



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

McArthur

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CIVIL RIGHTS

AIRMAIL--SPECIAL DELIVERY

Sumter School with 17

Honorable Jessie T. Anderson
Superintendent of Education
State Department of Education
Columbia, South Carolina 29201

Dear Superintendent Anderson:

The matter discussed in the attached letter from David Seeley to Mr. McArthur is very important. I hope you will do what you can to help the officials of Sumter County understand why staff desegregation is necessary. I am sure that the opposition of the local officials to this requirement represents an honest opinion as to the legal requirements. Mr. McArthur has told us that he intends to litigate the matter if we do not change our requirements on staff desegregation. You, of course, understand that we could not possibly do this, and I can't but believe that the expenditure of our efforts at the local, State, and Federal level in further litigation and argument over the fundamental requirements of school desegregation will be a disservice to the school children in your State.

Sincerely yours,

Harold Howe II

Harold Howe II
U.S. Commissioner of Education

cc: Honorable Donald Russell
Honorable Albert W. Watson
Honorable Robert L. Alexander

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March 26, 1966

AIRMAIL--SPECIAL DELIVERY

Mr. L. C. McArthur, Jr.
Superintendent
Sumter School District No. 17
Sumter, South Carolina

Dear Mr. McArthur:

Mrs. Price of our staff has discussed with me her conversation with you on March 17, and we received two days ago your letter of March 18 confirming the message you intended to send to us.

I am sorry to learn of your unsuccessful efforts to reach me by telephone. My secretary tells me that she was not aware of your attempt to call me, but perhaps the calls were referred to the Area Office for South Carolina. In any case, I am sorry if you had trouble reaching us. I do recall that we had a discussion about your plan when we met in Columbia on January 25. At that time I said that, although we had originally asked for Sumter's revised plan by February 1, there was no point in reviewing the plan until the revised guidelines were issued. I indicated, however, that the plan filed by your school district in January would definitely not be acceptable either under the old guidelines or the revised guidelines when issued since the plan did not include provisions for staff desegregation. As I recall, you put me on notice that your school district would not adopt staff desegregation provisions because you did not believe it within our authority to require this.

Now that the revised desegregation guidelines have been issued, the procedure for compliance by your school district would be somewhat different from that contemplated in our letter to you of November 3 in which we accepted your desegregation plan for the school year 1965-66. Rather than negotiate a new plan as suggested in the November 3 letter for 1966-67, the revised guidelines provide simply for the filing of HEW Form 441-B, which, when executed, will automatically amend your plan to conform to the revised guidelines. This form should be executed and sent to this office by April 15.

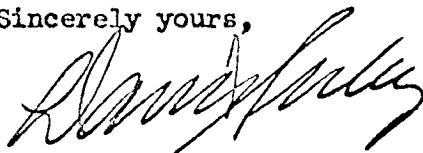
I realize, of course, that if your school district is unwilling to undertake any desegregation of its faculty that there remains a serious obstacle to compliance. It is our position that a school district in which all Negro teachers are assigned to Negro schools and all white teachers are assigned to white schools cannot in any fair sense be considered desegregated. We

believe it would be a mockery of the intention of the Congress if we should conclude otherwise. A start on the process of staff desegregation, in accordance with the standards of the revised guidelines, is therefore a definite prerequisite to compliance, and it would not be permissible to amend the letter to parents or notice in any way so as to modify this requirement.

If you do have any question regarding the faculty requirement, I hope that you will not delay in any way your carrying out of the free choice procedures with regard to students, with the choice period beginning no later than April 1. While misunderstandings concerning faculty requirements can be remedied at a later date, it is essential that the choice period for students, which is not in dispute, be carried out in accordance with the guidelines in order to obviate the need for reopening of the registration later.

If we can be of assistance to you, please let us know.

Sincerely yours,



David S. Seeley
Assistant Commissioner
Equal Educational Opportunities Program

cc: Honorable Jessie T. Anderson

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Assistant Attorney General
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