

October 9, 1967

169-55-15
#32-007-7

To: Mr. Norman

From: Mr. Fiss

Re: Singleton v. Anson County Bd. of Education

Attached are two memoranda from the Eastern Section recommending intervention in the Anson County, North Carolina, school suit. I recall Mr. Owen giving me these papers as he was about to leave town but I don't recall whether he concurred in the recommendation. I need more information.

First, it now appears that this suit is no longer in the district court. I gather from the conversation with Monica Gallagher and Fran Kennedy that the district judge denied the temporary restraining order and appeal was immediately taken to the Fourth Circuit, with a request for an injunction pending appeal. We should certainly find out the status of the appellate proceedings before passing on this recommendation. Second, no discussion is contained in these memoranda concerning the action that HEW is taking or plans to take with respect to the school system. Third, there is no discussion of why the private attorney is not capable of doing in this case what we did in the Franklin County case as intervenor. It is true that we had the Bureau to gather information regarding intimidation and harassment but private attorney can certainly gather a great deal of that information, at least the type that would be presentable to the court, i.e., testimony of the Negro victims or the school board members whose homes were bombed in June. Fourth, I am not altogether clear as to whether we have a case where the intimidation and harassment has made freedom of choice unable to work effectively. Of course, grades 11 and 12 are completely desegregated;

a news report dated August 30, 1967, in the New York Times, stated that 150 singing 9th and 10th grade students boycotted the Negro high school demanded to be allowed to attend the white high school. (The problem with respect to children in these grades stems from the fact that their assignments were based on choices exercised more than a year ago -- "in the midst of the worst intimidation the county has undergone" as Frank Schwelb put it.) There is more information in the justification memorandum regarding the choices of students in grades 1 to 7 for the 1967-68 school year. Fifth, it is unfortunate that one month of the school year has passed before we have closed on this matter. But that is a fact and perhaps before we take any further action some information should be attained as to the students and faculty performance for this school year.