

NORTH CAROLINA PUBLIC SCHOOL COMPULSORY
ATTENDANCE LAWS AS RELATED TO
INCIDENTS IN HYDE COUNTY DURING 1968-1969

A Field Study
Presented to
The Faculty of the School of Education
East Carolina University

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by
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D.L.W.

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INTRODUCTION

At the turn of the decade American education can reflect on many innovations and numerous conflicts. A number of changes have taken place in school curricula, such as nongraded instruction, team teaching, and modern mathematics. School construction has undergone extensive innovations as exemplified by modular construction, collapsible walls, and inner courts. The past decade has also reflected a closer look at the education of the retarded child, as well as the gifted. The need for vocational training was also realized, and bricklaying, auto mechanics, and carpentry became commonplace within the school curriculum. Computerized instruction has also appeared on the educational scene, aiding in the need for more individualized instruction. Educational media has become synonymous with good classroom instruction. Federal legislation and programs have provided many new educational opportunities for the people, with direct aid to low income areas and programs of adult education. The last ten years have certainly yielded many important changes in education.

The last decade has also been a time of unusual conflicts and disorders, which often have been readily evident in some area of education. The Viet Nam War has produced its home battlefields between the hawks and doves, and many of these battlefields are college campuses. The conflict has not only been a battle of words, but open conflict between various opinionated groups. The names of men such as Timothy Leary and Dr. Benjamin Spock have become synonymous with open opposition to the governmental stand on the war in Viet Nam. Education has also become the battleground for the struggle for equal opportunity for all men.

Racial issues have been discussed openly with few satisfying answers and many riots and civil disturbances being the results. Individuals are exploiting the "free society" of America by protesting whenever things do not go their way and covering for thievery by creating riots in the streets. Strikes, boycotts, and civil disturbances are evidenced in every city and state of this nation. The end result lies in the hope for tomorrow and a new and better day.

The big question in the minds of educators is whether our educational systems will perish or survive. The idea of obtaining a good education and working one's way up in society has become secondary to many individuals. They live in a world dominated by the thoughts and trends advocated by men like Marshall McLuhan, but they use tactics that remind one of Hitler and his crushing maneuvers. Once the message is conveyed that brain will prevail over brawn, education can again hope to survive.

Since the Supreme Court decision of May, 1954, in which it was clearly stated that "separate but equal facilities are unconstitutional," the educational institutions have suffered. More than a decade later the Congress of the United States passed the Civil Rights Act of 1965, which made the concept of equal opportunity for all men the law of the land. The most immediate impact was seen in the public schools. For many years the schools had operated with separate, but equal facilities for white and Negro children. This concept was no longer acceptable, and integration became a household word, both praised and cursed. The process of integration was gradual, with many school districts achieving only token integration by the turn of the decade. Many old schools were abandoned

and new ones constructed. Team teaching became very prominent in many parts of the country as districts were forced to integrate their staffs, as well as the pupil population. The transition that was taking place did not occur without its problems. The Ku Klux Klan was revived in some areas of the Deep South to allow some white Southerners to voice their violent opposition to integration. The National Association for the Advancement of Colored People (N.A.A.C.P.), the Southern Christian Leadership Conference (S.C.L.C.), and Black Power groups became a source of power and security for the Negro population. Such names as Robert Jones, Martin Luther King, and Ralph David Abernathy were voiced by the citizenry whenever the topic of integration was discussed.

North Carolina, as well as many other Southern states, moved slowly but steadily toward the integration of its schools. In some areas the transition was easily made with few problems, but in some of the Eastern counties, where the population percentages favored the Negro race, problems did occur. When the Negroes felt that they were not being treated fairly in the integration process, they retaliated with riots, demonstrations, and school boycotts. This study takes a look at one of these Eastern counties, their efforts toward integration, the boycott that ensued, and activities relating to an anxious year. The whole concept of school boycotts and militancy among students will be considered briefly to establish the trend that set the stage for the school boycott in Hyde County. North Carolina's school laws dealing with compulsory attendance will be studied in their relationship to the incidents in Hyde County.

The objective of this study is to establish the fact that the Negro children and parents in Hyde County violated the school compulsory

attendance laws of North Carolina. The study will further show that the parents were not indicted at any time in accordance with the state laws and that the laws were not enforced. The roles of the local school officials and the state school officials in the boycott will be discussed in terms of their involvement and actions. In many instances where facts were unavailable, the author has relied on opinions expressed by those who were in contact with the existing situation.

CHAPTER I

TODAY'S SCHOOLS AND THEIR PROBLEMS

The schools of today are existing in a fluctuating society, and school administrators feel the many pressures that prevail as a result of the desire for change. The main goal of the schools of America is to educate the young--"to change them from illiterate to literate, from the economically dependent to ones capable of entry into a labor market, and, even more broadly, to socialize them into the various civic roles of modern man."¹ The changes that the schools are undergoing are mainly a result of pressures from external forces which are capable of generating a tremendous amount of influence within the school districts.²

The past decade has truly been a period of great change and a time when the persuasive power and relevance of the established authorities are constantly being challenged. The young people or the student population are questioning whether anyone over thirty can be trusted.³ The supreme authority in the United States has ruled that segregation is unconstitutional with the strict adherence to this decision resulting in a mass undermining of the local authorities. Authority can only prevail where it is practiced with success.

¹Albert J. Reiss, Jr., Schools in a Changing Society (New York: The Free Press, 1965), pp. 1-2.

²Ibid., p. 2.

³Roger Shinn, "Human Responsibility in the Emerging Society," Prospective Changes in Society by 1980, Edgar L. Morphet and Charles O. Ryan, editors (New York: Citation Press, 1967), p. 246.

The problems that exist in education today cannot all be directed toward the students. There is also a new breed of teachers, not a quiet intellectual group, but a noisy militant group. There are reasons for this new militancy among teachers; when they are studied, the plight of the teachers is more easily understood. Teachers are angry with the economic injustices that prevail and with the lack of economic support that the schools receive. Working conditions and the changing role of the teaching profession are among other reasons for teacher militancy. Today's teachers are younger, with more men in their ranks, and they possess a higher level of preparation. Another factor related to this new teacher militancy is the desire of the teachers to be more than mere "stuffed-shirt" instructors, but to be real innovators in a world of change.⁴

Amidst all this change stands the student--often the source of change, the reason for change, and the changer himself. He may be the hippie, the "cool" type, the leader of a cult, the intellectual brain, or the rare "all-American" boy. The schools he attends are giving him an opportunity to learn, or, as often expressed by the students, "they learn in spite of poor teaching." In too many cases the schools are not furnishing sufficient guidance for students and are often guilty of trying to influence students to just accept things as they are. It is the contention of many educators that real growth in young people is only possible as a result of conflicts and struggles. Students should be given an

⁴T. M. Stinnett, Turmoil in Teaching (New York: The Macmillan Company, 1968), pp. 34-6.

opportunity to evaluate all phases of life, but well within the defined limits of the law of the family and the recognized written law of the land.⁵

As a result of the conditions under which they must live and attempt to obtain an education, the students in deprived areas are usually more militant in their demands but with a large following of young people from the affluent society. It is in these deprived areas that the highest concentration of ethnic minority groups are to be found, along with high crime rates, mortality rates, and the rate of drug addiction. The schools are not only expected to give the student in these areas the full opportunity to develop the innate potential that he possesses, but also to provide the type of instruction to make him a productive member of the society to which he shall fall heir.⁶ It is a recognizable fact that the American Negro has been victimized throughout this country's history, and that a real task faces each school as it attempts to place him into society. It is also inevitable that the Negro students will face many problems that will not be encountered by white students.⁷ They must, however, learn to accept change gradually and realize that they cannot step beyond the bounds of locally initiated laws regarding civil behavior.

⁵Harold Full, Controversy in American Education (New York: The Macmillan Company, 1967), p. 174.

⁶John H. Fischer, "Educational Problems of Segregation and Integration," Education in Depressed Areas, A. Harry Passow, editor (New York: Teachers College Press, 1963), p. 290.

⁷Ibid., p. 291.

In efforts to support their demands for far-reaching changes in the educational processes, thousands of students boycotted the Los Angeles schools in the Spring of 1968. This was the first such incident in the 113-year history of the city school district; moreover, it typified the feelings of the American students regarding change and the educational process. Five Mexican-American high schools, one Negro high school, and two Negro junior high schools were involved in the boycott that erupted into flares of violence, such as small fires and clashes with the police. The resulting experience proved to be an example of learning from which teachers and administrators could benefit everywhere. It was very evident that one effect of the boycott was that the time lost from classes was gone forever, never to be regained. Jack Crowther, city schools superintendent, felt that this was the most harmful effect of the entire boycott.⁸

The reaction of the teachers to the Board of Education of Los Angeles and its liberal action directed toward the dissenting students resulted in a noteworthy statement signed by one hundred one teachers, which read in part:

The board's lack of firm action, its display of divided authority, and its nonsupport of local administrators and teachers in their efforts to uphold the provisions of the Education Code and the Administrative Guide of the State of California have made teaching virtually impossible.

Because of the board's vacillation, teacher morale is depressed, student attitude is confused, and administrative authority is undermined.⁹

⁸Johns H. Harrington, "L. A.'s Student Blowout," Phi Delta Kappan, L(October, 1968), 75-6.

⁹Ibid., p. 77.

The incidents in Los Angeles that resulted in the student boycott and its many aftereffects exemplified the need for better communications between schools and their communities, the need for more financial aid to schools, and greater understanding of the needs of the minorities. The result was the creation of committees to study the Los Angeles school programs, emphasis being aimed at considering students' demands and eliminating tense situations before they arise.

School boycotts and student dissent are problems which nearly every school administrator must face at some time, and he should prepare himself to be capable of handling the situation when it does occur. Some school boards have established policies for dealing with student dissent, such as the policies established in the Evanston, Illinois, schools. The board argues that the policy is acceptable because it applies to administrators as well as students. In Evanston School District 202 the school board has instigated the following policy: "students...may express opinions and ideas, take stands and support policies, publicly and privately, orally and in writing. Such actions, shall be...protected activities. There may be no interference with these protected activities solely because the viewpoint expressed may be unpopular."¹⁰

Superintendent Scott D. Thompson of Evanston states that the established policy recognizes the rights of students to express their personal feelings and, at the same time, establishes a position of freedom and order. Certain means of student expression are clearly defined as unacceptable, such as the use of obscenities, engagement of disruptive activities, making

¹⁰"One School Board's Policy on Student Dissent," School Management (August, 1969), 43.

untrue statements about certain organizations and individuals, and the advocacy of activities that are in direct violation of the law or school regulations. The principal objective of the policy is to give the school board a position from which to work when students' demands are being studied, and at the same time to guard the authority of the school officials.¹¹

This policy has been effective because it also imposes limits on the school administration. One bulletin board in each school is designated to be solely used by students, and notices may be posted on the board without prior approval of the administration if the notices are signed by the posting students. The administration of the school has reserved the right, though, to remove unacceptable notices, but they are expected to cite the reasons for the removal. The students may appeal this decision all the way to the school board. The policy also allows students to wear badges, buttons, armbands, and to carry placards on school property.¹²

Underground newspapers, leaflets, and handbills may also be distributed as outlined in the board's policy. On the other hand, the administration of the school reserved the right to limit any activities that violated school regulations, such as excessive noise, disrupting traffic flow, or interference with classes. Administrators are also obligated by this policy to act within five days on any student petitions. The policy is still quite new, but student reaction has been favorable, reports Superintendent Thompson.¹³

¹¹Ibid.

¹²Ibid.

¹³Ibid., p. 44.

The Evanston policy has been effective because the students have been given opportunities "to do their own thing." Discipline still prevailed when students were guilty of violating the policy, and punishments ranged from oral warnings to suspension and expulsion. First offenders were usually given oral warnings, but if written warnings were necessary, copies were sent to the parents. However, the main strength of this policy, as stated by Superintendent Thompson, is that it protects the board members and the student body.¹⁴

The Evanston policy may appear to be too liberal to some educators, but they honestly feel that this is the best way to eliminate school problems and control student dissent. Superintendent Thompson feels that by allowing students to have a greater role in the educational process, his school system will not be plagued by boycotts, sit-ins, and strikes.

