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BY PATRICIA STEPHENS

Brown I and Brown II: Early Responses

In September 1970, under threat of the loss of federal funds, schools in the Gilmer Independent School District (GISD), located deep in the piney woods of Northeast Texas, at long last achieved full racial desegregation. Sixteen years had passed since the Supreme Court decision in Brown v. Board of Education determined that “in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.” The new law of the land should have effectively rendered dual, or segregated, school systems, like those in the GISD, obsolete. Yet, the following year, the Supreme Court put the brakes on its Brown I decision, when it “rejected the NAACP’s plea to order instant and total school desegregation. The Court assigned the responsibility for drawing up plans for desegregation to local school authorities and left it to local federal judges to determine the pace of desegregation, requiring only that a ‘prompt and reasonable start toward full compliance’ be made and that desegregation proceed ‘with all deliberate speed’.” In effect, Brown II empowered local school boards to proceed much as they had before, with little to no urgency in ending dual school systems or promoting school desegregation, except in cases where federal District judges dictated they do so.

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This article examines responses of the GISD School Board to the dictates of Brown I, Brown II, and ultimately, Title VI of the Civil Rights Act of 1964. As my title suggests, I argue that the so-called freedom-of-choice plans, which purported to offer all students a choice in which school they would attend, served as an antidote to school desegregation, an inoculation against racial integration, which many white Texans believed would lead to the racial amalgamation they so deeply feared. These plans varied in detail from one district to the next, yet they all served to delay school desegregation, despite their euphemistic promise of freedom.

After the Brown I ruling, several editorials published in The Gilmer Mirror, the local newspaper, make clear the sentiments of at least some of the Gilmer townspeople: communities in Texas require a great deal of time to weigh the implications of the ruling (the move-as-slowly as possible argument); the federal government has over-stepped the bounds of states’ rights, especially in Texas, whose State Constitution dictates the segregation of public facilities [the interposition argument]; each of the 2,000 Texas school districts must be given the authority to devise the solutions that work in their individual districts (the local control argument). School districts across Texas breathed a sigh of relief when Brown II (1955) affirmed requests for local input into implementation. Many school boards, with no deadlines looming, discovered how to move slowly and ever-so-gradually in their deliberations over what kinds of plans might work best in their local communities.

In August, 1955, several months after Brown II, The Gilmer School Board announced “its intention of retaining segregation in the system for the 1955-56 school year” and noted that “the segregation issue has been under intensive study by the board and administrators for about a year.” The Gilmer Mirror news article also references a petition signed by some local residents requesting that GISD “officials take steps toward integration,”; in response to this petition, the “board adopted a 12-point study plan which covered various phases and problems accompanying desegregation.” While I have not yet been able to locate a copy of the signed petition nor the GISD 12-Point Study Plan, I am left with questions regarding the intentions of the Study Plan: was the Board’s intention to truly analyze how to make desegregation possible, or was the Plan simply a delay tactic intended to buy time and ward off desegregation efforts?

Around the time the Petition and the Study Plan were made public, the Board also announced that it was “working out details of a $125,000 bond
issue to be submitted to the district’s voters” that Fall, and “if approved, the funds would be used to add more classrooms to [the all-Black] Bruce School and build a gym,” in addition to providing other repairs. The timing of the Petition, the Plan, and the Bond Issue raises numerous questions. Why was the Board suddenly eager to find a means of paying for improvements that would bring the Bruce School facilities more in line with those of the all-White Gilmer schools? Why had this not already been done, given that “separate but equal” had long been the means by which dual schools systems had been allowed to exist before the ruling in Brown II?

