiance south in Georgia and South Carolina threatened the survival of North Carolina's public schools and heightened racial tensions throughout the region.

¹ The National Center for Public Policy Research, "Brown v. Board of Education, 347 U.S. 483 (1954) (USCC+), Supreme Court of the United States, <http://www.nationalcenter.org/brown.html>.

² Sarah C. Thuesen, "Pearsall Plan," in *Encyclopedia of North Carolina*, Edited by William S. Powell (Chapel Hill: The University of North Carolina Press, 2006), 873.

Umstead turned to his long-time political ally, Thomas Jenkins Pearsall of Rocky Mount, to head the newly formed Governor's Special Advisory Committee on Education.³

This first Committee on Education comprised nineteen North Carolinians, including three black members.⁴ That August, Umstead deliberately selected committee members from across the state in an effort to placate concerns over sectional favoritism, a concern that had plagued North Carolina politics since the colonial era. The committee members often held meetings in Pearsall's converted basement recreational room where the committee members sought to achieve two goals: "preservation of public education in North Carolina" and "preservation of peace throughout North Carolina."⁵ Over the course of nearly two months, the members prepared a report outlining their recommendations to new governor Luther Hodges, who succeeded Umstead after the latter's death in November.⁶

On New Year's Eve 1954, Pearsall delivered the committee's report to Hodges. In their report, they concluded that the people of North Carolina wished to preserve the public school system, continuing long-held attitudes on racial segregation and cultural restrictions that made the immediate desegregation of schools nearly impossible. They placed restrictions upon local school boards who would control the pace of desegregation; they expected public order would be preserved and public schools would continue to operate unimpeded.⁷

At his State of the State Address in January 1955, Hodges revealed to North Carolina a pupil assignment plan that granted local school boards "complete authority over the enrollment

³ Pearsall and Umstead often collaborated during Pearsall's active service in politics. Umstead often relied on Pearsall's widely known reputation as a fair man to serve in roles that required patience and reason to succeed.

⁴ *Ibid.*, 873-874.

⁵ The Governor's Special Advisory Committee on Education, "Report of the Governor's Special Advisory Committee on Education of December 30, 1954." (Raleigh: The Committee, 1954), 1.

⁶ "Governor Umstead Dies in North Carolina," in *The Washington Post and Times Herald*, November 8, 1954, Sec. A, 1.

⁷ *Ibid.*, 2-3.

and assignment of children in public schools and on school buses.”⁸ Hodges hoped that, together, local school board and parental opposition to desegregation would result in voluntary segregation until such time that enacted laws or policies could provide a more permanent solution. The proposed “Pupil Assignment Plan” formed the basis for the later Pearsall Plan. It did not prevent the possibility of school desegregation, but it allowed parents unhappy with the school placement of their children to file an appeal in court. Governor Hodges then retained the Pearsall Committee to find a more permanent solution to the problem of school desegregation.

Governor Hodges did not sit idly while awaiting the new findings from Pearsall and his committee. On March 21, 1955, the General Assembly passed a bill, backed by the governor, which appointed new school board members in ninety-four counties.⁹ The appointment of these school board members marked Hodges’ first major attempt to control desegregation rate of the public school system. On March 23, 1955, the North Carolina General Assembly approved the Pupil Assignment Plan.¹⁰

That summer, Hodges reduced the number of members of the Special Advisory Committee on Education from nineteen to seven; this action included removing all minority members. Hodge’s later assigned an executive secretary, increasing membership to eight. This modified council, commonly referred to as the Pearsall Committee, began working to craft a suitable solution to prevent immediate, total forced desegregation.¹¹ Determined to find a lasting solution, the Pearsall Committee exchanged correspondence with officials in other states affected by the Supreme Court’s decision to ban segregated schools.

⁸ Governor’s Advisory Committee, “Report of December 30, 1954,” 3.

⁹ “School Boards Are Named,” *Raleigh News and Observer*, March 22, 1955, sec. A.

¹⁰ Jay Jenkins, “Hodges-Backed School Bills Given Okay By Committees,” *Raleigh News and Observer*, March 24, 1955, sec. A.

¹¹ Thuesen, “Pearsall Plan,” 873.

As the summer of 1955 neared an end, the problem of school desegregation for the 1955-1956 school year became a more pressing issue. To reduce tension, Governor Hodges called for a meeting with the Pearsall Committee along with Attorney General William Rodman. On August 8, 1955, Governor Hodges made his recommendations in a broadcast speech. The hope for the 1955-1956 school year was for voluntary continued segregation by the students of the school system. Under the guidance of Judge John J. Parker of the United States Court of Appeals Fourth District, Governor Hodges announced that the Court “does not require integration, it merely forbids discrimination.”¹²

The Pearsall Committee continued to work through the fall and winter of 1955 and, in the spring of 1956, completed a plan for gradually integrating the state’s school system. Committee members worked not only with each other but in conjunction with various political and educational leaders. The Committee released the “Report of the Governor’s Special Advisory Committee on Education of April 5, 1956.” In the report, the Pearsall Committee, in addition to the continued use of the Pupil Assignment Plan, suggested that local school authorities be empowered to abolish public schools and, most importantly, that the state of North Carolina provide tuition grants to students not wishing to attend integrated public schools.¹³ The Pearsall Committee’s report also requested that a special session of the General Assembly be charged to approve this plan. Designed as a temporary method of delayed desegregation, the de facto privatization of public schools combined with the educational voucher provisions became known as the Pearsall Plan.

¹² Luther Hartwell Hodges, “A Joint Resolution Stating the Policy of the State of North Carolina with Reference to the Mixing of the Children of Different Races in the Public Schools of the State, and Creating an Advisory Committee on Education,” in *Addresses and Papers of Governor Luther Hartwell Hodges Volume One 1954-1956*. Edited by James W. Patton. (Raleigh: Council of State, 1960), 205.

¹³ Governor’s Special Advisory Committee on Education, “Report of the Governor’s Special Advisory Committee on Education of April 5, 1956.” (Raleigh: The Committee, 1954), 3.

Fearing outrage from the public regarding the opinions of the General Assembly before the special session on July 23, 1956, Governor Hodges, Thomas J. Pearsall, and Attorney General Rodman began meeting in private with members of the General Assembly to win support for approval of the plan.¹⁴ As the special session of the General Assembly neared its end, Hodges made a public speech to gain support for the plan. In a televised news conference in Raleigh on July 14, 1956, Governor Hodges presented the Pearsall Plan in detail. Flanked by Thomas Pearsall and Attorney General Rodman, Hodges made it clear that the “plan was designed to discourage attempts by the National Association for the Advancement of Colored People (NAACP) and other groups to force integration,” and to “discourage demands for the drastic steps such as the complete shutdown of the state’s public schools.”¹⁵ He hoped to prevent the drastic cuts in public education promoted in Virginia by Senator Harry Byrd and in North Carolina by I. Beverly Lake. The attorney, Lake, managed to gain broad segregationist appeal for his support of perpetual separation of schoolchildren by race.

In the days following the introduction of the Pearsall Plan to the General Assembly, both the Senate and House of Representatives began deliberating the bill. Several other drafts were introduced during the assembly meetings, though none of the alternatives to the Pearsall Plan were seriously debated or considered. The General Assembly overwhelmingly passed the Pearsall Plan by a combined margin of 168-2 on September 8, 1956.¹⁶ At its conclusion, the Special Session of the General Assembly of July 1956 adjourned as the shortest session in its history.¹⁷

¹⁴ *Ibid.*, 4.

¹⁵ Hodges, *Businessman*, 92.

¹⁶ “Alternatives to Pearsall Discussed,” *Charlotte Observer*, July 30, 1956, Sec. A.

¹⁷ Hodges, *Businessman*, 101.

Heavy criticism followed. Hodges quickly moved to gain the public support of many influential educational and media leaders in North Carolina. The Governor called upon Holt McPherson, editor of the *High Point Enterprise*, as well as John D. Messick, President of East Carolina College, to publicly support the Pearsall Plan. Much of Hodges' efforts to craft support for the Pearsall Plan centered on Superintendent of Public Instruction Dr. Charles Carroll, who attempted to remain publicly silent on the issue of desegregation. After some urging, Hodges forced Carroll to announce his support for the plan.¹⁸

Hodges and Pearsall eventually gained enough political support for the Pearsall Plan and the General Assembly approved the bill. Pearsall, ever mindful of the need to exhibit patience in matters of desegregation, convinced Hodges to support another delay of the plan's implementation until the 1957-58 school year. The extra year of delay allowed parents time to prepare appeals of unwanted pupil assignments, granted educators opposed to the plan the time to seek employment in other fields, and allowed schools time to hire replacements. With the transfer of school assignments from the state to local levels complete, those students assigned to schools with "a child of another race" were allowed to appeal to the county school board for a tuition grant to attend a secular private school.¹⁹

Voters in all one hundred counties in North Carolina overwhelmingly elected to implement the Pearsall Plan in 1956 for the 1957-1958 school year. School systems in Charlotte, Greensboro, and Winston-Salem led the state in chartering desegregated schools.²⁰ Hodges commended the decision of these school boards for having the courage to be at the leading edge of school desegregation. While resistance to desegregation heightened tensions throughout the

¹⁸ *Ibid.*, 102.

¹⁹ North Carolina General Assembly. "Session Laws of the State of North Carolina: Extra Session 1956." East Carolina University, Verona Joyner Langford North Carolina Collection. Pearsall Plan File.

²⁰ William S. Powell, *North Carolina Through Four Centuries* (Chapel Hill: The University of North Carolina Press, 1989), 187.

South, Hodges warned that the people of North Carolina would not tolerate violence or lawlessness in connection with “token integration.”²¹

In 1959, public schools in Wayne and Craven Counties elected to desegregate. The following year, city schools in Chapel Hill and Durham were the first city administrative units to allow desegregation. Native Americans were admitted in 1960 into previously all-white schools in Dunn.²² Despite comprising the second largest minority group in North Carolina in 1960, Native Americans were notably absent from political and media debates of desegregation.²³ The largest single gain of the newly desegregated school systems came in 1962 when seventeen school systems were desegregated in North Carolina.²⁴

Between the years of 1957 and 1964, the Pearsall Plan allowed counties to desegregate public schools in North Carolina with few mass protests and almost no instances of violence. North Carolina managed to avoid the type of national attention that descended on states fully non-compliant with school desegregation, such as occurred in Alabama and Virginia. Passage of the 1964 Civil Rights Act granted the Federal Government increased authority to assert its influence over state matters and interstate commerce involving discrimination based on race, creed, color, or national origin.²⁵ After the passage of the 1964 Civil Rights Act, civil rights organizations wasted little time in filing motions to repeal the Pearsall Plan.

James Terry Sanford succeeded Hodges as governor in 1961. A renowned moderate, Sanford urged North Carolinians to comply with the edicts of the 1964 Civil Rights Act while simultaneously praising the “vigorous, voluntary efforts to provide the greater opportunities for

²¹ Hodges, *Businessman*, 106.

²² Powell, *North Carolina*, 187.

²³ United States Department of Commerce, *Census of Population: 1960. Vol. I, Characteristics of the Population. Part 35: North Carolina* (Washington D.C.: U.S. Government Printing Office, 1963), 35-128-129.

²⁴ “17 Schools in State, Largest Ever, Desegregated,” *Raleigh Times*, August 24, 1962, sec. A.

²⁵ Cornell Law School. “Civil Rights: An Overview.”
http://www.law.cornell.edu/wex/index.php/Civil_rights.

which the Negro sought.”²⁶ Sanford realized that pro-segregation elements in the state viewed the Civil Rights Act as an affront to self-government; he urged these groups to avoid open displays of defiance and refrain from violence until legal challenges to Federal involvement in education reached the courts.²⁷

Sanford’s pleas of cooperation to civil rights organizations fell on deaf ears as black community leaders, supported by the NAACP, filed a new series of challenges to the Pearsall Plan as a result of the Civil Rights Act. Black community leaders also organized the anti-segregation movement into groups in an effort to seek a fully integrated school system. On April 4, 1966, a Federal Judge ruled that the Pearsall Plan was unconstitutional. The court ruling demanded that the Pearsall Plan be nullified and that tuition grants from the state for children attending private schools to avoid attending an integrated school cease for the 1966-1967 school year.²⁸

The consolidation of the public school system began immediately. Once completed, many black school administrators complained of removal from positions they had held for years.²⁹ Tempers flared as groups opposed to desegregation had no alternative but to comply with the ruling of the Supreme Court. The large-scale movement of whites from incorporated townships to newer rural developments forced school boards to revise bus routes to prevent de facto segregation on account of new area demographics. In 1971, the United States Supreme Court in the *Swann v. Charlotte-Mecklenburg Board of Education* declared that the local school system must achieve racial balance among its students. Federal judges followed the Supreme

²⁶ James Terry Sanford, “On the Civil Rights Act,” in *Messages, Addresses, and Public Papers of Terry Sanford, Governor of North Carolina, 1961-65*, Edited by Memory F. Mitchell (Raleigh: Council of State, 1966), 624-625.

²⁷ *Ibid.*, 625.

²⁸ “Officials Have Little to Say on Pearsall Decision,” *Raleigh News and Observer*, April 5, 1966, sec. A, 1.

²⁹ “Black School Administrators Left Out in Consolidations,” *Durham Sun-Herald*, October 29, 1967, Sec. A, 1.

Court's example throughout the 1970's and used revised busing routes to speed the progress of desegregation throughout the South.³⁰ Disturbances erupted as a result of federal intervention in the rate of desegregation in North Carolina.³¹ Large-scale boycotts of inner-city schools and the homes of school administrators by white parents in the wake of the busing ruling demonstrated the level of civil disobedience that would have accompanied instant desegregation in the days following the *Brown* decision.

Any evaluation of the effectiveness and success of the Pearsall Plan in North Carolina must be judged against the backdrop of the civil disobedience that occurred in Virginia and Alabama in the 1950's and 1960's and in Mecklenburg County in the wake of the *Swann* decision the following decade. The Pearsall Report promised North Carolinians a chance to save their public schools while simultaneously providing for the education of every child in the state, regardless of skin color. The moderate course set by the state's leaders who supported the implementation of Pearsall's pupil assignment, including Governors Umstead, Hodges, and Sanford, burnished the state's reputation as a place where reason governed the land.

Selected Historiography of School Desegregation in North Carolina

The short historiography of school desegregation in North Carolina has been clearly divided into two basic perspectives, critics of the delay tactics employed by southern leaders to slow desegregation and those who believe that delayed integration was the only way to maintain civil order. Supporters of delayed integration have long praised its use as a shining example of North Carolina's moderation in race relations. These historians have largely ignored the criticisms of black community leaders against delayed integration and cited examples of violence

³⁰ Powell, *North Carolina*, 187.

³¹ "Charlotte Busing Order Pits Parents vs. Students," in *The New York Times*, February 8, 1970, Sec. A, 45.

and civil unrest that occurred with greater frequency in other states in the years following *Brown v. Board*.

A librarian at the University of North Carolina at Chapel Hill, William S. Powell has been widely acknowledged as a historian of North Carolina for several decades. From the colonial era to the present, Powell has researched nearly every major event in the history of the Tar Heel state. Despite his many volumes of work, he has largely ignored the desegregation of the school systems and the larger civil rights movement that brought legal challenges to the operation of segregated schools. Powell's light treatment of desegregation is not without reason: his works focus on providing a broad history of North Carolina with very little interpretation of the significance of events.

In *North Carolina: A History*, he reinforces the notion that politicians acted with society's greater good in mind when they instituted the Pearsall Plan, which provided tuition vouchers to parents unwilling to enroll their children in integrated schools. Powell further remarked that the Pearsall Plan "prevented what might have been serious confrontations" if the state had not utilized the strategy of delayed desegregation.³² This statement firmly establishes Powell as a stalwart defender of delayed desegregation in North Carolina as the best means to preserve public education and maintain civil harmony.

A key component to the 1964 Civil Rights Act passed by Congress sped the pace of school desegregation by threatening to withhold federal funds from still segregated school districts. In *North Carolina Through Four Centuries*, Powell declared that North Carolina's pace of desegregation outpaced other southern states, in no small part owing to Governor Terry Sanford. Under Sanford's leadership, the number of blacks entering white schools increased

³² William S. Powell, *North Carolina: A History* (Chapel Hill: The University of North Carolina Press, 1977), 186.

dramatically while “change was being made peacefully.”³³ Coverage of school desegregation in *North Carolina Through Four Centuries* is limited to less than seven of over six-hundred pages. Powell’s continued affirmation of the moderate stance North Carolina took in the area of desegregation and race relations undoubtedly influenced public opinion on the matter. An examination of relevant subsequent works will confirm support that the delayed desegregation approach enjoys in the historiography of the subject.

Early attempts to chronicle the desegregation of the school systems arrived in the mid-1960s. First published in 1966, Reed Sarratt’s *The Ordeal of Desegregation: The First Decade* is a work which attempted an unbiased scholarly study of the matter. Sarratt, a North Carolina newspaper journalist, was funded by the Ford Foundation and the Southern Education Reporting Service. The service was an alliance of newspaper editors dedicated to reporting unbiased news in the South. This support allowed Sarratt to provide a history without an obvious ulterior motive. Sarratt organized his study into fourteen chapters whose titles clearly indicated their subject. The author divided his study of school desegregation into three geographic and ideological regions: the Border States, the Middle South, and the Deep South. Sarratt writes that the Border States and Middle South were no less guilty than the Deep South in creating delayed desegregations plans that clearly violated the Supreme Court’s mandate to integrate facilities with all deliberate speed.

Sarratt sympathizes with moderate southern leaders and praises North Carolina’s voluntary desegregation for avoiding “court-imposed plans as well as the expense and turmoil of a court contest.”³⁴ Coverage of North Carolina’s desegregation effort is limited to short passages

³³ William S. Powell, *North Carolina Through Four Centuries* (Chapel Hill: The University of North Carolina Press, 1989), 522.

³⁴ Reed Sarratt, *The Ordeal of Desegregation: The First Decade* (New York: Harper & Row Publishers, 1966), 97.

regarding the formation of the Governor's Special Advisory Committee on Education, the group charged by Governors Hodges and then Sanford to create an acceptable pupil assignment plan. Sarratt's work did not include a single reference note, there are no sources listed; and no secondary sources are cited in the text. Despite the author's claims in the foreword, the book contained obvious bias. Sarratt did provide some insight into the reaction of various segments of the population through newspaper stories and past interviews. *The Ordeal of Desegregation* represents a noble effort, but clearly not far enough removed from the events studied to provide less biased scholarly work.

Heavily influential among Pearsall Plan detractors, William Chafe's *Civilities and Civil Rights: Greensboro, North Carolina, and the Black Struggle for Freedom* firmly denounced the Pearsall Plan as a tool used by moderates to continue the system of segregation. Focused on a single city, Chafe is the first historian to attempt transferring credit as the agency of change from the moderate, affluent whites to black civic leaders. While the efforts of minority leaders to unify society cannot be ignored, the limited impact of their efforts to coerce change on the state level is magnified by Chafe. Chafe admits that influential whites ably perpetuated their power despite the discontent of the black community before 1954 and continued to do so after *Brown*.

The legal end of segregation initiated by *Brown* did not immediately usurp power from the white elite, yet elected officials and other powerful whites in North Carolina willingly ceded control of the possibility and pace of desegregation to local school boards, even in areas where the majority of the population was black. This voluntary decentralization of power was unmatched by any other state in the South. Chafe's bold, new stance reinvigorated the debate over the Pearsall Plan's true impact on race relations in North Carolina. Furthermore, Chafe's

linking of the sit-in movement to black dissatisfaction with the rate of desegregation under the Pearsall Plan traced the development of a grassroots civil rights movement.³⁵

In a response to increased academic interest in North Carolina's desegregation, Thomas C. Parramore, a professor of history and political science at Meredith College, produced an essay in 1984 titled "Sit-Ins and Civil Rights." Parramore's work declared that the state of North Carolina was clearly moderate in regard to Civil Rights when compared to other states of the South. Parramore praised North Carolina's gradual desegregation of schools, for it occurred without the "strife accompanying school integration efforts elsewhere."³⁶ Parramore's acclaim of the Pearsall Plan further reinforces the opinion of those who supported North Carolina's use of delayed desegregation.

That same year, the University of North Carolina at Chapel Hill accepted Wilma Cecelia Peebles' dissertation titled "School Desegregation in Raleigh, North Carolina 1954-1964." The work chiefly described various attempts by factions of the black community in Wake County to exert some measure of control over the process and pace of desegregation. Peeble's primary thesis centers upon how black community leaders primarily used legal challenges to exert some measure of influence on the members of local school boards and state legislatures to achieve positive results for black schoolchildren in their communities. The well-known willingness of black community leaders to challenge what they considered unbalanced pupil assignment plans forced local school boards to allow minority input or face lawsuits. The sections devoted to

³⁵ William H. Chafe, *Civilities and Civil Rights: Greensboro, North Carolina, and the Black Struggle for Freedom* (Oxford: Oxford University Press, 1981).

³⁶ Thomas C. Parramore, "Sit-Ins and Civil Rights" in *The North Carolina Experience*, ed. Lindsay S. Butler and Alan D. Watson (Chapel Hill: The University of North Carolina Press, 1984), 410.

reactions by national, state, and local politicians clearly demonstrate a difference of opinion between North Carolina school officials and black civic leaders on the pace of desegregation.³⁷

The success of her 1984 dissertation led to a 1987 essay by Wilma Peebles-Watkins, titled “Reactions of Segments of the Black Community to the North Carolina Pearsall Plan, 1954-1966.” It first appeared in *Phylon*, an academic journal published by Clark Atlanta University. Using elements of “School Desegregation in Raleigh, North Carolina,” Peebles-Watkins further explored the reaction of black community leaders to the Pearsall Plan until its removal in 1966. In this essay, Peebles-Watkins unleashed a critical attack on the delayed desegregation plan. She defined the Pearsall Plan as “a manifest response to a perceived impending state crisis.”³⁸ Statistical information indicates that racial desegregation in North Carolina lagged far behind other southern states such as Florida, Tennessee, and Texas. Peebles-Watkins attempted to link North Carolina with Deep South states in preventing desegregation, but ignored the fact that, despite poor desegregation numbers, North Carolina did not face the often violent and vehement opposition experienced in Alabama, Mississippi, and Georgia. Peebles-Watkins clearly opposed the moderate reputation and affirmed her position squarely in the camp of critics of Pearsall’s delayed desegregation.