Students have learned that the quickest way for them to get publicity for their grievances and demands is to stay out of school. The boycott creates many problems and schoolmen who have been victims of boycotts have learned many ways in which the students should be handled. In Paterson, New Jersey, Negro students staged a boycott of the schools in which seven hundred students did not attend classes for two days. They demanded new athletic uniforms and abandonment of the "track" system. The boycott took the form of marching demonstrations and sit-ins. The school principal Jacob Weber established

¹⁴Ibid.

contact immediately with the dissident students and depended on face-to-face confrontations. Community leaders, such as black ministers, priests and rabbis, and parents were called in to help relieve the tense situation. To eliminate the situation, it was necessary to call in the police to calm the violent demonstrators, with the school board giving in on some of the student demands, such as hanging pictures of black heroes on the school corridor walls. A black assistant principal was hired, which was one of the student demands, and a study commission established to revise the "track" system. Principal Weber pointed to the ideas of calling adult leaders the key to the elimination of a tense situation in Paterson.¹⁵

The schools of Malverne, New York, were also plagued by boycotts during the 1968-1969 school year as a result of the school board's refusal to rule on a list of student demands. The disruption which ensued included a well-organized sit-in by four hundred black students that lasted for four days. The student demands centered on curriculum changes, more black personnel, and student voices in board activities. The sit-in was staged in the school, but policemen were not called in until the demonstrators refused to leave at the end of the day. The next school day saw the occurrence of more incidents by the demonstrators. They entered the school and began setting up "freedom classes." Superintendent James S. Carnrite warned the students that if they did not leave they would be suspended and arrested. All but one hundred thirty-seven students left the school,

¹⁵"What Schoolmen Have Learned About Handling the School Boycott," School Management (June, 1969), 50-1.

and those who remained were promptly arrested. The protestors finally abandoned the boycott and resumed classes in spite of the fact that they had been unsuccessful in getting the board to act on their demands. Later, however, the board finally relinquished on some of the student demands, such as a black history course, more black personnel, and substitution of the word "black" for the word "Negro."¹⁶

An analysis of the boycotts in Malverne and Paterson revealed six important lessons for school administrators. The first lesson is that when a boycott occurs, one must be ready to wait it out. In the cases involving Malverne and Paterson, patience won out over direct confrontations with the protestors. The second lesson is that calling in the police is not an indication that the school administrators have lost control of the situation. Moreover, students always know that their demands will be publicized, so administrators have learned that it is always wise to level with the news media. Another important point is that school boards should never establish positions that are so rigid, with no flexibility allowed. Malverne and Paterson school administrators, in addition, involved the community leaders as a means of settling problems. The last lesson to be learned from these two incidents is that discipline should be maintained. In both cases boycott participants were penalized for "playing hookey."¹⁷

It becomes very evident as one listens to the news media and reads current publications concerning school problems that nearly

¹⁶Ibid., pp. 51-2.

¹⁷Ibid., pp. 54-5.

every incident is related in one way or another to school attendance. Even teacher negotiations often are disrupted by strikes, protests, and walk-outs. As a result, the students have learned to use these techniques to gain recognition of their demands. Strikes, boycotts, and violence have become synonymous with conflicts between school administration and the pupil population.

CHAPTER II

NORTH CAROLINA'S SCHOOL LAWS RELATING TO ATTENDANCE

Early education in America emphasized the salvation of the soul, and home instruction was centered on the Bible. The schools gradually evolved from the dame schools, the Latin Grammar schools, and the academies to the present established educational institutions. Government influence in education was evident as early as 1787 with the Ordinance of 1787 establishing certain plots of land to be used for the construction of schools. The Kalamazoo Case in 1874 was an early indication of the forthcoming role of the Supreme Court in education in which the court ruled that the state had a legal right to collect taxes for the support of high schools.¹ Most of the early schools were established for the education of the elite, with public education for everyone and attendance laws being introduced subsequently in the history of American education.

The establishment of compulsory attendance laws in the United States met with much resistance before the turn of the twentieth century. The first compulsory attendance law was passed in Massachusetts in 1852, and the last of the states to establish attendance laws was Mississippi in 1918.² Even though Massachusetts established a compulsory attendance law as early as 1852, it was an

¹H. G. Good, A History of American Education(New York: The Macmillan Company, 1964), p. 251.

²Charles K. Waltz, "Compulsory Attendance at School," Law and Contemporary Problems: School Pupils and the Law, Robert Kramer, editor (Durham, North Carolina: Duke University Press, 1955), p. 4.

extremely weak law and was not enforced until the turn of the century. It is interesting to note that the last twelve states to pass compulsory attendance laws were all Southern states. North Carolina passed its initial compulsory attendance law in 1907, which was lacking in effectiveness and was poorly enforced. Later laws relating to attendance and revisions of earlier laws increased the number of years required for attendance, increased the number of days per year required for attendance, and drastically reduced the number of exemptions.³

The pattern that later attendance laws were to follow was set by the Massachusetts law in 1852. It very clearly specified the exemptions that would be allowed, the penalties that would be levied against violators of the law, and the limits as to age. The law required that all children, with few exceptions, between the ages of eight and fourteen years of age attend school for a period of twelve weeks in one year and required that six weeks of attendance be continuous. The remaining six weeks could be made up at anytime, usually by dropping in and out of school. Children who were exempted from attendance were the poor, the unhealthy, and those receiving their education elsewhere. Very few parents were ever convicted of failing to send their children to school, because the exemptions had many interpretations, yet those who were convicted were forced to pay fines.⁴

³Good, A History of American Education, pp. 375-6.

⁴Ibid., pp. 376-7.

The trend for compulsory attendance laws was set by Massachusetts in 1852, but the practical application of the laws was negligible. This early law and most of the other laws passed before 1900 were plagued by a lack of proper enforcement. Even after the law in Massachusetts was passed, the secretary of the state board of education favored Horace Mann's suggestion to exclude all pupils who were irregular in their school attendance, which is really advocating a form of "compulsory absence."⁵

In 1873 the Massachusetts legislature passed its third compulsory attendance law in twenty-one years, and it proved to be more successful than any of its predecessors. Under the new law the local school committees or boards were assigned the responsibility of the enforcement of the law. John D. Philbrick, superintendent of the Boston schools, pointed out that the major fallacy with the new law was that a new instrument was needed for determining the student population. He suggested that a census be conducted so that the local boards could know which students should be in school. The census was instituted as a means of determining the student population and the number of students by districts, and it provided a basis for the distribution of state fiscal aid. To necessitate universal schools, to predict school building needs, and to predict future staff needs, three-fourths of the states by 1945 had begun to use the census.⁶

⁵Ibid.

⁶Ibid., pp. 377-8.

"One of the most important natural duties of a parent is the education of his child. Free schooling granted by state is not so much a right granted to the pupils as it is a duty imposed on them for the public good."⁷ However, opposition to compulsory attendance was to be found in every state. The compulsory attendance laws were being constantly challenged. When the laws were challenged in court, the opposition usually lost. Evidence of this fact is recorded in the case of the State versus Bailey in Indiana which was decided in 1901. The court ruled that "one of the most natural duties of the parent is his obligation to educate his child and this duty he owes not only to the child but to the commonwealth."⁸ The decision further rendered that "if he neglects to perform it or willfully refuses to do so, he may be coerced by law to execute such civil obligation."⁹

Several causes related to the weaknesses of the compulsory attendance laws, such as lack of enforcement written into the laws, the desire of employers to reap the profits of cheap child labor, and the reluctance of state governments to interfere in matters of the home. Most states that adopted attendance laws followed the pattern set by the Massachusetts law, but because of lack of enforcement, some of the laws elapsed and some were even repealed.

⁷Robert L. Drury and Kenneth C. Ray, Principles of School Law with Cases (New York: Appleton-Century-Crofts, 1965), p. 41.

⁸Hester Turner, "Compulsory Attendance," Law and the School Superintendent, Robert L. Drury, editor (Cincinnati: The W. H. Anderson Company, 1958), p. 215.

⁹Ibid.

The second law relating to compulsory attendance was passed in 1864 for the District of Columbia, but it could not be enforced because Washington did not have enough physical structures to house all of the students living in the school district. Several of the laws were ineffective because the legislatures failed to include procedures for the prosecution of the offenders of the law, such as the law passed by the Ohio legislature.¹⁰

The lack of cooperation of the people in understanding the concept that the state should be allowed to interfere with the authority of parents on the matter of compulsory school attendance was the reason so many of the laws were weak and ineffective. The people also feared the hand of the government in their domestic affairs. Proponents of the attendance laws argued that "public education is in the public interest."¹¹ The schools had already by this time established a position of loco parentis and were responsible for activities of the children. Those who favored compulsory attendance laws argued that rearing children in ignorance should be treated as a crime. B. G. Northrup, secretary of the Connecticut Board of Education, stated in 1872 that there was "a law against cruelty to animals, and parents should have even less liberty to mistreat children than animals."¹²

Attendance laws soon began to show evidence of improvement around 1900, with court decisions upholding the rights of states to

¹⁰Good, A History of American Education, p. 378.

¹¹Ibid.

¹²Ibid.

pass and enforce such laws. A case challenging the attendance law of 1877 in Ohio ruled that parents do not have sole authority over their children. The court ruled that the welfare of minor children is valuable and that whenever necessary the state should interfere with the rights of parents when it is in the best interest for the child. This case set a precedent for establishing the constitutionality of the state passed compulsory attendance laws.¹³

The limitations pertaining to age in the compulsory attendance laws have been extended by the state legislatures, with most states requiring attendance to age sixteen and some even to age eighteen. These limits will allow students to be exposed to the basic tools of knowledge surpassing the bounds of a mere elementary education. The age requirements have met with some opposition, especially among small rural sects, such as the Amish sect which believe that their children should not be required to attend high school at all. Because of their strong faith some ministers and parents in Ohio and Pennsylvania have gone to prison. The Catholics and other religious groups have resented the court decisions permitting states to interfere in the education of a child. A large number of parochial and private schools have been established, and enrollment consists of about ten per cent of the total student population. The Supreme Court ruled in the 1925 Oregon Case of Pierce versus Society of Sisters that attendance in state schools could not be required of all children, thus upholding

¹³Ibid., pp. 378-9.

the legal right of parochial and private schools to educate some of the children.¹⁴

Another argument against compulsory attendance laws is that related to economic factors. A child's help may be needed in some cases for the support of the family. As a result, some states have exempted boys aged thirteen if they were needed to help support a widowed mother. The final decision on such matters lies with the state legislatures and the interpretation of the laws by the courts.¹⁵

As dictated by the state legislatures and court decisions, such as the Supreme Court decision in Texas in 1954 in the Cotterly versus Muirhead case, it is the legal duty of the parent or whoever is in loco parentis to see that the child attends school.¹⁶ Questions about attendance always arise when parents discuss school problems. Most parents do not understand the law, and most expect attendance to be first of all convenient to the parent. Some parents become upset if their children are a few days too young to start school, and others are disturbed when their children are just old enough to attend school. Others are concerned about the age when their children can legally quit school and go to work to supplement the family income. Most parents consider that teachers and administrators are prying into matters of no concern to them when they visit the homes to check on attendance of their children in school.¹⁷

¹⁴Ibid.

¹⁵Ibid., p. 380.

¹⁶Turner, Law and the School Superintendent, p. 216.

¹⁷Warren E. Ganerke, What Educators Should Know About School Law (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1968), pp. 45-7.

North Carolina passed its first compulsory attendance law in 1907,¹⁸ which was weak and ineffective in the beginning, but grew stronger with each succeeding legislative year. It was not until 1913 that the first statewide compulsory attendance law was enacted and applied to all children between eight and twelve years of age for the length of the school term. The age limit was increased to fourteen in 1917, and the minimum age was lowered to seven in 1921. The upper age limit was set at fifteen in 1945 and raised to the present level of sixteen in 1946.¹⁹ The original attendance law in North Carolina stated that children with sufficient mental and physical ability between the ages of six and eighteen years of age would be required to attend public schools for a term of not less than sixteen months, unless educated by some other means. This law was first challenged in the case of the State of North Carolina versus Wolf, and, consequently, the law was upheld.²⁰

Chapter 115, Section 166 of Public School Laws of North Carolina deals directly with the question of parental responsibility for school attendance. The law set the age requirements at seven for initial enrollment, and attendance was required until age sixteen; it also required children to attend while school was in session, whether that was seven or nine months. In September, 1956, the

¹⁸Good, A History of American Education, p. 376.

¹⁹State Superintendent of Public Instruction, Pupil Accounting and School Attendance (Raleigh, North Carolina: State Department of Public Instruction, 1963), p. 3.

²⁰Public School Laws of North Carolina, Issued by Thad Eure, Secretary of State (Charlottesville, Virginia: The Middle Company, 1967), p. 107.

people of North Carolina ratified an amendment to the state constitution known as the Pearsall Plan which in essence stated that children could not be required to attend school, if they were assigned to a school attended by members of another race, against the wishes of their parents.

The Pearsall Plan resulted from the Pearsall Committee chaired by Thomas J. Pearsall of Rocky Mount, North Carolina. This committee was appointed by Governor Luther Hodges in response to recent Supreme Court decisions regarding segregation in public schools. This committee which was composed of seven members is not to be confused with the nineteen member committee appointed by Governor William B. Umstead and continued by Hodges.²¹ Governor Hodges believed strongly in the concept of "freedom of choice" and opposed any intimidation to do otherwise.²² The Pearsall Plan also included financial aid to students who desired to attend segregated, private, non-sectarian schools in case the public schools were closed or integrated.²³

A three-judge federal court order in 1966 declared the Pearsall plan null and void, and some people contended that this action in like manner declared the compulsory attendance law null and void.