One month prior to the Board’s announcement about continued segregation during the 1955-56 School Year, The Gilmer Mirror reported on a meeting held that July between the School Board and numerous African American residents of the GISD. The purpose of the meeting was to hear from this community their thoughts about school desegregation and related matters. According to the editorial, “before the discussion went very long, there was strong sentiment that the colored parents did not want to send their children to white schools. They simply wanted adequate classrooms, good teachers and proper equipment for instruction at their own school.” The writer of this editorial notes that the African American residents were accompanied by a lawyer from the National Association for the Advancement of Colored People (NAACP), who expressed concerns “about what he called ‘an undercurrent’ of the ‘separate but equal’ idea.” However, given the sentiment expressed at the meeting, the Board was left to “weigh that separate but equal sentiment against asking for an $80,000 bond issue for improvements at Bruce School, in the anticipation that Bruce will be used for colored pupils for some years to come.” While the desire for much-needed improvements at Bruce School may very well have been the sentiment of the group that night, further research is needed in order to understand what members of the African American community present at that meeting were thinking at that point in time, in that particular setting. What is very clear, however, is that in the lead-up to the August meeting discussed earlier, the suggested dollar amount of the proposed bond issue increased from $80,000 to $125,000, a significant difference for residents in a rural community like Gilmer. Was the increased dollar amount a means to buy time, to ward off school desegregation for the immediate future? Though the $125,000 bond issue eventually passed, the new building and improvements at Bruce were
delayed well into the early 1960s.

For the remainder of the 1950s, across the state of Texas, politicians and locals alike protested federal meddling into the business of the state. During this time, the Gilmer School Board made it clear they would follow Article Seven of the *Constitution of the State of Texas*, which dictated that “Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.’’ Citizens’ Councils, which distinguished themselves from the Ku Klux Klan (KKK) by suggesting that they fought by law rather than by fear, violence, and terror, rapidly grew up in towns across Texas. In Gilmer, the Citizen’s Council was comprised of local, well-known businessmen, many of whom wielded tremendous power, simply by virtue of their professional positions and reputation in town. Questions of interposition, however, were finally clarified in a case brought before the Texas Supreme Court by the statewide Citizen’s Council group, who had argued that integrated schools in Texas should be denied state funds because they were not following the laws as set forth in the Texas Constitution. As reported in *The Gilmer Mirror*, the Texas Supreme Court ruled in October, 1955 that “the U.S. Supreme Court decision overturns Texas’ school segregation laws but does not force immediate integration.” In other words, this ruling left no doubt that change was coming to Texas, so local school boards, Citizen’s Council members, and politicians across Texas shifted their tactical emphasis from denial to deliberation and delay.

*Brown II* offered no clear direction in terms of how to implement school desegregation, as originally set forth in *Brown I*. Thus, many school districts loosely interpreted the “all deliberate speed” clause of *Brown II* as the means by which the courts would allow them to move toward desegregation as slowly as their local communities deemed necessary. Charles Ogletree, Law Professor at Harvard, has written that “school districts stalled until they were forced to choose one of two options ... approved by the lower courts—assignment on the basis of residence and freedom of choice—accompanied [by] the repeal of de jure segregation.” According to Ogletree, residence-based assignments to schools were struck down in *Goss v. Board of Education of Knoxville* in 1963, because housing in the South was notably segregated by race, and assignments based on where one lived would inevitably reflect such segregation. Freedom-of-choice plans ultimately became the most common response to *Brown I and II*, and even though it was clear such plans yielded no significant desegre-
gation, “they largely survived judicial review [until 1968] because courts interpreted Brown as only requiring that black and white children have the option of attending school together. Representative of this view is a federal district court’s insistence that even after Brown the Constitution ‘does not require integration, it merely forbids [segregation].’” Thus, with integration seen as merely an option, freedom of choice plans adopted by many school districts, including the GISD, technically met the demands of the constitution as they simultaneously thwarted tangible results toward school desegregation.