David Cecelski’s 1994 work *Along Freedom road: Hyde County, North Carolina and the Fate of Black Schools in the South* chronicled efforts by African Americans to preserve their segregated schools. In many areas, the decision to unify schools resulted in the razing of the black school. The subsequent loss the unifying effect of a community school coupled with the

³⁷ Wilma Peebles, “School Desegregation in Raleigh, North Carolina, 1954-1964,” (PhD diss., University of North Carolina at Chapel Hill, 1984).

³⁸ Wilma Peebles-Watkins, “Reactions of Segments in the Black Community to the North Carolina Pearsall Plan 1956-1966” in *Phylon*, Vol. 48, No. 2, (1987): 112-121.

loss of employment for black educators handicapped many minority neighborhoods. To protest the planned closing of O.A. Peay and Davis Schools, Hyde County blacks boycotted Mattamuskeet School, influencing Hyde County voters to not approve a the board referendum necessary to expand the Mattamuskeet School and close the black schools. Blacks cheered the preservation of tradition and their school. Cecelski's support of the *Brown* decision is tempered by his view that communal black traditions were lost by the desegregation of society.³⁹

As North Carolina's largest city, Charlotte found itself the focus of studies into the desegregation of public schools. Davidson McDowell Douglas of Yale University examined the Queen City in his 1992 dissertation "Changing Times: The Desegregation of the Charlotte Schools, 1954-1975." Douglas's stated reason for selecting Charlotte as a case study was the busing model that Charlotte instituted and the presence of an organized black community that actively sought to influence the cause of desegregation. Douglas' praise of the citizens of Charlotte and the gradual desegregation plan utilized by its school board seemingly places Douglas in harmony with historians who support North Carolina's delayed desegregation. Douglas does lend some credence to the critics of delayed desegregation by pointing out that there was open resistance to delayed desegregation.

John E. Batchelor's *Rule of Law: North Carolina School Desegregation from Brown to Swann, 1954-1974* explored North Carolina's school desegregation from before the Supreme Court's ruling in *Brown v. Board* through the reaction to *Swann v. Mecklenburg Schools* in the North Carolina Supreme Court. Among the finest histories of school desegregation in the Old North State, Batchelor utilized the papers of governors, civil rights leaders, legislators, school officials, and case law review to prepare a detailed analysis of the desegregation of schools

³⁹ David S. Cecelski, *Along Freedom Road: Hyde County, North Carolina and the Fate of Black Schools in the South* (Chapel Hill: University of North Carolina Press, 1994).

statewide. Batchelor also compared the events in North Carolina to the national Civil Rights movement. He argued that moderate North Carolina allowed the Pearsall Plan to shift control of desegregation to the county level while simultaneously extending legal challenges to delayed desegregation by organizations, as the NAACP, to maintain civil order during the push for full school desegregation.

Rule of Law also declared Terry Sanford as the political leader most responsible for maintaining North Carolina's image as the most moderate of southern states in the area of race relations. *Rule of Law* made the strongest argument that delayed desegregation preserved civil order. Batchelor cites numerous examples of the willingness of North Carolinians to obey the law after judges ruled delayed desegregation plans violated the United States Constitution. For him, the final declaration of North Carolina's moderate stance lay in North Carolina's reluctance to use the full measure of state authority to control the pace of desegregation; instead leaders decentralized the issue by allowing local school boards to vote on the issue. This led to "peace and heading off of threats to the public school system."⁴⁰ Batchelor did not compare North Carolina's rate of desegregation to other southern states. If the speed of desegregation of segregated school systems provided by Peebles-Watkins' in "Reactions of Segments of the Black Community to the North Carolina Pearsall Plan, 1954-1966" are compared with Batchelor's evidence, North Carolina clearly did not lead the way for the South in the desegregation of the public school systems. Watkins argued that North Carolina's desegregation rates resembled those rates of the Deep South.

The issue of school desegregation affected the term of several of North Carolina's governors, including Terry Sanford (1961-1965). A lawyer by trade, Sanford ascended to the

⁴⁰ John T. Batchelor, *Rule of Law: North Carolina School Desegregation From Brown to Swann, 1954-1974* (PhD diss., University of North Carolina at Chapel Hill, 1992), 408.

State House on a surge of goodwill and hope born of Sanford's progressive view on race relations. He used his influence to temper racial tension heightened by the increasing criticism of the Pearsall Plan by several civil rights organizations and hard-core segregationists. Sanford's involvement with the desegregation of the public schools forms the basis of *Terry Sanford: Politics, Progress, and Outrageous Ambitions* by Howard E. Covington Jr. and Marion A. Ellis. As a journalist for the *Charlotte Observer* and the *Greensboro News & Record*, Covington covered many of the events in *Terry Sanford* while Marion A. Ellis, an author with at least ten published works on southern history, also lent her expertise to this work. Covington and Ellis did not directly address machinations of school desegregation; they instead focused on Sanford's role as a voice of reason and moderate political leader. Through the use of Sanford's papers, interviews and investigations of his family and colleagues, and official accounts of meetings and events, Covington and Ellis portrayed Sanford as a governor who best maintained civil order and preserved the availability of a state supported school system. According to the authors, Sanford's plan made it so that "education would be the centerpiece of his administration."⁴¹ Covington and Ellis' portrayal of Sanford as the guardian of the public school system during the period of desegregation serves to further reinforce the thesis that the delayed desegregation of North Carolina's schools preserved harmony and secured the operation of the public school system in a way that immediate desegregation could not have.

Another work that centered upon Sanford's role as governor during the school desegregation crisis in North Carolina was *Triumph of Good Will: How Terry Sanford Beat a Champion of Segregation and Reshaped the South*, published in 2000 by the University of

⁴¹ Howard E. Covington Jr. and Marion A. Ellis, *Terry Sanford: Politics, Progress, and Outrageous Ambitions* (Durham: Duke University Press, 1999), 238.

Mississippi.⁴² The author, John Drescher, followed the same model used by Covington and Ellis in *Terry Sanford*, even listing the work among cited secondary sources. The primary focus of *Triumph of Good Will* was the highly contested 1960 election campaign between Sanford and I. Beverly Lake. Drescher, like Covington a journalist for the *Charlotte Observer*, depicted the contest between Sanford and Lake as a battle over race relations. As an avowed segregationist, Lake echoed the sentiments of many ultra-conservative Southerners in pledging the continued separation of schoolchildren by race. Sanford's response to the issue of school desegregation is limited to his response to appeals by the NAACP and other civil rights organizations to end voluntary desegregation plans. Despite Lake's reputation as a racist and segregationist, Drescher interpreted him as a traditionalist, a man stuck in the past as the South moved forward into the post-Jim Crow era.⁴³

Despite touching the lives of nearly every North Carolinian, desegregation of the public school system has drawn little attention from scholars when compared to other civil rights struggles. The limited number of scholarly studies has clearly organized into two separate schools of thought whose main difference is their opinion of the policy of delayed desegregation and its role in maintaining social harmony. Early efforts to chronicle school desegregation were limited to non-scholarly responses, often authored by journalists, to an embarrassing episode in North Carolina's history. The first major attempts at objectively understanding the history of the education system during the final days of Jim Crow segregation were doctoral dissertations that examined individual school districts as a case study. Responses by established North Carolina historians to these dissertations have been limited. As the birthplace of legalized busing, Charlotte has been the focus of the majority of case studies.

⁴² John Drescher, *Triumph of Good Will: How Terry Sanford Beat a Champion of Segregation and Reshaped the South* (Jackson: University of Mississippi Press, 2000).

⁴³ *Ibid.*

An overwhelming amount of available literature supports North Carolina's delayed desegregation, with the most convincing arguments offered by Batchelor and Drescher. The most scathing attack thus far has been Peebles-Watkins' 1987 essay on the Pearsall Plan. As time moves on and the specter of Jim Crow becomes further removed from the public consciousness, more critics of delayed desegregation will likely emerge. The role of North Carolina's educators in preserving the public school system when other states failed is still relevant in modern times. With modern school administrators under increased public pressure to promote cultural diversity, achieve racial balance in the school system, and guarantee the safe operation of education facilities, the importance of understanding how North Carolina's leaders succeeded in providing for uninterrupted education in the wake of the greatest social upheaval in the twentieth century America cannot be ignored.

Methodology

To understand the impact of the Pearsall Plan on school desegregation in North Carolina, the use of printed sources is paramount. Newspaper headlines from across the nation carried across their pages reports documenting the events, people, and reactions to the Supreme Court's *Brown* ruling which changed the social fabric of American society. Newspapers with traditionally national circulation provided views and opinions of civil rights leaders and liberal politicians often notably absent from state and local papers, particularly those based in the South. To a lesser extent, magazine coverage of the course of school desegregation is also consulted in order to gauge the level of public approval of the rate of desegregation.

Governor's papers, housed in the North Carolina State Archives and other Special Collections units, including those of William Umstead, Luther Hodges, Terry Sanford, and Dan Moore, provide glimpses into the machinations of the school desegregation issue as it appeared

before state leaders. Personal papers of other individuals heavily involved in the Pearsall Plan, most notably Thomas Jenkins Pearsall, provide information on the intent and perceived failure and success of delayed desegregation in the uninterrupted preservation of public schools.

The University of North Carolina's Southern Oral History Collection houses transcripts of interviews, including several pertaining to the issue of school desegregation in the South, many of which primarily concern North Carolina and the Pearsall Plan. The interviewees often relate personal reaction to *Brown*, thoughts on the Pearsall Plan, and reactions of their community to events surrounding desegregation. Careful comparison between interviewee statements and archival evidence of actual events must be made to ensure accuracy of statements, as nearly thirty years lapsed between the events discussed and the recording of interviews.

Other sources provide further support for analysis contained within this work. Professor William S. Powell's numerous histories of North Carolina formed the foundation for the author's knowledge of the Pearsall Plan and the larger desegregation issue. Additional monographs, essays, and websites by other historians and social critics combined with other studies of desegregation in the United States will support primary source evidence in understanding the effects of the Pearsall Plan on North Carolina history.

Chapter 2: The Rise of North Carolina's Public Education System

Since its foundation, North Carolina long had an interest in providing free public education to the children of the state. Article XL of the state's constitution of 1776 reads "schools shall be established by the Legislature for the convenient instruction of youth."⁴⁴ Though the state fathers elected to make public instruction a core principle, sectional favoritism and poor budgeting led to an uneven distribution of schools throughout the state in the coming decades. After four decades of little growth and weak oversight, Archibald D. Murphey made recommendations for improvements in education and infrastructure for North Carolina.⁴⁵ Born in present-day Caswell County, North Carolina, Murphey attended the University of North Carolina where he graduated in 1799. He became a lawyer and eventually served as a state senator. In 1819, Murphey published his recommendations for the creation of a designated public education fund. His proposals were largely ignored until 1825, when the state legislature passed the State Literary Fund.⁴⁶

The State Literary Fund consisted of money raised by the sale of public lands, bank stocks, license taxes, and funds granted by the federal government for the purpose of relocating Cherokee Indians to western reservations. In 1839, the selection of local superintendents responsible for administering schools and securing money for education bolstered funding of state supported education. By 1846, every county in North Carolina contained at least one public school.⁴⁷ As sectional tension increased throughout the United States in the decade before the

⁴⁴ Yale Law School. "North Carolina Constitution, 1776, Article 40," Yale University http://avalon.law.yale.edu/18th_century/nc07.asp.

⁴⁵ North Carolina State Board of Education. "History of the North Carolina State Board of Education," Department of Public Instruction, http://www.dpi.state.nc.us/state_board/SBE_history/chapter1.html.

⁴⁶ H.G. Jones, "Murphey, Archibald Debow," in *Dictionary of North Carolina Biography, Vol. 4, L-O*, ed. William S. Powell (Chapel Hill: The University of North Carolina Press, 1991), 378.

⁴⁷ William S. Powell, *North Carolina: A History* (Chapel Hill: The University of North Carolina Press, 1977), 120.

Civil War, North Carolina continued its focus on education with the creation of the position of General Superintendent of Public Schools. The first man to hold this position was Calvin Wiley who began his new role on January 1, 1853.

Calvin Wiley published numerous articles on the importance of public education. Directly responsible for the creation of the *Common School Journal* and the formation of the State Education Association, Wiley also established minimum requirements for teachers, lobbied for uniform textbooks, and even published *The North Carolina Reader*, for which he refused any royalties. When the Civil War reached North Carolina, Wiley continued to serve as state superintendent until the 1865 surrender of the Confederacy removed all Confederate state offices. Despite the difficulties faced because of a shortage of textbooks and instructional aides, most of North Carolina's public schools remained open for the duration of the conflict.⁴⁸

The new office of Superintendent of Common Schools stood vacant for three years, until North Carolina's citizens selected a new head of the public school system. An Evangelical minister, Samuel Stanford Ashley, championed the cause of Freedmen education in his role as state assistant superintendent, establishing ten schools that served over 1,800 newly freed children in the Wilmington District, which included the towns of Fayetteville, Goldsboro, and Wilmington, and coastal Brunswick County. Support of his efforts from blacks and Republicans convinced Ashley to enter the political arena; in 1868 he participated in the North Carolina Constitutional Convention. The elections of 1868 propelled Ashley into the position of Superintendent of Common Schools.⁴⁹

⁴⁸ Barbara M. Parramore, "Wiley, Calvin Henderson," in *Dictionary of North Carolina Biography*, Vol. 6, T-Z, ed. William S. Powell (Chapel Hill: The University of North Carolina Press, 1996), 196-197.

⁴⁹ John L. Bell, Jr., "Ashley, Samuel Stanford," in *Dictionary of North Carolina Biography*, Vol. 1, A-C, ed. William S. Powell (Chapel Hill: The University of North Carolina Press, 1979), 58.

Ashley quickly moved to revitalize the state's educational system, ordering a survey of North Carolina's schools to assess the state of each. Though reports were not received for every county in the state (Edgecombe and Onslow did not produce replies) records indicated 1,906 total schools of which 685 were considered in "bad" shape with only 178 earning the classification of "good."⁵⁰ The discretion for classifying a school as "good" or "bad" largely depended on the opinion of the on-site surveyor. Mindful of the necessity of providing for freedmen, Holden and Ashley in 1868 recruited the Reverend J.W. Hood to travel the state to prepare a report of the condition of colored schools.⁵¹ Ashley further ordered county commissioners to use funds at a rate dependent on the number of children between the age of six and twenty-one present in the county to establish as many schools as possible. Ashley recommended that counties establish a few good schools, rather than many inefficient ones. The report included Ashley's opinion that education was an investment in the state's future, not an unnecessary expenditure.⁵²

Despite Superintendent Ashley's pleas to the citizens of the state to support education, funding remained inadequate as party strife paralyzed the operation of statewide programs. Ashley managed to successfully lobby for a property tax of 1/12 of 1 percent on assessed property value in an effort to raise \$100,000 for the continued operation of public schools.⁵³ Ashley's efforts were for naught, however, as the state supreme court ruled unconstitutional the collection of property taxes for the purpose of supporting public schools.⁵⁴ Discouraged by the

⁵⁰ Calvin Wiley, *Report of the Superintendent of Public Instruction of North Carolina for the Year 1869* (Raleigh: M.S. Littlefield, State Printer and Binder, 1869), 2.

⁵¹ *Ibid.*, 16.

⁵² *Ibid.*, 3.

⁵³ *Public Laws of the State of North Carolina, Session 1869-70*, Chapter 229, Class 1, Section 2 (Raleigh: Jo. W. Holden, State Printer and Binder, 1870), 299.

⁵⁴ Edgar Wallace Knight, *The Influence of Reconstruction on Education In the South* (New York: Teachers College of Columbia University, 1913), 35.

lack of support for rebuilding the statewide school system and fearing the cutbacks were directed at him personally, Ashley resigned from his position as state superintendent in the fall of 1871.⁵⁵

The return to control of state government by Democrats in 1871 did not adversely affect the education of the state's children. By 1873, tax rates increased to fund education and support the appointment of county leaders to oversee education of white and black children within their home county.⁵⁶ Governor Zebulon Vance, along with the 1877 General Assembly, allocated resources to form the Fayetteville Normal School. The purpose of the school was to train black educators in an effort to raise the standard of instruction for the public schools. The Fayetteville Normal School was the first school of its kind in the South.

The quality of education for white children also benefited from a pioneering move at the University of North Carolina at Chapel Hill. In the summer of 1877, summer school sessions welcomed potential educators for teacher training for the first time.⁵⁷ The efforts were not long-lived, as apathy toward education and the desire to limit taxation contributed to the degradation of publicly funded schools. By 1880, illiteracy rates in North Carolina soared, with an estimated 63 percent of the state's school age children withheld from public schools. That year United States Senator Henry W. Blair of New Hampshire proposed a bill that funded states based upon the rate of illiteracy.⁵⁸ North Carolina Democrats, fearing increased Federal involvement in state affairs, realized the need to improve the state's schools. Despite their efforts, the next two decades saw little improvement in education.⁵⁹ At the dawn of the twentieth century, North

⁵⁵ Powell, *Dictionary, A-C*, 58.

⁵⁶ William S. Powell, *North Carolina through Four Centuries* (Chapel Hill: The University of North Carolina Press, 1989), 419.

⁵⁷ *Ibid.*, 420.

⁵⁸ Biographical Directory of the United States Congress: Blair, Henry William.
<http://bioguide.congress.gov/scripts/biodisplay.pl?index=B000524>

⁵⁹ Powell, *Four Centuries*, 421.

Carolina produced a political champion of public education. In 1901, Charles Brantley Aycock was sworn in as the newly elected Governor of North Carolina.

Governor Aycock and Education for All

Born the youngest of ten children near Fremont, North Carolina to Benjamin Aycock and his wife Serena, Aycock served as a teacher, lawyer, and newspaperman before entering politics in 1880. Aycock's support of public education is evident from his lifelong support of schools. In 1881, he successfully promoted a special tax to support Wayne County schools where collected proceeds from taxpayers were utilized in racial proportion for their respective segregated schools.⁶⁰ When the North Carolina Republican Party allied with the state's Populist Party on social issues, known as Fusion by Democrat supporting newspapers, Tar Heel Democrats were threatened with reductions in influence and support. Aycock continued to influence local politics as Democrats attempted to counter the Fusionist rise to political power. Aycock's star continued to rise as he toured the state, promoting his political ideals and quickly becoming the Democratic Party's champion. Aycock ascended to the governor's mansion on the planks of white supremacy and education for all in 1901.⁶¹

Eventually anointed the "Education Governor" by North Carolina historians, Aycock continued to promote public education despite a strong backlash from opponents of increased taxes. Opponents of Negro education in the state often cited "underfunded white schools" and the fear that unemployment would encourage minorities to attend schools "in larger numbers

⁶⁰ Powell, *Dictionary, A-C*, 73.

⁶¹ Jeffrey J. Crow, "Cracking the Solid South: Populism and the Fusionist Interlude," in *The North Carolina Experience*, edited by Lindley S. Butler and Alan D. Watson, (Chapel Hill: The University of North Carolina Press, 1984), 341.

than white children;” the literacy rate of blacks would soon lead whites. Despite this, Aycock continued to support the education of blacks.⁶²

Unlike previous Tar Heel champions of education, Aycock urged the citizens of North Carolina to support schools for blacks and whites using state and local funds. The public school system under Aycock managed to provide a state-wide standard of education, instruction, and support previously unknown to North Carolina. Most schools were in session for four months each year, qualified teachers educated in the state’s college system provided a minimum standard of education, and county-level officials were appointed to ensure the continued success of the public schools.⁶³

The origins of Aycock’s support of universal education are found in the latter stages of the nineteenth century. The defection of North Carolina Democrats to the Populist Party divided the Democratic leadership. Progressive, pro-industrial Democrats, Aycock included, feared the growing influence of the Populists, especially amongst the influential evangelists in rural areas.⁶⁴ By 1897, Populists successfully fused with Republicans to wrest control of local government in areas long loyal to old-line Democrats. The next year, Democrats banded together to savagely end the Fusion movement within North Carolina and restored nearly unchallenged Democratic rule to North Carolina. Upon their return to power, Democrats were forced to absorb many of the more popular aspects of the Populist movement into their platform, including a return to traditional religious values, including the idea of patronage and the value of education in attracting business to the state.

⁶² Joseph W. Bailey, “Popular Education and the Race Problem in North Carolina,” in *Outlook*, May 11, 1901, 114-116.

⁶³ Powell, *North Carolina*, 183.

⁶⁴ Joe Creech, *Righteous Indignation: Religion and the Populist Revolution* (Chicago: University of Illinois Press, 2006), 106-107.

Aycock realized the importance of philanthropic aid in his quest to provide educational facilities for blacks. North Carolina's citizens opposed tax increases, especially for minority education. In a 1901 interview granted to the *New York Herald*, Aycock remarked on the educational landscape of the Old North State:

We are in this State in the midst of an educational revival. We favor universal education and intend to accomplish it. If our friends in the North, earnest men and women, choose to aid us in our work we shall receive their aid with gratitude.⁶⁵

The earnest man who answered Aycock's call was Julius Rosenwald. Rosenwald, a clothier and executive for Sears Roebuck department stores, championed the cause of black education in the South. The Rosenwald Fund managed to provide the funding for the construction of nearly 5,000 schools throughout the South. The design of the new school buildings was modeled after the work of Tuskegee Institute architects, disciples of the champion of black vocational education, Booker T. Washington.⁶⁶ A stalwart supporter of Washington's Tuskegee Institute, Rosenwald began to take an active role in recruiting other white industry leaders to take up the cause of improving black education in the South.⁶⁷

The Rosenwald Fund's primary contribution to the education of North Carolina's children came from the funds provided to build one-room rural school buildings. North Carolina led the South in the construction and support of Rosenwald Schools. Inspired by the lasting legacy of Governor Aycock's "education for all" mantra, North Carolina's black communities produced 813 Rosenwald Schools through a system of matching grants and donations. In addition to educating the young, the Rosenwald Schools served as gathering places

⁶⁵ R.D.W. Connor and Clarence Poe, *The Life and Speeches of Charles Brantley Aycock* (Garden City, NY: Doubleday, Page, and Company, 1912), 130.