²¹James W. Patton (ed.), Messages, Addresses, and Public Papers of Luther Hartwell Hodges (Raleigh, North Carolina: Council of State), I, p. 85.

²²Luther H. Hodges, Businessman in the Statehouse (Chapel Hill, North Carolina: University of North Carolina Press, 1962), pp. 80-7.

²³Patrick E. McCauley, "Be It Enacted," With All Deliberate Speed, Don Shoemaker, editor (New York: Harper and Brothers, 1957), p. 132.

The decision that rendered the Pearsall Plan null and void was the result of a ruling in the Charlotte Division of the United States District Court for the Western District of North Carolina in the case of Reginald A. Hawkins, Jr., versus The North Carolina State Board of Education. The modified decision declared portions of the North Carolina Constitution and North Carolina Statutes referred to as the Pearsall Plan unconstitutional and null and void, without changing any other portions of Chapter 115, Section 166.²⁴ Many North Carolina educators became concerned that the compulsory attendance law in its entirety was no longer valid. Dr. Robert E. Phay, Director of the Institute of Government at the University of North Carolina and an authority on North Carolina school law, stated that the compulsory attendance law was indeed valid; and his opinion can best be explained by the following letter written to Mr. R. Alton Gray, Superintendent of the Harnett County Schools, dated October 29, 1968.

Dear Alton:

Subject: Compulsory Attendance Law -- G. S. 115-166.

Last Thursday at the School Boards Association Delegate Assembly, you asked if the compulsory attendance law, as set forth in G. S. 115-166, was still the law in North Carolina and can you, therefore, prosecute under it. The answer is yes.

Some confusion has developed as to whether this statute is still valid because of the decision in Hawkins v. N. C. State Board of Education, (W. D. N. C. 1966), as reported in II Race Rel. 745. The case, as reported, declared G. S. 115-166 to be unconstitutional. This statement was modified by the District Court two weeks later on April 18, 1966, so that only the proviso added to G. S. 115-166 by the Pearsall Plan in 1956 was stricken as uncpnstitutional. You will see from the enclosed order of the

²⁴Correspondence from Dr. Robert E. Phay, January 7, 1970.

U. S. District Court for the Western District of North Carolina that the court invalidated only "the proviso contained in the first paragraph of 115-166 of the North Carolina Statute...." Thus the compulsory attendance law as set forth in G. S. 115-166, without the first proviso, is the law in North Carolina. See also the enclosed Attorney General opinion dated on October 8, 1966.

I think I should also note that you and your school board are required to enforce the compulsory attendance laws as set forth in the rules and regulations of the State Board of Education. If you do not, G. S. 115-167 provides that you are guilty of a misdemeanor. I have enclosed for your information the 1968 school attendance publication of the State Department of Public Instruction. It contains the rules and regulations of the State Board with respect to school attendance.

If I can be of further assistance, please call me.

Sincerely yours,

Robert E. Phay²⁵

Robert B. Morgan elected attorney general of North Carolina in 1968 stated his public concern about this matter. Again in April of 1969, he stated that he planned to ask the General Assembly to clarify the legality of the state's compulsory attendance law.²⁶ Andrew A. Vanore, Jr., assistant attorney general for civil rights affairs under Morgan, did not share this concern.²⁷ Robert A. Nelson, administrative assistant of the Burke County Public Schools and a long-time student of North Carolina law, also expressed his opinion that the court order voiding the Pearsall Plan had no effect on the

²⁵Ibid.

²⁶"Attendance Laws Legality in Doubt," The News and Observer (Raleigh, North Carolina), April 9, 1969, p. 1.

²⁷Correspondence from Andrew A. Vanore, Jr., December 10, 1969.

compulsory attendance law.²⁸ Because of the public concern over the compulsory attendance law, the 1969 General Assembly rewrote chapter 115, section 166 of the General Statutes and the point of the legality of the compulsory attendance law is now a moot question.

The heart of the compulsory attendance law is contained in section 166 of chapter 115 of the General Statutes of North Carolina and reads as follows:

Parent or guardian required to keep child in school; exceptions. -- Every parent, guardian or other person in this State having charge or control of a child between the ages of seven and sixteen years shall cause such child to attend school continuously for a period equal to the time which the public school to which the child is assigned shall be in session.

The principal, superintendent, or teacher who is in charge of such school shall have the right to excuse a child temporarily from attendance on account of sickness or other unavoidable cause which does not constitute unlawful absence as defined by the State Board of Education. The term "school" as used herein is defined to embrace all public schools and such nonpublic schools as have teachers and curricula that are approved by the county or city superintendent of schools or the State Board of Education.

All nonpublic schools receiving and instructing children of a compulsory school age shall be required to keep such records of attendance and render such reports of the attendance of such children and maintain such minimum curriculum standards as are required of public schools; and attendance upon such schools, if the school refuses or neglects to keep such records or to render such reports, shall not be accepted in lieu of attendance upon the public school of the district to which the child shall be assigned: Provided, that instruction in a nonpublic school shall not be regarded as meeting the requirements of the law unless the courses of instruction run concurrently with the term of the public school in the district and extend for at least as long a term. Provided, further that any child which is afflicted by mental, emotional, or physical incapacities so as to make it unlikely that such child could substantially profit by instruction given in the public schools, he or she

²⁸Correspondence from Robert A. Nelson, December 15, 1969.

need not be presented for enrollment upon presentation to the superintendent of city or county schools of evidence that medical, social, psychological and education evaluation has been made showing that such child could not substantially profit by instruction in the public schools.²⁹

As a result of the revision of section 166 of chapter 115 of the General Statutes of North Carolina, the possibility that the repeal of the Pearsall Plan voided the compulsory attendance law became a moot question. The attendance law as it is now written clearly outlines the rules and regulations which must be adhered to in sending children to schools. The duty and responsibility for devising the rules and regulations regarding attendance is in the hands of the State Board of Education of North Carolina as stated in section 167 of chapter 115 of the General Statutes.³⁰

The law regarding attendance seems concise and with few possible interpretations, but it has been challenged many times in the courts of law. In the case of the State versus Miday in 1965 the court rendered the following decision in reference to compulsory school attendance: A father who had tried everything within his power to keep his child in school, except to forfeit what he believed to be his right to object to certain vaccinations on religious grounds, could not be convicted for failure to send his child to school.³¹

²⁹State Superintendent of Public Instruction, North Carolina Public School Laws (Raleigh, North Carolina: State Department of Public Instruction, 1969), p. 16.

³⁰Public School Laws of North Carolina, p. 109.

³¹Editorial Staff of Publisher, North Carolina and South Eastern Digest (St. Paul, Minnesota: West Publishing Company, 1968), XXX, Supplement, p. 11.

In 1927 in the case of the State versus Lewis, the court ruled that failure to send children between the ages of seven and fourteen to school was not a crime.³²

Prior to the 1969 session of the North Carolina General Assembly, any parent or guardian or person standing in loco parentis and who violated the compulsory attendance law was declared guilty of a misdemeanor and would be liable to a fine of not less than five dollars (\$5.00) and not more than twenty-five (\$25.00). If the person was unable to pay the fine, he would be sentenced to not more than thirty days in prison.³³ The 1969 General Assembly rewrote this section of the General Statutes, and it now states that "any parent, guardian or other person violating the provisions of this Article shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than thirty days, or both, in the discretion of the court."³⁴

There are additional sections of the General Statutes that either deal directly or indirectly with the question of compulsory school attendance. The law is very clear and concise regarding which children are not entitled to attend public schools, what the reasons are concerning such children, and the procedures that should be followed to avoid violating the law. The 1969 General

³²Ibid., p. 174.

³³Public School Laws of North Carolina, p. 109.

³⁴State Superintendent of Public Instruction, North Carolina Public School Laws, p. 17.

Assembly rewrote section 165 of chapter 115 of the General Statutes and it reads as follows:

Children not entitled to attend public schools. A child so severely afflicted by mental, emotional, or physical incapacities as to make it unlikely for such child to substantially profit by instruction given in the public schools shall not be permitted to attend the public schools of the State. When such child is presented for enrollment in a public school, it shall be the duty of the county or city superintendent of schools to have made the appropriate medical, social, psychological and educational examination of the child to determine whether the child can profit from attending the public schools. When appropriate the school superintendent also may consult with the local health director and county director of public welfare. Upon receipt of a report indicating that the child cannot substantially profit from instruction given in the public school, the county or city superintendent of schools is authorized to exclude the child from the public schools.

If the child is excluded from the public schools, the parents, person standing in loco parentis, or guardian of the child may appeal the superintendent's decision to the city or county board of education as the case may be. Such board of education may uphold the superintendent's decision to exclude the child or it may reverse the decision and order the child's enrollment. If it deems necessary, the board of education may require additional examination of the child. In the event the board upholds the superintendent's decision to exclude the child, the action of the board of education shall be the final administrative determination. The parent or guardian, however, shall have the right to appeal the school board's decision to the court under Article 33 of chapter 143 of the North Carolina General Statutes. In all such cases in which a child is excluded from a public school, a complete record of the transaction shall be available to the parent, person standing in loco parentis, or guardian at their request.³⁵

Several violations of the compulsory attendance laws of North Carolina have occurred as a result of pupil assignment plans which have been enacted to comply with federal directives from the Department of Health, Education, and Welfare. The authority for the

³⁵Ibid., pp. 15-6.

assignment of pupils is the responsibility of the local board of education, and the courts will uphold the local assignment practices unless the procedures used are discriminatory based on color, race, or religion.³⁶ The assignment practice became a very volatile issue in the late 1960's as a result of increased demands for an end to segregation.

In North Carolina the local boards of education have the power of assignment vested in them by section 176 of chapter 115 of the General Statutes. The section reads:

Each county and city board of education is hereby authorized and directed to provide for the assignment to a public school of each child residing within the administrative unit who is qualified under the laws of this State for admission to a public school. Except as otherwise provided in this article, the authority of each board of education in the matter of assignment of children to the public schools shall be full and complete, and its decision as to the assignment of any child to any school shall be final.... No child shall be enrolled in or permitted to attend any public school other than the public school to which the child has been assigned by the appropriate board of education. In exercising the authority conferred by this section, each county and city board of education shall make assignments of pupils to public schools so as to provide for the orderly and efficient administration of the public schools, and provide for the effective instruction, health, safety, and general welfare of the pupils. Each board of education may adopt such reasonable rules and regulations as in the opinion of the board are necessary in the administration of this article.³⁷

The courts have declared this article facially constitutional, but when it is used to further discrimination against Negro pupils, this application is regarded as unconstitutional. The assignment procedure outlined in this section cannot be used to screen and

³⁶Drury and Ray, Principles of School Law with Cases, p. 41.

³⁷Public School Laws of North Carolina, p. 112.

deny white pupils who are similarly situated. The clarification of this section resulted from the Felder versus Harnett County Board of Education case in 1965.³⁸

The length of the school day, school month, and school term are also set by the local boards of education within the limits prescribed by section 36 of chapter 115 of the General Statutes. Regarding the length of the school day, the minimum time that a teacher may be employed in the schoolroom or supervising playground activities is six hours. The only exceptions to this regulation governs the hours of attendance for handicapped children and children in the first and second grades.³⁹ A school month was set at twenty days with no school on Saturdays and holidays, except under emergency conditions. The school term was set for one hundred eighty days to be uniform throughout the state.⁴⁰

The aforementioned laws deal directly with school attendance and its enforcement. The school boycotts and disruptions that occurred in North Carolina during the 1968-1969 school year, toward which this report is directed, raised the need for the explanation of additional laws dealing with student discipline and teachers' rights. The interpretations of these laws are necessary for a thorough understanding of the school boycotts which were evident

³⁸Ibid.

³⁹State Superintendent of Public Instruction, North Carolina Public School Laws, p. 8.

⁴⁰Public School Laws of North Carolina, p. 36.

in many North Carolina school units at the close of the decade ending in 1969.

Section 163 of chapter 115 of the General Statutes of North Carolina cites the law by which children of school age should have the advantage of obtaining an education. Specifically, the law states:

All pupils residing in a school district or attendance area, and who have not been removed from school for cause, shall be entitled to all the privileges and advantages of the public schools of such district or attendance area in such school buildings to which they are assigned by county and city boards of education: Provided, that wherever pupils from nontax units, districts, or attendance areas, are assigned to a school in a tax unit, district, or attendance area, the assignment shall be for only the current school year, unless satisfactory agreements are reached between all units, districts, or attendance areas concerned: Provided, further, that pupils residing in one administrative unit may be assigned either with or without the payment of tuition to a school located in another administrative unit upon such terms and conditions as may be agreed in writing between the boards of education of the administrative units involved and entered upon the official records of such boards: Provided, further, that the assignment of pupils living in one administrative unit or district to a school located in another administrative unit or district, either with or without the payment of tuition, shall have no effect upon the right of the administrative unit or district to which said pupils are assigned to levy and collect any supplemental tax heretofore or hereafter voted in such administrative unit or district: Provided, further, the boards of education of adjacent administrative units may operate school in adjacent units upon written agreements between the respective boards of education and approval by the county commissioners and the State Board of Education.

Unless otherwise assigned by the county or city board of education, the following pupils are entitled to attend the schools in the district or attendance areas in which they reside:

- (1) All pupils of the district or attendance area who have not completed the prescribed course for graduation in the high school.
- (2) All pupils whose parents have recently moved into the unit, district, or attendance area for the purpose of making their legal residence in the same.

- (3) Any pupil or pupils living with either father, mother or guardian who has made his or her permanent home within the district.⁴¹

This law clearly set forth the right of every child to attend the school in his district and the manner in which across-district-line enrollment should be handled.

Poor school attendance has been a problem of grave concern for all school administrative units. To combat this problem, the General Assembly made provisions for the use of attendance counselors. Section 168 of chapter 115 of the General Statutes provides that the State Department of Public Instruction will be responsible for preparing the rules and regulations for teachers and other school officials to follow in reporting lack of attendance or unlawful absence to the attendance counselor. The rules state that the parents, guardians, or persons standing in loco parentis are to be notified in writing that their child's nonattendance is being referred to the attendance counselor. The counselors are allowed within the law to bring indigent cases of attendance before the proper authorities for prosecution.⁴² Section 170 of chapter 115 of the General Statutes states the law regarding investigation and prosecution of violators of the attendance as follows:

The school attendance counselor shall investigate all violators of the provisions of this article. The reports of unlawful absence required to be made by teachers and principals to the attendance counselor shall, in his hands, in case of any prosecution,

⁴¹Ibid., pp.106-7.

⁴²Ibid., p. 109.

constitute prima facie evidence of the violation of this article and the burden of proof shall be upon the defendant to show the lawful attendance of the child or children upon an authorized school.⁴³

The proper enforcement of the compulsory attendance law is the responsibility of nearly every person involved in the education of children. The teacher is a key figure in the enforcement of attendance, and it is his duty to inform the pupils and their parents of the importance of regular school attendance and to keep records of attendance as to excused and unexcused absences. The teacher can inform her students of the importance and value of school attendance by classroom activities, by assembly programs, by printed materials, by informative programs at parent-teacher meetings, by visits and talks with parents, and by the development of good sentiment within the community regarding attendance.⁴⁴

The point of student conduct and the penalties of suspension and dismissal are also closely related to regular school attendance and school boycotts. The duties of teachers and principals as outlined in section 146 of chapter 115 of the General Statutes includes the use of reasonable force in exercising their lawful authority. The law states that

it shall be the duty of all teachers, including student teachers when given authority over some part of the school program by the principal or supervising teacher, to maintain good order and discipline in their respective schools.⁴⁵

⁴³Ibid., pp. 109-10.

⁴⁴State Superintendent of Public Instruction, Pupil Accounting and School Attendance, p. 17.

⁴⁵_____, North Carolina Public School Laws, p. 14.

This section also states that the teachers in cooperation with the principal shall investigate the nonattendance of pupils and report all violators of the compulsory attendance law to the attendance counselor.⁴⁶

Section 147 of chapter 115 of the General Statutes of North Carolina gives the power of suspension and dismissal of students to the principal. The student who faces the penalty of suspension or dismissal is usually referred to the principal by his teacher. The principal investigates the situation and determines if the student has "wilfully and persistently violates (sic) the rules of the school"⁴⁷ or has been a menace to the school. If the principal decides to suspend or dismiss the student, he is expected to report his action immediately to the superintendent and the attendance counselor. The attendance counselor will work with the student and his parents to provide for his return to school on good behavior, and, if this fails, he may bring the student before the juvenile court.⁴⁸ The action taken by the principal is also substantiated in section 150 of chapter 115 of the General Statutes where "the principal shall have authority to grade and classify pupils and exercise discipline over the pupils of the school."⁴⁹

⁴⁶Ibid.

⁴⁷Public School Laws of North Carolina, p. 97.

⁴⁸State Superintendent of Public Instruction, Pupil Accounting and School Attendance, p. 16.

⁴⁹Public School Laws of North Carolina, p. 98.

Many times when boycotts occur, it is not unusual to find sympathetic faculty members who will also participate in the disruption in one manner or another. It is necessary to take a brief look at the power of the superintendent and the board of education in controlling the conduct of the professional personnel. As outlined in section 67 of chapter 115 of the General Statutes, the superintendent has the power to suspend principals and teachers. The law is very carefully written and limited to few interpretations, and it states as follows:

County and city superintendents shall have authority to suspend any principal or teacher who shall fail, or who may be incompetent, to give instruction in accordance with the directions of the superintendent, or who shall wilfully refuse to cooperate in teachers' meetings: Provided, that any principal or teacher who may be suspended by the superintendent, shall have the right to appeal first to the board of education and then, if not satisfied, to the courts.⁵⁰

Further explanation of the power to remove teachers and principals is found in section 145 of chapter 115 of the General Statutes. This section gives boards of education, with superintendent approval, the power to "dismiss a teacher or principal for immoral or disreputable conduct or for failure to comply with the provisions of the contract."⁵¹ The causes of incompetency and lack of cooperation are restated in this section as grounds for dismissal of professional personnel.⁵²

⁵⁰Ibid., p. 46.

⁵¹Ibid., p. 96.

⁵²Ibid.

Boycotts of public schools are usually related in some way to integration and black militancy. When integration is discussed along with compulsory school attendance, the topic of private schools and home instruction usually arises. On July 3, 1969, the Attorney General of North Carolina issued the following ruling with regard to private schools and home instruction. It is regarded as a fact that the State can require under General Statute 115-166 that all children of the proper age attend some school. However, parents do have the right to educate their children in schools other than publicly supported schools, provided certain minimum educational requirements are met. The vital question considered by the Attorney General in his ruling was what constitutes a private school. There are very few cases that make reference to private schools, thus creating some problems as to their definition. Neither the Supreme Court of North Carolina nor the North Carolina Court of Appeals has ruled on this issue. In other states and cases involving the issue of private schools, the idea of instruction in the home by a qualified parent or some other person has been repeatedly rejected. The lack of governmental supervision and the lack of formal organization have been the main causes for rejection of home instruction. In State versus Counart in Washington the Court rejected home instruction as meeting the requirements of a private school, even though the teacher was competent and qualified. The rejection of home instruction because of the difficulty in supervising a private tutor in the home was the basis of the decision against home instruction rendered in the case of State versus Hoyt in New York. Even though the courts of North

Carolina have not ruled on this issue, the Attorney General believes that scheduled home instruction cannot supplant instruction and would not comply as a private school as defined in the compulsory attendance law.⁵³

The laws regarding compulsory attendance in North Carolina are many and varied, and have been subjected to a myriad of interpretations. The facts of school attendance, its age and physical limitations, parental responsibility, and penalties for failure to comply are quite evident in the North Carolina public school laws. It is then a generally accepted consensus that

the primary purpose of a compulsory attendance statute is to secure the attendance in school of all children of the prescribed ages, that all children shall be educated, but not that they shall be educated in any particular manner or place.⁵⁴

⁵³Kay W. Bullock (ed.), "Attorney General Rules," North Carolina Public Schools, XXXIV (October, 1969), 16.

⁵⁴Francis J. Ludes and Harold J. Gilbert, Corpus Juris Secundum (Brooklyn, New York: The American Law Book Company, 1952), p. 389.

CHAPTER III

SCHOOL BOYCOTT IN HYDE COUNTY

School boycotts have produced the most flagrant violations of the compulsory attendance laws during recent years. The most extreme example of the violation of these laws in North Carolina was the incident which occurred in Hyde County during the 1968-1969 school year. The school boycott which occurred was probably the most complete and the most mishandled incident of this type ever to occur in this state.

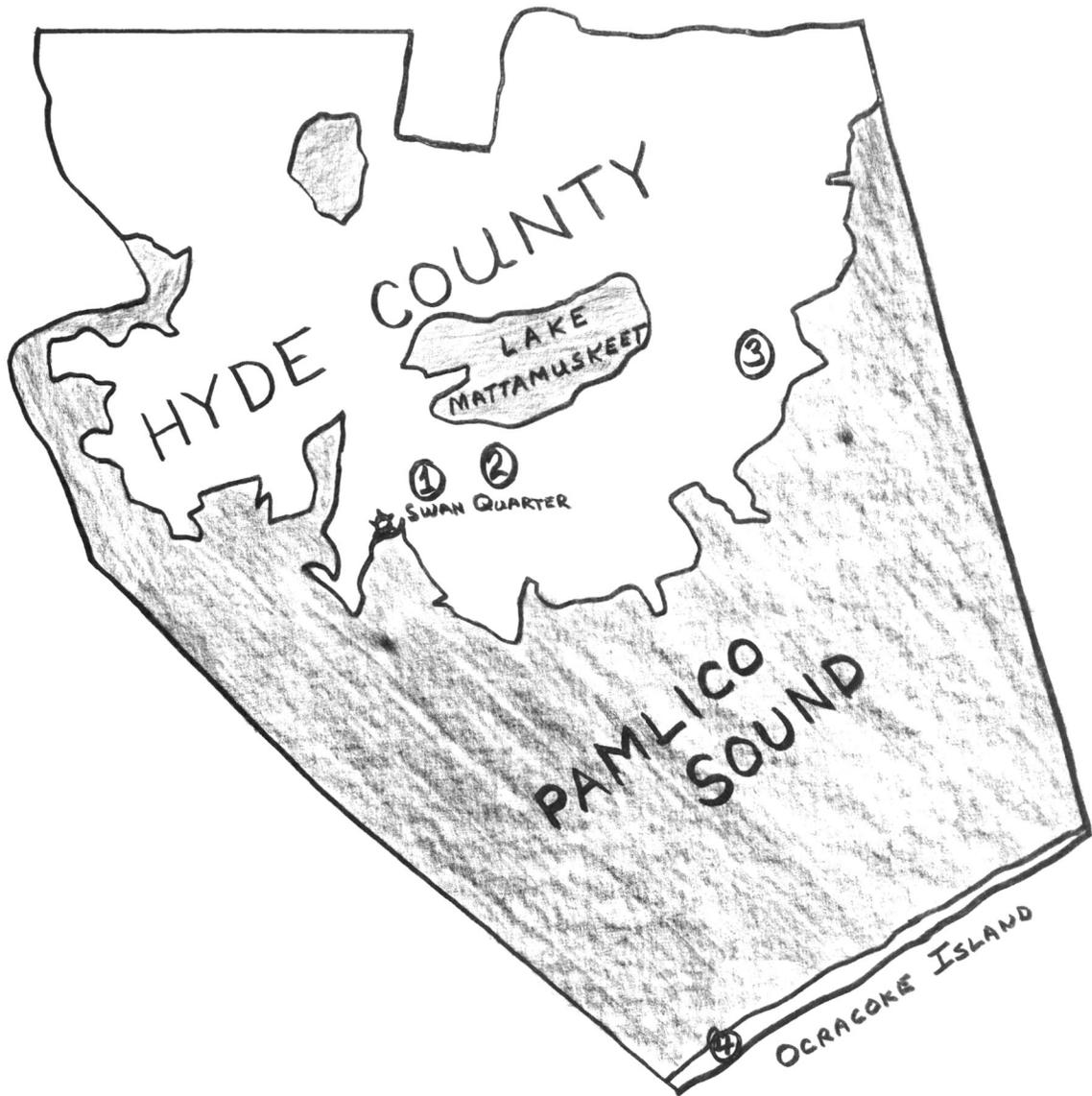
To understand fully the situation that occurred in Hyde County, a brief description of the county and its educational systems will be presented. Hyde is a coastal North Carolina county located in the northeastern corner of the state (See Figure 1). Nearly one-half of the total area of the county is water, with the majority of the water area making the Pamlico Sound. The total area of the county is 634 square miles with a total population of 5,456 people. The county is entirely rural with the small village of Swanquarter serving as the county seat.¹ The people engage primarily in farming activities, with most of them doing simple day-to-day farm labor.

A survey in 1966 showed that Hyde County held the unenviable position as the county in North Carolina with lowest per capita income, which was \$1143.00.² Forty-two per cent of the population

¹Luman H. Long (ed.), 1968 Centennial Edition The World Almanac (New York: Doubleday and Company, Inc., 1968), p. 311.

²Statistical Services, A Ranking of School Administrative Units, July, 1968 (Raleigh, North Carolina: State Department of Public Instruction, 1968), p. 110.

