

# The Franklin Times

Published Every Tuesday & Thursday

Serving All Of Franklin County

Tel. GY6-3283

Ten Cents

Louisburg, N. C., Tuesday, August 13, 1968

(Eight Pages Today)

99th Year-Number 51

## Federal Funds Have Nothing To Do With Present School Situation

"Why don't you give the government back its money and run the schools to suit yourselves", one parent asked a school board member last week. This question or versions of the question have been asked for the past several years of school officials.

*One school official explained the answer. Federal funds have nothing to do with Franklin County's current school situation.*

The Congress, in the aftermath of the assassination of President John F. Kennedy in 1963, passed a bill sought by the late President. In July of 1964, the Congress enacted the 1964 Civil Rights Act. The law went into effect on January 3, 1965 and from that date, any school system operating dual schools — that is one set of schools for white children and one set of schools for Negro children — was violating the law.

*However, Congress provided for a period of transition, giving school systems some time to accomplish the provisions of the new law. The Department of Health, Education and Welfare, (HEW) was designated by the Congress as the agency to implement the provisions of the new law.*

In 1965, HEW ordered all school systems to "head toward the elimination of dual school systems". HEW provided guidelines in late 1965, spelling out what was expected of the systems. All systems were not treated alike and some were required to do more than others toward desegregation.

*In the case of the Franklin County administrative unit, HEW ordered first the desegregation of four grades in 1965-66 school year. The Franklin Board of Education drew a plan calling for this and thereby had its plan approved. Approval of the system's plan meant that federal funds allotted to the county would be received.*

By the time for the 1966-67 HEW approval, the Franklin system was in federal court. HEW took the position that as long as the system was under court orders, any plan was approved and Franklin County no longer dealt with HEW. The county system has been under court order since that time and funds have never been threatened.

However, due to the fact that some local parents took the School Board to Court, the system was confronted with the NAACP legal staff in New York and Charlotte and later the United States Department of Justice.

*Since 1965, the question has never been a matter of federal funds. HEW could hardly cut off these funds as long as the county was in compliance with a federal court order. The School Board could not get out from under a federal court order just by telling HEW it didn't want the funds.*

The courts are ruling under the 1964 Civil Rights Act and basing decisions made by higher courts in other school cases. When the U. S. Supreme Court ruled free choice was unacceptable unless it eliminated the dual school system, the lower courts began immediately to knock down freedom of choice plans in the various school units.

*According to the local school official, Franklin County has never presented a plan just to get federal funds. All actions by the School Board have been directed at complying with the law as spelled out by the 1964 Civil Rights Act and by the Court.*

In instances, such as the Franklinton City Administrative Unit, the official explained, if requirements of HEW are not met, federal funds may be lost. However, the loss of such funds, would not restore control of the school system back to the Franklinton Board. HEW would simply report that the system was not in compliance with the 1964 Civil Rights Act, turn the system over to the Civil Rights enforcement division and Franklinton would find itself in federal court.

There is a great deal of confusion on this matter and many misunderstand it. The official said, "I hope this will clarify this misunderstanding. Federal funds have nothing at all to do with the fact that our school board and all others are required to comply with the law as passed by Congress and interpreted by the courts.

*"We receive federal funds because we are under court order. We are not in court in order to receive federal funds", he added.*

## New Faculty Members Named At Louisburg College

Louisburg College Dean John B. York has announced the appointment of eight new faculty members to the college for the 1968-69 academic year. He indicated that the unusually large number of new professors is due to the biggest increase in enrollment in recent years. A new 104 bed dormitory for women will increase the enrollment to 800 students.

The new faculty include: Ernest Bernard Bolick, Jr., A.B., Lenoir Rhyne College; B.D., Columbia Seminary; M.A., University of North Carolina at Chapel Hill. Professor and Mrs. Bolick have one daughter, Maria, eight years old. They will reside in the College Faculty Apartments. Mr. Bolick will serve as dean of men and instructor in History.

Ellen Jane Bryan, A.B., Pembroke College; Graduate Work, East Carolina University. Miss Bryan will teach in the Physical Education Department and will be the new dean of women. She will live in the Faculty Apartments.

Adrene A. Brown, A.B., Gullford; M.A., Appalachian State University. Mrs. Brown, an instructor in French, will reside at 302 West Noble Street. Emilio S. Cancio-Bello, A.B., Belen College; LL.M., Ph.D., Ed.D., Havana University; M.A.T., Fairleigh Dickinson College. The Cancio-Bellos have three children; a son who has just

finished medical school, a son who is a senior at Miami University and a 16 year old daughter, Pauline. Dr. Cancio-Bello will teach Spanish and French at Louisburg. The family will reside on the Fox Park Road.

James Olin Hall, Jr., A.A., Louisburg College; A.B., University of North Carolina at Chapel Hill. Mr. Hall will be an instructor in Recreation and Physical Education. He will live at 302 W. Noble Street.

