

IN THE UNITED STATES DISTRICT COURT

FOR THE

SOUTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

BIRDIE MAE DAVIS, BETTY ANN DAVIS
and JAMES ALLEN DAVIS, Minors, by
OLLIE MAE DAVIS, Their mother and
next friend, et al.,

Plaintiffs,

UNITED STATES OF AMERICA,
by RAMSEY CLARK, Attorney
General of the United States,

Plaintiff-Intervenor,

CIVIL ACTION NO. 3003-63

v.

BOARD OF SCHOOL COMMISSIONERS OF
MOBILE COUNTY, WILLIAM B. CRANE,
Chairman, CHARLES E. McNEIL, JACK
C. GALLALEE, ARTHUR SMITH, JR., and
KENNETH REED, Members, CRANFORD H.
BURNS, Superintendent,

Defendants.

PROPOSED DECREE

VERNOL R. JANSEN, JR.
United States Attorney

JOHN DOAR
Assistant Attorney General

FRANK M. DUNBAUGH
WALTER GORMAN
REUBEN ORTENBERG
FRANK D. ALLEN, JR.
Attorneys,
Department of Justice

PROPOSED DECREE

It is ORDERED, ADJUDGED, and DECREED that the defendants, their agents, employees, successors in office and all those in active concert and participation with them be, and they hereby are, enjoined from failing or refusing to adopt and implement the following plan for the desegregation of the public schools of Mobile County:

I

SURVEY

For the purpose of planning the restructure of the Mobile County school system with a view toward disestablishing the dual school system based on race, the defendants shall conduct a survey of their school system and report to the Court, by December 1, 1967, the results of such survey, and shall specifically report as follows:

- A. The defendants shall prepare a map for each school showing the location, by race and grade, of each student in the school system during the 1967-68 school year.
- B. Recommendations for redrawing attendance zone lines on a non-racial basis and a forecast of the enrollment, by grade and race, for each school in the school system

based on pupil assignments pursuant to the proposed attendance zones.

- C. Recommendations for the reorganization of the "feeder" system consistent with the objective of achieving desegregation.
- D. A description of each school in the school system to include:
 - 1. The size of each site and whether it is suitable for permanent use, suitable for temporary use, or should be abandoned;
 - 2. The number of buildings on each site and as to each, whether it is suitable for permanent use, suitable for temporary use or should be abandoned;
 - 3. The standards and criteria used to determine whether buildings and sites are suitable for permanent use, suitable for temporary use, or should be abandoned;
 - 4. The number of regular, special and portable classrooms at each school building and the number of square feet in each such classroom;
 - 5. Recommendations for the future use (including grades to be accommodated) of each school building and site for

the next ten years, including the need for additional classrooms and the information upon which such recommendations are based.

- E. A property inventory to include:
 - 1. A list of all sites currently owned;
 - 2. A list of all sites which the defendants have present plans to acquire and the size and intended use of such sites;
 - 3. The basis for selection of all sites listed under numbers 1 and 2.
- F. The status of construction of each school building currently under construction and the status of planning for the use of sites currently owned.
- G. A forecast of enrollment at each school for the next ten years and the information upon which such forecast shall be based.
- H. Recommendations for the consolidation, pairing, and reorganization of plant use for each school in the school system.

II

PUPIL PLACEMENT

A. In making administrative transfers where necessary to relieve conditions of overcrowding and for purposes of changing school use, the defendants shall not be limited by considerations of race, and, to that end, defendants shall, for the 1967-68 school year assign administratively, elementary students attending the Council, Emerson, Palmer, Howard, Grant, Gorgas, Stanton Road, Brazier, Thomas, Hillsdale, and Whitley Schools to the Arlington, Craighead, Ellicott, Glendale, Bienville, Old Shell Road, Crichton, Forest Hill, Whistler, Dickson, Davis, Chickasaw, Dodge, Eight Mile, Ford, Mertz, Shepard, Westlawn and Woodcock Schools in sufficient numbers to relieve the overcrowded conditions at the first listed schools and to equalize the ratios of pupils per permanent teaching station at these schools.

B. The defendants shall not make administrative transfers of students which have the effect of perpetuating racial segregation.

