

of the legality of the action, however, there is little evidence to suggest that withholding federal funds is an effective sanction to encourage abolition of the dual school system in most South Carolina school districts. An article in the September 27, 1966, issue of *The State* indicated that federal deferral of funds for new programs would affect only about nine of the state's 108 school districts because the State Department of Education worked hard to allocate funds before the deferral notices were issued. State Department of Education officials stated that they were "not working against Washington, but working for our own people" in seeking to see that the districts got their money before the deferral notices were published. Because of early planning and preparation the State Department of Education was able to approve ESEA Title I projects amounting to more than \$16 million out of a tentative allocation of \$22 million.

The Chairman of the Marlboro County Board of Education (which did not submit a 441-B) said, "We did not use federal money in our budget last year nor will we this year." He then pointed out that the district was carrying on the same programs now as when it had used federal funds. The superintendent of Marion #3 said, "We're not hurting . . . We can raise taxes, put on 10 mills, and make it up . . . We can curtail our operation a little bit and get along fine." It is true, however, that some districts have gone along with the guidelines because they feared losing their federal money. It seems that many school districts consider their relations with the federal government to be a game in which they see how little they can do under the guidelines and still receive federal funds. In those districts where federal funds are lost, there is little desire to move towards the abolition of the dual school system. The district may be brought into court but court decisions on school desegregation requirements in South Carolina are less stringent than the guidelines, and less apt to be updated and revised.

DESEGREGATION IN COURT ORDER DISTRICTS

South Carolina has six school districts which are operating under federal court order, and these cases were initiated by Negro parents. These court orders were first handed down in 1964 and the required administrative procedures to effect school desegregation were considerably more lenient than more recent court decisions and the 1966 guidelines. This summer the plaintiffs in these cases went back into court to get the decisions revised. The school districts involved were Greenville County, Orangeburg #5, Sumter #2, Clarendon #1, Charleston #20 and Darlington County. The cases were argued in federal court on June 27 but it was not until August 27 that a three judge federal court gave its decision that the 1964 orders would be revised. The school districts involved were required to present new plans for the court to approve. The effect of the litigation was that the requirements of the court would not be effectuated until the 1967-1968 school year. Because the Office of Education has no authority over court order school districts, any degree of school desegregation in the six districts for the 1966-1967 school year is acceptable, and the question of performance, which is the major criterion for compliance in those districts operating under the guidelines, is of little concern to those under court order. As long as a court order district in South Carolina complies with the requirements of the court, they can desegregate at a minimal rate. In court order school districts, the burden of desegregating the schools and abolishing the dual school system is totally in the hands of the Negro community unless the school officials feel a responsibility and commitment to assume this burden. The latter is not the case in South Carolina.

There are several South Carolina school districts which are operating under court orders, but who were taken into court by the U.S. Department of Justice rather than by private citizens. These cases involved Lexington #1, Calhoun #2, and Clarendon #2. As provided for in Title IV of the 1964 Civil Rights Act, Negro parents asked the Justice Department to file suit on their behalf since they were financially unable to initiate the litigation. In each of the cases, the federal judge required the districts to submit free choice plans to the court. The Office of Education also has no jurisdiction over these districts.

CONCLUSION

Based on our experience in the field of school desegregation, we feel that South Carolina's lack of progress in this area is attributable to the following factors: