

## County Schools Fully Desegregated Fifty Years Ago

By Maury York

On Monday, August 5, 1968, Algernon Lee Butler, chief judge of the United States District Court for the Eastern District of North Carolina, a conservative jurist who had been appointed by President Dwight D. Eisenhower, ordered the complete desegregation of the public schools of Franklin County, North Carolina. Butler called for the implementation of a unitary, non-racial system effective at the beginning of the 1968-69 school year. Three days later, Clint Fuller, editor of *The Franklin Times* and vice chairman of the Franklin County Board of Education, penned an editorial entitled “A State of Shock.” Fuller concluded the editorial with this blunt statement: “It is the shame of our society that in an all-out effort at social reform, it is our children who must suffer.”

Some of Fuller’s readers may indeed have been shocked to learn that in a few weeks their children would attend fully integrated schools. Others, however, had been working for three years to achieve this result. Judge Butler, who initially supported the school board’s wishes to move slowly toward a unitary school system, had simply lost patience with county officials and forced the issue. It had been a long and convoluted process, punctuated with differences of opinion and many acts of intimidation against African Americans who wanted their children to attend better schools.

Although the United States Supreme Court had ruled in 1954 that public schools should be integrated, little progress was made until Congress passed the Civil Rights Act of 1964. This landmark legislation enabled the United States Attorney General to file lawsuits to force

integration of public schools. The act spurred the Franklin County Board of Education to begin the process of school integration.

After conferring with officials in the office of the U.S. Commissioner of Education in April 1965, the board and its attorney, Edward F. Yarborough, in May developed a plan for “freedom of choice” desegregation. Under this plan, four grades would be integrated in each of the coming three school years. The plan allowed lateral transfers from one school to another, to enable students to take classes not available at their current school, or when parents changed addresses. In September 1965, ten black students attended formerly white schools in Bunn and Louisburg. Requests by several black parents for lateral transfers were denied by the board of education.

Consequently, in December 1965, ten black families in Franklin County, represented by attorneys Conrad O. Pearson, Julius L. Chambers, Jack Greenberg, and Derrick A. Bell, Jr., brought suit in the Eastern District of the United States District Court. The plaintiffs in the case entitled *Coppedge v. Franklin County Board of Education* asked for the admission of their children to white schools and for the development of a unitary plan of assignment, without regard to race. Greenberg was the director-counsel of the NAACP’s Legal Defense Fund, and Chambers worked closely with the fund through his law office in Charlotte.

The U.S. Department of Justice soon joined the lawsuit. The department sought a preliminary injunction against the board of education, to prevent it from continuing to deny transfer requests. Judge Butler sided with the school board, saying that it had acted in good faith in developing its desegregation plan.

Subsequent events led Butler to change his view of the matter. *The Franklin Times* published the names of black families who wished to transfer their children to formerly white schools, and some of these families were subjected to serious intimidation, including gunshots and bombings. Attorneys for the plaintiffs made the point that such intimidation prevented the families from exercising free choice in where to send their children to school. Meanwhile, the Franklin County Board of Education continued to use various legal moves to delay full integration until 1971. On August 21, 1967, Judge Butler ruled that Franklin County must end its freedom of choice method of integration.

Some black families feared that integration would undermine the strong sense of community and support that had been hallmarks of their schools. They hired Linwood Peoples, an attorney in Henderson, to represent them, but their efforts ultimately proved fruitless.

Continued delaying tactics on the part of the board of education clearly frustrated Judge Butler, leading him to issue his ruling in August 1968 for full integration that year. Superintendent Warren Smith and school principals, including Thomas Riggan at Louisburg High School, scrambled to respond to the order. Attendance was good on September 9, 1968, the first day of school. Although FBI agents were on hand to monitor the situation—a fact that infuriated Senator Sam Ervin and Congressman L. H. Fountain—the process took place with no serious incidents. The Coppedge ruling served as a precedent in other cases in North Carolina and elsewhere in the South that ended the freedom of choice method of school integration.

Two recent developments underscore the significance of these momentous events. The Franklin County Schools have remained under court-ordered desegregation until the present day, even as many school systems in the South have become segregated once again. Currently, U.S.

District Judge Louise Flanagan is considering whether to change the court order and has asked that the public be allowed to express their views. Also this year, the Tar River Center for History and Culture at Louisburg College completed its robust Web site, “An Oral History of School Desegregation in Franklin County, North Carolina.” The site contains the transcripts and audio excerpts of eleven interviews with students, teachers, a school board attorney, and a principal who lived through the process of integration. Also included are links to a chronology of events, a book chapter written by one of the attorneys for the U.S. government, and recently digitized issues of *The Franklin Times* for the period 1963-1969. The URL for the Web site is <http://www.louisburg.edu/tarrivercenter/oralHistoryProject.html>. Attorneys for the U. S. Department of Justice used the site as they conducted research pertaining to Judge Flanagan’s consideration of the court order.