C. For the 1967-68 school year, the defendants shall grant to each student the right to transfer from a school in which his or her race is in the majority to a school in which his or her

race is in the minority under the following procedures:

1. Transfer application forms shall be available at the office of the principal of each school and at the office of the Superintendent of Schools through September 8, 1967.
2. Transfer application forms may be returned in person or by mail to any school or the office of the Superintendent of Schools.
3. Notice to the public of the right to transfer under this provision shall be published daily in a conspicuous place in the Mobile Press Register and the Mobile Press newspapers and shall be announced on local radio and television.
4. Reasons for requesting transfer shall not be required.
5. Transfer requests made pursuant to this provision shall be denied only where space is unavailable at the school to which transfer is sought.
6. Except where the parent of a student requesting transfer demonstrates in writing that hardship will result if the transfer is denied, no transfer

will be granted which, if granted, would have the effect of perpetuating racial segregation or of resegregating a particular school.

III

FACULTY AND STAFF ASSIGNMENTS

A. Race or color will not be a factor in the hiring, assignment, reassignment, promotion, demotion, or dismissal of teachers and other professional staff members, including student teachers, except that race will be taken into account for the purpose of correcting the effect of the past segregated assignment of teachers in the dual system. Teachers, principals, and staff members will be assigned to schools so that the faculty and staff is not composed exclusively of members of one race. Wherever possible, teachers will be assigned so that more than one teacher of the minority race (white or Negro), will be on a desegregated faculty. The school board will take affirmative steps to accomplish the desegregation of its school faculties, including substantial desegregation of faculties in as many of the schools as possible for the 1967-68 school year. The objective of the school system is that the pattern of teacher assignment to any particular school shall not be identifiable as tailored for a heavy concentration of either Negro or white pupils in the school. The school system will accomplish faculty desegregation in a manner whereby the

abilities, experience, specialties, and other qualifications of both white and Negro teachers in the system will be, insofar as administratively feasible, distributed evenly among the various schools of the system.

B. Teachers and other professional staff members will not be discriminatorily assigned, dismissed, demoted or passed over for retention, promotion, or rehiring, on the ground of race or color. In any instance where one or more teachers or other professional staff members are to be displaced as a result of desegregation or otherwise, no staff vacancy in the school system will be filled through recruitment from outside the system unless no such displaced staff member is qualified to fill the vacancy. If, as a result of desegregation or otherwise, there is to be a reduction in the total professional staff of the school system, the qualifications of all staff members in the system will be evaluated in selecting the staff member to be released without consideration of race or color. A report containing any such proposed dismissals, and the reasons therefor, shall be filed with the Court.

C. Vacancies created by the assignment of students pursuant to paragraph IIA herein shall be filled with teachers displaced as a result of the implementation of that paragraph.

IV

TRANSPORTATION

A. The defendants shall undertake a program to disestablish the dual system of transportation based on race and to establish a unitary non-racial system of transportation designed to provide efficient transportation to all eligible students.

B. The defendants shall provide school bus transportation where, as a result of transfers made pursuant to paragraph IIA herein, students are assigned to schools more than two miles from their residence, and where, pursuant to paragraph IIB herein, students are transferred to the school of the opposite race nearest their residence, if over two miles from their residence.

V

CONSTRUCTION

Until such time as the Court approves a plan based on the survey conducted pursuant to paragraph I herein, construction shall be suspended for all planned building projects at which actual construction has not been commenced, including the Scarborough, Williamson, Howard, (Northside) and Central Texas Street projects.

Leave to proceed with particular construction projects may be obtained prior to the completion of

the survey upon an evidentiary showing by the defendants on motion, that particular building projects will not have the effect of perpetuating racial segregation.

VI

REPORTS TO THE COURT

A. By October 3, 1967, the defendants shall report to the Court the enrollment by school, grade and race for each school in the Mobile County school system as of the first month of the 1967-68 school year.

B. By the first day of the 1967-68 school year, the defendants shall report to the Court the assignment of faculty members by school, grade (or, where appropriate, subject taught) and race.

C. The defendants shall report to the Court, by the first day of the 1967-68 school year, the number of students transferred pursuant to paragraph IIA herein and the schools to and from which they were transferred.

D. The defendants shall report to the Court by September 15, 1967, the number of students transferred pursuant to paragraph IIB herein and the schools to and from which they were transferred.

E. The defendants shall provide the Court, by the first day of the 1967-68 school year, a list of all inter-school activities in the Mobile County school system and the schools which participate in

them, together with a program for inter-school activities, including varsity athletic events, between all schools which participate in such activities, without regard to the racial composition or characteristics of such schools.