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IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ANTHONY T. LEE, et al.,)
)
Plaintiffs,)
)
UNITED STATES OF AMERICA,)
)
Plaintiff-Intervenor,)
and Amicus Curiae,)
)
v.)
)
MACON COUNTY BOARD OF)
EDUCATION, et al.,)
)
Defendants.)

CIVIL ACTION NO. 604-E

NOTICE OF MOTION TO
SUPPLEMENT RECORD

PLEASE TAKE NOTICE that at 9:30 a.m. on February 3, 1967 or as soon thereafter as counsel may be heard, in the courtroom of the United States District Court for the Middle District of Alabama, Montgomery, Alabama, the United States will move for leave to supplement the record in this action by introducing as evidence the attached Affidavit of Brian Landsberg.

ST. JOHN BARRETT
Attorney
Department of Justice

We have supplied desegregation statistics for 29 systems for which statistics had been blank in our brief. Overall enrollment figures are for 1966-67, whereas 1965-66 enrollment figures appeared in the brief. The total number of Negroes in white schools is 6617.

The school systems are again tabulated, by judicial district in three categories - those under court order, those having an acceptable 441-B on file with HEW, and those as yet uncommitted to a plan of desegregation. The systems are arranged within each category in order of ascending desegregation.

In reworking the tables, two reclassifications in HEW status were made. Clay County, in the Northern District, originally classified under "HEW Plan," is here listed as "Uncommitted." In the Middle District, Opp was originally listed as "Uncommitted" but is now classified under "HEW Plan."

The statistics are attached to this affidavit along with supporting footnotes where required.

BRIAN K. LANDSBERG, Attorney
Department of Justice

Sworn to and Subscribed Before
me this _____ day of February,
1967.

NOTARY PUBLIC

My Commission Expires _____.

1966-1967 DESEGREGATION STATISTICS

NORTHERN DISTRICT OF ALABAMA

	<u>Enrollment</u>		<u>Negro Students in Traditionally White Schools</u>	<u>Percent of Negro Students in Traditionally White Schools</u>
	<u>W</u>	<u>N</u>		
<u>Under Court Order</u>				
Jefferson Co.	45500	19500	75	.38
Birmingham	34735	34345	364	1.05
Bessemer <u>1/</u>	3412	5224	64	1.22
Lawrence Co. <u>2/</u>	5049	1831	40	2.18
Gadsden	9302	3226	100	3.09
Madison Co.	8600	3900	140	3.58
Fairfield	1897	1993	109	5.46
Huntsville	31200	2800	700	25.00
SUBTOTAL	139695	72819	1592	2.18
<u>HEW Plan</u>				
Blount Co.	4880	69	0	.00
*Sumter Co.	877	4719	16	.33
*Lamar Co.	2655	652	8	1.22
Talladega Co. <u>3/</u>	5917	3971	76	1.91
Sylacauga <u>4/</u>	2115	1054	22	2.08
Tuscaloosa Co. <u>5/</u>	8075	3490	90	2.57
Limestone Co.	5490	1914	56	2.92
Athens	2393	479	17	3.54
Tuscaloosa	8057	5064	246	4.05
St. Clair Co.	5165	1224	52	4.24
Cherokee Co. <u>6/</u>	3541	502	27	5.37
Walker Co.	9201	1448	84	5.80
Decatur	7286	1341	83	6.18
Anniston	4162	3418	239	6.99
Piedmont	1131	186	17	9.13
DeKalb Co. <u>7/</u>	8135	176	19	10.79
Cleburne Co.	2491	236	31	13.13
Florence	6062	1397 <u>8/</u>	187	13.38
Tuscumbia	1549	649	88	13.55
Sheffield	2319	712	128	17.97
Russellville	1680	331	75	22.65
Scottsboro	2422	270	63	23.33
Jacksonville <u>9/</u>	1847	202	53	26.23
Lauderdale Co.	7322	770	217	28.18
Carbon Hill	882	103	38	36.89
Jackson Co.	6517	348	139	39.94
Etowah Co.	7344	102	42	41.17
Oneonta	926	152	71	46.71
Franklin Co.	3538	25	13 <u>10/</u>	52.00
Cullman Co.	8055	123	65	52.84
Fort Payne	1668	59	59	100.00
Winston Co.	3659	19	19	100.00
Cullman <u>11/</u>	2895	0	0	-
Winfield	1154	0	0	-
SUBTOTAL	141410	36205	2340	6.46

