

and *Rogers v. Paul*, 382 U.S. 198 (1965) (Ft. Smith, Ark.), both recent cases in which the lower courts had refused to permit inquiry into the question of teacher assignments by race, the Supreme Court ruled that Negro children have a right to bring before the court charges of discriminatory staff assignments. It remanded both cases to the trial courts for prompt evidentiary hearings on the issue of teacher segregation. In the *Richmond* case the Supreme Court declared:

There is no merit to the suggestion that the relation between faculty allocation on an alleged racial basis and the adequacy of desegregation plans is entirely speculative. (382 U.S. at page 105)

And in the *Fort Smith* case the Supreme Court declared:

Two theories would give students not yet in desegregated grades sufficient interest to challenge racial allocation of faculty: (1) that racial allocation of faculty denies them equality of educational opportunity without regard to segregation of pupils; and (2) that it renders inadequate an otherwise constitutional pupil desegregation plan soon to be applied to their grades. See *Bradley v. School Board*, *supra*. Petitioners plainly had standing to challenge racial allocation of faculty under the first theory and thus they were improperly denied a hearing on this issue. (382 U.S. at page 200)

The Courts of Appeals have also ruled on teacher desegregation.

In the *El Dorado* case, the Eighth Circuit declared:

The Court recognizes the validity of the plaintiffs' complaint regarding the Board's failure to integrate the teaching staff. Such discrimination is proscribed by Brown and also the Civil Rights Act of 1964 and the regulations promulgated thereunder. . . . The District Court retains jurisdiction of this matter and with its equity powers may issue any order or orders necessary to bring into being a reasonable nondiscriminatory policy of employment of teachers without regard to race. (352 F. 2d at pages 22-23)

Similarly in the *Jackson, Mississippi* case the Fifth circuit held that it was essential that the Jackson desegregation plan:

. . . provide an adequate start toward elimination of race as a basis for the employment and allocation of teachers, administrators, and other personnel. (335 F. 2d at 870)

The District Courts likewise have ruled on teacher desegregation. In *Carr v. Montgomery County Board of Education*, Civil Action No. 2072-N (M.D. Ala., March 22, 1966) the court directed the Montgomery County, Alabama school system to execute a desegregation plan in which the teacher desegregation provisions closely follow the 1966 guidelines in several respects. The school system was ordered to report to the Court by June 15 "the planned assignments of professional staff to each school for the next school year by race and grade, or when appropriate, by subject taught or position held . . ." The desegregation plan ordered by the Court further provided:

Race or color will henceforth not be a factor in the hiring, assignment, re-assignment, promotion, demotion, or dismissal of teachers and other professional staff, with the exception that assignments shall be made in order to eliminate the effects of past discrimination. Teachers, principals, and staff members will be assigned to schools so that the faculty and staff is not composed of members of one race.

In the recruitment and employment of teachers and other professional personnel, all applicants or other prospective employees will be informed that Montgomery County operates a racially integrated school system and that members of its staff are subject to assignment in the best interest of the system and without regard to the race or color of the particular employee.

The Superintendent of Schools and his staff will take affirmative steps to solicit and encourage teachers presently employed to accept transfers to schools in which the majority of the faculty members are of a race different from that of the teacher to be transferred . . .

Similar orders on faculty desegregation were issued in March 1966 in the *Mason and Bullock County, Alabama* school desegregation cases.

The fact that a district has a high proportion of Negroes has not deterred courts from ordering faculty desegregation. In January, 1966, the District Court issued its decision in *Wright v. County School Board of Greenville County, Virginia*, Civil Action No. 4263 (E.D. Va., Jan. 27, 1966). Greenville is a Southside, Virginia school district with 2700 Negro and 1800 white students. The district's desegregation plan had been accepted by the U.S. Commissioner of Education, but the court found that the plan's faculty desegregation provision was "too lim-