Freedom of Choice Plans

Freedom of Choice plans grew out of Pupil Placement Laws, first passed in North Carolina, yet quickly taking hold in Texas and other southern states as a means of slowing the process of school desegregation. These laws set up specific criteria, none of which was outwardly race-based, for approval of student transfer requests from one school to another. As devised, these typically met the requirements of the law under Brown, yet in implementation, the pace of school integration was significantly slowed as local leadership in school districts either denied or limited transfer requests, based on the specific criteria they had outlined for their particular schools. The criteria varied from place to place, yet often included some of the following: the psychological readiness of the pupil for instruction and milieu of the new school; the effects of one pupil’s admission on her/himself, on those already at the school, and upon set academic standards; the appropriateness of the curricula; the level of preparedness of the student requesting transfer; the possibility of ill will within the school or community; and “other relevant matters.” If denied permission to transfer, students and families could opt to go through an appeals process to the local administration, during which time s/he was required to remain at the current school. Once a final decision was rendered, the matter could go to the courts if necessary, a process that could be costly and take years to resolve. These laws placed the burden of choice squarely on the shoulders of African American students and their families, who were the most likely to request a school transfer. Since each case was considered on its own merits, and not as part of a “class action” suit as in Brown, it was clear to most that only token integration of schools was probable through judicial action. Though amended somewhat over the years, pupil placement laws were seen by many white com-
munities as a primary corrective to Brown, one means by which schools could remain segregated, one method for moving slowly, deliberately.

In 1964, President Johnson signed into law The Civil Rights Act of 1964 (CRA 1964). Title VI of the CRA 1964 changed the game of desegregation across the South, as it "provided that discrimination in federally assisted programs must cease, or those programs would no longer be federally assisted." In other words, programs that continued to discriminate or segregate on the basis of race would no longer be eligible for federal assistance or funding, a potential threat to the livelihood of many programs and businesses across the South. Under the CRA 1964, the Department of Health, Education, and Welfare (HEW), for example, had "the right to withhold federal assistance from any local school district which fail[ed] to meet minimum requirements determined by the Department for the school desegregation process." The following year, "the United States Office of Education issued Guidelines for desegregation which incorporated freedom of choice as one of three acceptable types of desegregation plans. Since they did not emphasize objective results under the free-choice plans, or require more than a minimal beginning in faculty desegregation, the 1965 Guidelines were generally accepted throughout the South." Title VI had the potential to push reluctant school systems out of the "move as slowly as possible" mindset. Yet, since Freedom of Choice plans were considered an acceptable method of desegregation as per the new Guidelines, and since HEW had not yet implemented any substantive method of accountability for school desegregation, school districts continued to promote Freedom of Choice as the primary means of compliance with Title VI.

According to an article in The Gilmer Mirror, the Texas Board of Education mandated that schools across Texas "had to announce compliance [with Title VI] or lose federal funds. The Gilmer Board has until Feb. 22 to reply to the state education agency in Austin." At the January, 1965 Gilmer School Board meeting, members discussed the implications of the mandate and voted to create a "committee to make a study of some type of plan to follow in the Civil Rights Act of 1964" At their next meeting, they voted to comply with the mandate and agreed to adopt a plan to desegregate Gilmer schools. A majority vote held that the Board "does hereby declare the GISD to be in compliance with the CRA of 1964, as of February 20, 1965." The Gilmer Mirror reports that the committee tasked with crafting a plan presented a "resolution of compliance in five parts."
Ultimately, the resolution that passed included the following: confirmation that the GISD was in compliance; agreement that the President and Secretary of the Board would sign off on HEW’s “Assurance of Compliance” form; and instruction for all concerned to “take due notice of compliance.” As far as the Board was concerned, they had done their due diligence in terms of complying with the new mandate, and they would continue to develop plans to desegregate the dual school systems.

At the May, 1965 Board Meeting, members set forth the official GISD “Plan of Desegregation,” noting that the district “hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 by the assignment of all students in all twelve grades based on freedom of choice, without regard to race, color, or national origin, for the scholastic year beginning in September, 1965.” The following procedure is outlined in the Minutes “to take effect immediately to effectuate full compliance certified in the previous signing of HEW Form 441:

1. Compulsory segregation based on race is abolished in all grades of all schools of the GISD for the scholastic year beginning in September, 1965.
2. Every student entering school in the GISD in September, 1965 will be permitted to attend the school of his or her choice without regard to race, color, or national origin.
3. Pre-registration of all Pupils:
   A. Beginning May 5, 1965 and once a week for three successive weeks the announcement below shall be conspicuously published in *The Gilmer Mirror* and the *Longview News Journal*, two newspapers having general circulation in the district.”

