

All right, then. The bus seating: We sit on one side of our bus, and the whites sit on the other side. And we do this because the principal came on the bus one day and told us where we had to sit, and we are not allowed to sit on the other side.

The door on the bus has a hole in it, and the wind comes in, and quite naturally we wanted to sit on the side where the heater is, too, but we aren't allowed to sit on that side. We sit on the opposite side all the time.

In the class, we sit there because the teachers tell us to sit there.

We aren't allowed to participate in any activities. And the reason for that—they don't give us a reason for that.

And in the gym, we sit on one side of the gym, and they sit on the other side of the gym.

And we pass the students in the hall. They call us "niggers" and all kinds of things, names, throw paper on us, and we report this to the principal and the teacher, and they don't say anything.

And I say that a whole lot of students around there are tired of it, and a whole lot of our students have transferred back to the Negro schools. And we asked one—Miss Jennie Patricia asked to transfer some students over there. He said they couldn't take the school time to transfer students over there, but they would take time to transfer Negro students back to a Negro school. And the Negro students have Negro teachers and the others is all white teachers teaching Negro students.

Mr. MIZELL. Madam Chairman, we had planned to hear from Mrs. Mitchell, of Beaufort County, but the statement is similar, and I think we will go on to Mr. Aronson, and come back.

STATEMENT OF HENRY ARONSON, ATTORNEY, NAACP LEGAL DEFENSE AND EDUCATIONAL FUND

Mr. ARONSON. For 12 years, the law of the land regarding segregated schools has been unequivocal. They are illegal. Every school district which does that is acting in violation of the Constitution.

The fact is that southern school districts, with few exceptions, continue to be operated in whole or in part on a segregated basis.

Recognition of the fact that the Supreme Court decisions require action only of the party or named parties to the decision is basic to understanding the current segregated status of southern schools.

While the principle that segregated schools are unconstitutional, as enunciated in *Brown*, applies to 2,000-plus southern school districts, the decree requires desegregation only, and required desegregation only of five school districts, namely, those school districts that were parties to the *Brown* litigation.

The limited reach in terms of mandatory action of a court decree explains the essential failure of litigation as a technique to effect widespread desegregation.

Too few attorneys are available to conduct litigation against the hundreds of segregated school systems in existence at this time.

And in particular deference to Congresswoman Green—and I know your very real concern for local autonomy in local school districts doing their job—I think it is relevant to note that school districts have not been willing, anywhere in the Deep South, to voluntarily desegregate.