FIGURE 1. LOCATION OF HYDE COUNTY SCHOOLS



1. O. A. PEAY SCHOOL

2. MATTAMUSKEET SCHOOL

3. DAVIS SCHOOL

4. OCRACOKE SCHOOL

in 1960 was classified as non-white, and from 1950 to 1960 the total population decreased eleven per cent.³ There are only twenty-two per cent of the people employed in the so-called white-collar jobs, and more than fifty per cent of the working force worked less than forty weeks during 1962. The median years of school for adults 25 or older was 7.9 in 1960, and the drop-out rate in 1960 was over thirty per cent for students between the ages of sixteen and seventeen.⁴ The following chart gives some interesting and pertinent information regarding Hyde County's 1968 graduates as compared to State Averages.⁵

1968 GRADUATES	HYDE COUNTY	STATE
Number of Graduates	95	
Enrolled in Senior Colleges	18.9%	27.8%
Enrolled in Junior Colleges	5.3%	10.6%
Enrolled in Trade or Business Schools	32.6%	15.7%
Enlisted in Military Service	5.3%	4.6%
Employed	26.3%	29.4%
Other	11.6%	11.9%

³Michael P. Brooks, The Dimensions of Poverty in North Carolina (Durham, North Carolina: The North Carolina Fund, 1964), pp. 56-64.

⁴Ibid., pp. 12-28.

⁵State Superintendent of Public Instruction, Follow-Up Survey of North Carolina High School Graduates - 1968 (Raleigh, North Carolina: State Department of Public Instruction, 1968), p. 8.

The average daily attendance in the schools in Hyde County for the 1967-1968 school year was 1396 pupils. The total professional staff of the Hyde County school unit was sixty-four in that same year. The per pupil expenditure was \$480.40, which is above average for the state.⁶ Hyde County ranks number one in only one educational area, and that is in library books per pupil, which total more than sixteen per child.⁷

Of the total pupil population of approximately fourteen hundred, it is interesting to note that more than eight hundred fifty are Negro pupils. It is even more interesting to discover that during the 1967-1968 school year only three Negro pupils attended predominantly white schools, thus giving the county the lowest percentage of integration in the State (.4%).⁸ Here is the very first evidence of the cause of the school boycott, because the next school year, some of the Negro pupils were asked to abandon their own schools to attend the all-white schools.

Administratively, the Hyde County schools are operated by a board of education, composed of five members, that acts through their elected representative, the superintendent. The superintendent had under his jurisdiction four schools and a total of fifty-nine teachers during the 1968-1969 school year. Davis School at Engelhard had

⁶ _____, N. C. Biennial Report (Raleigh, North Carolina: State Department of Public Instruction, 1968), pp. 25-8.

⁷ Statistical Services, A Ranking of School Administrative Units, July, 1968, p. 53.

⁸ Ibid., p. 80.

seventeen teachers, Mattamuskeet School at Swanquarter had twenty teachers, O. A. Peay School at Swanquarter had seventeen teachers, and Ocracoke School at Ocracoke Island had five teachers. All schools were union schools consisting of grades one through twelve, with none of the schools being accredited.⁹

As the 1968-1969 school year approached, there were indications that in other areas of North Carolina, schools were going to be boycotted in opposition to recently developed integration plans. For instance, a boycott was reported on the first day of school in Martin County. The boycott resulted from a well-organized campaign of Negro parents, pretending to be school officials, phoning other Negro parents and telling them that no school would be held that day. Martin County had approximately thirty-two hundred white students and four thousand Negro students, of which one-third boycotted schools the first day. Golden Frinks, field director of the Southern Christian Leadership Council (S. C. L. C.) and an avid Negro integrationist in North Carolina, stated that the boycott was a protest against a lack of total integration in Martin County, specifically the lack of white students assigned to Negro schools.¹⁰ The following day the attendance showed some increase, and the boycott began to lose its effect. Superintendent Eugene Rogers of

⁹State Superintendent of Public Instruction, North Carolina Educational Directory (Raleigh, North Carolina: State Department of Public Instruction, 1969), p. 75.

¹⁰Roy Hardee, "False Phone Calls Reduce Martin County Attendance," The News and Observer (Raleigh, North Carolina), August 28, 1968, p. 3.

Martin County stated that the boycott was a result of the Negro parents being poorly informed.¹¹ By the end of the week the boycott had ended, and Golden Frinks appeared to be satisfied with the results.¹²

To cite a further example, in Franklin County the school board agreed to comply with a court order to integrate their schools immediately. On Wednesday, August 29, 1968, a group of two thousand white citizens attended a meeting and voted to keep their children out of school. State Superintendent of Public Instruction Charles F. Carroll stated that the parents would subject themselves to action under the Compulsory Attendance Law if they kept their children out of school.¹³ The parents, referring to themselves as the Citizens Committee to Preserve Public Schools in Franklin, continued with their plan to keep their children out of school in adverse response to Judge Algernon Butler's order to desegregate. The parents wanted to return to the freedom of choice plan, which had failed to integrate the schools sufficiently in the past. Several members of the committee went to Raleigh and met with State Superintendent Carroll, who was kind and responsive, but reminded the parents that the real threat of the boycott

¹¹ _____, "Some Negro Pupils Remain Out of Martin Classrooms," The News and Observer (Raleigh, North Carolina), August 29, 1968, p. 3.

¹² _____, "Boycott is Ended in Martin," The News and Observer (Raleigh, North Carolina), August 31, 1968, p. 1.

¹³ Jim Smith, "Franklin Schools Comply; Citizens Group to Defy," The News and Observer (Raleigh, North Carolina), August 29, 1968, p. 3.

was toward the children.¹⁴ When the Franklin County schools opened on Friday, September 7, 1968, the students registered at their respective schools with no trouble, the effects of the boycott being practically nil.¹⁵ The next week the citizens group acknowledged the failure of the boycott.¹⁶

On Tuesday, September 4, 1968, the schools of Hyde County opened their doors for the new school year. It was very evident that a boycott was in effect on the first day, even though no attendance figures were released. Superintendent Allen D. Bucklew and members of the Hyde County Board of Education did not admit to a boycott, but Bucklew did say that even though all teachers were present, more than an average absentee rate was reported. Golden Frinks of the Southern Christian Leadership Council stated that a boycott had been carefully organized and that it was ninety per cent effective. He said that the Negroes in Hyde County wanted white students to be assigned to predominantly Negro schools and a voice in the planning of school programs. With regard to faculty integration, Fred Simons of the O. A. Peay School, a predominantly Negro school, said that one fulltime and three part-time white teachers were working in the Negro schools.¹⁷

¹⁴ _____, "Franklin Citizens Stick to School Boycott Plans," The News and Observer (Raleigh, North Carolina), September 5, 1968, p. 3.

¹⁵ _____, "Franklin Pupils Register Quietly," The News and Observer (Raleigh, North Carolina), September 5, 1968, p. 3.

¹⁶ "Franklin Schools Boycott Failing," The News and Observer (Raleigh, North Carolina), September 12, 1968, p. 10.

¹⁷Roy Hardee, "School Boycotts Reported," The News and Observer (Raleigh, North Carolina), September 4, 1968, p. 1.

The boycott of the Hyde County schools continued during the week and intensified by the end of the week. Lake Mattamuskeet School with an anticipated enrollment of seven hundred pupils reported that only twenty-five of the scheduled two hundred fifty Negro pupils had enrolled. Similar conditions were reported in other schools in the county.¹⁸

During the weekend following the first week of school, one thousand Negroes staged a protest march in Swanquarter. Golden Frinks, leader of the protest, stated that the protest would continue until the grievances of the Negroes were met. He stated that the protest was in contradiction to the lack of white students who were assigned to Negro schools and the assignment practices that were followed in appointing Negro pupils to white schools. He went on to say that Negroes transferred to white schools were put in "puppy boxes" (mobile classrooms), which, he said, were being occupied by Negroes only.¹⁹

The boycott continued and was strengthened by a group of protestors at the Hyde County Courthouse in Swanquarter. They demonstrated in front of and inside the courthouse, and some even staged a sit-in at the superintendent's office. On Thursday, September 20, 1968, the State Highway Patrol was called to remove the demonstrators, and students were ejected from the superintendent's office when he became ill. Golden Frinks reported that the Negro parents believed that their schools were better than the white schools and that, if total integration could not

¹⁸"School Troubles Mounting," The News and Observer (Raleigh, North Carolina), September 6, 1968, p. 3.

¹⁹"Negroes Demonstrate in Hyde," The News and Observer (Raleigh, North Carolina), September 16, 1968, p. 6.

be achieved, then they wanted their children admitted to the all-Negro schools of Davis and O. A. Peay. A few of the Negro students who had been transferred from these two schools marched back to the schools and asked to be admitted. They were refused at O. A. Peay and were admitted temporarily at Davis.²⁰ The situation at the courthouse subsided by the end of the week, but there were only twenty-five new students in school.²¹

After almost three weeks of school in Hyde County with the boycott still continuing, Golden Frinks, leader and chief agitator, seemed to channel his thinking in other directions. Turning his attention briefly away from the local board of education, he lashed out at the Department of Health, Education, and Welfare (H. E. W.). Frinks was quoted by the news media as saying to H. E. W. to "get the devil out of Hyde and let local residents develop their own school plans."²² During a rally attended by fifteen hundred Negroes, Frinks stated that integration was not being done properly on the cabinet level. James Barrow, special area coordinator of the S. C. L. C., who had recently joined Frinks to aid him in his disruptive efforts in Hyde County, agreed with Frinks that the present H. E. W.-devised integration plan would close two relatively new Negro schools.

²⁰"Patrol Sprays Hyde Negroes," The News and Observer (Raleigh, North Carolina), September 20, 1968, p. 3.

²¹Roy Hardee, "Calm Prevails in Hyde," The News and Observer (Raleigh, North Carolina), September 21, 1968, p. 3.

²²"Frinks Asks H. E. W. Exit From Hyde," The News and Observer (Raleigh, North Carolina), September 23, 1968, p. 3.

Frinks continued by stating that the Negroes wanted to maintain Davis and O. A. Peay schools on a segregated basis so that the white man would recognize and respect the black man. This statement seemed to be a direct contradiction to Frinks' statements only a couple of weeks before. Nevertheless, Frinks concluded his talk at the rally by saying that the boycott would continue.²³

Again on Thursday, September 26, 1968, a band of Negroes, sixty to ninety children, marched one and one-half miles from a Negro church to demonstrate in front of the courthouse. As they reached the courthouse steps, they were halted by the State Highway Patrol and threatened with arrest. The boycott which had started nearly one month before was now regarded as being eighty per cent effective.²⁴ During the last weekend in September three hundred ninety Negroes, seventy-five adults and a number of children, again marched on the Hyde County Courthouse in protest of the policies of the local board of education, H. E. W., the election board, and the welfare department. Frinks reportedly said at the meeting that "it is time the Hyde County school board took a stand and the hell with H. E. W."²⁵

It is interesting to note at this point, which was one month after school had started, that very little had happened in easing the tense situation. The Compulsory Attendance Law had not been invoked, and no

²³Ibid.

²⁴Roy Hardee, "Negroes Are Halted at Hyde Courthouse," The News and Observer (Raleigh, North Carolina), September 27, 1968, p. 3.

²⁵_____, "390 March in Hyde County," The News and Observer (Raleigh, North Carolina), September 30, 1968, p. 3.

parents had been charged for failure to send their children to school. The local board of education and its administrative staff seemed to have taken a "wait and see" attitude, with little regard for the education of the pupils. There was no indication of any concrete assistance from the State Department of Public Instruction, which seemed to be more concerned over the forthcoming election in which a new state superintendent would be chosen. Many of the classrooms in the Hyde County schools were practically void of students, and teachers were receiving full salaries for their appearances each day.

During the first week of November, 1968, the protest shifted momentarily. The Welfare Department of Hyde County announced that a portion of the welfare checks would be withheld from the parents participating in the boycott of the schools. The Welfare Department was merely exercising its right to withhold the portions of the checks that were for aid to children enrolled in school. Led by Johnny Johnson, another leader of S. C. L. C. in Hyde County, a protest march was held at the welfare office.²⁶ The State Highway Patrol had to resort to tear gas to once again control the protestors.²⁷

On Monday, November 11, 1968, Principal Fred Simons reported that the O. A. Peay School had been vandalized. He stated that approximately forty Negro youths came to the school and overthrew desks, cabinets, and books. The apparent reason for the incident was a slight increase in

²⁶"Crusaders Vow New Welfare Drive," The Charlotte (North Carolina) Observer, November 11, 1968, p. 1.