It is clear from their thorough response that the GISD Board took the directive from the Texas Board of Education seriously. In addition to the above, they resolved to eliminate “discriminatory practices in busing,” and desegregation among teachers and staff. They were obviously making a good faith effort to comply with the new Guidelines, but one important caveat was included in the locally published announcement: “at the time of pre-registration a choice may be expressed for either of the nearest formerly Negro school or the nearest formerly White School. In the event of over-crowding, preference will be given without regard to
race to those choosing the school who reside closest to it. Those whose choices are rejected because of overcrowding will be notified and permitted to make an effective choice of formerly Negro or formerly White school.” The documented change was clearly a giant leap forward, even if ten years had passed since Brown I had outlawed school segregation. As of May, 1965, no desegregation had occurred in the Gilmer schools. GISD Board Minutes note that there are “approximately 1,200 white pupils and 600 Negro pupils. There are no white pupils in the predominantly Negro schools and no Negro pupils in the predominantly white schools. All 50 white teachers teach in the white schools and all 25 Negro teachers teach in the Negro schools.”

Even though the GISD crafted their desegregation plan, made it public, and set the wheels into motion for local schools to begin the process of desegregation, the Office of Education required the School Board to make specific changes to the wording of the public announcement document. While these changes may have been merely a matter of semantics, it is also possible that the suggested revision to delete the word “nearest” as a descriptor for the phrases “formerly Negro school” and “formerly White school” was intended to clarify that the new plan was in no way connected to earlier strategies of “assignment on the basis of residence” used by many schools across the South. A few other minor changes in wording were also recommended, all of which were approved by the Board and incorporated into an Amended Plan of Desegregation at their July, 1965 meeting. As witnessed in the GISD, the national Office of Education’s 1965 Guidelines were instrumental in two key regards: first, every school district was required to file some form of desegregation plan with HEW; second, these plans had to meet approval by Office of Education personnel. And, even though the Guidelines determined that schools faced a potential loss of federal funding if they did not comply, it soon became clear that the Guidelines themselves fell far short of their intentions, as they offered no concrete means of ensuring that school desegregation was implemented in those schools that had submitted detailed plans. In other words, schools could not yet be held accountable in any meaningful way under the 1965 Guidelines.

In hindsight, it is now obvious that the Freedom of Choice Plan submitted by the GISD and approved by HEW relied on one of the most compelling delay tactics used across the South during this time. The GISD Plan met the federal requirements as set forth by HEW, yet it sus-
tained the dual school systems since only a few black students ultimately chose to transfer to the previously all-White schools, and no white students elected to transfer to the previously all-Black schools. It did not take long for HEW to discover that the majority of schools operating under Freedom of Choice plans were making very little progress toward substantial desegregation. Thus, in 1966, the Office of Education issued another new set of Guidelines, whereby the emphasis “shifted to testing the effectiveness of the [written] plans.” The 1966 Guidelines “included a test of effectiveness for the free-choice plans and required measurable progress in faculty desegregation.” In other words, school districts would now be required to demonstrate that they had eliminated discrimination and/or segregation in all services offered, including bus transportation. With new measures of accountability imposed on them, Southern school districts voiced vehement opposition to the new guidelines, suggesting that the duty of the school district was to offer school choice and nothing more. Their rationale was that school districts could not be held accountable if students did not choose to desegregate. Key to the success of these new Guidelines was the shifting of the responsibility for school desegregation from students and families to school districts, holding school officials accountable for the first time by ensuring that they were meeting expectations of progress. Ultimately, the new Guidelines were the impetus for substantial progress toward school desegregation, as local school districts found themselves held accountable to federal law in ways previously unimaginable.

Even so, it took a while for the new requirements to take effect in rural communities like Gilmer. Dissent among GISD Board Members is evident in a 4-2 split vote recorded on a motion that “the Board comply with the March, 1966 Revised Statement of Policies for School Desegregation Plans under Title VI of the Civil Rights Act of 1964.” Ironically, notification of compliance with the federal guidelines is reported on the front page of The Gilmer Mirror at the end of March, alongside an announcement that “Friday Night is Minstrel Time.” Minstrel shows had long been a part of the “Old South” culture in Gilmer, where local Whites performed in blackface, and often at the local junior high school gym. Given this cultural milieu, it is no wonder that school desegregation had taken so long.

