

## 1696 ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS

States District Court for the Eastern District of Virginia in refusing to approve a plan submitted by the School Board of Greenville County, Virginia, on the ground that the plan must, but failed, to include a provision for the employment and assignment of staff on a nonracial basis. *Wright v. County Board of Greenville County, Virginia*, 252 F. Supp. 378 (E.D. Va. 1966). In holding that a faculty desegregation provision approved by the Commissioner of Education was not sufficient, the court stated (at 384) :

The primary responsibility for the selection of means to achieve employment and assignment of staff on a nonracial basis rests with the school board. . . . Several principles must be observed by the board. Token assignments will not suffice. The elimination of a racial basis for the employment and assignment of staff must be achieved at the earliest practicable date. The plan must contain well defined procedures which will be put into effect on definite dates. The board will be allowed ninety days to submit amendments to its plan dealing with staff employment and assignment practices.

The United States District Court for the Western District of Virginia, in providing for similar relief in the case of *Brown v. County School Board of Frederick County*, 245 F. Supp. 549, 560 (1965), said :

[T]he presence of all Negro teachers in a school attended solely by Negro pupils in the past denotes that school a "colored school" just as certainly as if the words were printed across its entrance in six-inch letters.

See also *Kier v. County School Board of Augusta County*, 249 F. Supp. 239, 247 (W.D. Va. 1966).

The cases which I have reviewed establish, in my judgment, the constitutional duty of school authorities to disestablish imposed racial segregation of faculties and recognize that this obligation emanates from the principles enunciated in the *Brown* decision.

Sincerely,

RAMSEY CLARK,  
Deputy Attorney General.

[From the Atlanta Constitution, Mar. 10, 1967]

### SCHOOLS GET A YEAR'S GRACE

(By Eugene Patterson)

While remaining firm, the U.S. Office of Education is embarking on a more conciliatory approach to encourage desegregation of lagging Georgia schools. For one thing, letters to state departments of education are in the works, inviting the states to assume more responsibilities in effecting the guidelines. Federal funds will be offered to finance increased state activity.

Of more immediate significance, however, will be a notification that one Georgia county is about to get from Washington. This decision, which has already been made, will signal a major adjustment in fund cutoff policy by the Office of Education.

The Georgia county in question still has segregated schools. New federal funds have been withheld from it during the current school year, pending a permanent fund cutoff hearing scheduled to be held shortly. Many Georgia counties are in this shape, so they will be interested to know what is about to happen.

In return for a firm commitment volunteered by the county school system that it will undertake significant desegregation beginning next September, the Office of Education is postponing the fund cutoff hearing until next September, and is additionally releasing to the schools all of the federal funds that have been withheld from them this year.

In short, a school system that has been cited as not obeying the law up to now, but which decides to comply during the next school year, may retrieve the current year's funds it has lost and delay its fund cutoff hearing by simply spelling out its intentions for the future.

The intentions will have to be spelled out; the Office of Education is not accepting vague promises. The county whose funds are about to be restored laid down a detailed plan for student and faculty desegregation, affecting some 10 per cent of its Negro students.

But the significance of the new federal decision lies in its show of conciliation. Counties that have done nothing to comply with the guidelines heretofore are not to be consigned ruthlessly to the outer darkness; if they want to come back into