⁶⁶ National Trust for Historic Preservation, "Rosenwald Schools Initiative," <http://www.preservationnation.org/travel-and-sites/sites/southern-region/rosenwald-schools/>

⁶⁷ Peter M. Ascoli, *Julius Rosenwald: The Man Who Built Sears, Roebuck and Advanced the Cause of Black Education in the American South* (Bloomington, IN: Indiana University Press, 2006), 88.

for rural blacks. Teachers presented advancements in agriculture and other vocational skills to crowds composed largely of share croppers in an effort to improve the living conditions of the disenfranchised. The positive effect of Rosenwald's philanthropy on the southern black community is undeniable, as small communities often grew around newly constructed Rosenwald Schools.⁶⁸

By 1925, the educational revival defined by Governor Aycock became a point of pride for some North Carolinians. Supplements to teaching salaries issued through the state's Equalizing Fund improved teacher recruitment by adding \$1,500,000 to total state payrolls. North Carolina's investment in education since Aycock's term as governor was also evident by the exponential increase in state operated schools' property value. In 1900, a survey of educational facilities indicated the value of school property at under \$1,200,000 statewide; by 1925, that figure had grown to \$70,000,000.⁶⁹ The 1924-25 school year included the single biggest investment in education to that time in North Carolina history with \$13,000,000 conferred for the construction and improvement of educational facilities for public instruction.⁷⁰ Also indicative of North Carolina's emphasis on improved education was the average value of school facilities. In the year before Aycock was elected, the assessed average value of school a building was \$159; in 1925, that figure reached \$9,978. During the same time span, enrollment in the public school system merely doubled.⁷¹

Despite the United States Supreme Court's (1896) ruling in the landmark case of *Plessy v. Ferguson* that separate facilities must be equal, the quality of black education in the state

⁶⁸ *Ibid.*

⁶⁹ L.H. Jobe, "North Carolina Schools Represent Huge Investment," in *The Christian Science Monitor*, Nov. 6, 1926, 14.

⁷⁰ "Schools Grow Fast in North Carolina," in *The Christian Science Monitor*, Jan. 13, 1930, 8.

⁷¹ L.H. Jobe, "North Carolina Schools Represent Huge Investment," in *The Christian Science Monitor*, Nov. 6, 1926, 14.

generally lagged behind progress of white schools in the years after Aycock's formation of the modern school system. Progress toward improving educational standards as the funding discrepancy widened became a fact of life. In 1915, North Carolina allotted \$7.40 per white student and \$2.30 per black child to support education for an entire school year.⁷² By 1918, every southern state followed Kentucky's lead and enacted compulsory attendance laws for children of both races.⁷³ Efforts by predominantly northern supported philanthropic organizations attempted to improve the quality of black education in the South. In North Carolina, additional philanthropic support for minority education included contributions from John D. Rockefeller's General Education Board and from private donors led by Anna T. Jeanes of Philadelphia, a Quaker devoted to improving "the small rural southern negro school."⁷⁴

Challenges to Segregation

The discrepancies in racially divided educational facilities concerned black leaders throughout the nation. Despite philanthropic support, increased community involvement, and the nominal aid of state government, the secondary treatment of minority school facilities was undeniable.⁷⁵ North Carolina continued to struggle to produce enough quality black educators to meet the increasing number of blacks utilizing public schools.⁷⁶ Black leaders realized that, as long as segregated facilities were legal, the education of black schoolchildren would never equal the minimum standards instilled in white education facilities. Organizations devoted to improving facilities through legal challenges to segregation began to form in the early decades of

⁷² Tom Hanchett, "Saving the South's Rosenwald Schools," Accessed on May 6, 2009.
<http://www.rosenwaldplans.org/history.html>

⁷³ Truman M. Pierce, *White and Negro Schools* (Englewood Cliffs, NJ: Prentice-Hall Inc., 1955), 53.

⁷⁴ *Ibid.*, 54-55.

⁷⁵ *Ibid.*, 57.

⁷⁶ Henry C. Ferrell, *No Time for Ivy: East Carolina University, 1907-2007* (Durham, NC: BW&A Books, 2006), 3.

the twentieth century.⁷⁷ Of these organizations, the most critical to the desegregation of educational facilities was the NAACP.

From the onset of its creation, the NAACP counted the equal education of all races amongst its chief priorities. The organization's platform announced that the foremost goal was to ensure "that there be equal educational opportunities for all and in all the States, and that public expenditure be the same for Negro and white child."⁷⁸ Initial efforts by the NAACP did not aim at total desegregation; instead, NAACP leaders focused their efforts on the equalization of available resources provided to minority schools. The first legal challenges to the operation of segregated schools did not reach the courts until the 1930s. Beginning with challenges to segregation in higher education, the NAACP successfully began the process of building a case for the complete desegregation of public school systems.⁷⁹

To meet the challenges posed by the legal protection of segregated institutions, the NAACP selected Howard University educated lawyer Thurgood Marshall as its primary representative in the case of *Murray v. Pearson* (1936). The lawsuit concerned the rejection of Donald Gaines Murray's application to the University of Maryland law school on the basis of his race. The University of Maryland made no effort to conceal the motive for their decision, simply stating in their rejection letter to Murray that the university "does not admit Negro students."⁸⁰ The case drew national attention as both sides prepared to argue their cases before a judge. The University of Maryland contended that since education was a state matter, Murray was not entitled to admittance on the basis of US citizenship. Murray's legal counsel, all members of the

⁷⁷ The Library of Congress, "With an Even Hand: Brown v. Board at Fifty," <http://www.loc.gov/exhibits/brown/brown-segregation.html>

⁷⁸ The Library of Congress, "With an Even Hand: Brown v. Board at Fifty, The Negro National Committee," <http://www.loc.gov/exhibits/brown/images/br0008s.jpg>

⁷⁹ James Ernest Benfield, *A Case Study of North Carolina Desegregation Issues: Influence Patterns of Federal and State Courts and State Statutes* (Ann Arbor: University Microfilms International, 1979), 45.

⁸⁰ Molly Rath, "Desegregation Begins," in *Baltimore Magazine*, July 2007, Volume 100, Issue 7, 86.

NAACP's Legal Defense and Education Fund, countered that Maryland's rejection violated the Fourteenth Amendment of the United States Constitution as well as the state constitution of Maryland.⁸¹

Marshall, along with his co-counsel and mentor, Charles Hamilton Houston, succeeded in convincing a Baltimore area court to rule with Murray and order the University of Maryland to grant admission. The court's opinion noted that since the University of Maryland used public funds to operate and the state of Maryland only provided one graduate and professional school, the state had violated the principle of separate but equal facilities. The University of Maryland unsuccessfully appealed to the Maryland Court of Appeals and Murray began classes in the fall of 1935.⁸² Because the decision in *Murray v. Pearson* was heard only within Maryland's legal system, it did not apply nationwide, though it marked the first major legal victory for the NAACP in the effort to integrate educational facilities in the United States. The NAACP Legal Defense and Education Fund's confidence buoyed by the victory began to prepare legal challenges to segregated education in other states.⁸³

Over the next two decades, NAACP lawyers challenged the existence of racially segregated education institutions across the nation. Similar in circumstance to *Murray v. Pearson*, the United States Supreme Court decision in *Missouri ex rel. Gaines v. Canada* (1938) mirrored the Maryland courts' finding that equal opportunities for education for all races must be provided. Lloyd Gaines, like Murray before him, sought admission to the state's only law school

⁸¹ "Court Studies Suit of Negro to Enter Schools," *The Washington Post and Times Herald*, Nov. 6, 1935, Sec A, 15.

⁸² "Second Race Student Enters University of Maryland," in *The Chicago Defender*, Oct. 24, 1936, Sec. A, 3.

⁸³ "Thurgood Marshall in Speech at Lincoln University," in *The Chicago Defender*, Nov. 28, 1936, Sec. A, 4.

but was denied admission solely on race despite meeting all requirements for admission.⁸⁴ The state of Missouri offered to pay Gaines' tuition at another law school, he refused and took his case to court, where the decision of the University of Missouri's registrar was upheld by state courts, including the Missouri Supreme Court.⁸⁵

In November 1938, the case proceeded to the United States Supreme Court. After hearing arguments from both sides, the Court reached a decision: "by the operation of the laws of Missouri, a privilege has been created for white law students which is denied to negroes by reason of their race."⁸⁶ The legal denial of privileges based solely on race formulated the basic argument the NAACP used in future challenges to the doctrine of separate but equal. In his remarks concerning the ruling, Chief Justice Charles E. Hughes cited *Murray v. Pearson* when he wrote that the state of Missouri could either provide a legal school for blacks within the state or permit them admittance to the University of Missouri.⁸⁷ The legal protection of separate facilities was upheld, though the provision for equality was reinforced. With victories secured in their indirect attacks on Jim Crow segregation, the NAACP Legal and Education Defense Fund began formulating a strategy for a direct challenge to segregation.⁸⁸

Brown v. Board of Education

The NAACP continued efforts to provide educational equality to colored children. Their success in proving disparities in facilities and teacher pay encouraged more blacks to seek their aid. Challenges to *Plessy v. Ferguson* arose in nearly every state that operated a racially

⁸⁴ Student Opens Legal Attack on University of Missouri Race Bar," in *The Chicago Defender*, Feb. 1, 1936, Sec. A, 11.

⁸⁵ "Loses Fight to Enter University of Missouri," in *The Chicago Defender*, Dec. 18, 1937, Sec. A., 2.

⁸⁶ Cornell University Law School, "Missouri ex. Rel. Gaines v. Canada," Supreme Court Collection. http://www.law.cornell.edu/supct/html/historics/USSC_CR_0305_0337_ZS.html.

⁸⁷ Cornell University Law School, "Missouri ex. Rel. Gaines v. Canada: Hughes, C.J. Opinion of the Court," http://www.law.cornell.edu/supct/html/historics/USSC_CR_0305_0337_ZO.html.

⁸⁸ Waldo E. Martin, Jr., *Brown v. Board of Education: A Brief History with Documents*, (New York: Palgrave Macmillan, 1998), 25.

segregated school system. The NAACP presented evidence that the nominal caste system under which Southern blacks lived led to the formation of inferiority complexes in the psyches of those affected. Professor Kenneth B. Clark's landmark study presented black children with white and black dolls and asked them to select which doll they felt was prettier; the vast majority selected the white doll as "good" while they labeled the black doll as "bad." When asked to identify with which doll the research participants associated, the majority again selected the black doll. Clark testified that the children associated positive connotations with the white doll while the lasting impression of inferiority caused by legal segregation had imprinted the idea of negativity with the black doll.⁸⁹

With supporting evidence mounting to prove their inherent inequality, the NAACP elected to seek the end of segregated schools with a series of five court cases that challenged the status quo. In the first, *Davis v. County School Board (1952)*, Dorothy Davis challenged the Prince Edward County, Virginia school board's lack of equality in support of their racially segregated schools. Lawyers for the freshmen Davis argued that the school available to blacks featured substandard facilities, especially when compared to the educational opportunities offered to the area's white children. In conjunction with a local protest, Davis' family sought help from Spottswood Robinson and Oliver Hill, NAACP affiliated attorneys.⁹⁰

Two suits revolved around education facilities in the nominally northern state of Delaware. The Delaware cases challenged the respective local school system's policy of forcing black pupils to attend schools geographically distant from their homes. In the case of Ethel Louise Belton, she was required to attend a school nearly twenty miles from her home in a suburb of Wilmington, Delaware that featured high student-teacher ratios, decrepit facilities, and

⁸⁹ Charles Oglethorpe, Jr., *All Deliberate Speed: Reflections on the First Half-Century After Brown v. Board of Education*, (New York: W.W. Norton and Co., 2004), 4.

⁹⁰ *Ibid.*, 5.

an inadequate curriculum.⁹¹ The second case from Delaware centered upon the issue of bussing, a problem that plagued school systems long after desegregation throughout the nation.

The fourth case, later combined with the famous *Brown v. Board* Supreme Court case, involved the Washington, D.C. school system. The case, known as *Bolling v. Sharpe* (1954), was brought by a group of parents whose children were denied admittance to an all-white school that offered better educational opportunities than the minority school to which their children were assigned. Since the Fourteenth Amendment only applied to states, the NAACP legal counsel chose to argue that segregation violated the Fifth Amendment by depriving black school children of due process and resulted in loss of liberty and livelihood.⁹²

The fifth and most well-known lawsuit combined for presentation to the United States Supreme Court, *Brown v. Board of Education* (1954), originated from the heartland of America—Topeka, Kansas. The selection of the Kansas case for the title of the deposition reflected the Supreme Court’s desire that the case reflect the problem of national segregation rather than southern racism.⁹³ Thirteen families, representing twenty children, prepared a lawsuit, with the aid of NAACP lead counsel Thurgood Marshall to protest the school board’s requirement that their children walk past the all-white school, and across active railroad tracks and the city’s main industrial road so they could be transported to the inferiorly equipped colored school.⁹⁴ Esther Brown, not Oliver and Linda Brown who were named as lead plaintiffs in the case that appeared before the United States Supreme Court, served as the catalyst for the lawsuit.

⁹¹ *Ibid.*

⁹² *Ibid.*, 6.

⁹³ National Park Service, “Brown v. Board of Education: History & Culture,” Department of the Interior, <http://www.nps.gov/brvb/historyculture/index.htm>.

⁹⁴ Jack M. Balkin, *What Brown v. Board of Education Should Have Said: The Nation’s Top Legal Experts Rewrite America’s Landmark Civil Rights Decision*, (New York: New York University Press, 2001), 32.

While driving her black housekeeper home in Merriam, Kansas, Esther Brown passed the local black school. The decrepit state of the building appalled Brown, convincing her to campaign for the improvement of the school. While researching courses of action, Brown learned of a new bond measure aimed at constructing a new school building for the area's white children. Despite organized opposition to the bond measure, the vote passed and construction of the new school was slated to begin. A now infuriated Brown petitioned the local and national chapters of the NAACP to intervene on behalf of the citizens of Merriam. Esther Brown's direct appeals for help to Thurgood Marshall and the Topeka chapter of the NAACP proved successful. The Topeka NAACP members began to canvass their area to identify potential plaintiffs in preparation of a direct challenge to segregation.⁹⁵

The desegregation of higher education factored prominently in the NAACP's case before the Supreme Court. To defend against the forced desegregation of its school systems, South Carolina selected John W. Davis of West Virginia. A lawyer, law professor, Congressman, and former Democratic presidential candidate, Davis was an experienced Supreme Court litigator. He also firmly believed in segregation, a belief he publicly affirmed by representing South Carolina pro-bono, despite his previous denouncement of the Ku Klux Klan in 1924.⁹⁶

The *Brown v. Board* case was spread over three hearings beginning in 1952.⁹⁷ After the second hearing, a change in Chief Justices occurred after the death of Frederick Moore Vinson in September 1953.⁹⁸ Speculation over Vinson's replacement on the Court centered primarily on Governor Earl Warren of California, former Governor Thomas Dewey of New York, and former

⁹⁵ *Ibid.*, 31.

⁹⁶ American National Biography Online, "John Wesley Davis," <http://www.anb.org/articles/06/06-00140.html?>

⁹⁷ Balkin, *What Brown v. Board*, 32.

⁹⁸ American National Biography Online, "Fred Moore Vinson," <http://www.anb.org/articles/11/11-00875.html?>

Senator John Foster Dulles of New York. The consequences of President Eisenhower's decision would affect the balance of the Supreme Court at a time when the Civil Rights movement constantly challenged standing Constitutional interpretations.⁹⁹ Predictions over Eisenhower's selection intensified after Governor Warren's announcement that he would not seek reelection for a fourth term in California.¹⁰⁰ The announcement of Earl Warren's selection as the newest Supreme Court justice made headlines nationwide. Respected for his mediation skills by members of both political parties, praise for his humanity and intelligence accompanied Warren's nomination and subsequent appointment to the High Court.¹⁰¹ Deliberations before the newly restructured Supreme Court began anew in late 1953. On December 9, both sides in the suit presented their final arguments and the world awaited a decision.¹⁰²

Earl Warren opposed segregation on the belief that it violated the Fourteenth Amendment. Five holdovers from the Vincent-led Court shared this vision: Hugo Black, William O. Douglas, Harold Burton, Felix Frankfurter, and Sherman Minton. Opposed in ideology to reversing the 1896 *Plessy v. Ferguson* decision were Justices Stanley Reed and Tom Clark. Clark held a limited commitment to segregation, while the Kentucky-born Reed offered a much stronger defense of Jim Crow laws, often citing their presence throughout the whole of American history.¹⁰³

Earl Warren strongly believed that the repercussions of the Supreme Court's decision must be unanimous, or the risk of defiance to the decision would be magnified. In an extension of compromise, Warren agreed to delay the announcement of the Court's opinion until 1954,

⁹⁹ James Reston, "US Mourns Vinson," in *The New York Times*, Sep. 9, 1953, Sec A, 1.

¹⁰⁰ Lawrence E. Davis, "Warren Bars 4th Term Bid; Favored for Supreme Court," in *The New York Times*, Sep 4, 1953, Sec A, 1.

¹⁰¹ "The New Chief Justice," in *The New York Times*, Oct. 1, 1952, Sec A, 28.

¹⁰² Balkin, *What Brown v. Board*, 34.

¹⁰³ *Ibid.*, 36.

even though the Justices had previously agreed to the unconstitutionality of segregation. The delay allowed an additional year for the members to formulate a recommended remedy, while simultaneously allowing Southern leaders an additional year to dispel the expected initial public outcry.¹⁰⁴ Anticipation crested in the spring of 1954 when the Supreme Court returned to session. Media outlets compared the magnitude of the *Brown v. Board* decision to the Supreme Court's ruling in the *Scott v. Sandford (1857)* case.¹⁰⁵

The Supreme Court handed down its ruling on May 17, 1954. The Court agreed with the NAACP legal counsel that segregated schools did not provide an equal education and violated tenants of the Fourteenth Amendment. Chief Justice Warren stated in the opinion he released:

We come then to the question presented: Does segregation of children in public Schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal education opportunities? We believe that it does.¹⁰⁶

The Supreme Court's ruling quickly spread throughout the United States. The reversal of *Plessy v. Ferguson* dealt the final blow to already teetering Jim Crow laws and began a new era of social equality in American history.

¹⁰⁴ *Ibid.*, 37.

¹⁰⁵ Luther A. Huston, "Court Nears Pupil Bias Ruling," in *The New York Times*, Mar. 8, 1954, Sec. A, 20.

¹⁰⁶ "Chief Justice Earl Warren Reads Historic and Unanimous Decision," *Raleigh News and Observer*, May 18, 1954, sec A, 1.

Chapter 3: The Announcement

Headlines on the morning of May 18, 1954, prominently featured reactions to the Supreme Court's decision. The sudden reversal of nearly sixty years of constitutionally supported segregation left many whites throughout the nation disappointed and fearful. Responses by public officials to the Supreme Court's ruling ranged from outright promises of defiance to pleas for patience and civility. Politicians representing states within the Deep South offered the stiffest initial proclamations of intended defiance, while those in the mid-South more often called for restraint and understanding. Border States, the southwestern states which practiced segregation, and Florida responded without public outrage and with promises to comply with the reinterpretation of the United States Constitution with support of government agencies. Public statements often reflected the values and attitudes of the politician's constituents. A study by the Ford Foundation's Fund for the Advancement of Education found that while no single factor could predict regional racism, the percentage of minorities in a population often correlated to the enforcement and defense of segregation laws.¹⁰⁷

After the announcement of the decision in *Brown v. Board*, jubilation and relief spread among minority communities throughout the nation. After several long decades of struggle to abolish Jim Crow segregation, black leaders had finally realized their goal of federal intervention in the civil rights of schoolchildren. Near the banks of the Cumberland River at the alma mater of NAACP co-founder W.E.B. DuBois, Fisk College President Dr. Charles Johnson hailed the event as the greatest advance in race relations since the Emancipation Proclamation.¹⁰⁸ Black church leaders in South Carolina, led by African Methodist Bishop Frank Madison Reid,

¹⁰⁷ "Varied Impact is Indicated in Bias Ruling, Based on Population Patterns in the South," in *The New York Times*, May 18, 1954, Sec. A, 22.

¹⁰⁸ Bicknell Eubanks, "High Court Ruling Finds South Poised," in *The Christian Science Monitor*, May 18, 1954, Sec. A, 1.

encouraged their congregations to pray for guidance for the state's leaders and to celebrate a day of thanksgiving to honor the Supreme Court's decision.¹⁰⁹ An editorial that appeared in the May 18, 1954, edition of the minority themed *The Atlanta Daily World*, further heaped praise on the Supreme Court for providing a "boost to the spirit of democracy" and promoting America's position as a world leader in the global community.¹¹⁰ NAACP lead counsel Thurgood Marshall brimmed with pride and confidence in the wake of the organizations' victory before the Supreme Court. Falsely believing the struggle for racial equality nearly over, Marshall predicted full desegregation of the nation's schools "within five years."¹¹¹ He could not anticipate at the time that almost two decades would be required to defeat the bevy of legal challenges and delay tactics employed by pro-segregationists.