In January, 1967, a team of state auditors visited schools within the GISD, and noted that some of the schools, including the all-Black Bruce
School, did not meet standards. Notably, the Bruce school was cited for being deficient in “size and design to provide adequately for the instructional program of the community.” Problems listed include inadequate facilities (lockers, electrical systems, lighting, and furniture), lesson plans, and supervision. While some of the all-White Gilmer schools were also cited, the physical conditions at the Bruce School were deemed subpar. Not surprisingly, separate but equal had not been working.

In 1967, the School Board was responsible for managing a range of issues affecting the local schools: meeting the new federal Guidelines for school desegregation, attending to the issues raised by the state auditors in their report, and considering how to prepare for impending school consolidations in the region. School consolidations were becoming more frequent, but contentious, as communities were often vocal in their opposition. In Spring 1967, voters approved the consolidation of the Gilmer and East Mountain School Districts, yet numerous legal issues were raised between the time of the vote and the date set for consolidation. The School Board was legally embroiled in these matters throughout the summer, and school desegregation seemed to take a back seat during this period.

Little mention is made of school desegregation again until the November, 1967 meeting, when it is noted in the Minutes that a 4-0 vote was taken to “dispense with the Health, Education, and Welfare Program until more information is received from the committee.” Though I have yet to locate specific correspondence between HEW and the GISD Board, it is likely that, as one of the school districts relying on Freedom of Choice as their primary means of school desegregation, the GISD had received a request from HEW to submit either a new plan of desegregation or an amended plan, especially since it is clear that only minimal progress had been made toward full desegregation. Given that the 1966 Guidelines had shifted the focus from “negotiation of basic agreements” to “confirmation of actual progress,” the GISD was likely cited for insufficient progress, given the school demographics and faculty appointments, as recorded in the 1967 School Board Minutes.

The following June, almost one year later, the School Board finally voted to “submit a revised plan of integration to the Department of Health, Education, and Welfare to desegregate grades 10, 11, and 12 beginning

1 The history of the East Mountain-Gilmer Schools consolidation is lengthy and complex, and while relevant to the issues discussed here, is outside the scope of this article.
with the 1968-69 school year, and to consider desegregating grades 1-9 beginning with the 1969-70 school year.” *The Gilmer Mirror* reports that the Gilmer Superintendent of Schools said, “the Health, Education, and Welfare department said the ‘freedom of choice’ plan was inadequate and the Gilmer district would not be in compliance with recent desegregation guidelines unless it integrated the top three grades this fall and the entire school system by September of 1969.” The Superintendent also noted, as per the news report, that federal funds for 1968-69 were in jeopardy unless the Board submitted a satisfactory plan within the given time frame. Clearly, this meeting marked a turning point for school officials and community members, as they came to terms with the new realities of federal law and the potential impact of non-compliance on the local school system.

In July, 1968, *The Gilmer Mirror* announced that construction on temporary buildings at Gilmer High School would commence, and that Bruce High School would cease operations, as of September. Implementation of the new plan for integration was underway, and by early August, Gilmer Schools Superintendent was notified that HEW had removed the GISD from the “violation list” on the basis of four key points: a) the closing of Bruce High School, and the full integration of Gilmer High School, grades 10-12; b) as of September 1969, Grades 1-4 would attend Gilmer Elementary, grades 5-6 would attend the present junior high school, and grades 7-9 would attend classes at the Bruce School campus; c) staffing would proceed without regard to race; and d) students would be assigned to bus routes without regard to race, color, or national origin. Unlike with previous Freedom of Choice plans, this new agreement set specific target dates for reaching full school desegregation.

