



Department of Justice

FOR IMMEDIATE RELEASE
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Public schools in Bay County, Florida, which receive federal "impact area" assistance for educating children of military personnel, should be forbidden to discriminate against children of Negro servicemen, the Department of Justice said today in a civil suit filed in Marianna, Florida.

The suit said continued racial discrimination violates written assurances given to the Government by county school officials that service children would be educated in accordance with state law. Florida law provides for no racial distinction in education.

The complaint also said the school segregation is unconstitutional and imposes an unreasonable burden on the Government by causing impairment of the service and morale of military and civilian personnel stationed at Tyndall Air Force Base, located in the county.

Named as defendants were: the Board, whose office is in Panama City; Charles Collins, its president; Buddy McLemore, T. P. Haney, James M. Mowat and Crawford Mosley, its members; and Earl Cochran, county school superintendent.

The complaint asked the United States District Court for the Northern District of Florida to order the defendants to stop segregating or discriminating against Negro service children in the county schools.

Attorney General Robert F. Kennedy said the Government has a direct interest in school segregation in Bay County because of nearly \$3,000,000 in federal "impact area" assistance provided to the county schools.

"This suit," Mr. Kennedy said, "does not suggest that such federal assistance to the schools be ended. Our purpose, as a directly affected party, is to seek an end, instead, to unconstitutional school segregation.

"It is unjust that military personnel, who make the sacrifices involved in serving their country away from home, should be forced to send their children to segregated schools. It is all the more incongruous because these schools are maintained by public funds, contributed in part by these service personnel."

Mr. Kennedy said the suit was filed only after extensive informal efforts were made to secure voluntary action on the part of the county school officials.

In applying for federal construction assistance, the school board gave written assurance, as required by law, that its facilities would be

available to service children on the same terms as local children, in accord with state law. Nevertheless, segregation of Negro students continued, the complaint said.

Last March 26, representatives of the Departments of Health, Education and Welfare and Justice met with school officials concerning continued segregation.

"In this conference," the complaint said, "the defendants promised that such children would be assigned to particular schools . . . without regard to . . . race or color."

This promise was confirmed in a letter to the two Departments by Superintendent Cochran, a copy of which was appended to the complaint. Nevertheless, the defendants have continued to segregate Negro children, the Department asserted.

This continued segregation has resulted in the impairment of the service and morale of service personnel at Tyndall Air Force Base and deprived them of their Constitutional rights, the suit said.

There are approximately 5,600 servicemen and employees at Tyndall Air Force Base, of whom approximately 290 are Negroes.

Federal aid is provided to the county schools under the "impact areas" program authorized by Congress in 1950 and 1951 for school districts burdened by an influx of service children.

A total of \$2,976,953 has been paid to the Bay County School board since then -- \$2,058,013 for operations and maintenance and \$918,940 for construction.

The case is the sixth "impact area" school suit filed by the Government. The first, filed September 17, 1962, concerned Prince George County, Virginia. In that suit, the court entered a permanent injunction June 24, 1963 requiring enrollment of Negro service children in all grades and all schools, without regard to race.

On January 18, 1963, the Department filed similar suits concerning Madison County, Alabama (Huntsville), Harrison County, Mississippi (Biloxi and Gulfport), Bossier Parish, Louisiana (Bossier City), and Mobile County, Alabama (Mobile).

The Mobile case is pending. The Government has appealed dismissal of the other three cases to the United States Court of Appeals for the Fifth Circuit.