The first public statements of political defiance came from the heart of the Deep South. In Montgomery, Alabama, influential state Senator Sam Engelhardt of Macon County urged Alabama Governor Gordon Persons to immediately call into session the state legislature in order to plan a response to the legal death of Jim Crow segregation in schools. Persons' initial plan included the formation of a committee to preserve segregation in the state's schools.¹¹² Speaking for Alabama segregation supporters, Engelhardt further vowed "we are going to keep every brick in our segregation wall intact."¹¹³ The plantation-owning Engelhardt gained increased notoriety in the struggle against Civil Rights for his design of new voting districts which effectively gerrymandered the area surrounding the famed Tuskegee Institute in 1957.¹¹⁴ While Governor

¹⁰⁹ Edwin A. Lahey, "Byrnes on Integration..." in *The Washington Post and Times Herald*, May 22, 1954, Sec. A, 18.

¹¹⁰ "Editorial Excerpts from the Nation's Press on Segregation Ruling," in *The New York Times*, May 18, 1954, Sec. A, 19.

¹¹¹ Warren Unna, "Talmadge Defies High Court's Ruling," in *The Washington Post and Times Herald*, May 19, 1954, Sec. A, 7.

¹¹² *Ibid.*

¹¹³ "Reaction of the South: Alabama," in *The New York Times*, May 18, 1954, Sec A, 20.

¹¹⁴ "How to Deny a Vote," in *Time*, December 30, 1957.

Persons refused to publicly comment on the *Brown v. Board* decision on the morning of May 18, 1954, State Superintendent W.J. Terry remarked that Alabama's citizens likely may "demand the Legislature cease to give money to a non-segregated school system in Alabama."¹¹⁵

Black community leaders in Alabama quickly moved to set the wheels of desegregation in motion with the aid of local chapters of the NAACP. The absence of any pending legal challenge to segregation in Alabama is reflected in Terry's remarks concerning the short-term impact of the Supreme Court's decision. When asked about the expected impact to the upcoming school year, Terry responded that Alabama "is not presently affected, since we have no case in adjudication."¹¹⁶ Despite early optimism for a peaceful transition, Alabama drew national attention for its fierce resistance to desegregation and defiance of intervention by the Federal Government.

Georgia Governor Herman Talmadge responded to the Supreme Court with clear threats of defiance. A staunch segregationist, Talmadge vowed to prevent integrated schools in Georgia for the duration of his reign as governor. Talmadge's likely successor in the governor's mansion, Lieutenant Governor Marvin Griffin, assured his supporters that he, too, would not allow the mixing of races in public schools. Talmadge's opponent in the 1954 gubernatorial election, Georgia Agricultural Commissioner Tom Linder, assured his supporters that he would defy the Supreme Court, adding "nobody can make the people of Georgia swallow anything they won't submit to."¹¹⁷ Promising that Georgians would fight and shed blood if necessary, Talmadge released a statement that read:

<http://www.time.com/time/magazine/article/0,9171,810193,00.html>

¹¹⁵ "Changeover Will Cost Millions," in *The New York Times*, May 18, 1954, Sec. A, 23.

¹¹⁶ "Reactions: Alabama," in *The New York Times*, May 18, 1954, Sec A, 20.

¹¹⁷ Chalmers M. Roberts, "South's Leaders Are Shocked At School Integration Ruling," in *The Washington Post*, May 18, 1954, Sec. A, 2.

It (the Supreme Court) has blatantly ignored all law and precedent and usurped from the Congress and the people the power to amend the Constitution and from the Congress the authority to make the laws of the land. . . Its action confirms the worst fears of the motives of the men who sit on the bench and raises a grave question as to the future of the nation.¹¹⁸

A group of Georgia lawmakers urged Talmadge to end state supported public schools and instead lease educational facilities to local communities for use as private schools, a move he initially resisted, not due to personal opposition but because no timetable for compliance with the pupil bias law had yet been issued by the Federal Government. State Attorney General Eugene Cook bitterly responded when asked to comment on the *Brown* case and predicted a revolution in the political, social, and economic landscapes of the South.¹¹⁹ In New York City, Thurgood Marshall vowed to refocus the NAACP's legal resources to Georgia if the state approved the school privatization plan.¹²⁰ Talmadge did not remain idle; he tasked State Superintendent M.D. Collins and the Georgia Education Commission with crafting an acceptable plan to ensure the availability of education to the state's children. Later in the fall of 1954, the citizens of Georgia elected Talmadge to the United States Senate where he continued to fight against desegregation.¹²¹

South Carolina Governor James F. Byrnes, a former Associate Justice, likely predicted the Warren Court's decision before the announcement of the previous Monday afternoon. A declared supporter of segregation, Byrnes publicly feigned shock at the Court's decision, despite having already made arrangements to plan a desegregation policy for the following school year. Byrnes previously announced his support for a measure to disband the state's public schools, a

¹¹⁸ John H. Popham, "Reactions of the South," in *The New York Times*, May 18, 1954, Sec. A, 1.

¹¹⁹ "Southern Leaders Vary in Reaction to Ruling," in *The Los Angeles Times*, May 18, 1954, Sec. A, 6.

¹²⁰ "Ruling on Schools Studied in South," in *The Christian Science Monitor*, May 18, 1954, Sec. A, 6.

¹²¹ *New Georgia Encyclopedia*, "Herman Talmadge, 1913-2002,"

<http://www.georgiaencyclopedia.org/nge/Article.jsp?id=h-590>

plan approved by voters and sent to the legislature for debate.¹²² He stressed that the Supreme Court had not yet established a timetable for desegregation, which provided those vehemently opposed to the decision time to temper their anger. Byrnes ended his public comments on May 18 by asking South Carolinians of all races to “exercise restraint and preserve order.”¹²³

In Little Rock, Arkansas, state politicians reacted to the announcement with reservation. State Education Commissioner Arch Ford confidently opined to media outlets that Arkansas’ positive race relations (Ford personally ranked them the best in the South) would allow the state to continue unimpeded operation of public schools. Governor Phil M. Donnelly expressed a similar sentiment, though he avoided making commitments to a preferred course of action in response to the desegregation issue. He publicly affirmed Arkansas’ intent to abide by the United States Constitution, which the governor acknowledged as the “supreme law of the land.”¹²⁴ Less than a week after promising to uphold the Constitution, Donnelly, in conjunction with State Superintendent A.R. McKenzie and Little Rock’s Sheridan School System officials, announced their intent to allow twenty-one minorities to attend previously white-only schools beginning in the fall of 1954.¹²⁵

Mississippi Governor Hugh White also did not heed the call for the dissolution of public schools by a group of state legislators. White affirmed his intention to allow the Mississippi Legal Education Advisory Committee to continue their efforts in creating a plan to permit the continued operation of segregated schools, despite the Supreme Court’s ruling. He urged state officials and citizens to “go slow” while simultaneously expressing his own disappointment with

¹²² Chalmers M. Robert, “South’s Leaders Are Shocked at School Integration Ruling,” in *The Washington Post and Times Herald*, May 18, 1954, Sec. A, 2.

¹²³ “Reactions of the South: South Carolina,” in *The New York Times*, May 18, 1954, Sec. A, 20.

¹²⁴ “Reactions of the South: Arkansas,” in *The New York Times*, May 18, 1954, Sec. A, 20.

¹²⁵ “Town in Arkansas Sets Integration,” in *The New York Times*, May 22, 1954, Sec. A, 15.

the decision.¹²⁶ White declined to publicly comment on the issue of forced desegregation any further, until the Legal Education Advisory Committee submitted their recommendations on a course of action to him.¹²⁷ Frank E. Smith of the House of Representatives similarly expressed hope for a peaceful transition. Representing a district that contained a nearly 66 percent minority population, Smith expressed a personal conflict with the Supreme Court, despite admitting that the Court seemingly followed the course of action that best served the future of the nation.¹²⁸

Much less diplomatic in his reaction to the *Brown* decision, Senator James O. Eastland of Mississippi vowed to defy the Supreme Court. In remarks that appeared in the *New York Times*, Eastland predicted “strife” and “turmoil” in Mississippi’s future, sentiments similar to those expressed by Representative William A. Winstead, who the same day lambasted the Supreme Court for undoing a half-century of educational progress.¹²⁹ By the onset of the 1954-55 school year, Mississippi established new school boards and districts which segregated schoolchildren by means of locality after a movement to abolish public schools in the state met with unanticipated resistance from citizens. Racial strife continued to plague Mississippi in the wake of the *Brown* decision. In August 1955, after a tumultuous school year, the eyes of the world watched as the Emmett Till murder trial exposed the racial disharmony which school officials faced on the road to desegregation.¹³⁰

In the Old Dominion, the Supreme Court’s ruling garnered initial silence from the governor’s office. State Superintendent Dr. Dowell J. Howard assured Virginians that the state government planned to abide by the Court’s decision. In a statement released to media outlets,

¹²⁶ “Reactions of the South: Mississippi,” in *The New York Times*, May 18, 1954, Sec. A, 20.

¹²⁷ *Ibid.*

¹²⁸ “Mississippi Representative Hopes for Calm, but Eastland Sees Strife,” in *The New York Times*, May 18, 1954, Sec. A, 19.

¹²⁹ *Ibid.*

¹³⁰ “The Case of Emmitt Till,” in *The Christian Science Monitor*, September 9, 1955, Sec. A, 20.

Dr. Howard wrote, “We are trying to teach schoolchildren the law of the land and we will abide by it.”¹³¹ As Governor White in Mississippi, Virginia Governor Thomas B. Stanley informed his constituents that he would reserve comment until he had the opportunity to meet with state and local government officials to ascertain the impact of desegregation on the state’s public schools. Democratic Senator Harry F. Byrd immediately publicized his opposition to school desegregation. Calling the repeal of segregation “the greatest affront to state’s rights,” Byrd lamented the loss of hundreds of millions invested in “school facilities in an effort to comply with the policy previously laid down by the court.”¹³² Stanley subsequently tasked Virginia Attorney General J. Lindsay Almond Jr. with creating a law based challenge to integrated schools to continue the operation of a dual-race school system.¹³³ Stanley’s vow to follow the Supreme Court’s edict rang hollow as within a few years public school systems in Virginia began to close in order to prevent the desegregation of area schools.¹³⁴

The week after the Supreme Court’s outlawing of racially segregated schools, Stanley offered to host a conference of Southern governors in Richmond, Virginia to address the issue of involuntary desegregation and to compare plans to circumvent the Supreme Court’s edict for as long as deemed necessary. The decision to host a conference came after Oklahoma Governor Johnston Murray, Chairperson of the Southern Governors Conference, declined to request a meeting of its members to discuss school desegregation.¹³⁵ Governor White quickly confirmed his support of the conference. Other state leaders who immediately indicated they would appear or send a representative included: Allan Shivers of Texas, Robert F. Kennon of Louisiana, Frank

¹³¹ “Reactions of the South: Virginia,” in *The New York Times*, May 18, 1954, Sec. A, 20.

¹³² “Senator Byrd Sees ‘Crisis’ in Virginia,” in *The Washington Post and Times Herald*, May 18, 1954, Sec. A, 3.

¹³³ “Maryland, Virginia Stand Pat on Segregation Pending Court Elaboration,” in *The Washington Post and Times Herald*, May 20, 1954, Sec. A, 11.

¹³⁴ Virginia Historical Society, “Massive Resistance,” The Civil Rights Movement in Virginia, <http://www.vahistorical.org/civilrights/massiveresistance.htm>

¹³⁵ Governors Invited to Discuss Bias Ban, in *The New York Times*, May 21, 1954, Sec. A, 22.

G. Clement of Tennessee, and Herman Talmadge of Georgia.¹³⁶ Kennon, a former state Appeals Court judge, felt the Supreme Court had no binding jurisdiction over state schools.¹³⁷ Of those involved, Talmadge took the de facto lead as the national face of Southern opposition to the desegregation of K-12 grade level public schools.

Brown v. Board Reaction in North Carolina

In Raleigh, news of the Supreme Court's announcement on that fateful May morning met with silence from the Executive's Mansion. Governor William B. Umstead answered "terribly disappointed" when reporters asked his opinion of the ruling, but declined further comment.¹³⁸ Inwardly, Umstead opposed the desegregation of North Carolina's public schools and his disdain for the decision became more apparent with the passage of time and a decline in the governor's health that began after suffering a heart attack January 8, 1953, a mere two days after his inauguration. The governor's self-restraint in not lambasting the Supreme Court set the tone for North Carolina's moderate response, a response born from the idea that North Carolina's race relations were considerably more positive than other states of the South.¹³⁹ In an early effort to coordinate a unified plan of action for Southern leaders, Umstead agreed to send a representative to Virginia to attend Stanley's conference.¹⁴⁰

Umstead's predecessor in the statehouse, W. Kerr Scott, made his stance on the issue of desegregation widely known while campaigning for the United States Senate seat held by Alton A. Lennon in 1954. In a statement issued from his campaign headquarters, Scott announced "I have always been opposed, and I am still opposed, to Negro and white children going to school

¹³⁶ "5 Governors Accept Stanley's Invitation," in *The Washington Post and Times Herald*, May 22, 1954, Sec. A, 9.

¹³⁷ Reed Sarratt, *The Ordeal of Desegregation: The First Decade*, (New York: Harpers & Row, 1966), 5.

¹³⁸ "Umstead 'Terribly Disappointed' at Court Ruling: Other Comment," in *The Raleigh News and Observer*, May 18, 1954, Sec. A, 1.

¹³⁹ Powell, *Four Centuries*, 521.

¹⁴⁰ "4 Governors Accept School Parley Bid," in *The Washington Post and Times Herald*, May 23, 1954, Sec. A, 23.

together.”¹⁴¹ Scott touted advancements in minority education during his term as governor, though he stopped short of admitting black schools were inferior in construction and available resource materials to white facilities, even after considerable upgrades were provided for minority teacher recruitment and building construction. Despite further censures of the Supreme Court’s decision within his statement, Scott followed Umstead’s precedence of moderation in action by calling for North Carolinians “regardless of race, color, or creed to remain calm and work together.”¹⁴²

Lieutenant Governor Luther Hartwell Hodges first learned of the *Brown* decision while attending a convention in Lake Placid, New York. As ex officio and chair of the State Board of Education, Hodges canceled a planned trip to Seattle, Washington, in order to return to North Carolina. Upon his arrival, he quickly organized a meeting of other top education officials in order to determine the degree to which the state’s public schools might be affected.¹⁴³ Aware of Umstead’s declining health, Hodges limited public remarks concerning the Supreme Court’s decision to pleas for patience.

Other Tar Heel politicians weighed in on the matter of school desegregation on the afternoon of May 17, and the morning of May 18, 1954. Senator Alton Lennon, in his initial comments, expressed feeling “shocked and disturbed” while reserving further comment until he had time to study the Supreme Court’s decision. Members of the North Carolina General Assembly were sought to offer their opinions on the matter, including representatives E.T. Bost Jr. of Cabarrus County and W.B. Rodman of Beaufort. Bost, the sitting House Speaker, felt that a special session of the state legislature should be convened to discuss potential challenges to

¹⁴¹ “Seven Seek Senate Seat Vote in N.C.” in *The Washington Post and Times Herald*, May 28, 1954, Sec. A, 44.

¹⁴² “Scott Gives Views on Court Decision,” in *The Raleigh News and Observer*, May 18, 1954, Sec. A, 6.

¹⁴³ Hodges, *Businessman*, 79-80.

compliance with the desegregation ruling. Rodman, chair of the House Finance Committee, joined Bost in introducing the motion. Rodman also asked citizens to remain calm while state officials deliberated on a course of action.¹⁴⁴

Many state leaders opposed the call for a special session of the legislature. Since the Supreme Court did not specify a date of compliance, many officials felt that the debates over implementation or rejection of desegregation plans should be postponed until a time after studies could be completed by appointed citizens to understand better the issue facing the state. State Highway Chairman A.H. Graham, whose involvement in state government began in 1920, felt that, in a hastily organized special session, lawmakers would not have all the relevant data needed to make sound judgments on any proposed course of action. Other General Assembly members opposed to a special assembly included Representative Larry I. Moore of Wilson, and State Senators Edwin Pate of Scotland and John D. Larkins of Jones County.¹⁴⁵

Despite heavy opposition from General Assembly Democrats, on May 19, 1954, at a pre-caucus for state Democrats, Tom Mewborn of Kinston formally proposed a special session of state government occur within thirty days to identify and solve problems related to the *Brown* outcome. Mewborn's motion immediately met with resistance from caucus presiding member H.V. Bridgers of Tarboro. Bridgers chided Mewborn for being out of order before J. Ivey Bridges of Conway successfully moved to table the measure. With his mention of the desegregation issue, Mewborn soured the jovial mood that had permeated the pre-caucus activities.¹⁴⁶ The uncertainty of public school desegregation became an issue that dominated North Carolina politics for the next few years.

¹⁴⁴ "Umstead 'Terribly Disappointed' at Court Ruling: Other Comment," in *The Raleigh News and Observer*, May 18, 1954, Sec. A, 1.

¹⁴⁵ *Ibid.*, 2.

¹⁴⁶ "Special Term Move Killed," in *The Raleigh News and Observer*, May 20, 1954, Sec. A, 1.

Despite the best efforts of some Democrats, the subject of school desegregation again arose during the 1954 North Carolina Democratic Convention. Irving Carlyle, Winston-Salem lawyer and President of the Wake Forest University Board of Trustees, made a keynote address that brought the segregation issue to the forefront of the convention agenda. Speaking in place of the late senior Senator Clyde R. Hoey, whose vacated seat many believed Carlyle would inherit, he modified a speech he had prepared before learning of Umstead's comments regarding the outcome of *Brown v. Board*.¹⁴⁷ Carlyle's speech lasted forty-five minutes and covered the typical range of topics associated with political conventions: challenges to rival politicians, boasting of positive accomplishments by Democratic Party members, and support for farms and business. Interrupted by applause from the nearly 3,000 in attendance, Carlyle boldly diverged from his original speech in the closing portion of his address. After mentioning the historic decision and announcing he spoke only for himself and not the Democratic Party, Carlyle announced:

The Supreme Court of the United States has spoken. As good citizens we have no other course except to obey the law as laid down by the Court. To do otherwise would cost us our respect for law and order, and if we lose that in these critical times, we will have lost that quality which is the source of our strength as a State and as a nation.¹⁴⁸

After the conclusion of the keynote address, Umstead and Hodges left the venue without commenting on Carlyle's speech. Carlyle's remarks met with thunderous applause from the audience, though a person in attendance thought the applause was "not approval of what you said. They're just admiring your stinkin' courage."¹⁴⁹

Prominent North Carolina historians claim that, owing to these remarks, Umstead appointed renowned segregationist Samuel J. Ervin Jr., not Carlyle, to Hoey's vacated Senate

¹⁴⁷ Powell, *Dictionary: A-C*, 324-325.

¹⁴⁸ "Text of Keynote Speech By Irving Carlyle to Democratic Convention," in *The Raleigh News and Observer*, May 22, 1954, Sec. A, 3.

¹⁴⁹ Powell, *Dictionary: A-C*, 325.

seat.¹⁵⁰ Personal secretary for Governors Umstead and Hodges, Edward Rankin, claimed in an interview conducted in 1987, that Ervin was Umstead's choice from the beginning.¹⁵¹ The 1954 North Carolina Democratic Convention marked the beginning of North Carolina's official entrance into the active struggle with school desegregation.

Umstead's Governor's Special Advisory Committee on Education

During the first meeting between Umstead and Hodges, upon the latter's return to North Carolina after the *Brown* announcement, Umstead relayed to Hodges his desire to form a committee to study the possible effects on public education and to recommend a course of action in keeping with the best interests of the state.¹⁵² In the meantime, Umstead turned to the University of North Carolina at Chapel Hill's Institute of Government. In a report, Assistant Director James C.N. Paul made the other officials in attendance aware that the Court had not issued a deadline for compliance with the desegregation order. Umstead then expressed his desire to delay desegregation until a more permanent solution to integrating public schools could be found. Paul suggested a proposal to prevent instant desegregation involving having minority children complete surveys asking, "Do you wish to attend your former school, or do you wish to attend school with white children?"¹⁵³ Advocates of the survey method hoped that an overwhelming majority of minorities would indicate a desire to maintain segregated facilities. The legality of allowing a majority response to dictate constitutional rights formulated the critical issue of voluntary separation of race.

¹⁵⁰ *Ibid.*

¹⁵¹ Oral History Interview with Edward L. Rankin, August 20, 1987. Interview C-0044. Southern Oral History Program Collection (#4007) in the Southern Oral History Program Collection, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill.

¹⁵² Rankin, Interview of August 20, 1987, Southern Oral History Program Collection.

¹⁵³ James C.N. Paul, "The Decision and Some Alternatives: A Legal Analysis," in *The School Segregation Decision: A Report to the Governor of North Carolina on the Decision of the Supreme Court of the United States on the 17th of May 1954* (Chapel Hill: The University of North Carolina, 1954), 103.

Paul also proposed for study a system of white, Negro, and integrated schools which featured voluntary enrollment. Though it had some support from segregationist, legal experts quickly asserted that exclusion of children from the white and Negro schools still violated the Supreme Court, despite the availability of integrated facilities. In its summary, the Institute of Government reported to Umstead that a transitional devise that allowed “gradual adjustment” permitted the best chance for preserving civil order and the uninterrupted operation of public schools in response to *Brown*.¹⁵⁴

Over the course of several weeks, Umstead along with his advisors selected nineteen North Carolinians to serve on the Governor’s Special Advisory Committee on Education. They formed a committee which included members representing each geographic region in North Carolina, though representatives hailed primarily from the eastern half of the state. Of the nineteen members, only three were black, which demonstrated a disregard for any attempt at achieving an even ratio between committee membership and demographics. Umstead initially resisted including black members to the proposed education committee, fearing public backlash from segregationists. State Superintendent of Public Instruction Charles F. Carroll managed to convince the governor to include the black members, over the objections of political allies.¹⁵⁵ Umstead selected his friend, former Speaker of the State House Thomas Jenkins Pearsall, to chair the newly formed committee.¹⁵⁶

Born on February 11, 1903, in Rocky Mount, North Carolina, Pearsall dedicated his life to public service. A farmer, politician, lawyer, and businessman, Pearsall served in the General

¹⁵⁴ *Ibid.*, 104-105.