One key discrepancy between the HEW Agreement and the Board’s plan seems crucial: the HEW Agreement is specific in the target dates set, while the Board’s plan suggests that they “will consider [italics mine] desegregating grades 1-9 beginning with the 1969-70 school year.” In early April, 1969, several new members were elected to the Gilmer School Board, and their first special meeting was one in which they were brought up to date by a returning member who had been elected the new Board President as well as by the Superintendent of Gilmer Schools. At that meeting, members discussed whether the newly revised and HEW-approved School Integration Plan would remain in effect. The President of the Board and the Superintendent updated new members on the various
HEW requirements, the potential for loss of federal funds, as well as other concerns. *The Gilmer Mirror* reports that the Superintendent and Board President feared the loss of about $100,000 in federal funds if they did not follow through on their agreed-upon plan, yet the Superintendent also reported that where integration had already occurred, “cultural differences created problems that didn’t exist in the school system before,” an indication of concern. According to the news report, one new board member raised doubts about the necessity of these federal funds, questioning how much improvement in student performance could be tied to previously-received funds. The same member recommended that the Board take public opinion into account in their decision about whether or not to revoke the current HEW-approved plan, even though he admitted that local taxes might need to be increased if these federal funds were withheld.

According to a report in *The Gilmer Mirror*, the Board voted at their next meeting to revise their current (and HEW-approved) Plan of Integration for the 1969-70 School Year: first, they would continue (as agreed) with the full integration of Gilmer High School, with a fully integrated staff; second, they would return to a “Freedom of Choice” plan for Grades One-Nine; third, they would assign a White Principal and four White Teachers to the Bruce Campus, with “two Negro staff members” assigned to Gilmer Elementary and one to Gilmer Junior High. This meeting was attended by many in the community, and a signed petition (representing local public opinion, as suggested by the aforementioned Board member) was presented to the Board in favor of revising the HEW-approved plan. One community member suggested that this action would be the “only moral approach to the situation.” Other community members at the meeting noted that other schools in the region were likewise returning to “freedom of choice” and suggested that local taxpayers understood the potential impact of the loss of federal funds. Even the new Board President, a long-standing member, admitted that “we can get along without it [the federal funding].” In this moment, the local, White community was intent on restoring their control over the school district, even at the risk of raising local taxes to make up for the loss of federal funds. At their meeting on April 15, the Board agreed to send this newly-revised plan to Mrs. Ruby C. Martin, the Director of the Office of Civil Rights, Department of Health, Education, and Welfare, a strong show of White
resistance to school desegregation, of local White opposition to federal control of local schools.

In response to their revised plan, the School Board received notice from HEW that a hearing would be scheduled during which the GISD would be expected to "show cause" why they should not be held in non-compliance of the 'guidelines' for integration by September, 1969." The Board was requested to answer the notice and informed that any further requests for federal funds would be deferred until the matter was settled. The GISD Superintendent also learned that if the school were determined "non-compliant," then not only would they lose federal funding for programs, but they could also lose any federally-funded jobs during the current school year. The Board agreed to respond to the notice, with one member quoted in the local paper stating, "I am not in favor of integration of the junior high this year, if we can avoid it. It needs to begin in lower grades, if it comes." Ultimately, the consensus of the Board was that the school system could absorb the financial losses, if pressed by HEW. Yet, in mid-August, the Gilmer Mirror reported that an increase in land property taxes was under consideration. The School Superintendent is quoted, stating that "if the school lost certain federally funded salaries and projects, ... the money would be needed." The reversal of the decision to move forward with the HEW-approved plan is indicative of how readily the Board was swayed by either public opinion or by the newly elected Board members, who seem to have joined with tremendous momentum in resisting school desegregation for as long as possible. Their resistance to integrating the junior high school is not discussed in any detail, so it is difficult to ascertain the logic behind their decision. At any rate, their resolve to return to Freedom of Choice was bold, if not foolish.

