

NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.,
New York, N.Y., September 26, 1966.

HON. HAROLD HOWE II,
U.S. Commissioner of Education,
Department of Health, Education, and Welfare,
Washington, D.C.

DEAR MR. HOWE: The findings of your survey, Equality of Educational Opportunity, that American public education remains largely segregated and unequal, are very sobering. Increased cooperative efforts by educators, public officials and citizens to remedy this alarming situation are urgently needed. We have welcomed recent statements of your personal commitment to equal education and of your rejection of gradualism and trust that under your vigorous leadership evidences of progress will counteract the growing despair experienced by Negro parents across the nation.

Now that the third school year since the passage of the Civil Rights Act of 1964 is under way, this is an appropriate time for the Federal agency which has major responsibility to effectuate Title VI to evaluate the effectiveness of its efforts to secure nondiscrimination in public education. We understand that you are already discussing the compliance program for the 1967-68 school year. We commend your sense of urgency. However, we are deeply concerned that plans for the future should not be made until you have made an assessment of this past year's performance based on a thorough analysis of the data which school officials should be submitting to the Office of Education within 30 days after schools opened. We hope that you will share these data and your analysis of them with the civil rights organizations which have experience in school desegregation and that you will seek the insights and recommendations of private agencies.

The American Friends Service Committee and the NAACP Legal Defense and Educational Fund sponsored in 1966 our second School Desegregation Task Force. Beginning in March, about 40 workers, including full-time staff and part-time program associates, were involved in Task Force activities in nine Southern states in school districts which are desegregating under court orders as well as under HEW regulations. Our goal has been to achieve maximum desegregation through a program of education about the values of integration, information about required procedures, local leadership development and community action.

We should like to propose a meeting of some of our Task Force members with representatives of your staff once your data have been compiled. Our purpose in writing now is to raise some questions in anticipation of such a meeting.

In the 1966 Guidelines, HEW has stated unequivocally that compliance requires the elimination of the dual school structure. We believe that it is important to ask the right questions of your data, questions that will get to the heart of the matter: whether HEW's compliance program is eliminating the dual school structure as expeditiously as possible. The question is not whether more Negro pupils have registered to attend formerly all-white schools. The extent to which the racial identity of public schools is disappearing should be the measure and not just the recording of more tokenism. As the use of sanctions under Title VI is assessed, the question is not *how many* school districts have been cited for hearings, but whether the process is accomplishing its purpose, viz., the withdrawal of Federal support from segregation and the end of dual school systems. On the basis of our experience this year, we believe that the following questions must be answered as you evaluate the data from school officials, your records and the experiences of your staff and as you make plans for a realistic program operation for 1967. These questions all reflect our program experience which we would be glad to share with you.

1. *What has HEW done to interpret to the general public the mandate to abolish the dual school structure?* It has often seemed to us that HEW has turned over to the Southern press and the Southern school officials the job of defining and clarifying what nondiscrimination of education means. We have met white and Negro principals who have never seen the Guidelines. There is very little public understanding that the dual school system must be abolished. The prevailing view is that the legal requirement is satisfied by a process which ends the policy of segregation, admits a few Negro pupils to "white" schools but which leaves the Negro school intact as a segregated institution. We