¹⁵⁵ John T. Batchelor, *Rule of Law: North Carolina School Desegregation from Brown to Swann, 1954-1974* (Ann Arbor: UMI Dissertation Services, 1993), 109.

¹⁵⁶ Rankin, Interview of August 20, 1987, Southern Oral History Program Collection.

Assembly from 1941-1947, including a year as Speaker of the State House.¹⁵⁷ A strong supporter of education, Pearsall learned of his selection by Umstead to chair the committee on desegregation in August 1954. Pearsall had recently resigned from another Umstead appointed post, chairman of a dairy milk commission, a position that involved a hectic travel schedule touring the state in order to arbitrate disputes involving the dairy industry. A personal phone call from the Governor requested Pearsall again return to the service of his native state in order to find a solution to the problems created by court mandated desegregation. Despite pleas from his wife, Elizabeth, to stay home and avoid the strife and turmoil both of them knew would accompany his acceptance, Pearsall agreed to serve the people of North Carolina gain after a single night's deliberation.¹⁵⁸

The other members of the committee included: Chairman of the Wilson County Board of Commissioners Arthur D. Williams; Chairman of the Duplin County Board of Education Dallas Herring of Rose Hill; banker James H. Clark of Elizabethtown; Colonel William T. Joyner of Raleigh, Fred B. Helms of Charlotte; Superintendent of Roanoke Rapids City Schools I.E. Ready; and Superintendent of Martin County Schools James C. Manning. Also included were four university presidents: Dr. Paul A. Reid of Western Carolina College, Dr. F.D. Buford of the North Carolina Agricultural and Technical College, Dr. J.W. Seabrook of Fayetteville State Teachers' College, and Gordon Gray of the University of North Carolina at Chapel Hill and two journalists, Raleigh resident Clarence Poe, editor of *The Progressive Farmer* and *The High Point Enterprise* editor Holt McPherson. Mindful of the need for gender consideration in his appointments, Umstead also selected Helen S. Kafer of New Bern, Hazel S. Parker of Tarboro,

¹⁵⁷ Carolyn Roff, "Pearsall, Thomas Jenkins," in *Dictionary of North Carolina Biography, Vol. 5, P-S, ed. William S. Powell* (Chapel Hill: The University of North Carolina Press, 1994), 45.

¹⁵⁸ Oral History Interview with Elizabeth Pearsall, May 25, 1988. Interview C-0056. Southern Oral History Program Collection (#4007) in the Southern Oral History Program Collection, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill.

and Ruth Current of Raleigh. Robert Obediah Huffman of Morganton, president of Drexel Furniture, comprised the committee's sole Republican.¹⁵⁹

Civil rights organizations in conjunction with black activists in North Carolina immediately expressed concern over Umstead's minority member selections. The Reverend G.A. Fisher of the Raleigh Citizens' Association urged Umstead to appoint an independent black member to the panel (Bluford, Parker, and Seabrook were all state employees). Fisher expressed doubt that the three men could represent effectively the best interests of their race for fear of reprisal at work.¹⁶⁰ Despite the concerns, Umstead did not alter the composition of the committee, now commonly referred to as the Pearsall Committee.

Of the Pearsall Committee members, Poe was the individual who most supported segregation. Poe began working for *The Progressive Farmer* at the age of sixteen, and became chief editor in 1899, before he and three partners purchased the magazine in 1903.¹⁶¹ In the early decades of the twentieth century Poe advocated apartheid in America based on the South African model, though he later softened his stance on the issue sometime after the end of World War II.¹⁶² Gordon Gray joined Poe as the other avowed supporter of segregation on the Pearsall Committee. Despite presiding over an institution which has historically promoted liberal values, Gray expressed his regret over the Supreme Court's decision.¹⁶³ Gray declared his "hope that the

¹⁵⁹ Batchelor, *Rule of Law*, 109-110.

¹⁶⁰ *Ibid.*, 111.

¹⁶¹ Powell, *Dictionary P-S*, 105.

¹⁶² Jeffrey J. Crow, "An Apartheid for the South: Clarence Poe's Crusade for Rural Segregation," in *Race, Class, and Politics in Southern History: Essays in Honor of Robert F. Durden*, Edited by Jeffrey Crow, Charles L. Flynn Jr., and Paul D. Escott (Baton Rouge: Louisiana State University Press, 1989), 220.

¹⁶³ Batchelor, *Rule of Law*, 111.

Supreme Court does not outlaw segregation in the public schools.”¹⁶⁴ Despite his personal feelings, Gray predicted the eventual desegregation of society independent of a court order.

On the morning of August 11, 1954, Umstead met with the Pearsall Committee in his office for the first time. Gray, vacationing with his family in Hawaii, was the only member not in attendance for that initial meeting. During the one hour session, Umstead distributed copies of the report given to him by the Institute of Government earlier that summer. Umstead expressed his preference for the delayed desegregation tactic and likely highlighted Paul’s idea to decentralize state control of public schools in order to prevent a single legal injunction from overturning any plan the Pearsall Committee recommended. After the meeting with Umstead adjourned, the Pearsall Committee moved to Room 312 of the Education Building, the traditional meeting room of the State Board of Education, an institution the Pearsall Committee would later abolish.¹⁶⁵

The initial meeting of the Pearsall Committee lasted two hours. Afterwards, Umstead, Paul, and Pearsall met with members of the media to answer questions regarding North Carolina’s likely course of action. Umstead informed the assembled reporters that he tasked the Pearsall Committee to “establish a policy and a program which will preserve the State public school system by having the support of the people.”¹⁶⁶ Paul indicated that preliminary discussion of privatizing the state’s schools deemed the idea unlikely, though it did not preclude the measure as an effort to ensure a “system of orderly, slow adjustment” for areas where “change is particularly difficult.”¹⁶⁷ When questioned about a timetable for the Committee to

¹⁶⁴ Gordon Gray, “Letter to William B. Rodman, December 3, 1953,” in the William Bradley and Merle Davis Umstead Papers, #4529, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill.

¹⁶⁵ “Preservation of Public Schools Keynote of Segregation Session,” in *The Raleigh News and Observer*, August 12, 1954, Sec. A, 1.

¹⁶⁶ *Ibid.*, 8.

¹⁶⁷ *Ibid.*

formulate a plan, Pearsall expressed his desire to have a preliminary plan ready to present to the General Assembly in January 1955. With these comments, the Pearsall Committee began to create a plan that they hoped would preserve peace and order while quelling the potential fires of racial discord in North Carolina.

Chapter Four: The Pearsall Plan to “Save Our Schools”?

Thomas Pearsall organized the three attorneys under his direction into a subcommittee which consulted with North Carolina Attorney General Harry McMullan and his staff to ascertain the feasibility of filing a legal brief in the upcoming United State Supreme Court desegregation implementation case.¹⁶⁸ Thurgood Marshall, upon learning of various states' intentions to delay desegregation, encouraged NAACP chapters throughout the South to prepare challenges intended to force local school boards to immediately integrate or face legal challenges in addition to demonstrations by its supporters. The NAACP assisted county and city level chapters by distributing forms which provided blanks for names and dates to enter accordingly. Despite the NAACP's actions, the North Carolina state school board ordered local school systems to maintain segregation for the remainder of the 1954-55 school year.¹⁶⁹

The Pearsall Committee sent Umstead an initial progress report that autumn that recommended giving local school boards the authority to control school assignment of pupils on an individual basis. Pearsall had consulted with Albert Coates, Director of the North Carolina Institute of Government, regarding the legal application of plans received from officials in Alabama, Mississippi, and Georgia. The committee's recommendations were influenced in no small part by the Institute of Government's study presented to Pearsall weeks earlier. Local school boards could then approve or deny requests for school assignment on the basis of community relations, student ability, school capacity, and geographic location.¹⁷⁰

Supporters of both segregation and desegregation flooded the Pearsall Committee with correspondence in an attempt to further their cause. Realizing the momentous task laid before

¹⁶⁸ Batchelor, *Rule of Law*, 113.

¹⁶⁹ *Ibid.*, 114-115.

¹⁷⁰ Elizabeth Pearsall, Interview of May 25, 1988.

him, Pearsall constantly reminded others that the issue at hand was “not segregation, but preservation of our public school system.”¹⁷¹ Pearsall’s desire to prevent the closing of public schools in any county opposed the white supremacist faction present throughout North Carolina. Near the Virginia border, Roanoke Rapids resident Mrs. B.W. Barnes failed to convince Pearsall he must urge Governor Hodges to “join the true South in resisting this terrible decision (*Brown*) to the end.”¹⁷²

The NAACP urged its supporters to petition the Pearsall Committee to prevent any delays to the desegregation of schools. Pearsall and his colleagues also received hate mail in abundance, so much so that Pearsall requested the State provide two stenographers and office equipment to assist his wife in filtering the hate mail from legitimate correspondence. With a budget of only \$2,500, Elizabeth Pearsall and the two new staff members worked to sort the daily influx of correspondence.¹⁷³ In Durham, whites opposed to desegregation formed the North Carolina Association for the Preservation of the White Race, one of the many pro-segregation groups that attempted to heighten racial tension as a means of defying the Supreme Court.¹⁷⁴ The majority of the hate mail concerned the fear over racial amalgamation, a concern Pearsall found especially ignorant.¹⁷⁵ Dr. Seabrook shared Pearsall’s opinion over the source of white hysteria, saying that miscegenation comprised “the greatest fear of whites.”¹⁷⁶

Debates among the members of the Pearsall Committee primarily concerned North Carolina’s future intention in regards to desegregation. Pearsall believed that desegregation must occur, albeit not immediately, constantly telling those who sought his opinion that all thing must

¹⁷¹ Thomas Pearsall, “Letter to Richard Baker, September 8, 1954, in *Thomas Jenkins Pearsall Papers*, #4300. In the Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill.

¹⁷² Mrs. B.W. Barnes, “Letter to Thomas Pearsall, August 30, 1954, in the Thomas Pearsall Papers.

¹⁷³ D.S. Coltrane, “Letter to Thomas Pearsall, August 20, 1954, in the Thomas Pearsall Papers.

¹⁷⁴ “New Reports Cover Dixie Integration,” in *The Washington Post and Times Herald*, October 11, 1954, Sec. A, 27.

¹⁷⁵ Elizabeth Pearsall, Interview of May 25, 1988.

¹⁷⁶ Batchelor, *Rule of Law*, 118.

evolve.¹⁷⁷ The Pearsall Committee members all understood that North Carolina must desegregate to avoid federal intervention into state affairs; the timetable for such action was open to interpretation. Seabrook supported gradual desegregation beginning with children entering the first grade and segregation by gender at the high school level. I.E. Ready's plan proposed a policy similar to Seabrook's first grade desegregation, with each subsequent first grade class integrated for the next twelve years.¹⁷⁸

Dallas Herring, after meeting with black community leaders in Duplin County, felt that many rank and file minority groups preferred a system of voluntary segregation. Though he fundamentally opposed desegregation, Herring believed that North Carolina must abide by the law. State Superintendent Carroll agreed with Herring's opinion, though both men worried that legislators would cave to segregationist pressure and decide to disband the public schools.¹⁷⁹ Herring felt that desegregation initially based on aptitude test scores would allow high achieving students of both races the opportunity to provide an example for lower-level students.¹⁸⁰

After William Umstead's death in November, newly sworn-in Governor Luther Hodges expressed his desire to retain the Pearsall Committee and pledged his continued support.¹⁸¹ Pearsall presented the unanimous recommendations of the committee to Hodges on December 30, 1954. Herring initially resisted signing the report, though he relented after meeting with Pearsall and being reassured school desegregation would eventually occur. Hodges later rewarded Herring's service and conviction with an appointment to the State Board of Education in June 1955.¹⁸² The Governor planned to present the recommendations of the report to the

¹⁷⁷ Elizabeth Pearsall, Interview of May 25, 1988.

¹⁷⁸ Batchelor, *Rule of Law*, 134.

¹⁷⁹ *Ibid.*, 131.

¹⁸⁰ *Ibid.*, 130.

¹⁸¹ Hodges, *Businessman*, 80.

¹⁸² Dallas Herring, Interview of February 14, 1987.

public in his upcoming State of the State Address. A week later, Hodges stood before the General Assembly and other members of state government to read aloud the findings of the Pearsall Committee. As anticipation heightened, Hodges announced to the audience that the Pearsall Committee found that “the mixing of the races forthwith in the public schools throughout the state cannot be accomplished and should not be attempted.”¹⁸³ The reason given by the Pearsall Committee became evident as copies of the Pearsall Committee’s report began to circulate. The members felt that “compulsory mixing of the races in our schools, on a state-wide basis and without regard to local conditions and assignment factors other than race, would alienate public support of the schools to such an extent that they could not be operated successfully.”¹⁸⁴

The Pearsall Committee in their December 30, 1954 report also included three other recommendations: the people of North Carolina above all would prefer to comply with the Supreme Court using the current school system, control of pupil-school assignment could be better handled on the local level so the General Assembly should transfer the authority of the state school board to local levels, and continued study by a Legislature appointed committee was needed to further study the impact of the *Brown* Supreme Court decision.¹⁸⁵ At the conclusion of Hodges’ reading of the Pearsall Committee’s first report, he announced the proposed implementation of the Pupil Assignment Act.

Hodges’ first direct effort at ensuring compliance with the Pupil Assignment Act began on March 21, 1955. He appointed new school board members in ninety-four counties just two days before the General Assembly’s scheduled vote on the Pupil Assignment Act. The Act

¹⁸³ Luther Hartwell Hodges, *Addresses and Papers of Governor Luther Hartwell Hodges Volume One 1954-1956*. Edited by James W. Patton. (Raleigh: Council of State, 1960), 16.

¹⁸⁴ Governor’s Special Advisory Committee on Education, *Report of December 30, 1954* (Raleigh: The Committee, 1954), 2.

¹⁸⁵ *Ibid.*, 2-4.

removed all references of race in North Carolina's school laws, transferred authority over enrollment and transportation to the local school boards, and featured a complicated appeals process intended to discourage parents from challenging the decision of the school administrators.¹⁸⁶

After nearly three months of debate, the Pupil Assignment Act became state law on March 23, with the promise of considering the "best interests of the child." State House Committee on Education Chairman Edward Yarborough emphasized the most important factors in school assignment were the health and safety of the children.¹⁸⁷ The Pupil Assignment Act of 1955 did not directly prevent desegregation, threaten the continued operation of public schools under any circumstance, or conflict with the Supreme Court's decision in *Brown* since the Court had not yet issued a date of compliance.¹⁸⁸

Following the recommendations of the December 30, 1954 report, the state legislature approved the formation of another Governor's Special Advisory Committee on Education. Hodges selected Pearsall to chair the new committee. Speaking before a law conference hosted by Duke University on June 21, 1955, Hodges announced the members of the second Governor's Special Advisory Council on Education, again colloquially named after its chairman, Thomas Pearsall. In addition to Pearsall the members were: Robert O. Huffman of Morganton, William T. Joyner of Raleigh, State Senator W. Lunsford Crew of Roanoke Rapids, State Senator William Medford of Waynesville, State Representative Edward F. Yarborough of Louisburg, and State Representative H. Cloyd Philpott of Lexington.¹⁸⁹ Later, Hodges appointed William W.

¹⁸⁶ Powell, *Encyclopedia*, 926.

¹⁸⁷ Jay Jenkins, "Hodges-Backed School Bills Given Okay By Committees," *Raleigh News and Observer*, March 24, 1955, sec. A, 1.

¹⁸⁸ Hodges, *Businessman*, 82.

¹⁸⁹ *Ibid.*

Taylor, Jr. as Executive Secretary and special counsel with Raleigh lawyer Thomas Ellis appointed as Taylor's assistant.¹⁹⁰

Unlike the first Pearsall Committee, this revamped council achieved near perfect geographic balance, three each came from the eastern and western portions of the state, with the two remaining members based in Raleigh. The decision to remove the three black members of the Pearsall Committee without appointing corresponding replacements resulted from what Hodges felt were unfair expectations of the men to advocate immediate desegregation. Hodges praised the work of Bluford, Parker, and Seabrook, and publicly expressed gratefulness for their honesty and service.¹⁹¹ Headquartered in the state Agriculture Building in Raleigh, the members met an average of twice a week over the course of several months while deciding the best course of action for the state.

While the core members of the Pearsall Committee stayed behind in North Carolina, Taylor and Ellis embarked on a tour of other states directly affected by the *Brown* decision to discover what other states planned to do regarding support of public schools. Upon their return, the duo recommended the abandonment of the state supported school system in a report issued to the Pearsall Committee, Governor Hodges and State Attorney General Robert Giles. Pearsall, Rodman, and Hodges remained united in their rejection of any plan which proposed the abandonment public education.¹⁹²

In April 1955, the United States Supreme Court began to hear appeals from Southern states seeking to prevent a federally mandated compliance date for desegregation. I. Beverly Lake, Assistant Attorney General and firm segregationist, argued North Carolina's segment of

¹⁹⁰ *Ibid.*, 84.

¹⁹¹ *Ibid.*, 83.

¹⁹² Oral History Interview with Robert Giles, September 10, 1987. Interview C-0063. Southern Oral History Program Collection (#4007) in the Southern Oral History Program Collection, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill.

the appeal. Lake spoke on the third day of the hearing, after the states mentioned in the original *Brown* hearings presented their case against rapid desegregation. Lake's argued that a court order ordering immediate desegregation might "provoke racial tension and animosity unparalleled since those terrible days that gave rise to the Ku Klux Klan."¹⁹³ Lake further argued that the United States Constitution did not grant the federal government the power to impose an order on state officials and that the United States Supreme Court has never said that a state must maintain a public school system.¹⁹⁴ North Carolina's 1955 Pupil Assignment Act theoretically permitted school districts to desegregate, a facet of the Act Lake made clear to the Supreme Court Justices when he informed them he was the principal drafter of the bill.¹⁹⁵ Years later, Lake's support for segregation would cause conflict with several top North Carolina politicians including Governors Hodges and Sanford, the latter individual Lake opposed in the 1960 gubernatorial election.

President Dwight D. Eisenhower's appointed United States Solicitor General, Simon E. Sobeloff, provided an unexpected ally to the Southern litigators. Sobeloff urged the Court to consider the "physical, financial, and emotional" problems the states faced in implementing desegregation initiatives.¹⁹⁶ NAACP lawyers Thurgood Marshall and Spottswood W. Robinson II argued for a compliance date of September 1956.¹⁹⁷ On May 31, 1955, the Supreme Court decided not to set a date of compliance for desegregation and instead permitted integration to occur based on local conditions and under the supervision of Federal District Courts. The Supreme Court Justices believed that the May 17, 1954 decision set in motion the process of

¹⁹³ Luther A. Huston, "U.S. Urges Delay in Desegregation," in *The New York Times*, April 14, 1955, Sec. A, 1.

¹⁹⁴ *Ibid.*

¹⁹⁵ Batchelor, *Rule of Law*, 166.

¹⁹⁶ Frank R. Kent, "Court Asked to Avoid Extremes," in *The Washington Post and Times Herald*, April 14, 1955, Sec. A, 1.

¹⁹⁷ Frank R. Kent, "Integration Called Peril to Schools," in *The Washington Post and Times Herald*, April 13, 1955, Sec. A, 1.

desegregation and “additional time is necessary to carry out the ruling in an effective manner.”¹⁹⁸ Most Southern leaders reacted positively to the decision, though Georgia Governor Talmadge responded that desegregation “won’t be feasible in Georgia for a long, long time.”¹⁹⁹

Though the NAACP did not successfully achieve their goal of having the Supreme Court set a compliance date, the Court’s decision made them confident that segregation could not survive indefinitely. Marshall expressed his gratitude to the Supreme Court and in a news conference said “the law has been made crystal clear...Southerners are just as law-abiding as anyone else, once the law is made crystal clear.”²⁰⁰ The NAACP scheduled a national meeting on June 4, 1955 in Atlanta, Georgia, to formulate a strategy to ensure continued progress towards complete desegregation.²⁰¹

The Supreme Court’s decision to permit state oversight over the pace of desegregation met with positive responses in North Carolina. Hodges, attending a Rotary International convention in Chicago, ended his trip early to return to Raleigh after learning of the decision. He declined to comment publicly on the matter until he could confer with his advisors in Raleigh.²⁰² Representative Sam Worthington of Pitt County believed the “Supreme Court did the most reasonable thing.”²⁰³ The week before, Worthington suggested calling a special session of the General Assembly should the Supreme Court institute a mandate of compliance. State Senator Carl T. Hicks of Walstonburg, Chairman of the Senate Education Committee, declared the

¹⁹⁸ “Opinion of Court on Segregation,” in *The Los Angeles Times*, June 1, 1955, Sec. A, 15.

¹⁹⁹ “Mixed Reactions Given to Integration Ruling,” in *The Washington Post and Times Herald*, June 1, 1955, Sec. A, 11.

²⁰⁰ “NAACP is Gratified,” in *The Raleigh News and Observer*, June 1, 1955, Sec. A, 1.

²⁰¹ “High Court Ruling Leaves South Calm,” in *The Christian Science Monitor*, June 1, 1955, Sec. A, 3.

²⁰² “Assembly Special Session Appears Remote for State,” in *The Raleigh News and Observer*, June 1, 1955, Sec. A, 1.