That September, due to a number of pending lower-court cases that had been brought against HEW-actions to withhold federal funds from schools found to be non-compliant, the Superintendent of the GISD noted that the Secretary of HEW had indicated in a televised broadcast that HEW was not likely to be withholding federal funds from schools until these lower-court cases were settled. Given that Gilmer was one of the schools potentially affected, it is likely that the Board was eagerly awaiting these lower-court decisions, and in so doing, found that they could buy a bit more time before moving to full desegregation. Yet, that October, the United States Supreme Court ruled in *Alexander v. Holmes*
that “continued operation of racially segregated schools under the standard of ‘all deliberate speed’ is no longer constitutionally permissible. School districts must immediately terminate dual school systems based on race and operate only unitary school systems.”

As the Board prepared for the upcoming HEW hearing, scheduled for November 21, 1969, in Dallas, they discussed a strategy suggested by a long-standing Board member: that they obtain authorization as a quorum of the Board, “to offer that Gilmer schools would totally integrate by September, 1970.” This action was preferable to the probability that HEW would force the schools to integrate immediately, which they could now require, as per the recent Supreme Court decision. The Board feared that they would be given only a few days to prepare for full school desegregation, and according to an article in *The Gilmer Mirror*, the Board President suggested that if this were the case, then “let’s make them force us.” No member of the Board wanted to disrupt the school year with this sort of change, yet they had brought the situation on themselves by going back on their previously HEW-approved Plan.

The November HEW Hearing was attended by several members of the Board, the Superintendent of Gilmer Schools, GISD legal counsel, the Hearing Examiner, HEW lawyers, and a civil rights specialist from the Dallas Office. According to a detailed report in *The Gilmer Mirror*, the “HEW lawyers developed testimony aimed at showing that Gilmer still operated a ‘dual’ school system in violation of civil rights law. They also attempted to establish that there is no . . . barrier to putting into effect immediately the desegregation plan submitted by the Gilmer School Board in July, 1968 [the same plan the GISD School Board had so recently voted to revised]. [And], the board had failed to offer excuses as to why it had not eliminated the dual school system this year, as the 1968 plan had called for.” A spokesman for the Board suggested “we are doing the best we can, taking into consideration we on the board are in closer touch and know the people involved better than others more remotely concerned. It’s easy to make decisions on the 17th floor of the Santa Fe building, but we are going back to Gilmer and have to put them into operation without disrupting the structure of society” The disagreement was clear: the Board argued they were moving as quickly as feasible for a small town resistant to change, and the HEW argued that the law was not on the side of the Board. When the Superintendent was asked why the 1968 Plan had been changed, he suggested that there were “many reasons”; with cau-
tion, he then pivoted to the Board’s pre-planned argument that they would achieve a unitary school system by Fall, 1970.

The Board received the brief from the HEW Hearing a few months later, in January, 1970. Board members instructed the Superintendent to request of HEW that they call off their administrative proceedings, and in return, the Board would “promise that any dual school would be wiped out and total integration would take effect in September of this year.” The Board was adamant that integration of schools not occur mid-year, even though they knew HEW was not opposed to requiring mid-year full compliance. Yet, for the remainder of the school year, they faced the potential loss of a pro-rated $25,000 in federal funds, if determined by HEW to be out of compliance. The Board was also aware of a recent situation in which the Tatum School District had taken their own Freedom of Choice case to Federal District Court in Tyler on a Thursday, and had been ordered to fully integrate by the following Monday. While GISD Board members agreed that full school integration could no longer be put off, their new, immediate goal was to maintain a target date of September, 1970, without any further loss of federal funds.

In February, 1970, the GISD School Board and HEW reached a two-part agreement that set into motion the achievement of full school desegregation, some sixteen years after *Brown I* was decided.