²⁷Roy Hardee, "Incident Quelled in Hyde," The News and Observer (Raleigh, North Carolina), November 12, 1968, p. 1.

attendance at the school, which numbered fifty-five students out of a total of three hundred twenty-five.²⁸

The protests and demonstrations continued to be staged in the little village of Swanquarter on Tuesday, November 12, 1968. As a result, fifty-two Negro teenagers were arrested for blocking traffic and resisting arrest. The news media, especially the publicity afforded by television, also seemed to contribute to the violent actions of the students. The protests were in resistance to the proposed integration plan to close the two Negro schools and efforts by the Welfare Department to withhold welfare checks.²⁹ On the same day, Dr. Reginald Hawkins, unsuccessful Negro candidate for governor, met with Golden Frinks, leader of S. C. L. C. in Hyde County, and they disagreed as to the tactics being implemented in the boycott. At this point in the school year, only one hundred twenty-five of the eight hundred fifty Negro students were attending school.³⁰

During the time when trouble seemed to be reaching alarming proportions, Governor Dan K. Moore was in Rio de Janiero, and newly-elected Governor Robert Scott was out of the state.³¹ Finally, on Thursday, November 14, 1968, Governor Dan K. Moore sent Charles Dunn, a representative of the governor's office and the North Carolina Good Neighbor Council, to

²⁸ Ibid.

²⁹ "More Protesting Negroes Arrested," The Charlotte (North Carolina) Observer, November 13, 1968, p. 1.

³⁰ Roy Hardee, "Youths Arrested in Swan Quarter," The News and Observer (Raleigh, North Carolina), November 13, 1968, p. 1.

³¹ Russell Clay, "Moore's Aides Keep Eye on Swan Quarter," The News and Observer (Raleigh, North Carolina), November 13, 1968, p. 3.

Hyde County. His objective was to try to get the Negro students to return to school and work for the release of those imprisoned. At this point in the boycott arrests numbered up to ninety-six, and some bonds were as high as three hundred dollars.³² After two days in Hyde County, Charles Dunn left after achieving no apparent success.³³

The desegregation plan for Hyde County which was approved by H. E. W. called for the closing of the two Negro schools and sending all the students in that area to the Mattamuskeet School. Even though some federal officials had stated that they were going to keep their "hands-off" in Hyde, a suggestion that the schools be paired came down from H. E. W. office. This plan was rejected by the Hyde County Board of Education, and the boycott resumed.³⁴

In mid-November two more S. C. L. C. representatives from Atlanta, Georgia, visited in Hyde County. Willie Bolden and Joe Hammond, the two representatives, stated that they had planned to bring down Ralph D. Abernathy, head of the National Association for the Advancement of Colored People (N. A. A. C. P.). The plan would be to get more students jailed, thus promoting increased sentiment for their cause.³⁵ At the same time as the visit of these two representatives of S. C. L. C.,

³²"Negroes Dribble Way Into Jail," The Charlotte (North Carolina) Observer, November 15, 1968, p. 1.

³³Roy Hardee, "Swan Quarter March Quiet," The News and Observer (Raleigh, North Carolina), November 17, 1968, p. 13.

³⁴Roy Parker, Jr., "Hyde Rejects Pair Plan," The News and Observer (Raleigh, North Carolina), November 15, 1968, p. 1.

³⁵Roy Hardee, "Talks, More Arrests Mark Hyde's Dispute," The News and Observer (Raleigh, North Carolina), November 16, 1968, p. 1.

J. Robert Jones, Grand Dragon of the North Carolina Ku Klux Klan, went to Hyde County and observed the Negro marchers briefly. Fortunately, the visit was without incident; however, the boycott still prevailed.³⁶

On Friday, November 22, 1968, ten Negro youths were arrested for staging a "read-in," reading a textbook in the streets of Swan Quarter.³⁷ The next day it was learned that Ralph D. Abernathy would pay a visit to Hyde County the following Thursday, November 27, 1968. The leaders of the boycott said that a mass "jail-in" was being planned for Abernathy's visit. With regard to school attendance, the boycott was still effective with only one hundred fifty of the eight hundred Negro students attending school.³⁸ On that aforementioned Tuesday, November 26, 1968, Ralph D. Abernathy did arrive in Hyde and spoke before a crowd of Negro protestors; he said that the demonstrations would continue until the Negroes of Hyde County got what they were entitled to get.³⁹ The following day Abernathy was reported ill and made plans for his departure to Atlanta, Georgia. The only result from the visit of Abernathy was the development of a rift between him and Golden Frinks as to the tactics to follow in Hyde County. Abernathy wanted to let things "cool off" and the students return to school, but Frinks wanted the incident to be as big as the demonstrations in Birmingham, Alabama.

³⁶ _____, "Hyde Negroes March Despite Visit of Klan Grand Dragon," The News and Observer (Raleigh, North Carolina), November 19, 1968, p. 1.

³⁷ "10 Youths Arrested in Hyde," The News and Observer (Raleigh, North Carolina), November 23, 1968, p. 3.

³⁸ Roy Hardee, "Hyde Jail-In Planned," The News and Observer (Raleigh, North Carolina), November 25, 1968, p. 8.

³⁹ "Abernathy to Intensify Hyde Drive," The News and Observer (Raleigh, North Carolina), November 27, 1968, p. 1.

It appeared that Frinks was going to get his wish⁴⁰ when by the first of December, 1968, the demonstrations began to intensify. On Sunday, December 1, 1968, a group of two hundred thirty-eight marchers staged another protest in front of the Hyde County Courthouse. Frinks told the group that the strategy at that point was to fill up the jails. James Barrow, a S. C. L. C. representative, spoke and stated that the Negro teachers would probably strike that week in sympathy with the students.⁴¹ The following week turned out to be a week of many incidents. The week began with a bi-racial meeting at the courthouse, which was insignificant in its accomplishments. At the O. A. Peay School, sixteen students barricaded themselves in the principal's office and had to be removed by force; two additional schools were recipients of bomb threats.⁴² On Friday, December 6, 1968, students and teachers were absent from the O. A. Peay School. Principal Fred Simons stated that the teachers came but left because they were frightened. Only fifteen students attended school that day at Peay, and the principal himself instructed them.⁴³

By this time one hundred sixty-six Negro youths who had been arrested, were arraigned for trial. The first day of the proceedings began on

⁴⁰Rod Cockshutt, "Abernathy Sick, Returns to Ga. As Hyde Aides Fuss Over Policy," The News and Observer (Raleigh, North Carolina), November 28, 1968, p. 1.

⁴¹Roy Hardee, "238 March To Hyde County Courthouse," The News and Observer (Raleigh, North Carolina), December 2, 1968, p. 8.

⁴²_____, "16 are Arrested in Hyde Incident," The News and Observer (Raleigh, North Carolina), December 6, 1968, p. 9.

⁴³_____, "Teachers, Pupils Absent in Hyde," The News and Observer (Raleigh, North Carolina), December 7, 1968, p. 3.

Wednesday, December 12, 1968. The session had to be recessed early because of a "sit-in" by Negro demonstrators. The seven Negro youths who had barricaded themselves earlier in the principal's office were charged with a one-hundred dollar fine each and two years of probation. All seven gave notices of appeal to a higher court.⁴⁴ The court convened again on Thursday, January 2, 1969, and Judge Hallett Ward sentenced twenty-four demonstrators to thirty-days each, the sentences being suspended upon payment of a fifty-dollar fine. Yet in spite of the lax penalty, all gave notices of appeal to a higher court.⁴⁵

The dilemma in Hyde County entered its fifth month in January with no apparent end in the foreseeable future. The Negroes continued with the protests in an effort to save their "Black Schools." Both the Negroes and the whites agreed on one point: that being that the villain was the Department of Health, Education, and Welfare (H. E. W.).⁴⁶ Many instances of irony prevailed in Hyde County during this five-month protest. On one such occasion sixty Negro high school students marched down to the Hyde County Courthouse chanting, "Two, four, six, eight! We don't want to integrate."⁴⁷ The litany of protest was a borrowed tune from the segregationist's songbook shouted by angry white students fourteen years

⁴⁴ _____, "Sit-in Broken Up by Judge," The News and Observer (Raleigh, North Carolina), December 12, 1968, pp. 1,6.

⁴⁵"24 More Convicted in Hyde," The News and Observer (Raleigh, North Carolina), January 3, 1969, p. 3.

⁴⁶Roy Hardee, "School Dilemma Continues in Hyde," The News and Observer (Raleigh, North Carolina), January 12, 1969, p. 6.

⁴⁷"Reversal in Swan Quarter," Phi Delta Kappan, I (January, 1969), 308.

previously, in objection to the integration of Central High School in Little Rock, Arkansas.⁴⁸

Soon, Negro leaders of the boycott in Hyde County under the leadership of Golden Frinks met with State Superintendent of Public Instruction A. Craig Phillips. On Tuesday, January 28, 1969, Dr. Phillips commented that he hoped that he could end the twenty-two week-old boycott of seven hundred students in Hyde County. He stated that he was going to get involved in the situation, but only in an advisory capacity.⁴⁹ Meeting later with the same group, Dr. Phillips advised the Hyde Negro leaders that freedom of choice would be restored in the schools for the remainder of the year with the approval of the federal authorities and the local board of education. The group appeared to be "cautiously optimistic" about the return of the seven hundred students to school. The Hyde County Board of Education had attempted to instigate the freedom-of-choice plan before that current school year, but it had been rejected by the federal authorities.⁵⁰

The Hyde County Board of Education met soon after learning of Dr. Phillips' suggestion. Commenting before the meeting, vice-chairman of the Hyde County Board of Education Earl G. Pugh stated that he was personally opposed to a return to the freedom-of-choice plan because it would never be acceptable to the federal authorities.⁵¹ The board met and

⁴⁸Ibid.

⁴⁹Judy Bolch, "Negroes Call on Phillips, Discuss Interim Hyde Plan," The News and Observer (Raleigh, North Carolina), January 29, 1969, p. 3.

⁵⁰"Hyde Group Given Hope By Phillips," The News and Observer (Raleigh, North Carolina), February 15, 1969, p. 1.

⁵¹Louis Payne, "Hyde County Board to Meet Monday," The News and Observer (Raleigh, North Carolina), February 16, 1969, p. 5.

Superintendent Allen Bucklew indicated that no decision had been reached. Three representatives of the State Department of Public Instruction, including Assistant Superintendent Jerome Melton, went to Hyde in hopes of helping the board of education to render a decision.⁵² Thus, the Hyde County Board of Education met again on Wednesday, February 19, 1969, but turned down the suggested return to the freedom-of-choice plan after a four-hour meeting. Dr. Craig Phillips expressed his disappointment over the action of the board, but further added that he felt that the Hyde officials acted in the best interests for the people in Hyde County. At no time were there ever any assurances that the federal authorities would have accepted the proposed plan.⁵³

Following the decision by the Hyde County Board of Education, Lloyd Henderson, education branch office chief of H. E. W. office of civil rights, issued a statement that his office might accept a temporary plan for the remainder of the school year. Superintendent Allen Bucklew reported that the board would meet and make a decision as soon as possible.⁵⁴ The board met the next day, Friday, February 21, 1969, and elected Earl G. Pugh as the new chairman to replace the ailing Cecil Silverthorne. The board took no action, however, on the H. E. W. statement but decided to adhere to the original plan.⁵⁵

⁵²"Hyde School Conference Indecisive," The News and Observer (Raleigh, North Carolina), February 18, 1969, p. 3.

⁵³Roy Hardee, "Hyde Turns Down Temporary Plan," The News and Observer (Raleigh, North Carolina), February 20, 1969, p. 1.

⁵⁴Judy Bolch, "Temporary Plan in Hyde Might Get H. E. W. Approval," The News and Observer (Raleigh, North Carolina), February 21, 1969, p. 1.

⁵⁵"Hyde School Board Elects New Chairman," The News and Observer (Raleigh, North Carolina), February 22, 1969, p. 3.

The last three months of school in Hyde County saw the issue of the boycott become a stalemate. The unforgettable school year ended in May with approximately seven hundred Negro students missing the entire year. For these students there would be no graduation and no diplomas—only a year lost. Toward the end of the school year, Superintendent Allen Bucklew tendered his resignation. R. O. Singletary, principal of the La Grange Elementary School in Lenoir County, was elected as Bucklew's successor. The State Department of Public Instruction commented that they hoped the new superintendent would get the children back in school. Robert E. Strother, Director of the new Office of Human Relations, stated that his office considered Hyde County the prime target in 1969.⁵⁶

During August, 1969, a fourteen-member black citizens committee requested that the Hyde County Board of Education appeal to H. E. W. to allow the operation of all-black schools, Davis High School and O. A. Peay, for the coming school year. New superintendent Neil Singletary reported that the Negroes promised to attend school under these conditions. Members of the committee and representatives of the school board flew to Charlottesville, Virginia, and conferred with representatives of H. E. W. Contrary to their wishes, the federal officials would not approve the plan they presented because it represented a decrease in integration. The committee had hoped that this plan would bring a halt to the boycott that had involved the absence of

⁵⁶Jack Childs, "Troubled School Year Ends in Hyde," The News and Observer (Raleigh, North Carolina), February 22, 1969, p. 3.

more than seven hundred students the previous school year and resulted in two hundred arrests.⁵⁷

As mentioned earlier, the desegregation plan which had caused the boycott of the Hyde schools during the 1968-1969 school year called for all students to go eventually to the Mattamuskeet School, with Davis and O. A. Peay schools, the all-Negro schools, to be phased out. To provide ample room for the students, the Hyde voters would be asked to vote on a \$500,000 bond issue on November 4, 1969. If the plan were rejected, all pupils of both races in grades one through six would be assigned to the Davis and O. A. Peay schools, and all pupils in grades seven through twelve would be assigned to the Mattamuskeet School. Incidentally, this plan was the one advocated by the Negro leadership. At the beginning of the 1968-1969 school year, though, Hyde County schools opened under a plan, approved by the Department of Health, Education, and Welfare, which provided for all fourth, fifth, and sixth grade students to be transferred from the Davis and O. A. Peay schools but no whites to be sent to Negro schools.⁵⁸

When school opened in Hyde County for the 1969-1970 school year, the prospects that the prior year's boycott might not be repeated seemed very bright. On opening day three hundred thirty Negroes showed up for class as compared to only sixty that had attended on the first day of the

⁵⁷"H. E. W. Turns Down Request For Black Hyde Schools," The News and Observer (Raleigh, North Carolina), August 23, 1969, p. 3.