²⁰³ *Ibid.*

decision as “good as North Carolina could hope for”, though school desegregation still represented a “terrible problem.”²⁰⁴

With the question of a compliance date settled, the Pearsall Committee could begin to better formulate a desegregation plan. They operated under two clearly defined mandates issued by the state legislature, “Preservation of public education in North Carolina” and “Reservation of the peace throughout North Carolina.”²⁰⁵ In early July 1955, Pearsall attempted to include blacks on an informal level in the desegregation plan process. He requested the black members from the first committee to each recommend three non-public officials willing to meet with the new Pearsall Committee members. The blacks who met with Pearsall and his colleagues protested the all-white composition of the committee and demanded that desegregation occur without delay, a position the Committee would not consider. Disappointed, Pearsall decided against any further attempts to include blacks in the formation of the Pearsall Plan.²⁰⁶

The NAACP increased its involvement in North Carolina’s desegregation after comments by I. Beverly Lake heightened awareness of racial tension in the state. Speaking before the Asheboro Rotary Club, Lake advised those in attendance to support the closing of public schools before desegregation could occur. Though he spoke as a private citizen, his position within state government provided fodder for opponents of continued segregation. After the publication of Lake’s comments, the NAACP drafted a resolution aimed at convincing Hodges to remove Lake from his office as an assistant attorney general. Hodges, away on a trout fishing expedition in the mountains, learned of the NAACP’s resolution from a State Highway Patrol car dispatched to

²⁰⁴ “North Carolina,” in *The New York Times*, June 1, 1955, Sec. A, 30.

²⁰⁵ Pearsall Committee, “Report of December 31, 1954,” 3.

²⁰⁶ Batchelor, *Rule of Law*, 172.

locate the governor.²⁰⁷ Hodges responded to the NAACP on July 19, in a speech to the Lincoln County Kiwanis Club when he vowed he would not be “forced around by pressure groups.”²⁰⁸

On multiple occasions thereafter, Hodges espoused a belief that North Carolina’s progressive race relations were born on the idea that the state supported one citizenry and not two antagonistic races.²⁰⁹ Hodges took great care to avoid offending Lake, fearing his potential appeal as a political opponent supportive of continued segregation. Dallas Herring considered Lake an “angry, bitter, unreconstructed rebel.”²¹⁰ Lake resigned from state service in the fall of 1955 opening a law office in Raleigh; he would later opposed Terry Stanford in the 1960 governor’s race.

Citizens of North Carolina fretted throughout the summer of 1955 as the Pearsall Committee continued their work. Pearsall regularly updated Hodges on the progress of the Committee, assuring the Governor they would have the details of a school assignment plan in place before the scheduled start of the 1955-56 school year. Also privy to the updates regarding Pearsall’s work, Attorney General William Rodman advised Hodges on expected reactions, socially and politically, to the early drafts of the Pearsall Plan. On August 8, 1955, Hodges’ broadcast speech urged North Carolinians to accept voluntary segregation of schools.²¹¹ Hodges also assailed the NAACP during his speech, accusing the organization of promoting disunity and creating “distrust, antagonisms, resentment, and confusion.”²¹² Hodges’ called for segregation and delay, resulting in no schools desegregated for the 1955-56 school year after many school boards were flooded with requests to delay desegregation from parents influenced by the

²⁰⁷ Hodges, *Businessman*, 85.

²⁰⁸ Hodges, *Addresses and Papers Vol. One*, 185.

²⁰⁹ Hodges, *Businessman*, 86.

²¹⁰ Batchelor, *Rule of Law*, 181.

²¹¹ Hodges, *Addresses and Papers Vol. One*, 185.

²¹² *Ibid.*, 183.

Governor. Many school districts operated during the school year as if *Brown v. Board* did not exist, a theme that was repeated after the Pearsall Plan took effect.

The NAACP, the *Raleigh News and Observer*, and the North Carolina Teachers Association quickly joined together in denouncing the implementation of voluntary segregation.²¹³ The North Carolina Teachers Association (NCTA) served as the professional organization for the state's black educators. The North Carolina Teachers Association supported desegregation in spite of the realization that teacher positions would be lost as a result of the transition. William L. Green, secretary of the NCTA, explained that the teachers were willing to accept a short term "calculated risk" for "the sake of the next generation."²¹⁴ The *Charlotte Observer* lauded Hodges for asking blacks to not "make trouble" while asking militant whites to "hold their fire awhile."²¹⁵

Within a month of his speech, on August 26 Hodges met with the North Carolina Teachers Association . Before those in attendance, Hodges reiterated his belief that segregation was legal if voluntary. He again denounced the NAACP for working to deny citizens the choice of school assignments through their proposed dismantling of dual race school systems. Hodges ended his talk before the NCTA by urging them to concentrate on "saving the public schools." Those in attendance clapped, out of politeness only it seems, as later that day the organization went on record opposing voluntary segregation.²¹⁶ Hodges addressed another predominantly black audience during Founders Day celebrations at the all-black North Carolina Agricultural and Technical College in Greensboro. Despite avoiding the subject of desegregation, audience commotion forced the Governor to halt his speech after using the word "Negro." Many in

²¹³ Hodges, *Businessman*, 90.

²¹⁴ "Negro Teachers Face Cut in Jobs," in *The New York Times*, October 2, 1955, page 69.

²¹⁵ "The Governor Offers a Formula," in *The Charlotte Observer*, August 9, 1955.

²¹⁶ Batchelor, *Rule of Law*, 187.

attendance would later report hearing Hodges say “nigra,” an offense Hodges flatly denied. Hodges continued his speech after the clamor subsided, but later expressed his disappointment with school president Dr. Bluford and the North Carolina A&T student body. Despite these incidents, Hodges believed they were not indicative of the opinion of the majority of “North Carolina’s Negro citizenry.”²¹⁷

Hodges and Pearsall knew that voluntary segregation would not provide a lasting solution to the problem facing the state’s education system. His continued support of public education was evident in his allocation of funds to the state’s budget. The General Assembly appropriated an additional \$25,000,000 in school bond funds for the 1955-56 school year to help fulfill construction projects and expansion needs requested by the Governor.²¹⁸ Hodges retained the services of the Pearsall Committee as they continued to craft a lasting solution to preserving the gains made by previous supporters of public education within the state. Within the realm of higher education, the University of North Carolina at Chapel Hill admitted its first black undergraduates for the Fall 1955 semester, though their continued enrollment was the subject of an active court case.²¹⁹

The Pearsall Committee continued to meet throughout the remainder of 1955. During this time, Committee members consulted with various civic leaders to solicit their input. Thurgood Marshall wrote Pearsall appealing to the Committee Chair to enact a plan that would not prevent the desegregation of public schools.²²⁰ Committee members also sought advice from Mississippi school officials to study their plan for preserving segregated schools. Simultaneously, state Attorney General Rodman, Ellis, and Taylor began advising local school

²¹⁷ Hodges, *Businessman*, 90-91.

²¹⁸ “North Carolina Will Sell Bonds June 1,” in *The Wall Street Journal*, May 19, 1955, 17.

²¹⁹ “134,000 Negroes in Mixed Schools,” in *The New York Times*, October 23, 1955, page 80.

²²⁰ Thurgood Marshall, “Letter to Thomas Pearsall,” in *Thomas Jenkins Pearsall Papers, #4300*. In the Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill.

units to retain local attorneys capable of advising against a forced desegregation suit.²²¹ Hodges supported a plan to provide a voluntary mixed race school in each district while operating all other schools under pre-*Brown* conditions. Rodman advised Hodges that a similar plan had recently been ruled invalid in Kansas since a black student could still request admission to a whites-only school and subsequently still be denied entrance on the basis of race alone.²²² Taylor and Ellis ended 1955 convinced that eastern North Carolina and rural sections of the Piedmont were the staunchest defenders of continued segregation. They both believed the solution to the problem of state-wide support for public education was to inform the citizens of those areas the alternative to denying desegregation, the end of state supported education for children in North Carolina.²²³

The Pearsall Committee circulated an interim report in January 1956, sharing the information they had gathered. The report reflected the Committee's belief that the Supreme Court could not be defied. It concluded with the promise to "go forward" in order to "build a new school system, regretfully acknowledging the invalidity of law compelled segregation."²²⁴ Pearsall realized that the majority of citizens of North Carolina preferred to associate with members of the same race, a desire that could not last, thus a "safety valve" was necessary to preserve the new foundation of public schools.²²⁵ In March, eleven Tar Heel politicians signed "The Southern Manifesto" which denounced the Supreme Court for pursuing desegregation and vowed to bring to bear "all lawful means" to reverse the Court's ruling in *Brown*.²²⁶ That same

²²¹ Batchelor, *Rule of Law*, 192.

²²² *Ibid.*, 194.

²²³ *Ibid.*, 198.

²²⁴ "Interim Report of the North Carolina Advisory Committee on Education, January 6, 1956," in the Luther Hartwell Hodges papers #3698, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

²²⁵ *Ibid.*

²²⁶ Joseph C. Harsch, "State of the Nation: The Southern Manifesto," in *The Christian Science Monitor*, March 13, 1956, page 1.

month, Hodges announced his intention to seek reelection and his willingness to propose a policy that would prevent the force mixing of races against the wishes of parents.²²⁷ W.W. Taylor resigned his position as Executive Secretary for the Pearsall Committee and returned to Warren County where he successfully ran for a position in the State House of Representatives.²²⁸ Thomas Ellis succeeded Taylor as Executive Secretary.

On April 5, 1956, the Pearsall Committee released their final report. The report detailed the voluntary school assignment procedure, tuition grant system, and alternatives to public education newly available to parents supportive of continued segregation. The Committee also recommended a special session of the General Assembly be convened that summer to vote on the Pearsall Plan.²²⁹ Coinciding with the public release of the report, Pearsall appeared in broadcasts explaining the details and intricacies of the report.²³⁰ Hodges called for a special session of the General Assembly to convene on July 23, 1956.

In the weeks before the meeting, Pearsall toured the state meeting with legislators to build support for the Pearsall Plan. Governor Hodges encouraged the state's Democratic Party officials to attend, even attending one himself held at Belmont Farms near Charlotte on July 9, 1956.²³¹ The following day, the Chapel Hill based North Carolina Division of the American Association of University Women sent letters to each member of the General Assembly which

²²⁷ "Press Release, March 2, 1956," in the Luther Hartwell Hodges papers #3698, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

²²⁸ Batchelor, *Rule of Law*, 201.

²²⁹ Governor's Special Advisory Committee on Education, "Report of the Governor's Special Advisory Committee on Education of April 5, 1956." (Raleigh: The Committee, 1954), 1-3.

²³⁰ "North Carolina Sets School Vote," in *The New York Times*, September 2, 1956, 44.

²³¹ Luther Hodges, "Letter to Frank M. Wooten, July 5, 1956," in the Frank M. Wooten, Jr., Papers (#126), Special Collections Department, J. Y. Joyner Library, East Carolina University, Greenville, North Carolina, USA.

advertised their resolution “recognizing the Constitution of the United States and the decisions of the Supreme Court as the law of the land.”²³²

Carrying out the Pearsall Plan

Nearly immediately, Hodges, Pearsall, and Ellis began touring the state raising support for the legislative proposals. Hodges urged Holt McPherson, editor of the *High Point Enterprise* to publicly support the Pearsall Plan. Also in support of the plan was William Rodman’s successor, Attorney General George B. Patton. Hodges in his memoirs admits the support of these men would have been insignificant if he could not gain the public approval of Dr. Charles Carroll, Superintendent of Public Instruction. Hodges accused Dr. Carroll and other elected officials of not taking a public stand on controversial issues. After much urging, Hodges convinced Carroll to lend his public support to the Plan. In a speech regarding the integrating of public schools on August 8, 1955, Governor Hodges repeated the words of Carroll: “Over one million of our school children in whose hearts, minds, and hands rests much of the destiny of this state, are innocent parties to this segregation matter and should not become its victims.”²³³

Committee members Crew, Medford, Philpott, and Yarborough, with the support of the Governor, introduced a joint resolution condemning the Supreme Court for tyrannically usurping power from the states.²³⁴ Senators Robert Morgan of Harnett County, B. Brock of Davie County, Adam Whitley of Johnston County, and Mitchell Britt of Duplin County, sponsored a bill that called for an amendment to the State Constitution providing grants to parents of children enrolled in private schools. Under Morgan’s bill, to close a public school only required a simple majority of the local governing board of individual school systems. I. Beverly Lake supported

²³² American Association of University Women, “Policy Resolution of April 20, 1956,” in the Frank M. Wooten, Jr., Papers (#126), Special Collections Department, J. Y. Joyner Library, East Carolina University, Greenville, North Carolina, USA.

²³³ Hodges, *Addresses and Papers*, 211.

²³⁴ Batchelor, *Rule of Law*, 204.

Morgan's bill and some have speculated Lake prepared the bill for Morgan.²³⁵ Other bills that were introduced offering an alternative solution to desegregation were not seriously considered.

The Pearsall Plan as it appeared before the General Assembly in the summer of 1956, was presented as eight separate bills. Bill Number One was an amendment to the state constitution to authorize tuition grants for private education and to allow public schools to be closed after the holding of public elections. Bill Number Two called for a general election to be held in September 1956, to authorize expense grants and local option allowances. Bill Number Three proposed providing funds to students not wishing to attend a public school with a member of another race to attend a private secular school. Bill Number Four granted local school administrations the jurisdiction to close public schools. Bill Number Five proposed to revoke the compulsory attendance law exempting children assigned to a school with a member of another race. Bill Number Six allowed for the release of the private education funds before the seating of the 1957 General Assembly. Bill Number Seven was an alternate form of Bill Number Four, making minor technical changes to the jurisdiction of local school administrations. Bill Number Eight was a resolution condemning the United States Supreme Court, claiming the Court was undermining the rights and power of the states and the people.²³⁶ The Special Session of the General Assembly of 1956 adjourned on July 27 as the shortest session on record.²³⁷ After several weeks of debate, all components of the Pearsall Plan were passed overwhelmingly in the General Assembly by a combined margin of 168-2 on September 8, 1956.

Holt McPherson spearheaded the statewide media campaign to win support for the Pearsall Plan. The Plan enjoyed the immediate support of influential attorneys Bryan Grimes of Beaufort County, future governor Terry Sanford of Fayetteville, and Pou Bailey of Raleigh.

²³⁵ *Ibid.*, 205.

²³⁶ Hodges, *Businessman*, 94.

²³⁷ "General Assembly Passes School Bill," *Raleigh News and Observer*, July 28, 1956, sec. A.

Other North Carolinians supportive of the Plan included High Point College President Dennis Cooke, controversial WRAL television commentator Jesse Helms, the North Carolina School Boards Association, and the North Carolina Education Association. Media outlets also supportive of Hodges included the *Goldsboro News-Argus*, the *Durham Sun*, the *Wilmington Morning Star*, and the *Fayetteville Observer*.

Irving Carlyle opposed the Pearsall Plan, believing it unconstitutional.²³⁸ The North Carolina Knights of Pythias publicly denounced the Pearsall Plan as an injury to race relations.²³⁹ The most surprising opponent of continued segregation came from a pillar of Southern values, the Evangelist Billy Graham. Graham denounced segregation as “unchristian” and was noted as saying there was only one gate into Heaven as “God has made all nations of one blood.”²⁴⁰ Critics of the Pearsall Plan ranged in opposition from those who felt it was too harsh, such as the NAACP, to those who felt it was too lenient, such as the North Carolina Parent Teacher Association.

The 1956-57 school year again operated under voluntary segregation. State officials felt that educators should be given time to consider their career options and seek alternative employment if they strongly opposed desegregated schools. During the school year twenty-six systems received petitions to desegregate and sixty-seven school systems formulated committees to study the issue. William T. Joyner, the son of Governor Aycock’s Superintendent of Public Instruction James Yadkin Joyner, publicly supported voluntary school desegregation. Joyner’s friend, Charlotte attorney Fred B. Helms suggested local biracial meetings to discuss the issues at

²³⁸ “Integrate Now,” *Carolina Times*, July 7, 1956.

²³⁹ “School Plan is Denounced By N.C. Pythians,” *Carolina Times*, July 18, 1956.

²⁴⁰ “Billy Graham On Segregation,” *Carolina Times*, March 19, 1955.

hand while improving race relations strained by the uncertain educational future of the state's schoolchildren.²⁴¹

Hodges and other state officials were careful to reserve comment on any issue related to pupil assignment plans. Hodges' legal advisors felt that the constitutionality of the Pearsall Plan hinged on the acceptance of the increased authority granted to local school boards. As the official charge of the Pearsall Committee had been fulfilled, Pearsall acted on Hodges' behalf as a private citizen. In this role, Pearsall continued to meet with civic leaders to strengthen support for the voluntary desegregation to begin in 1957. Black parents, led by Dr. Reginald Hawkins met with Charlotte City Schools officials beginning in March 1957. Hawkins received encouragement from Dallas Herring and State Board of Education member Guy B. Phillips through Pearsall, as they could do little in an official capacity. All one hundred counties in North Carolina voted with large majorities to implement the Pearsall Plan in 1956 for the 1957-1958 school year.²⁴²

Schools in Charlotte, Greensboro, and Winston-Salem were selected as the first to accept black students in previously segregated schools to begin the experiment of gradual desegregation. Raleigh City and Mecklenburg County schools deferred or denied all transfer requests. In a continued show of his preference for moderation, Hodges commended the decisions of the local school boards in having the courage to be at the leading edge of school innovation. He warned that the people of North Carolina would not tolerate violence or lawlessness in connection with "token integration."²⁴³

²⁴¹ *Ibid.*, 231-233.

²⁴² Powell, *North Carolina*, 187.

²⁴³ Hodges, *Businessman*, 106.

A Move to Delay Desegregation

Hodges feared that North Carolinians would not accept even token desegregation. The Pearsall Plan provided citizens a safety valve against the pressure of immediate desegregation, but the threat of mob violence weighed heavily on the Governor. To this end, Hodges' staff made arrangements to ensure State Highway Patrol troopers were positioned near newly integrated schools. Local undercover police officers were also positioned within school units to observe and report their observations directly to the Governor's office.²⁴⁴

Dorothy Counts, the first black enrolled in Charlotte's Harding High, experienced harassment from white members of the community. Harding's principal, James R. Hawkins, blamed the Warlicks, a husband and wife dedicated to segregation and followers of avowed segregationist John Kasper of New Jersey. Kasper carried a criminal record after his arrest in Clinton, Tennessee. Police there charged Kasper with criminal contempt of court for disturbing the peaceful desegregation of schools.²⁴⁵ The Warlicks attracted a reported crowd of over two-hundred people who joined in chanting derogatory terms and encouraging Counts' white classmates to make life difficult for her. Counts withdrew from Harding after four days. Upon learning of the circumstances surrounding her withdrawal, Dr. Frank Porter Graham prepared a speech delivered before the Harding student body admonishing them for their behavior and instructing the student body that desegregation was essential if the United States expected to lead the free world in the future.²⁴⁶

Hodges and other Southerners joined the world in watching the developments in Little Rock, Arkansas. Arkansas Governor Orville Faubus mobilized the Arkansas National Guard to

²⁴⁴ "Highway Patrol reports, September 1957, in the Luther Hartwell Hodges papers #3698, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

²⁴⁵ Hodges, *Businessman*, 121.

²⁴⁶ Batchelor, *Rule of Law*, 238.

prevent the desegregation of Central High School. This incident occurred before the scheduled 1957 meeting of the Southern Governor's Conference at Sea Island Georgia. While the governors met, Eisenhower ordered elements of the 101st Airborne Division to Little Rock to restore federal authority. President Eisenhower's use of federal troops as instruments of enforcement brought to mind Reconstruction and the loss of Democratic control of Southern politics, a scenario feared by those in power. The Southern Governor's Conference selected its chairman, Hodges, to meet with Eisenhower in Washington to discuss the developments in Arkansas. Joining Hodges on the trip were fellow governors Leroy Collins of Florida, Frank Clement of Tennessee, and Theodore McKeldin of Maryland. Georgia's Marvin Griffin refused to make the journey after his selection by the other members of the Conference.²⁴⁷

After a cordial greeting and brief meeting with the President, Hodges and his colleagues agreed to prepare a compromise ensuring the removal of the 101st soldiers from Little Rock in exchange for Governor Faubus' acceptance of federal authority. Eisenhower warned the members of the Conference to confirm Governor Faubus' acceptance of any proposal, an act that would prove trying to North Carolina's Governor. After an initial phone conversation in which Faubus agreed to the proposal drafted by Hodges, the southern delegation requested Governor Faubus to confirm his acceptance by wire. He agreed to return a signed assent immediately upon wired receipt of the proposal. After several hours passed, Hodges grew increasingly frustrated with Governor Faubus but could not raise him by phone. After 9:00 that evening, Eisenhower informed the southern governors he had received Faubus promise to only prevent desegregation as a private citizen, not with the full weight of his office. Hodges regretted his failure to secure a compromise, feeling Faubus had "pushed me off a cliff."²⁴⁸

²⁴⁷ Hodges, *Businessman*, 112.

²⁴⁸ *Ibid.*, 113-117.

The looming specter of Klan violence convinced many North Carolina politicians to consider alternatives to immediate desegregation. Among the first major organized Klan responses to school desegregation occurred in Maxton, a small town in Robeson County. The Klan gathered to burn crosses expressing their support for segregation. Klan Wizard James “Catfish” Cole of Marion, South Carolina’s attracted a large crowd. A group of Lumbee, still angry over recent Klan activity directed at their tribe, confronted the gathered Klansmen. The Lumbee opened fire as Klansmen fled the scene.²⁴⁹ Police arrested Cole, who was charged with instigating a riot. No fatal injuries occurred during the Maxton incident. Afterwards, Hodges strongly condemned the actions of the Klan, further warning those who “might have been beguiled and misled into joining or giving aid to the Klan that North Carolina’s citizens would not tolerate lawlessness.”²⁵⁰ The Maxton incident and Hodges’ strong denouncement of the Klan’s actions in the matter underscored the ever present threat the Klan posed to the careful balance of race relations cultivated by progressive North Carolina politicians.

In defiance of the Governor, North Carolina Klansmen received orders from the group’s leaders to burn identification cards and assigned members secret numbers. Threats of school bombings, cross burnings, and general violence increased. Law enforcement officials began keeping tabs on known Klansmen. Hodges supplied law enforcement agencies with new equipment, including machines that could quickly trace phone calls threatening public institutions.²⁵¹ In Charlotte, police arrested three men near the Woodland Negro School after finding fused dynamite in their vehicle. A Klan leader in Salisbury told audiences “if the Pearsall Plan doesn’t work, the Smith and Wesson Plan will” in a clear allusion to violent

²⁴⁹ Powell, *North Carolina*, 188.

²⁵⁰ Hodges, *Businessman*, 122.

²⁵¹ *Ibid.*

resistance. Other Klan rallies continued to occur throughout the 1950s, though no major violent episodes rivaling the Maxton incident occurred as a result of continued desegregation.²⁵²

As the 1958-59 school year neared, North Carolina had only admitted 10 of the state's estimated 322,000 black students into previously all-white schools. School systems in Virginia, South Carolina, Alabama, and Mississippi still practiced total segregation. Schools in Kentucky, Delaware, Texas, and Maryland served large numbers of school children attended mixed race schools.²⁵³ North Carolina managed to avoid major disruptions to public education. The Pearsall Plan's dual "safety valves," local control over the pace of desegregation and the actual admission of blacks into previously segregated schools made North Carolina unique among the states of the South.

Near the end of Hodges' term as Governor, North Carolina's successful continued operation of public schools combined with the absence of violent protests sustained the state's reputation of moderate race relations. Hodges' advisors proposed a plan to negotiate directly with NAACP officials. The plan called for Albert Coates, Director of the Institute of Government, to work with Frank Porter Graham and Thurgood Marshall to end forced desegregation litigation in exchange for the state's official support of desegregation measures. The NAACP meetings never took place. By 1959, acknowledgements of a personal preference to segregation despite the Court's ruling all but disappeared from Hodges' administration statements.

²⁵² Batchelor, *Rule of Law*, 251-256.

²⁵³ Robert E. Baker, "Passions Calm in Little Rock," in *The Washington Post*, September 21, 1959, Sec. A, 12.

Chapter Five: The Pearsall Plan, Terry Sanford, and the End of Legal Segregation

The outcome of the 1960 North Carolina gubernatorial race proved to be a major test of the state's commitment to federal authority. Four Democrats emerged in the primary race to replace Hodges. Terry Sanford, John Larkins of Trenton, Attorney General Malcolm Seawell of Lumerton, and I. Beverly Lake. Many pundits considered Sanford the most liberal of the candidates, with Lake ranked the staunchest supporter of segregation. Sanford received the most votes in the primary, though he failed to achieve a majority. Lake, emboldened by his success in outpolling Larkins and Seawell, called for a runoff against Sanford.²⁵⁴

The issue of race took center stage during the second primary. Education comprised the central plank of Sanfords' campaign. He had considered Lake the most formidable opponent during the first primary. Pearsall endorsed Sanford, as did W.T. Joyner. Lake immediately capitalized on the feelings of many segregationists who felt betrayed by their political leaders and announced he would fight to keep the NAACP out of the state's schools. Sanford feared Lake's unbending stance on segregation would result in desegregation litigation flooding the court system in response to Lake's proposed initiatives. Sanford acknowledged his personal support of segregation after continued attacks by Lake began to chip at Sanford's supporters.²⁵⁵

The primary runoff unveiled cracks in the solidarity of the second Pearsall Committee. During the campaign, W.W. Taylor claimed Lake authored the Pupil Assignment Act. Pearsall disputed the claim, saying Lake's draft did not garner the support of the Committee. The Lake draft, a pro-segregation plan, bore the signatures of Ellis and Taylor.²⁵⁶ The second Pearsall

²⁵⁴ Howard Covington and Marion A. Ellis, *Terry Sanford*, 212-226.

²⁵⁵ Batchelor, *Rule of Law*, 292.

²⁵⁶ *Ibid.*, 294.

Plan draft, prepared after Taylor's resignation from the Committee, did not take the hard line stance espoused by Taylor.

Near Election Day, Seawell announced his endorsement of Sanford. He felt that Sanford would continue the moderate course begun by Hodges and Umstead in the wake of *Brown*. With the support of the third place finisher in the first primary, Sanford received over 75,000 more votes than Lake.²⁵⁷ In the November general elections, Sanford defeated Republican Robert Gavin by a margin of 735,248 to 613,975.²⁵⁸ The results of the 1960 election indicated North Carolina citizens' willingness to continue on the path of gradual desegregation. There were no other major attempts to advance a pro-segregation ticket in North Carolina afterwards.

That same fall, the North Carolina Advisory Committee on Civil Rights released their first report on the state's educational system. Established by the Civil Rights Act of 1957, Greensboro lawyer McNeil Smith led the state's committee. For the 1960-61 school year, 77 of nearly 235,000 black students enrolled in formerly all-white schools. Over half of the 77 were the children of military personnel in Wayne and Craven counties. In North Carolina's two largest school districts, only a single child attended a previously all-white school in Raleigh while Charlotte area schools approved two transfer requests to formerly all-white schools.²⁵⁹ The greatest concentration of desegregated students occurred in Durham, with a total of twelve minority students enrolled in schools previously unavailable to non-whites.²⁶⁰

Sanford entered the Executive Mansion mindful of the need to balance race relations while maintaining popular support among whites. He enrolled his children in a desegregated

²⁵⁷ "Sanford is Winner in Second Vote," in *The Washington Post*, June 26, 1960, A11.

²⁵⁸ "North Carolina Democratic," in *The New York Times*, November 9, 1960, 15.

²⁵⁹ For a comparative list of desegregation rates in North Carolina and selected states Southern states, see Appendix D and E.

²⁶⁰ North Carolina Advisory Committee on Civil Rights, *Report of October 1, 1960* (Raleigh: North Carolina Advisory Committee, 1960), 2-10. For statistics from the Southern Education Reporting Service compiled in 1965, please see Appendix C or D on pages 101-102.

Raleigh school as a gesture intended to set an example for the state's parents. In the summer of 1961, Freedom Riders began traversing the South testing the limits of segregation. They were assaulted throughout the South, most notoriously in Birmingham, Alabama. Fearing similar demonstrations, Sanford asked Pearsall and Assistant Attorney General Ralph Moody to advise local administrative units on best practices for preserving law and order in areas expected to host Freedom Riders. The Freedom Rider movement passed through North Carolina with no major disturbances, a fact that Governor Sanford would use to defend the state of race relations in North Carolina.²⁶¹

The continued operation of segregated schools strained the state's economy. Minority schools, already inferior to those provided to whites, were subject to increased occurrences of budgetary neglect. Sanford proposed a number of new taxes to bridge the budget gap. Sanford toured the state, purposely selecting schools as the sites for his tax rallies. The Governor mindfully referred to improving education of "every" child and improving schools for "all" children.²⁶² Holt McPherson, former Pearsall Committee member, helped organize the North Carolina Citizens Committee for Better Schools. McPherson found a powerful ally in Dallas Herring. Together, Herring and McPherson, worked on Sanford's behalf to increase public support of education reform. North Carolina experienced few violent acts related to school desegregation during the early 1960s. In January 1963, Caswell County farmer Jasper Paul Brown fired upon three whites, including a local school board member's son, after receiving

²⁶¹ Godfrey Sperling, "North Carolina Governor Points to Race Progress," in *The Christian Science Monitor*, June 20, 1963, Sec. A, 5.

²⁶² Terry Sanford, *Addresses and Papers of Governor Terry Sanford, 1961-1965*. Edited by Memory F. Mitchell. (Raleigh: Council of State, 1966), 46.

threats in the wake of Brown enrolling his children in a previously all-white school.²⁶³ Later that year, violence in Lexington resulted in one death at a rally to desegregate public facilities.²⁶⁴

Popular support for desegregation continued to grow. Demonstrations across the state spurred progressive merchants, politicians, and civic leaders to accept a new social order. When fall arrived in 1963, public facilities in Raleigh, Durham, Charlotte, Winston-Salem, and Wilmington desegregated. Demonstrations by multi-racial crowds spurred further desegregation in smaller cities, especially in areas west of Raleigh. Hoping to capitalize on these gains, Sanford pleaded with citizens to end racial discrimination in hiring. The North Carolina Mayors Cooperating Committee organized under the direction of mayors from the state's largest urban areas. Sanford appointed legal advisors to these newly formed bi-racial committees, further demonstrating the Governor's support of their initiatives.²⁶⁵

North Carolina features the largest population of Native American citizens in any state east of the Mississippi River and the third highest population total, trailing only Oklahoma and New Mexico.²⁶⁶ Native American parents in Harnett County, encouraged by the success of black enrollment into formerly all-white schools, hoped to enroll their children into a better equipped white school in Dunn. At the time, nine counties operated segregated schools for Native Americans. After the Harnett County School Board denied the transfer requests, attorneys for the Native Americans filed suit. Litigation reached the United States District Court where Judge Wilson Warlick presided over *Chance v. Board of Education of Harnett County*. Deeply impressed by the plaintiff's arguments, Warlick cleared the way for the transfers. He

²⁶³ "School Integration in Caswell Results in Shooting of Two," in *The Durham Morning Herald*, January 23, 1963, 1.

²⁶⁴ "White Man Killed, Another Hurt in N.C. Racial Violence," in *The Durham Morning Herald*, June 7, 1963, 1.

²⁶⁵ Timothy B. Tyson, *Blood Done Signed My Name* (New York: Three Rivers Press, 2004), 334..

²⁶⁶ "Total Population of Native Americans/Aleutians/Eskimos, States 2003-2004" Statehealthfacts.org http://www.statemaster.com/graph/peo_tot_nat_ame-people-total-native-americans

further forbade the Harnett County School Board from using race as a consideration when considering transfer requests. On May 5, Harnett County closed its Indian School for lack of enrollment and funds.²⁶⁷

Sensing the end of an era drawing near, die-hard segregationists began mounting renewed demonstrations in the Old North State. The KKK staged their first major rallies since the Lumbee shooting incident in Robeson County. Crowds gathered in Asheboro and Salisbury in 1964 to hear Grand Dragon Robert Jones denounce Sanford and other supporters of desegregation. Jones, unlike fellow Klan leader “Catfish” Cole, audaciously accused the Governor of handing over the country to blacks.²⁶⁸ The next year, bombings in Charlotte, New Bern, and Smithfield demonstrated the continued resolve of segregationists. The bombings resulted in zero convictions and an exponential increase in sympathetic funding to civil rights organizations.²⁶⁹ As the tenth anniversary of *Brown v. Board* approached, the Southern Education Reporting Service found only 34,110 of the South’s 2,900,000 black children attended schools with whites in only 453 school systems out of a total of 2,256.²⁷⁰ Compared to the national average of 1/10 of one percent, approximately 5% of North Carolina students attended class with classmates of another race.

On July 2, 1964, the Federal Government enacted the Civil Rights Act of 1964. This landmark legislation, begun under John F. Kennedy and continued after his assassination by Lyndon B. Johnson, marked the entrance of Federal involvement in pupil assignment. Previously, outside of Little Rock, Arkansas, Federal officials considered schools local matters.

²⁶⁷ “Dunn, N.C., Shuts School,” in *The New York Times*, May 6, 1964, 11.

²⁶⁸ “Speakers at Klan Meeting Denounce U.S., N.C. Officials,” in the *Durham Morning Herald*, August 9, 1964, 2.

²⁶⁹ “Editor Fears North Carolina May Become ‘Klanville,’” in *The Chicago Defender*, January 21, 1967, 21.

²⁷⁰ “Decade of Desegregation,” in *The New York Times*, May 17, 1964, E10.

Title IV of the Civil Rights Act empowered the Federal government to file motions desegregating schools if it received a complaint concerning the denial of rights on account of race. Furthermore, the Act prohibited discriminatory hiring practices for any agency receiving federal funding.²⁷¹

Sanford opposed the passage of the 1964 Civil Rights Act. He felt federal intervention in the pace of desegregation unnecessary, though he vowed to follow and enforce the Act after its approval. Sanford praised the statewide gains in desegregation of public places made by bi-racial committees, elected officials, and the Good Neighbor Council. Hoping to maintain the moderate climate, Sanford urged every North Carolinian to obey the law and “walk humbly with God.”²⁷² The 1964 Civil Rights Act further required school systems to prepare federally compliant full-scale desegregation plans. President Johnson, hopeful of reelection to the White House, provided a major increase in school funding in an effort to reward desegregated school systems.²⁷³ Terry Sanford chose L. Richardson Preyer as his endorsed successor in 1964. Preyer, ideologically similar to Sanford, lost to old guard Democrat Dan K. Moore. Supported by segregationists, Moore laid claim to the Executive Mansion after the 1964 election. Promising to continue support for education, Moore reiterated his campaign promise to oppose additional taxes, a not so slight threat against continued funding for poverty and education reform.²⁷⁴

Litigation and the Metamorphoses of the Pearsall Plan

With the full support of the Federal government, the NAACP and other proponents of immediate desegregation began to file a new series of challenges to racially segregated facilities.

²⁷¹ The Yale Law School: Avalon Project, “Transcript of 1964 Civil Rights Act,” United States Congress. <http://www.ourdocuments.gov/doc.php?flash=old&doc=97#>

²⁷² Sanford, *Addresses and Papers*, 625.

²⁷³ “New Funds Given to Great Society,” in *The New York Times*, January 25, 1966, Sec. A, 18.

²⁷⁴ “Governor is Sworn in North Carolina,” in *The New York Times*, January 9, 1965, 15.

In Pamlico County, the plaintiffs in *Jones v. Pamlico County Board of Education* agreed to settle short of full desegregation. The settlement involved no pupil reassignments by the board, guaranteed right of transfer to any school below pupil capacity, and an agreement that overcrowding issues would require the transfer of students to mixed race schools only. No agreements were made regarding staff.²⁷⁵

Harnett County schools remained fully segregated at the conclusion of the 1964-65 school year. The local school board remained opposed to any form of desegregation. The NAACP filed suit hoping to force desegregation measures to begin. Three years earlier, members of the Lumbee tried sued Harnett County for refusing to allow their children to attend a whites-only school. After threats of Native American sit-ins organized by Zelma Locklear in response to the arrest of two Lumbee men for trespassing after seeking approval to enroll their children into Dunn High School, the Association on American Indian Affairs (AAIA) agreed to fund the Fayetteville based attorney hired by Lumbee families attempting to desegregate Lumberton City Schools.²⁷⁶

I. Beverly Lake and Robert Morgan defended the Harnett County School Board, claiming that local parents supported continued total segregation. The argument reached the Fourth Circuit Court of Appeals where the judge ruled against the school system, clearing the way for desegregation to begin. Upon learning of the judge's ruling in the Harnett County case, nearly every school system in North Carolina began constructing full desegregation plans. Individual transfer applications across the state were dismissed in favor of pupil assignment plans based on

²⁷⁵ Batchelor, *Rule of Law*, 345-346.

²⁷⁶ Glen Allen Starr Stilling, "The Lumbee Indians," in ASSO001. Association on American Indian Affairs, Inc. Papers. Housed at the Seeley G. Mudd Manuscript Library, 65 Olden St., Princeton University Libraries, Princeton, NJ. <http://linux.library.appstate.edu/lumbee/4/ASSO0001.htm>.

residential geography. Residential settlement patterns still bore the influence of decades of enforced segregation. Issues related to staff desegregation lingered into the 1970s.

Legacy of the Pearsall Plan

A decade after its passage, the Pearsall Plan began to lose the support of even its architects. NAACP attorneys filed suit to void the tuition grants and school closing clauses of the Pearsall plan. The Department of Justice sided with the NAACP, instructing their attorneys to assist the plaintiffs. Former Pearsall Committee member, now U.S. Attorney William Medford, admitted the Pearsall Plan served no useful purpose after its successful avoidance of massive resistance and school closings in the 1950s. Medford further declared that tuition grants were intended to circumvent *Brown* and felt the Plan was now unconstitutional.²⁷⁷

North Carolina officials realized the near hopelessness of further defending the Pearsall Plan against Federal intervention, but were still obligated to do so. The state Attorney General assigned novice lawyer Andrew Vanore to the task. Vanore argued that the Pearsall Plan resulted in zero school closings, no children were denied an education on account of race, and it did not require segregation. Unimpressed, the United States Western District Court declared the Pearsall Plan unconstitutional. Governor Moore declined the state's right to appeal.²⁷⁸

North Carolina endured a renewed round of racial tension after the repeal of the Pearsall Plan. Klan related cross burnings and an attempt to murder civil rights activist Julius Chambers in New Bern combined with bomb threats phoned in to newly desegregated schools forced Moore to dispatch State Troopers to maintain peace. Klan rallies in Rowan and Harnett County drew several hundred supporters. The threat reached localized crisis levels in the wake of Dr.

²⁷⁷“Pearsall Plan Framer Charges It’s Invalid,” in *The Raleigh News and Observer*, February 24, 1966, 1.

²⁷⁸Kate Erwin, “State Not Appealing Pearsall Plan Ruling,” in *The Raleigh News and Observer*, April 23, 1966, 1.

Martin Luther King's 1968 assassination. A demonstration on the campus of A&T State University in Greensboro resulted in one student death after National Guardsmen used tear gas to force the evacuation of student controlled buildings.²⁷⁹ Defiance continued with a series of sit-ins and walk outs. School president Lewis C. Dowdy canceled classes and ordered all students to return home.²⁸⁰

The rapid closing of many former black schools created an additional problem for North Carolina. The staff of closed schools did not receive guaranteed positions within the school system. As a result, large numbers of black educators lost their jobs with little chance of acquiring a teaching position elsewhere in the state.²⁸¹ Many school boards operating segregated systems hired less qualified teachers for positions in minority schools, an excuse overused during the rash of black teacher dismissals in the latter half of the 1960's. According to a report conducted by State Board of Education Controller A.C. Davis, in 1963 North Carolina employed an estimated 525 black principals. By 1970, that number decreased to 252.²⁸²

Resistance to total desegregation led to boycotts of public schools by members of both races. Blacks in Hyde County boycotted public schools en masse in response to the refusal of the Hyde County School Board to grant desegregation transfer requests before 1968. Many counties turned to bussing in order to desegregate their school systems. In Mecklenburg County, a bussing plan became the center of a landmark United States Supreme Court Case.²⁸³

In the fall of 1968, North Carolina voters elected Lieutenant Governor Robert W. Scott as Governor. Scott's election marked a return to the more progressive ideology of the Sanford administration. On the national level, Richard M. Nixon defeated Hubert H. Humphrey and

²⁷⁹ Guard Routs Students from Buildings at A&T," in *The Durham Morning Herald*, May 24, 1968, 1.

²⁸⁰ Batchelor, *Rule of Law*, 363.

²⁸¹ "Black School Administrators Left Out in Consolidations," *Durham Sun-Herald*, October 29, 1967, sec.

²⁸² Batchelor, *Rule of Law*, 360.

²⁸³ Powell, *North Carolina*, 187.

George C. Wallace.²⁸⁴ Nixon received only 130,000 more votes than Wallace in the Tar Heel state.²⁸⁵ As the school controversies surrounding bussing continued to worsen, Scott called on Nixon to take a more active role in the “crisis in the schools.”²⁸⁶

The struggle for racial balance in schools waged across the campuses, courtrooms, and airwaves of the South for years after the repeal of the Pearsall Plan in North Carolina. The States’ reputation as moderate in the arena of race relations suffered throughout the 1970s and cultural clashes brought the eyes of the world to the state. After the Supreme Court’s ruling in *Swann v. Charlotte-Mecklenburg Board of Education* influenced Federal judges to utilize bussing to desegregate school systems, many affluent whites left urban areas and created new housing developments in rural areas. The loss of tax revenue and pupil enrollment from this “white flight” continues to hinder North Carolina’s education system at present. As recently as 2009, NAACP officials have filed suit against North Carolina school systems in a continued effort to achieve racial balance in schools.²⁸⁷ This lasting legacy of Federal involvement in the state’s educational system is still felt by every pupil that passes through the care of the North Carolina Department of Public Instruction as local administrative units still have authority over pupil assignment, school zoning, and curriculum design.

²⁸⁴ “Nixon Wins Presidency by Margin Probably Smaller than Kennedy in ’60,” in *New York Times*, November 7, 1968, A1.

²⁸⁵ “State by State Vote Roundup,” in *The Los Angeles Times*, November 7, 1968, Sec. A22.

²⁸⁶ “Meet on Bussing, Scott Urges Nixon,” *Raleigh News and Observer*, August 15, 1971, sec. A1.

²⁸⁷ NAACP Accuses Wayne schools of extreme re-segregation,” on WRAL.com, <http://www.wral.com/news/education/story/6523560/>.

Chapter Six: Conclusion

Since the beginning of the Twentieth Century, North Carolina's citizens have supported public education for all of the state's children. Governor Aycock, a noted segregationist, and his successors realized that the greatest aid they could provide to achieve economic, educational, and cultural milestones rested in the classrooms of North Carolina. Through world wars, depressions, booms and busts, funding for the expansion of public education increased from the government and private sectors. The steady pace of improvement, occasionally spurred along by such patrons of education as Julius Rosenwald, gave hope to North Carolinians of a better life for their children.

North Carolina's dual race system of public schools became a focus of state government. Teacher training colleges in Boone, Cullowhee, and Greenville were created, to support the mission of the State Normal College in Greensboro, to prepare educators for the state's classrooms. A minority teacher training school in Elizabeth City prepared educators to improve conditions among North Carolina's traditionally poorer eastern blacks.

By 1954, North Carolina featured among the highest numbers of black educators, minority children enrolled in public schools, and average salaries of black school officials in the nation. Despite the admitted inequalities in segregated education, North Carolina still easily led the South in accommodations for black pupils. After Chief Justice Warren's words regarding the Supreme Court's decision in *Brown* reverberated throughout the nation, the state's leaders vowed to obey the law.