The Board of Trustees moves to revise our plan of integration from a “freedom of choice” in grades 1-9 to a unitary system in September, 1970, placing grades 1-4 in the Gilmer Elementary School, grades 5-6 in the present Gilmer Junior High School, grades 7-9 in the Bruce School, and continuing grades 10-12 in the Gilmer High School. We also authorize Board President, Sidney T. Martin, to sign an agreement with the Department of Health, Education, and Welfare that we, Gilmer Independent School District, will forfeit all rights to a hearing and administrative proceedings and will go into a voluntary non-compliance status if we fail to totally integrate at that time. In return for this two-part agreement, the Department of Health, Education, and Welfare is suspending the administrative proceedings and restoring Gilmer Independent School District to a full-compliance status immediately.” (Minutes Feb. 3, 1970).
The Board had stalled for more time and won, even though in so doing they potentially put much at risk – the loss of federal funds and jobs, a potential increase in property taxes for local residents, and most importantly, equal educational opportunities for students in the dual school system. They were savvy in the means by which they thwarted the law, yet preserved federal funding. Once they knew change was nigh, however, they acted quickly and thoughtfully to achieve a smooth transition from a dual to a unitary system. Most notably, and likely in response to the Superintendent’s concerns about “cultural differences,” they held Racial Relations Training Sessions for all Gilmer school teachers, facilitated by three professors from Stephen F. Austin State University. In August, a much-heralded Open House was held at the Bruce School, the campus I would attend when I entered seventh grade in September, 1970. At that Open House, parents and students alike were in awe at the newly restored physical facility, which included air conditioning, carpeting, and new furniture. In hot and humid rural Northeast Texas, those luxuries likely enticed middle-schoolers, both White and African American, that school desegregation might not be so difficult, after all.

Conclusion

When the GISD Board made the decision to revise their HEW-approved desegregation plan and return to Freedom of Choice for Grades One through Nine, it is clear that their purpose was to delay desegregation in the junior high school for as long as possible. They seem to have understood how Freedom of Choice worked as an effective rhetorical device, or as Martha Minow, former Dean of Harvard Law School, has written, as “a euphemism for resurgent racial separation.” My research suggests that the GISD Board and some members of the White community relied on Freedom of Choice because they knew it worked as an effective tool for delay, that it actually served to limit freedom and choice in ways that would preserve the dual school system, based on race. For the GISD, Freedom of Choice produced the intended effects: for a decade, little to no school desegregation occurred. It was only in 1966, after the new HEW Guidelines went into effect and held school districts accountable, that change began to occur. I had just entered third grade at the all-White school, and that year, for the first time, a young, African-American girl

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2 These sessions were facilitated by Dr. Bennat C. Muller, Dr. John Austin, and Dr. Odis Rhodes. Further research is underway on the contents of and responses to these training sessions.
joined the previously all-White class. Likewise, her sister joined the second grade class. At the time, I had never heard of Freedom of Choice, so I did not understand why she and her sister were suddenly at “our” school. There were no riots, outcries of violence, and, as far as I can tell, the press did not run headline reports on their choice of school. In fact, 
The Gilmer Mirror reports that enrollment numbers for September, 1966 were about the same as the previous year, and simply notes that “this fall school opening marked the first time Negro pupils attended previously all-white buildings in Gilmer. Nineteen registered under a freedom-of-choice plan, which Gilmer had in effect as a result of the recent federal Civil Rights acts. Of these, the majority were in elementary grades, and only one reported in high school.” Perhaps, though not reported in the local paper, these nineteen students helped enable the White community to inch forward toward acceptance of the future unified school system. The families of these students obviously made the decision to employ Freedom of Choice, and their bold decision remains striking to me today. It was to be another four years before the Gilmer Schools would fully desegregate, and further research will hopefully enable me to learn more about these students who opted to transfer schools during this period. What were their varied reasons for making this move? What were their experiences? How did the community – both White and African American – support (or not) their choices? Why did no White children select to transfer to the all-Black school?

Likewise, when full school desegregation finally occurred, there was no major uproar in town and no major national or even regional newspapers covering the moment. The lengthy, but quiet success of school desegregation in the Gilmer Schools has ultimately rendered research into the topic somewhat difficult, as little has been written on the subject and most local archives have yet to be digitized. Given that school choice remains an ever-present and contentious topic in our nation, efforts to gain historical perspective on the ins-and-outs of how school choice has operated throughout time seems critical to our ongoing conversations about equality in educational opportunities. Since scant attention has been paid to the manner in which rural school districts dealt with issues of school choice, particularly in relation to the elimination of dual and race-based school systems, my research offers a microscopic window into the larger and complex history of school choice in the United States.
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