	<u>Enrollment</u>		<u>Negro Students in Traditionally White Schools</u>	<u>Percent of Negro Students in Traditionally White Schools</u>
	<u>W</u>	<u>N</u>		
<u>Uncommitted</u>				
Bibb Co. <u>12/</u>	2338	1279	0	.00
Marion Co.	3923	149	0	.00
Shelby Co. <u>13/</u>	6440	2169	0	.00
Tarrant	1972**	135**	0 <u>14/</u>	.00
Pickens Co.	2628	3164	8	.25
Fayette Co.	2877	785	4	.50
Greene Co.	505	2869	28	.37
Clay Co.	2279	603	7	1.16
Calhoun Co. <u>15/</u>	10743	1547	41	2.65
Talladega <u>16/</u>	2776	1624	58	3.57
Attalla	1899**	688**	37 <u>17/</u>	5.37
Morgan Co.	8875	781	56	7.17
Colbert Co. <u>18/</u>	4119	1298	94	7.24
Marshall Co.	13094	346	69	19.94
Muscle Shoals <u>19/</u>	1700	100	62	62.00
Jasper	1752	6	6	100.00 <u>20/</u>
Mountain Brook	3594	0	0	-
SUBTOTAL	71514	17543	470	2.67
GRAND TOTAL	352619	126567	4402	3.47

1966-67 DESEGREGATION STATISTICS

MIDDLE DISTRICT OF ALABAMA

	<u>Enrollment</u>		<u>Negro Students in Traditionally White Schools</u>	<u>Percent of Negro Students in Traditionally White Schools</u>
	<u>W</u>	<u>N</u>		
<u>Under Court Order</u>				
Barbour Co.	1271**	2935**	30 <u>21/</u>	1.02
Bullock Co. <u>22/</u>	792	2823	39	1.38
Montgomery Co.	23354	17237	273	1.58
Macon Co.	451	5124	137	2.67
Lowndes Co.	383	3869	128	3.30
Crenshaw Co.	2122	1231	65 <u>23/</u>	5.28
SUBTOTAL	28373	33219	672	2.02
<u>HEW Plan</u>				
*Dale Co.	1828	650	0	.00
Elba	1141	561	3	.53
Pike Co.	1625	2009	14	.69
*Randolph Co.	1695	1291	9	.69
Andalusia	2021	773	7	.90
Butler Co.	2986	3134	29	..92
Autauga Co. <u>24/</u>	4185	2436	28	1.14
Coffee Co.	2051	396	10	2.52
Alexander City	2852	1214	36	2.96
*Covington Co.	2699	688	22	3.19
Troy	1326	1111	47	4.23
Ozark	3158	1046	52	4.97
Floralia	343	168	9	5.35
Eufaula	1499	1057	59	5.58
Enterprise	3227	1020	66	6.47
Phenix City <u>25/</u>	3413	1918	143	7.45
Auburn	2153	1352	111	8.21
Daleville	1076	14	14	100.00
*Opp	1318	10	10	100.00 <u>26/</u>
Roanoke	1193	30	30	100.00 <u>27/</u>
SUBTOTAL	41789	20878	699	3.34
<u>Uncommitted</u>				
Lee Co.	2065	1909	3	.15
Geneva Co.	4075	1352	3	.22
Henry Co. <u>28/</u>	1698	1894	7	.36
Lanett <u>29/</u>	1287	590	3	.50
Chilton Co. <u>30/</u>	4637	1166	6	.51
Houston Co.	3692	1660	13	.78
Tallapoosa Co.	2345	1831	16	.87
Chambers Co. <u>31/</u>	3501	3574	35	.97
Opelika <u>32/</u>	2727	1867	19	1.01
Dothan <u>33/</u>	5959	2448	26	1.06
Russell Co. <u>34/</u>	1624	3772	64	1.69
Coosa Co.	1426	1172	24	2.04
Tallassee	1433	485	17	3.50
Elmore Co.	4117	2539	123	4.84
SUBTOTAL	40586	26259	359	1.36
GRAND TOTAL	110748	80356	1730	2.15

1966-1967 DESEGREGATION STATISTICS

SOUTHERN DISTRICT OF ALABAMA

	<u>Enrollment</u>		<u>Negro Students in Traditionally White Schools</u>	<u>Percent of Negro Students in Traditionally White Schools</u>
	<u>W</u>	<u>N</u>		
<u>Under Court Order</u>				
Mobile Co.	49280	31469	155 <u>35/</u>	.49
Wilcox Co.	1147	4587	27 <u>36/</u>	.58
Choctaw Co.	2374	2666	56 <u>37/</u>	2.10
SUBTOTAL	52801	38722	238	.61
<u>HEW Plan</u>				
Monroe Co.	2502	3661	8	.21
Selma	3372	3718	66	1.77
SUBTOTAL	5874	7379	74	1.00
<u>Uncommitted</u>				
Conecuh Co.	1912	2321	0	.00
Marengo Co. <u>38/</u>	758	3247	0	.00
Washington Co. <u>39/</u>	2483	2153	0	.00
Dallas Co.	2052	6060	3	.04
Baldwin Co.	10314	3931 <u>40/</u>	3	.07
Thomasville	758	727	2	.27
Escambia Co. <u>41/</u>	4391	2706	9	.33
Linden	743**	801**	3 <u>42/</u>	.37
Clarke Co. <u>43/</u>	2559	3453	25	.72
Perry Co.	642 <u>44/</u>	3004 <u>45/</u>	30 <u>46/</u>	.99
Brewton	990	557	6	1.07
Hale Co. <u>47/</u>	1100	3925	50	1.27
Demopolis <u>48/</u>	1175	1136	31	2.72
Marion	561	249	11	4.41
SUBTOTAL	30438	34270	173	.50
GRAND TOTAL	89113	80371	485	.60

FOOTNOTES

* These systems have filed acceptable 441-B's with HEW, but HEW has told them they have not taken adequate steps to desegregate. The Lamar, Opp, Randolph, and Covington County systems have been cited for hearing by HEW.