The journey to a federally compliant desegregated school system took North Carolina nearly two decades to accomplish. Polls and election results from the 1950s indicate a strong segregation faction in the state. William Umstead's ill health at the time of the *Brown* decision

provided North Carolina a small amount of time to adjust and observe the reaction of other states in the South. After his death, North Carolinians looked to his successor, Luther Hodges, to provide an immediate response to the intervention of the Federal government into the state.

Through a Herculean effort of politicking, Hodges persuaded the General Assembly to approve the pupil assignment plan crafted by Rocky Mount attorney Thomas Pearsall and his committee of officials. The Pearsall Plan transferred nearly all of the state's authority concerning the administration of school systems to the hands of local school boards. There were limits to the power of the school boards, including a provision requiring the decision to close schools to rest in the hands of the citizens of an area and not solely the school board. This public choice prevented pro-segregation elements from concentrating their efforts in an attempt to shutter public schools.

Hodges repeatedly referred to the Pearsall Plan as a "safety valve" that would only be used when pressure rose in a given area. The principle provision of the Pearsall Plan, the authority of local school boards to determine student assignment guidelines, remains in effect. Not a single school closing ever resulted under the Pearsall Plan, making good on the Pearsall Committee's promise to preserve public education. The high number of military installations in North Carolina provided an additional benefit to the continued operation of public schools. School systems near military installations were among the first to desegregate, as the influence of parents accustomed to integrated facilities influenced local attitudes. North Carolina did not approve a single tuition grant until 1961, resulting in NAACP backed litigation that resulted in the declaration of the Pearsall Plan as unconstitutional in 1966.

The Pearsall Plan's endurance is a direct compliment to the architects of the plan. North Carolina benefited from the collection of attorneys employed by the Institute of Government.

The non-partisan advisory panel provided legal guidance to the state's leaders absent of partisan options. This voice of reason, devoid of political intrigue, provided the state's decision makers a range of legally viable options to consider when confronted with a question of legality. The Pearsall Plan withstood all challenges to its constitutionality until the passage of the Civil Rights Act of 1964 altered the laws in question. Though the Pearsall Plan itself proved legal, its interpretation in many localities directly violated the spirit of the law. Thus opposition to segregation reflected the attitude of the community.

Luther Hodges, serving as the United States Secretary of Commerce after his time as Governor, clearly knew the importance of continued, uninterrupted education in attracting industry and subsequent jobs to the state. Among Terry Sanford's most important accomplishments, the establishment of North Carolina's Research Triangle Park in the 1960s was a direct result of his influence as was North Carolina's reputation as the most moderate Southern state. Had radicals and staunch segregationists encouraged outright civil disobedience to the *Brown* decision, as progressive state leaders feared, North Carolina could not have provided uninterrupted universal education while simultaneously attracting new industry to the state.

As an instrument of delay, the Pearsall Plan prevented full desegregation until the white citizens of North Carolina adjusted to a new social order. The individual pupil transfer application process prevented a rapid increase in the pace of desegregation anywhere in the state. This limited the ability of segregationists to prey on the fears and reactions of a hysterical populace. State policy makers constantly guided North Carolina down a narrow path of obeying federal law and appeasing the more reactionary citizens of the state on both sides of the segregation debate.

At first impression, the school closing and private school grant provisions of the Plan placed the continued operation of publically supported schools in jeopardy. Time grants the luxury to realize that implementation of immediate desegregation in the year after *Brown* was an impossible task. The history of desegregation in Georgia, Alabama, Arkansas, and even Virginia attest to the failure of sudden desegregation of schools. By giving the people of the state time, North Carolina experienced an unprecedented level of access to public education unrivaled in the South. Token desegregation slowly introduced the concept of integrated schools to the minds of even the staunchest segregationists.

Politically, the state's Democrats divided into two ideological camps during the months leading up to the 1960 gubernatorial election. Those allied with Sanford and, to a lesser extent Robert Scott, represented the portion of the party considered to be proponents of social change. I. Beverly Lake and Robert Morgan identified themselves as preservers of law and order.

Though no major segregationist ascended to the Executive Mansion after *Brown*, Dan Moore's victory in 1964 is indicative that many whites thought Sanford too supportive of social change.

Even given Sanford's reputation as an agent of social reform, most social change in the 1950s and 1960s must be attributed to the efforts of civil rights groups to reform society. Focusing their efforts in litigation, the NAACP urged North Carolina's leaders to keep the state moving forward toward some measure of equality, even if it did so at a deliberately slow pace.

Equality in education, especially racially based, presently remains among the greatest concerns of school officials in North Carolina. White flight as a response to *Swann* created overwhelmingly minority city schools and predominantly white rural schools across the state. As the Department of Public Instruction continues their efforts to return North Carolina's school

system to a level of pride among citizens, they should never forget the efforts of men such as Thomas Pearsall, Luther Hodges, Terry Sanford, and Dallas Herring.

To condemn the Pearsall Plan as racist, reactionary, or an embarrassment to the state betrays a lack of understanding of the purpose of the Plan. Pearsall and nearly every other attorney involved in the implementation of the Pearsall Plan realized it could not remain in place indefinitely. They only hoped it would allow for the safe and continued operation of a publicly supported school system. Those of the opinion that the sole purpose of the Pearsall Plan was to maintain segregated schools see the federal court ruling of April 4, 1966, as the undeniable proof of the failure to achieve this goal. The uninterrupted education of the students of North Carolina from 1956 to 1966 clearly demonstrates the success of the Pearsall Plan in its promise to “Save our Schools.”

Excursus: North Carolina Desegregation in Relation to other Southern and Border States

Appendix F contains material not uncovered until after the conclusion of writing of this thesis. The Southern Educational Reporting Service (SERS) appears to have been the only entity that compiled and made available desegregation statistics for the period from 1954 to 1967. This information, presented in *Southern School News*, published from 1955-1965, and *A Statistical Summary, State by State, of School Segregation-Desegregation in the Southern and Border Area from 1954 to the Present* (1967), allows for a comparison of the desegregation rate of selected Southern and Border states. To more fully understand the Pearsall Plan's effect, a comparison based on the geography and pupil racial makeup of the states in question must be considered.

The SERS report indicated the Pearsall Plan effectively delayed desegregation in North Carolina until passage of the 1964 Civil Rights Act. In 1965, North Carolina desegregated a greater percentage of pupils than Alabama, Georgia, Louisiana, Mississippi, and South Carolina. Arkansas' 5.96% desegregation rate slightly exceeded North Carolina's. Tennessee and Texas' desegregation rates were nearly three times North Carolina's, while the Border States managed to achieve desegregation rates far beyond North Carolina.²⁸⁸

Under the local option provision of the Pearsall Plan, North Carolina began voluntary desegregation efforts before any other state in the South not under court order. Schools in Texas began desegregation efforts in 1954 before the *Brown* ruling, owing to an earlier state court ruling that the Texas constitution's segregated schools provision was void.²⁸⁹ Maryland, Kentucky, Delaware, Arkansas, and Tennessee all began school desegregation before North

²⁸⁸ Southern Education Reporting Service, *A Statistical Summary, State by State, of School Segregation-Desegregation in the Southern and Border Area from 1954 to the Present* (Nashville, TN: Southern Education Reporting Service, 1967) 40.

²⁸⁹ *Ibid.*, 32.

Carolina.²⁹⁰ For the 1957-58 school year, North Carolina's eleven blacks enrolled in previously all-white schools was the lowest number of the states operating desegregated schools. Alabama, South Carolina, Virginia, Louisiana, Georgia, and Mississippi all delayed even token desegregation.²⁹¹ Over the next two school years, twenty-three blacks enrolled in desegregated schools, far below the figures for other states operating desegregated schools.

Desegregation occurred simultaneously in Virginia, Georgia, and Louisiana in 1960. Virginia's first year desegregation figure of 208 was more than double North Carolina's 82. Georgia and Louisiana both trailed North Carolina in desegregation figures, with Louisiana allowing a single black child to enroll with white students.²⁹² South Carolina and Alabama relented to Federal authority and permitted blacks to enroll with whites in 1963. Mississippi was the last state to permit desegregated schools in 1965.²⁹³

Before the 1966-67 school year began, the Supreme Court ruled the Pearsall Plan unconstitutional. At the time, North Carolina had achieved a 5.15% desegregation rate, ahead of Alabama, Louisiana, Mississippi, and South Carolina. Virginia's 11% was more than double its southern neighbor. The Border States all achieved desegregation rates greater than 55%. North Carolina also trailed Florida, Arkansas, and Texas in desegregation rates.²⁹⁴

By the 1966-67 school year, all but 13 of 169 school districts in North Carolina were in compliance with Federal guidelines, no school system suffered a complete loss of Federal aid.²⁹⁵ Though the Pearsall Plan may have prevented any serious disruption of schools or violent demonstration, it slowed North Carolina's rate of desegregation to among the lowest in the

²⁹⁰ *Ibid.*, 40.

²⁹¹ *Ibid.*, 41.

²⁹² *Ibid.*, 42.

²⁹³ *Ibid.*, 43-44.

²⁹⁴ *Ibid.*

²⁹⁵ *Ibid.*, 24.

South. North Carolina placed firmly in the middle of the eleven Southern states in desegregation rates when the Pearsall Plan was voided. As a whole, the desegregation rate of Border States far outpaced the South, 69% to 16%.²⁹⁶ A ranked list of achieved desegregation rates for the last school year governed by the Pearsall Plan in North Carolina follows:

<u>State</u>	<u>Desegregation Rate (%)</u>
Delaware	83.3
Kentucky	78.1
Maryland	55.6
Texas	17.2
Tennessee	16.3
Virginia	11.0
Florida	9.8
Arkansas	5.9
North Carolina	5.2
Georgia	2.7
South Carolina	1.7
Louisiana	0.9
Mississippi	0.6
Alabama	<u>0.4</u>
Average	20.6

The figures indicate North Carolina’s moderate reputation in the realm of race relations did not help to promote desegregation of the schools. The Pearsall Plan effectively delayed segregation while simultaneously avoiding Federal intervention through the use of a “voluntary” local option plan and the decentralization of pupil assignment.

²⁹⁶ *Ibid.*, 44.

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Appendix A: First Pearsall Committee Membership

Thomas J. Pearsall, Rocky Mount, Attorney

*Dr. F.D. Bluford, Greensboro, President of North Carolina A & T College

J.H. Clark, Elizabethtown, Businessman

Ruth Current, Raleigh, Home Demonstration Agent

Dr. Gordon Gray, Chapel Hill, President of University of North Carolina at Chapel Hill

Fred B. Helms, Charlotte, Attorney

Dallas Herring, Rose Hill, Chairman of Duplin County Board of Education

R.O. Huffman, Morganton, President of Drexel Furniture

William T. Joyner, Raleigh, Attorney

Helen S. Kafer, New Bern, New Bern City Schools Board member

James C. Manning, Williamston, Superintendent of Martin County Schools

Holt McPherson, High Point, Editor of *High Point Enterprise*

*Hazel S. Parker, Tarboro, Home Demonstration Agent

Clarence Poe, Raleigh, Editor of *The Progressive Farmer*

I.E. Ready, Roanoke Rapids, Superintendent of Roanoke Rapids City Schools

Dr. Paul A. Reid, Cullowhee, President of Western Carolina College

*Dr. J.W. Seabrook, Fayetteville, Fayetteville State Teacher's College

L.R. Varser, Lumberton, former Associate Justice of North Carolina Supreme Court

Arthur D. Williams, Wilson, Chairman of Wilson County Board of Commissioners

* indicates committee member was African American

Appendix B: Second Pearsall Committee Membership

Thomas J. Pearsall, Rocky Mount, Attorney

Lunsford Crew, Halifax, Attorney

R.O. Huffman, Morganton, President of Drexel Furniture

William T. Joyner, Raleigh, Attorney

William Medford, Haywood County, Attorney

H. Cloyd Philpott, Lexington, member State House of Representatives

Edward Yarborough, Franklin County, Attorney

Appendix C: Year by Year Desegregation Progress in North Carolina*

Year	Enrollment		School Districts Total	Desegregated Pupils	
	Black	White		Number	%
1954-55	284,782	683,284	172	0	0
1957-58	322,000	755,000	174	0	0
Fall, 1958	314,000	749,000	174	0	0
Fall, 1959	324,800	795,200	174	0	0
Fall, 1960	302,060	816,682	173	77	0.02%
1964-65	347,063	820,900	171	1,865	0.54%
1965-66	349,282	828,638	170	4,963	1.42%

* Source: Southern Education Reporting Service, *Southern School News* (Nashville, TN: Southern Education Reporting Service, 1965).

Appendix D: 1965 Desegregation Rates of Selected States

State	Integrated Pupil Total	Percent of Pupil Population
Alabama	101	0.034%
Arkansas	930	0.811%
Georgia	1,337	0.400%
Louisiana	3,581	1.140%
Mississippi	57	0.020%
North Carolina	4,963	1.420%
South Carolina	265	0.102%
Tennessee	9,289	5.350%**
Virginia	12,000	5.150%***

* Statistics courtesy of: Southern Education Reporting Service, *Southern School News* (Nashville, TN: Southern Education Reporting Service, 1965).

** Schools in Memphis, Tennessee began desegregation in 1961 after the U.S. Department of Justice intervenes in civil rights cases involving tenant farmers evicted after refusing to abandon voting privileges. Desegregation in Tennessee began in Nashville, after a 1957 school bombing prompted officials to delay desegregation.

*** Schools in Virginia closed rather than allow desegregation, leading to protests and school closings that required legislative intervention. North Carolina's Pearsall Plan withstood all legal challenges until the 1964 Civil Rights Act fundamentally altered the degree of federal involvement in public education.

Appendix E: 1966 Desegregation Rates of Selected States

State	Integrated Pupil Total	Percent of Pupil Population
Alabama	12,000	4.4%
Arkansas	18,100	15.1%
Georgia	34,300	8.8%
Louisiana	10,697	3.4%
Mississippi	7,258	2.5%
North Carolina	54,600	15.4%
South Carolina	14,853	5.6%
Tennessee	52,691	28.6%
Virginia	61,500	25.3%

* Statistics courtesy of: Southern Education Reporting Service, *A Statistical Summary, State by State, of School Segregation-Desegregation in the Southern and Border Area from 1954 to the Present* (Nashville, TN: Southern Education Reporting Service, 1967).

Appendix F: Year by Year Desegregation Rate of Selected States, 1956-1965

1956-57

State	Enrollment		Blacks Enrolled with Whites	
	White	Black	<i>Total</i>	<i>Percentage</i>
Alabama	471,900	273,200	0	0
Arkansas	316,709	102,000	34	0.033
Delaware	53,904	11,411	3,248	28.5
Florida	594,220	165,957	0	0
Georgia	644,328	297,672	0	0
Kentucky	551,771	38,358	8,017	20.9
Louisiana	375,000	225,000	0	0
Maryland	397,417	109,720	20,936	19.1
Mississippi	273,722	268,216	0	0
North Carolina	724,302	301,161	0	0
South Carolina	319,670	243,574	0	0
Tennessee	626,781	128,164	100	0.078
Texas	1,565,568	248,532	3,380	1.36
Virginia	566,596	184,417	0	0

1957-58

State	Enrollment		Blacks Enrolled with Whites	
	White	Black	<i>Total</i>	<i>Percentage</i>
Alabama	475,500	279,300	0	0
Arkansas	315,806	104,205	98	0.094
Delaware	56,913	12,429	4,497	36.2
Florida	703,800	196,200	0	0
Georgia	649,800	300,200	0	0
Kentucky	551,771	38,358	10,897	28.4
Louisiana	390,625	234,375	0	0
Maryland	417,214	116,275	25,650	22.1
Mississippi	276,276	269,274	0	0
North Carolina	755,000	322,000	11	0.003
South Carolina	334,513	249,770	0	0
Tennessee	657,560	133,740	120	0.090
Texas	1,627,307	258,333	3,600	1.39
Virginia	584,523	190,707	0	0

1958-59

State	Enrollment		Blacks Enrolled with Whites	
	White	Black	<i>Total</i>	<i>Percentage</i>
Alabama	497,700	292,300	0	0
Arkansas	317,053	105,130	80	0.076
Delaware	59,795	13,188	5,727	43.7
Florida	708,138	187,742	0	0
Georgia	667,781	310,753	0	0
Kentucky	572,814	41,793	11,492	27.5
Louisiana	412,563	261,491	0	0
Maryland	417,714	116,478	37,775	32.4
Mississippi	276,326	268,905	0	0
North Carolina	755,282	319,613	14	0.004
South Carolina	344,893	255,616	0	0
Tennessee	651,900	143,100	82	0.057
Texas	1,702,141	266,168	3,250	1.22
Virginia	605,090	198,629	30	0.015

1959-60

State	Enrollment		Blacks Enrolled with Whites	
	White	Black	<i>Total</i>	<i>Percentage</i>
Alabama	516,135	271,134	0	0
Arkansas	317,475	106,731	98	0.092
Delaware	63,088	14,063	6,196	44.1
Florida	761,819	201,091	512	0.255
Georgia	682,354	318,405	0	0
Kentucky	593,494	41,938	16,329	38.9
Louisiana	422,181	271,021	0	0
Maryland	442,244	130,076	38,053	29.3
Mississippi	287,781	278,640	0	0
North Carolina	816,682	302,060	34	0.011
South Carolina	352,164	257,935	0	0
Tennessee	668,300	146,700	169	0.115
Texas	1,783,737	279,374	3,300	1.18
Virginia	617,349	203,229	103	0.051

1960-61

State	Enrollment		Blacks Enrolled with Whites	
	White	Black	Total	Percentage
Alabama	523,303	276,029	0	0
Arkansas	320,204	108,841	113	0.104
Delaware	66,630	14,973	6,738	45.0
Florida	807,512	212,280	28	0.013
Georgia	626,377	295,255	0	0
Kentucky	600,000	41,938	20,000	47.7
Louisiana	422,181	271,021	1	0.0004
Maryland	461,206	136,882	45,943	33.6
Mississippi	287,781	278,640	0	0
North Carolina	832,200	307,800	82	0.027
South Carolina	354,227	258,667	0	0
Tennessee	675,648	152,352	376	0.247
Texas	1,840,987	288,553	3,500	1.21
Virginia	668,500	211,000	208	0.099

1961-62

State	Enrollment		Blacks Enrolled with Whites	
	White	Black	Total	Percentage
Alabama	527,075	280,212	0	0
Arkansas	320,204	108,841	151	0.139
Delaware	70,249	15,917	8,540	53.7
Florida	927,331	242,097	648	0.268
Georgia	641,710	303,005	8	0.003
Kentucky	600,000	43,000	22,021	51.2
Louisiana	450,000	295,000	12	0.0004
Maryland	481,276	143,879	59,729	41.5
Mississippi	297,419	288,089	0	0
North Carolina	787,405	332,962	203	0.061
South Carolina	363,768	265,076	0	0
Tennessee	663,065	155,000	1,167	0.753
Texas	1,892,044	300,867	4,000	1.33
Virginia	679,230	221,037	536	0.242

1962-63

State	Enrollment		Blacks Enrolled with Whites	
	White	Black	Total	Percentage
Alabama	539,996	287,414	0	0
Arkansas	328,023	112,012	247	0.221
Delaware	73,769	16,992	9,498	55.9
Florida	956,423	227,291	1,551	0.682
Georgia	662,244	325,141	44	0.014
Kentucky	610,000	45,000	24,346	54.1
Louisiana	460,589	301,433	107	0.035
Maryland	514,313	153,215	69,147	45.1
Mississippi	300,000	290,000	0	0
North Carolina	800,289	341,352	879	0.258
South Carolina	365,340	265,288	0	0
Tennessee	670,387	159,299	1,810	1.14
Texas	1,951,613	303,980	7,000	2.30
Virginia	704,725	229,105	1,230	0.537

1963-64

State	Enrollment		Blacks Enrolled with Whites	
	White	Black	Total	Percentage
Alabama	549,543	293,476	21	0.007
Arkansas	333,630	114,651	362	0.316
Delaware	78,730	18,066	10,209	56.5
Florida	964,241	237,891	3,650	1.53
Georgia	689,323	337,534	177	0.052
Kentucky	611,126	54,874	29,855	54.4
Louisiana	460,589	301,433	1,814	0.602
Maryland	540,667	160,946	76,906	47.8
Mississippi	308,409	295,962	0	0
North Carolina	820,900	347,063	1,865	0.537
South Carolina	368,496	258,955	9	0.003
Tennessee	687,902	164,940	4,466	2.72
Texas	2,045,499	326,409	18,000	5.52
Virginia	710,176	228,961	3,721	1.63

1964-65

State	Enrollment		Blacks Enrolled with Whites	
	White	Black	Total	Percentage
Alabama	594,593	293,426	101	0.034
Arkansas	333,630	114,651	930	0.811
Delaware	83,164	19,367	12,051	62.2
Florida	1,014,920	247,475	6,612	2.67
Georgia	686,761	334,126	1,337	0.400
Kentucky	607,522	55,215	37,585	68.1
Louisiana	472,923	313,314	3,581	1.14
Maryland	566,375	169,207	86,205	50.9
Mississippi	299,748	279,106	57	0.020
North Carolina	828,638	349,282	4,963	1.42
South Carolina	371,921	260,667	265	0.102
Tennessee	724,327	173,673	9,289	5.35
Texas	2,086,752	344,312	27,000	7.84
Virginia	736,017	233,070	12,000	5.15

* Statistics courtesy of: Southern Education Reporting Service, *A Statistical Summary, State by State, of School Segregation-Desegregation in the Southern and Border Area from 1954 to the Present* (Nashville, TN: Southern Education Reporting Service, 1967).

** Figures may differ from previously cited figures in *Southern School News*, the Southern Educating Reporting Service attributed this to “corrections to conform to a consistent policy on statistics, or substitutions of more accurate information that became available later” on page 40 of *A Statistical Summary, State by State, of School Segregation-Desegregation in the Southern and Border Area from 1954 to the Present*.