⁵⁸Jack Childs, "Education Specialist is 'Rather Optimistic' Over School Status," The News and Observer (Raleigh, North Carolina), September 2, 1969, p. 1.

former year. The first day's attendance was less than half of the expected enrollment, however, but Hyde Superintendent Neil Singletary said many students started to school late because of their involvement in work on the farms.⁵⁹ Additional students enrolled the second day of the regular schedule, and attendance figures continued to rise steadily that first week. By the end of the week over five hundred Negro students had enrolled.⁶⁰ Four hundred sixteen were enrolled at the Davis and O. A. Peay schools, and more than one hundred were enrolled in the Mattamuskeet School. Approximately sixty Negroes were unable to attend school at this time because they had been arraigned in Hyde County Superior Court for charges of blocking traffic during the previous year's boycott. Superintendent Neil Singletary reminded all parents to keep their children in school, for if they failed to do so, they would face legal action under the state's compulsory attendance laws.⁶¹

Most of those two hundred demonstrators who had been involved and arrested in the boycott of 1968-1969 were brought to trial during September, 1969. One case concerning the trial of eight students charged with blocking traffic was declared a mistrial. Several others charged with like offenses were fined twenty-five dollars and court costs. Nearly every case was appealed, and, consequently, most of the demonstrators were acquitted or received insignificant fines.⁶²

⁵⁹ _____ and Roy Hardee, "Hyde Boycott Diminishes as Schools Open," The News and Observer (Raleigh, North Carolina), September 3, 1969, p. 3.

⁶⁰ "Black Enrollment Rises in Hyde; Unrest Elsewhere," The News and Observer (Raleigh, North Carolina), September 4, 1969, p. 3.

⁶¹ "Attendance Continues to Increase," The News and Observer (Raleigh, North Carolina), September 4, 1969, p. 3.

⁶² "Mistrial Declared; Hyde Trial Reset," The News and Observer (Raleigh, North Carolina), September 4, 1969, p. 4.

The most vicious and unwarranted results of the Hyde school boycott were the activities of a special committee appointed by National Education Association President George D. Fischer at the request of the Hyde County Unit of the North Carolina Teachers Association. The committee charged that the Hyde County Board of Education had precipitated "an educational catastrophe" and that a new desegregation plan should be developed that would not close the formerly all-Negro schools. The committee suggested that the Davis and O. A. Peay schools serve as elementary schools and that the Mattamuskeet School serve as the high school. The committee stated that Hyde's desegregation plan for 1968-1969 was unsatisfactory because it would close two adequate schools, produce overcrowding in one school, and only require Negro pupils to relocate.⁶³ The committee further suggested that the Negro parents and teachers join the Southern Christian Leadership Conference (S. C. L. C.) in an effort to replace the current members of the school board. The committee additionally blamed the Hyde officials for causing a racial crisis by failing to involve the Negro community in the development of a desegregation plan. Donald Conrad, executive secretary of the N. E. A. professional rights and responsibility committee, said that this specially appointed committee had no real power, except the possibility of placing sanctions on Hyde County. Under sanctions a school system is "black listed" by the N. E. A. as a poor educational operation and teachers are advised not to seek employment there.⁶⁴

⁶³"Desegregation Plan Urged for North Carolina County," NEA Reporter, VIII, October 24, 1969, 4.

⁶⁴Judy Bolch, "NEA Group Blames Board for Hyde School Problems," The News and Observer (Raleigh, North Carolina), September 17, 1969, p. 14.

This N. E. A. special committee reported that the Hyde school officials and parents were most uncooperative when it made a three-day study visit in April, 1969. Hazen Schumacher of Ann Arbor, Michigan, chairman of the study committee, stated that the Hyde school board had no concern for the Negroes and, furthermore, did not have good communication with even the whites.⁶⁵ Superintendent Neil Singletary shrugged off the committee's report as being outdated and not applicable to the present school term. He said that he felt that the report would have little or no effect and that attendance for the current school term was good. He stated further that if the voters passed the \$500,000 bond issue in November of that year all students from the three schools would be assigned to the Mattamuskeet School. If it failed, all elementary students would go to the Davis and O. A. Peay schools and all high school students would go to the Mattamuskeet School, which, as stated, was the plan endorsed by the S. C. L. C.⁶⁶

However, on November 4, 1969, the \$500,000 school bond was defeated by the Hyde County citizens by an overwhelming vote of 161 to 988. The defeat of the bond issue meant that the schools would all be retained with Davis and O. A. Peay serving as elementary schools and the Mattamuskeet School functioning as the high school.⁶⁷ Ironically, the defeat of the bond issue was the answer to many of Hyde's problems. The defeat was a

⁶⁵Ibid.

⁶⁶Richard Daw, "Hyde School Chief Shrugs At Report of 1969 Boycott," The News and Observer (Raleigh, North Carolina), September 18, 1969, p. 3.

⁶⁷"Hyde Defeats School Bond," The News and Observer (Raleigh, North Carolina), November 5, 1969, p. 3.

blow for construction progress, but seemed to be an aid for the transition to a completely integrated system. The citizens have approved of an alternate plan rather than the one that had been proposed by the board of education a year before. Neither race is claiming an overwhelming victory, but the plan does allow the Negroes to keep their own schools and at the same time to pave the way for total integration. The board of education has stated that the realignment of the schools will not take place until next fall. New superintendent Neil Singletary has been given much credit for the ease of tension and increase in enrollment. However, he stated that the citizens decided for themselves on November 4 when they voted on a school plan, not a bond issue. The militant group also lost some of its appeal, when the only thing they could show for the preceding year was a year lost, academically.⁶⁸

There was another indication in the fall of 1969 that events were going to be different from the events of the boycott year. Seventy-five Hyde County Negroes sent a request to Governor Robert Scott that the activities of Golden Frinks be investigated. In a letter signed by Early Bryant of Engelhard, the Negroes expressed concern over outside influences interfering in local problems and the lack of accountability of donated funds to Frinks.⁶⁹ Governor Scott was attending a convention in Colorado when he learned of the petition. He immediately directed the State Bureau of Investigation to intervene through Fred L. Cooper, chairman

⁶⁸Jack Childs, "School Bond Defeat No Blow to Hyde," The News and Observer (Raleigh, North Carolina), November 17, 1969, pp. 1,7.

⁶⁹"Hyde Negroes Seek Probe of Golden Frinks' Activities," The News and Observer (Raleigh, North Carolina), September 2, 1969, p. 3.

of the North Carolina Good Neighbor Council.⁷⁰ Frinks denied reports that his activities were unethical and left shortly after the investigation began to talk with leaders of the Southern Christian Leadership Conference in Atlanta, Georgia. Despite rumors of dissension in the organization, Frinks reported that he was still field secretary for North Carolina.⁷¹

The boycott of the Hyde County schools during the 1968-1969 school year is now regarded as history. Many problems were eliminated in various ways. Negroes and whites began working together, a new superintendent was hired, outsiders were not readily welcomed, and the people voiced their own opinions concerning the future of integration in Hyde through their vote on the bond issue.

One additional event occurred during the 1968-1969 school year which had a great impact on the effectiveness of the state's compulsory attendance law. The event was the case that resulted in Harnett County when Vernon McLamb was charged with violating the state's compulsory attendance laws for failing to send his daughter to the integrated Dunn High School.⁷² The case was built upon the attendance laws, and State Superintendent A. Craig Phillips was subpoenaed to explain the law before the court. Some people contended that the ambiguity resulted over a concern for the reason why Harnett County should be compelled

⁷⁰Russell Clay, "Scott Calls for S. B. I. Probe of Frinks' Actions in Hyde," The News and Observer (Raleigh, North Carolina), September 3, 1969, p. 3.

⁷¹"SCLC Officials, Frinks to Confer," The News and Observer (Raleigh, North Carolina), September 4, 1969, p. 3.

⁷²"State School Head Didn't Get Subpoena," The News and Observer (Raleigh, North Carolina), March 20, 1969, p. 3.

to operate under the law if Hyde County did not. Dr. Craig Phillips did not appear and stated that he did not receive the subpoena from Eleventh District Judge Woodrow Hill. Because Superintendent Phillips did not appear and because the evidence was inconclusive, the case was postponed indefinitely.⁷³

In reviewing the events in Hyde and Harnett Counties, the following research seems appropriate. Murray Binderman of the University of North Carolina research staff surveyed two hundred Negro mothers in Orange County, North Carolina, and asked them why, even if operating under a freedom-of-choice plan, so many of them still chose to send their youngsters to all black schools. He summarized his findings this way:

Until black people see black people active in decision making roles in the community, until blacks are permitted to exercise choice of alternatives without negative consequences being perceived as inevitably forthcoming ... black parents will continue to hesitate to allow their children to engage in day-to-day contact with white children in desegregated schools.⁷⁴

⁷³"Attendance Laws Legality in Doubt," The News and Observer (Raleigh, North Carolina), April 9, 1969, p. 3.

⁷⁴"Black By Choice," Educator, II (November, 1969), 6.

CHAPTER IV

CONCLUSIONS

The boycott of the Hyde County schools represented an open challenge to the state's compulsory attendance laws. The violation was very clear and the situation was highly publicized. Despite this overwhelming display of disobedience of the law, the law was not enforced and no one was arrested for violation of it. The penalty of thirty days in jail and/or a fine of fifty dollars was not rendered upon any individual. Why did this happen?

The year of the boycott was an election year. People of influence did not wish to "dirty" their hands in the problems of Hyde County. The post of State Superintendent of Public Instruction was also open for the election of a new man. The former superintendent took a laissez-faire attitude toward the situation and the new man tried to settle the problem with old remedies. The result was a lack of concern and assistance from the so-called "halls of leadership."

The people in Hyde County and elsewhere presented an attitude of inattentiveness whenever demonstrations and protests occurred. Many took the attitude that the less involved they became in the problems of the Negroes, the more likely the problems will disperse. This attitude promoted lawlessness, violence, and a general disregard for authority. The sheriff in Hyde County also neglected to exert any authority in the enforcement of the attendance laws and was content to allow matters to continue at the whims of the boycott leadership.¹ All these existing

¹Interview with Dr. Ralph Brimley, February 12, 1970.

factors gave impetus to the idea that if a minority group wanted anything, all it had to do was to demand it violently. The school personnel in Hyde County, especially the superintendent, the school board, and the attendance counselors, illustrated clear acts of neglect by refusing to push the enforcement of the compulsory attendance laws. It is most interesting, indeed, to note that the new superintendent told the people that the law would be used, if necessary; as a result, attendance soon reached ninety-seven per cent in just a few weeks.²

The real sufferers of the boycott were the school children. Nearly eight hundred Negro children were out of school for the entire year. The students who would have been seniors delayed graduation a whole year, but some of those decided not to return to school at all. A number of students reached their sixteenth birthdays during this period and used the boycott as an excuse to quit school. For the students who did return to school in the fall of 1969, they found themselves one year older, but one year farther behind their former classmates who stayed in school. The full impact of the lost year may not yet be real to the students, but one day they will surely realize their foolish mistakes.

The boycott was an indictment on the Hyde County schools, its superintendent, and the State Department of Public Instruction. They wilfully neglected their responsibility for the education of the state's youth. Sufficient action was not taken nor advice sought; thus resulted the inevitable catastrophe. Teachers were willing to accept full checks

²Ibid.

when their classrooms were less than half full daily. Administrators "rolled with the punches" and decided that the less involved one becomes in a "sticky" situation, the better the possibility that the situation will pass unnoticed. This attitude should be unforgivable.

Golden Frinks, leader of the protests, was the benefactor of the boycott. He received national acclaim and donations from many welfare recipients. He and others of the Negro leadership are also very much to blame. Nowhere in the entire county was there to be found one guiding hand or one arbitrator or one who seemed to care. The Negroes, often acting in the manner of their early ancestors, shed darkness over their cause for equality, and even that was lost.