** 1965-66 Enrollment figures were used because 1966-67 figures were not available.

- 1/ Pl. Ex. 16 (Bessemer).
- 2/ FBI Report.
- 3/ Pittard Dep., U.S. Ex. 1.
- 4/ Porch Dep., U.S. Ex. 3.
- 5/ Elliott Dep., U.S. Ex. 3-32.
- 6/ FBI Report.
- 7/ Roberts Dep., U.S. Ex. 3.
- 8/ Figure includes two students categorized as "other" on the HEW Fall Enrollment Reports.
- 9/ Stone Dep., pp. 8, 12, 15.
- 10/ Parrish Dep., p. 11.
- 11/ FBI Report.
- 12/ Pratt Dep., pp. 7-10.
- 13/ Hill Dep., U.S. Ex. 3.
- 14/ Birmingham News, September 1, 1966, pp. 1 and 8.
- 15/ Boozer Dep., U.S. Ex. 2 (Read into the record).
- 16/ Harwell Dep., U.S. Ex. 17.
- 17/ Pl. Ex. 16 (Attalla).
- 18/ Brown Dep., U.S. Ex. 2.
- 19/ Tr., December 1, pp. 216-217.
- 20/ Walker County Training School and Frisco Elementary School are two all-Negro schools with enrollments of 594 and 55 respectively which are operated by the Walker County School System and are located within the geographic limits of the Jasper City School System. They are attended by Negroes living within the city of Jasper. (Tr., Dec. 1, pp. 97-98)

- 21/ Testimony at the hearing in Franklin et al., v. Barbour County Board of Education et al., on September 16, 1966.
- 22/ The Report to the Court and the Amended Report filed in Harris et al., and U. S. v. Bullock County Board of Education and served on counsel for parties on September 14 and September 27, 1966, respectively.
- 23/ Conversation with C. W. Carpenter, Crenshaw County School Superintendent.
- 24/ Hargis Dep., pp. 10-11.
- 25/ Riddle Dep., pp. 7-11.
- 26/ About 75 Negro pupils living in the Opp area are transported by the Covington County Board of Education to a high school in the Andalusia City System. (Pl. Ex. 16 (Opp))
- 27/ About one half (350) of the Negro students attending Randolph County Training School, which is run by the Randolph County School System and is located within the city limits of Roanoke, are from the city of Roanoke. (Simpson Dep., pp. 14-15)
- 28/ FBI Report.
- 29/ FBI Report.
- 30/ FBI Report.
- 31/ FBI Report.
- 32/ Kirby Dep., pp. 4-6.
- 33/ Their Form 441-B was under review by HEW in January 1967.
- 34/ Richards Dep., pp. 8-12.
- 35/ Anniston Star, September 21, 1966.
- 36/ Report to the Court No. 4 in U.S., et al., v. Wilcox County Board of Education, et al., submitted to the Court on January 24, 1967.
- 37/ FBI Report.
- 38/ Ramsey Dep., U.S. Ex. 1.
- 39/ FBI Report. A number of "Cajun" children are included in the enrollment figures; less than 57 are included in white enrollment and 399 are included in Negro enrollment.
- 40/ This figure includes 29 "Creole" children who have their own school.
- 41/ Weaver Dep., U.S. Ex. 2. The Negro enrollment figure includes 148 Indian children.
- 42/ FBI Report.

43/ FBI Report.

44/ Pl. Ex. 4 introduced at the hearing in U.S. v. Perry County Board of Education, et al., on December 20, 1966.

45/ Ibid.

46/ Testimony at the hearing in U.S. v. Perry County Board of Education, et al., on December 20, 1966.

47/ Pl. Ex. 16 (Hale Co.).

48/ FBI Report.

CERTIFICATE OF SERVICE

I hereby certify that on the day of
February, 1967, I served by personal service copies
of the United States' Notice of Motion to Supplement
Record upon Messrs. Maury Smith and Fred D. Gray.

BRIAN K. LANDSBERG
Attorney,
Department of Justice,
Washington, D. C.

stress again that it may be only an interim plan. Its success will be periodically judged in the light of the criteria herein set out. For this and all other purposes, jurisdiction will be retained.

The decree and injunction heretofore issued in this case will be enlarged as herein indicated and a formal decree will be entered accordingly.

Done, this the 22nd day of March, 1967.


UNITED STATES CIRCUIT JUDGE


UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE