St. John Barrett
Second Assistant

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Brian K. Landsberg, Attorney
Southeastern Section

Deposition of Gene Crowder,
Lee v. Macon County Board of Education.

I called Mr. Crowder to review his statements respecting the number of systems in Alabama that had been deferred on the basis of low performance. He had said on October 27 that he had recommended 10 or 12 such deferrals. But he said today that most of those deferrals were based on multiple factors, such as poor performance plus failure to file an acceptable 441-B. The only system deferred on the basis of low performance alone was Dale County. He did not know whether Blount or St. Clair Counties fall in that category, but he hadn't recommended their deferral for low performance.

He said that because he spent a lot of time out of town, he never could keep up on the statistics, and that many deferral recommendations were made without his knowing about them. Sometimes young lawyers from Dave Barus' office wrote up such recommendations in Crowder's absence.

The path followed by a recommendation for deferral was generally Crowder to Area III head (Hunton and then Fairley) to Seeley (who sometimes had Barus review it) to Libassi to the General Counsel. Any of the higher ups might . . . reject a recommendation. The normal ground for rejecting a deferral recommendation was non-exhaustion of attempts to achieve compliance.

A couple of times Mr. Libassi's office asked for deferral recommendations in various non-compliance categories. Mr. Crowder recalls, for example, being asked to send in recommendations on all systems that had failed to file a 441-B.

cc: Records
Trial File
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Dunbaugh

School heads tangle with U. S. prober

BY JAMES CHISUM
News staff writer

The Office of Education will established a staff of five investigators in Alabama to ascertain compliance with the Civil Rights Act in the state's public schools.

Gene Crowder, a native of Montgomery and a graduate of Huntingdon College and Auburn University, will head the staff.

Appearing before a group of superintendents, board members and other educators in Birmingham Tuesday, Crowder said his job will simply be one of gathering facts after complaints are received.

HE SAID the bases of such complaints will be resolved immediately if possible. If such solutions aren't found, he said, he would go no further than reporting the facts as he found them to Washington.

Crowder was accompanied by an assistant and two other representatives of the U. S. Office of Education (USOE), Dr. Marie Barry and Wallace McBain, a consultant and professor at Marquette University.

State Supt. of Education Austin Meadows also appeared at the meeting, which was attended by more than 80 persons.

THROUGH A morning session and a follow-up in the afternoon, the educators were hit hard with one theme:

The Office of Education wants desegregation of the Alabama schools, including its teachers, and it means business this time.

Much of the morning session was occupied with arguments from frustrated superintendents, including Meadows, that the USOE is going past the law, and is in fact going against a section of the

MEADOWS CITED the section of the Civil Rights Act which says its provisions for employment shall not apply in state agencies.

McBain contended the USOE is basing its guidelines on authority to end dual school systems, and employment is not a factor in desegregating the faculty.

The primary interest is in ending discrimination, he said, and faculty integration is a part of the process. He said he felt confident a court suit would uphold this view.

McBain said a "freedom of choice" plan for desegregating a school system will be declared "ineffective" if not enough Negro children "choose" white schools over predominantly Negro schools.

IN THIS CASE, he said, some other plan for desegregation will be required.

Meadows, taking issue with the speed to be required by USOE, said:

"It takes longer to work out things in a democracy than in a dictatorship. That's the principle involved here."

McBain said USOE isn't usurping local authority except to end discrimination.

"WHAT IF I can't find a Negro teacher qualified to teach in a white school?" asked a schoolman.

"If she isn't qualified, what is she doing in your system . . . the 'separate but equal' ruling was made in 1894 . . . you aren't even willing to go that far!" retorted McBain.

The exchange was nearer to heated arguments than most of the day's presentation and question and answer period. Mostly it was serious, intent, quiet.

One of the participants said later that in some similar meetings they'd been called names, and in one instance, a schoolman rose to his feet and shouted:

"WHERE'D YOU leave your carpetbag, you dirty commies!"

There was some muttering among Alabama superintendents and board members Tuesday. It was evident they did not agree with most of the opinions expressed by McBain and his companions.

Dr. Barry suggested that Negro principals and supervisors be brought together with their white counterparts to decide what qualification standards should be set for both Negro and white teachers.

She said some systems may set up personnel boards, with Negroes as well as whites represented.

LATER IN THE day, she assured the educators that their problems aren't insurmountable. She stated flatly:

"The day is past when one group of people, no matter what color, can look upon themselves as superior."

Throughout the day, the USOE representatives insisted they had no stock answers for all school systems and final decisions would be made by their superiors.

They said the guidelines apply only to school districts "voluntarily" desegregating. However, court orders governing other districts will almost certainly be modified to conform with them, they said.