

Mr. Barrett

May 15, 1967

Mr. Fiss

Stay in Lee v. Macon County
Board of Education

Attached is a copy of a brief we received today in Lee v. Macon County Board of Education in support of the application to the Supreme Court for a stay. Our memorandum in opposition was prepared without the "benefit" of that brief, but after reading it, I am of the view that it is neither necessary nor appropriate to submit anything further to the Court.

cc: Norman
Claiborne

Mr. Fiss

MAY 16 1967

Lee
Trial File, Lee v.
Macon County Board of Education

May 8, 1967

KPF:adr

Kenneth P. Frankland

DJ 144-100-2
#1-007-2A

Chambers County; Joint Review of Title VI Compliance
With HEW.

On May 8, 1967, Richard Fairley, Office of Education, BEOP director for Alabama, Ann Lassiter, HEW Secretary's office and myself met with the Chambers County Superintendent Morse Haynes and the Chambers Board of Education, at the Board's office in Lafayette, Alabama. The purpose of the visit was to determine what specific steps the Board had taken to implement the Lee model plan and possibly forestall a Title VI fund cutoff scheduled for Wednesday, May 10. This first joint review was predicated upon the Board's request of HEW to stop the termination of funds providing on the basis of submission of the model plan to Dave Seeley's office with a statement "to abide by the decree." Superintendent Haynes outlined the Board's compliance status admitting they didn't attend the hearing December 21, 1966 and refused to submit a 441-B. He said after they received the Lee decree on March 23 they requested and received approval from Dr. Stone to have an April 1 - April 30 choice period. The Board sent their model plan to Dr. Stone and Dave Seeley. To date they had received no reply from Seeley's office, so they contacted Senator Lister Hill to try to arrange a conference with HEW about their federal funds. Board Chairman Clark then made a brief statement saying they considered themselves under a court order and that their good faith submission of the plan was sufficient to get their funds.

Dick Fairley asked that I explain the Board's position in relation to the Lee decree. I explained the Board was not a party per se and the department's function to achieve compliance with the decree. HEW's position in their Title VI program was explained and that the requirements of Lee and HEW were the same.

cc: Records

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Fairley stated we were there to determine what concrete plans the Board had adopted pursuant to their plan so that he could make a recommendation to his superior about their funds. The Board never stated any concrete plan but relied upon the fact that they promised to do all that was written in their plan. We then turned to specific sections of the plan to ascertain what the Board was doing.

On student desegregation, the Superintendent said about 90-95% of almost 7000 students turned in choice forms but not all had been processed. He stated 45 Negro students chose white schools. He said they sent out the HEN model letter to parents that did not have the added transportation paragraph.

We inquired what plans the Board had adopted to implement paragraph I(N) of the plan. The best they would say was the transportation supervisor had talked to all bus drivers, located the residence of all students and was working on new maps. They stated that since Dr. Stone's transportation report was not due until June 10, they would follow Dr. Stone's timetable and would have the new routes ready by school next fall. The old routes were examined and the Board understood that duplicative routes clearly evident on their present maps (prepared by race) were to be eliminated.

On paragraph VI, faculty, the Board recognized the requirements of the decree but had no concrete plan for assignments. They said they would follow Dr. Stone's timetable and that teacher assignments usually were decided at late May or June meetings. The most they would say was that the Board discussed assigning one or more teachers of the minority race at previous meetings. They would not say any more.

We next inquired what steps were being taken to implement paragraph IV, equalization. They acknowledged 3 Negro frame schools and one white school have sub-minimal attendance. (We visited White Plains (Negro) (110, grades 1-8) and Hopewell (Negro) (65, grades 1-10) and noted each school should be closed. The Chambers County Board

said they had no present plans to close those schools. They had planned to consolidate the 3 Negro schools into a new Negro school to be constructed in the area , but since the Lee decree had not pursued those plans. They seemed to imply they wanted to "improve the instruction and equipment" at those schools. The Board presented no remedial plans to equalize the quality of education.

The Board indicated they understood what their plan meant, but when again asked for details reverted to their "good faith" efforts in the future to implement the plan and why that was not enough. Fairley reviewed why the Board was in its present position and that he needed some concrete plans from the Board to relate to his superiors for their consideration. For the remainder of the meeting, the Board attempted to say they had done what they thought they had to and were satisfied free choice was working in Chambers County.

When it was evident the Board would not make any specific statements, the meeting ended. At all times the meeting was cordial and before we left we were asked if the Board would receive some definite word by Wednesday of their status. We said they would be contacted by phone or telegram of HEW's decision.

My view is that the Board really believed we had come to rubber stamp their plan and tell them on the spot they would get their money. I believe they received this impression from the tone of Dr. Stone's letter recommending they submit their plan to Seeley and request release of their funds and their contacts with Senator Hill's office.

My recommendation is that in absence of any concrete steps to implement their plan, this system's eligibility should not be restored. As to future joint reviews with HEW, I think they could be helpful but only if we had previously discussed details with the Superintendent before talking to his Board. Dick Fairley believes that Chambers may be typical of the 13 districts and that joint reviews would not be fruitful at this time.