The story of Hyde County comes to an abrupt end. The year passed and it is now treated as almost-forgotten history. The answers to numerous questions cannot be found, mainly because they are unanswerable. An injustice prevailed, a law was violated, an educational system suffered, and the leaders sat meekly by and remarked that "this too will pass."

BIBLIOGRAPHY

A. BOOKS

- Drury, Robert L., and Kenneth C. Ray. Principles of School Law with Cases. New York: Appleton-Century-Crofts, 1965.
- Full, Harold. Controversy in American Education. New York: The Macmillan Company, 1967.
- Ganerke, Warren E. What Educators Should Know About School Law. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1968.
- Good, H. G. A History of American Education. New York: The Macmillan Company, 1964.
- Hodges, Luther H. Businessman in the Statehouse. Chapel Hill, North Carolina: University of North Carolina, 1962.
- Long, Luman H. (ed.). 1968 Centennial Edition The World Almanac. New York: Doubleday and Company, Inc., 1968.
- Reiss, Jr., Albert J. Schools in a Changing Society. New York: The Free Press, 1965.
- Stinnett, T. M. Turmoil in Teaching. New York: The Macmillan Company, 1968.

B. BOOKS: PART OF A SERIES

- Editorial Staff of Publisher. North Carolina and South Eastern Digest. Vol. 30. St. Paul, Minnesota: West Publishing Company, 1968.
- Gilbert, Harold J., and Francis J. Ludes. Corpus Juris Secundum. Brooklyn, New York: The American Law Book Company, 1952.
- Patton, James W. (ed.). Messages, Addresses, and Public Papers of Luther Hartwell Hodges. Vol. I. Raleigh, North Carolina: Council of State.

C. PUBLICATIONS OF THE GOVERNMENT, LEARNED SOCIETIES, AND OTHER ORGANIZATIONS

- Brooks, Michael P. The Dimensions of Poverty in North Carolina. Durham, North Carolina: The North Carolina Fund, 1964.

Public School Laws of North Carolina. Issued by Thad Eure, Secretary of State. Charlottesville, Virginia: The Middle Company, 1967.

State Superintendent of Public Instruction. Follow-Up Survey of North Carolina High School Graduates - 1968. Raleigh, North Carolina: State Department of Public Instruction, 1968.

_____. N. C. Biennial Report. Raleigh, North Carolina: State Department of Public Instruction, 1968.

_____. North Carolina Educational Directory. Raleigh, North Carolina: State Department of Public Instruction, 1969.

_____. North Carolina Public School Laws. Raleigh, North Carolina: State Department of Public Instruction, 1969.

_____. Pupil Accounting and School Attendance. Raleigh, North Carolina: State Department of Public Instruction, 1963.

Statistical Services. A Ranking of School Administrative Units, July, 1968. Raleigh, North Carolina: State Department of Public Instruction, 1968.

D. ESSAYS AND ARTICLES IN COLLECTIONS

Fischer, John H. "Educational Problems of Segregation and Integration," Education in Depressed Areas, A. Harry Passow, editor. New York: Teachers College Press, 1963.

McCanley, Patrick E. "Be It Enacted," With All Deliberate Speed, Don Shoemaker, editor. New York: Harper and Brothers, 1957.

Shinn, Roger. "Human Responsibility in the Emerging Society," Prospective Changes in Society by 1980, Edgar L. Morphet and Charles O. Ryan, editors. New York: Citation Press, 1967.

Turner, Hester. "Compulsory Attendance," Law and the School Superintendent, Robert L. Drury, editor. Cincinnati: The W. H. Anderson Company, 1958.

Waltz, Charles K. "Compulsory Attendance at School," Law and Contemporary Problems: School Pupils and the Law, Robert Kramer, editor. Durham, North Carolina: Duke University Press, 1955.

E. LETTERS AND INTERVIEWS

Correspondence from Andrew A. Vanore, Jr., Deputy North Carolina Attorney General, December 10, 1969.

Correspondence from Dr. Robert E. Phay, Director, Institute of Government, January 7, 1970.

Correspondence from Robert A. Nelson, Assistant Superintendent, Burke County, December 15, 1969.

Interview with Dr. Ralph F. Brimley, Chairman, Department of Administration, East Carolina University, February 12, 1970.

F. PERIODICALS

"Black by Choice," Educator, II (November, 1969), 6.

Bullock, Kay W. (ed.). "Attorney General Rules," North Carolina Public Schools, XXXIV (October, 1969), 16.

Harrington, John H. "L. A.'s Student Blowout," Phi Delta Kappan, I (October, 1968), 75-6.

"One School Board's Policy on Student Dissent," School Management (August, 1969), 43.

"Reversal in Swan Quarter," Phi Delta Kappan, I (January, 1969), 308.

"What Schoolmen Have Learned About Handling the School Boycott," School Management (June, 1969), 50-1.

G. NEWSPAPERS

"Abernathy to Intensify Hyde Drive," The News and Observer (Raleigh, North Carolina), November 27, 1968, p. 1.

"Attendance Continues to Increase," The News and Observer (Raleigh, North Carolina), September 4, 1969, p. 3.

"Attendance Laws Legality in Doubt," The News and Observer (Raleigh, North Carolina), April 9, 1969, p. 1.

"Black Enrollment Rises in Hyde; Unrest Elsewhere," The News and Observer (Raleigh, North Carolina), September 4, 1969, p. 3.

Bolch, Judy. "N. E. A. Group Blames Board for Hyde School Problems," The News and Observer (Raleigh, North Carolina), September 17, 1969, p. 14.

_____. "Negroes Call on Phillips, Discuss Interim Hyde Plan," The News and Observer (Raleigh, North Carolina), January 29, 1969, p. 3.

_____. "Temporary Plan in Hyde Might Get H. E. W. Approval," The News and Observer (Raleigh, North Carolina), February 21, 1969, p. 1.

Childs, Jack. "Education Specialist is 'Rather Optimistic' Over School Status," The News and Observer (Raleigh, North Carolina), September 2, 1969, p. 1.

_____, and Roy Hardee. "Hyde Boycott Diminishes as Schools Open," The News and Observer (Raleigh, North Carolina), September 3, 1969, p. 3.

_____. "School Bond Defeat No Blow to Hyde," The News and Observer (Raleigh, North Carolina), November 17, 1969, pp. 1, 7.

_____. "Troubled School Year Ends in Hyde," The News and Observer (Raleigh, North Carolina), May 25, 1969, p. 6.

Clay, Russell. "Moore's Aides Keep Eye on Swan Quarter," The News and Observer (Raleigh, North Carolina), November 13, 1968, p. 3.

_____. "Scott Calls for S. B. I. Probe of Frinks' Actions in Hyde," The News and Observer (Raleigh, North Carolina), September 3, 1969, p. 3.

Cockshutt, Rod. "Abernathy Sick, Returns to Ga. as Hyde Aides Fuss Over Policy," The News and Observer (Raleigh, North Carolina), November 28, 1968, p. 1.

"Crusaders Vow New Welfare Drive," The Charlotte (North Carolina) Observer, November 11, 1968, p. 1.

Daw, Richard. "Hyde School Chief Shrugs at Report of 1969 Boycott," The News and Observer (Raleigh, North Carolina), September 18, 1969, p. 3.

"Desegregation Plan Urged for North Carolina County," N. E. A. Reporter, VIII, October 24, 1969, p. 4.

- "Franklin Schools Boycott Failing," The News and Observer (Raleigh, North Carolina), September 12, 1968, p. 10.
- "Frinks Asks H. E. W. Exit From Hyde," The News and Observer (Raleigh, North Carolina), September 23, 1968, p. 3.
- Hardee, Roy. "Boycott is Ended in Martin," The News and Observer (Raleigh, North Carolina), August 31, 1968, p. 1.
- _____. "Calm Prevails in Hyde," The News and Observer (Raleigh, North Carolina), September 21, 1968, p. 3.
- _____. "False Phone Calls Reduce Martin County Attendance," The News and Observer (Raleigh, North Carolina), August 28, 1968, p. 3.
- _____. "Hyde Jail - In Planned," The News and Observer (Raleigh, North Carolina), November 25, 1968, p. 8.
- _____. "Hyde Negroes March Despite Visit of Klan Grand Dragon," The News and Observer (Raleigh, North Carolina), November 19, 1968, p. 1.
- _____. "Hyde Turns Down Temporary Plan," The News and Observer (Raleigh, North Carolina), February 20, 1969, p. 1.
- _____. "Incident Quelled in Hyde," The News and Observer (Raleigh, North Carolina), November 12, 1968, p. 1.
- _____. "Negroes are Halted at Hyde Courthouse," The News and Observer (Raleigh, North Carolina), September 27, 1968, p. 3.
- _____. "School Boycotts Reported," The News and Observer (Raleigh, North Carolina), September 4, 1968, p. 1.
- _____. "School Dilemma Continues in Hyde," The News and Observer (Raleigh, North Carolina), January 12, 1969, p. 6.
- _____. "Sit-in Broken Up by Judge," The News and Observer (Raleigh, North Carolina), December 12, 1968, pp. 1, 6.
- _____. "16 are Arrested in Hyde Incident," The News and Observer (Raleigh, North Carolina), December 6, 1968, p. 9.
- _____. "Some Negro Pupils Remain Out of Martin Classrooms," The News and Observer (Raleigh, North Carolina), August 29, 1968, p. 3.
- _____. "Swan Quarter March Quiet," The News and Observer (Raleigh, North Carolina), November 17, 1968, p. 13.

- _____. "Talks, More Arrests Mark Hyde's Dispute," The News and Observer (Raleigh, North Carolina), November 16, 1968, p. 1.
- _____. "Teachers, Pupils Absent in Hyde," The News and Observer (Raleigh, North Carolina), December 7, 1968, p. 3.
- _____. "390 March in Hyde County," The News and Observer (Raleigh, North Carolina), September 30, 1968, p. 3.
- _____. "238 March to Hyde County Courthouse," The News and Observer (Raleigh, North Carolina), December 2, 1968, p. 8.
- _____. "Youths Arrested in Swan Quarter," The News and Observer (Raleigh, North Carolina), November 13, 1968, p. 1.
- "H. E. W. Turns Down Request for Black Hyde Schools," The News and Observer (Raleigh, North Carolina), August 23, 1969, p. 3.
- "Hyde Defeats School Bond," The News and Observer (Raleigh, North Carolina), November 5, 1969, p. 3.
- "Hyde Group Given Hope By Phillips," The News and Observer (Raleigh, North Carolina), February 15, 1969, p. 1.
- "Hyde Negroes Seek Probe of Golden Frinks' Activities," The News and Observer (Raleigh, North Carolina), September 2, 1969, p. 3.
- "Hyde School Board Elects New Chairman," The News and Observer (Raleigh, North Carolina), February 22, 1969, p. 3.
- "Hyde School Conference Indecisive," The News and Observer (Raleigh, North Carolina), February 18, 1969, p. 3.
- "Mistrial Declared; Hyde Trial Reset," The News and Observer (Raleigh, North Carolina), September 4, 1969, p. 4.
- "More Protesting Negroes Arrested," The Charlotte (North Carolina) Observer, November 13, 1968, p. 1.
- "Negroes Demonstrate in Hyde," The News and Observer (Raleigh, North Carolina), September 16, 1968, p. 6.
- "Negroes Dribble Way Into Jail," The Charlotte (North Carolina) Observer, November 15, 1968, p. 1.
- Parker, Jr., Roy. "Hyde Rejects Pair Plan," The News and Observer (Raleigh, North Carolina), November 15, 1968, p. 1.
- "Patrol Sprays Hyde Negroes," The News and Observer (Raleigh, North Carolina), September 20, 1968, p. 3.

Payne, Louis. "Hyde County Board to Meet Monday," The News and Observer (Raleigh, North Carolina), February 16, 1969, p. 5.

"School Trouble Mounting," The News and Observer (Raleigh, North Carolina), September 6, 1968, p. 3.

"SCLC Officials, Frinks to Confer," The News and Observer (Raleigh, North Carolina), September 4, 1969, p. 3.

Smith, Jim. "Franklin Citizens Stick to School Boycott Plans," The News and Observer (Raleigh, North Carolina), September 5, 1968, p. 3.

_____. "Franklin Pupils Register Quietly," The News and Observer (Raleigh, North Carolina), September 7, 1968, p. 3.

_____. "Franklin Schools Comply; Citizens Group to Defy," The News and Observer (Raleigh, North Carolina), August 29, 1968, p. 3.

"State School Head Didn't Get Subpoena," The News and Observer (Raleigh, North Carolina), March 20, 1969, p. 3.

"10 Youths Arrested in Hyde," The News and Observer (Raleigh, North Carolina), November 23, 1968, p. 3.

"24 More Convicted in Hyde," The News and Observer (Raleigh, North Carolina), January 3, 1969, p. 3.