Barbara Anne Hudson, A.A., Louisburg College; A.B., M.A., University of North Carolina at Chapel Hill. Miss Hudson, who will live at 412 Sunset Avenue, will teach English.

Dorothy H. Sampson, A.B., McKenzie College; M.A., University of Illinois. Mrs. Sampson has one daughter, Mrs. Dan Bolognesi of Durham. She will live in the new women's dormitory and will be director of the English Tutorial Program.

Elbert Russell Stott, A.B., Pfeiffer College; B.D., Candler School of Theology; Graduate Work, Emory University. The Stotts will reside on Beam Circle. They have two children, Sandra and David. Mr. Stott will teach in the Religion Department at Louisburg.

The teaching faculty, equated to full-time employment, now numbers fifty, including four librarians.

The first session of the 1968-69 school year begins August 25.

## Franklin Students Have Been Denied Due Process Of Law

### Constitutional Question Raised In Board's Stay Petition

The rights of students to an uninterrupted education have been denied by the August 5, 1968 ruling of the U. S. Eastern District Court, according to claims made by the Franklin County Board of Education in its petition to have the order stayed. The petition,

filed last Friday in Greenville, S. C. with U. S. Fourth Circuit Chief Judge Clement F. Haynesworth, also claims that compliance with the order of Judge Algernon Butler would cause "disruptive and chaotic" conditions in the school system.

Judge Butler's order, issued last week, calls for total integration of all county schools by the August 28 opening. To comply with the order, students would have to be shifted from one school to another throughout the county. In the Board's petition

for a stay of the order, it claims that "more than 3,000 students will be shifted."

Within hours of the receipt of the order last Tuesday, the Board met in emergency session and ordered its attorneys to seek a stay and to appeal the ruling.

Judge Haynesworth has indicated that in view of the time element involved, he will issue a ruling on the petition to stay the order immediately. Should a stay be granted, the Board would have a minimum of sixty days to file an appeal to the Fourth Circuit Court in Richmond, Va.

The Board bases its request that it not be forced to implement the order of Judge Butler, while appealing the ruling, on the belief "that the administrative obstacles to such a massive transfer of students prior to the opening of schools . . . are insurmountable and render it virtually impossible for them (defendants) to comply with (the) order without disrupting the educational continuity of the 5800 students in the system . . ."

The Board also contends that students are entitled to a "continuous education without having to undergo the disruptive and chaotic conditions" which will result from compliance with the Butler ruling.

The petition also raises a constitutional question, which might very well someday be decided by the U. S. Supreme Court. The Board states in the petition, "The Defendants do not believe that it is the intent of the Constitution and the laws of the United States or the decisions of the Court, that the students be required to suffer such consequences which will be caused by occurrences over which they have no control."

One school official put it this way when he remarked, "Why should the children be made to suffer or punished for something they've had no part in?" This is the first known incident in the growing number of school desegregation cases, that such a constitutional question has been raised.

The Board also claims that it has "been denied due process of law", and that the order of Judge Butler was entered without "evidence being heard and without finding of facts to support said Order". Claiming that the Board is responsible for the education of the students of Franklin County, contention is made that the students have also been denied due process of law.

The Board supports its petition for stay with an exhibit containing seven statements spelling out the reasons

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County. Agreements have not yet been made for the fall terms in these cases. See SPEED-UP Page 8



Water Damage

Part of the water damage suffered by the new Super Dollar Store, slated to open here soon, is shown above. The sudden rain storm that struck the area early Sunday morning caused the flooding of the new business located in the Beck building on the corner of E. Nash and Spring Streets here. A stoppered-up drain at the rear door of the building is credited with allowing the water to seep through the rear door. Harold Lamb, company official said damage estimates could not yet be made. Only uncartoned goods, still resting on the floor were damaged. Staff photo by Clint Fuller.

## Coming Elections May Explain Speed-Up In Hew, Court Rulings

By Clint Fuller  
Times Managing Editor

The latch on the spring-loaded door of judicial restraint and bureaucratic patience has been unlocked. Just who turned the key remains a secret but some clue might be found in the timing. The door on the push toward total integration of southern schools has sprung wide open in the past two weeks and many people are at a loss to explain why.

In North Carolina, a casual count readily reveals sixteen systems in our area alone that have been caught in the door-opening draft. In neighboring Virginia, at least eleven are also catching the cold from the courts and HEW.

And at least one new twist has been reported. The Palm Beach, Florida Board of Education is taking the federal government into court in efforts to maintain its freedom of choice system.

In North Carolina, District Judge

### Jury List Announced

The following named persons have been drawn to serve on the jury for the week beginning on the 26th day of August, 1968.

Dunn: F. H. Galloway, Charles Blackmond, Mrs. Cleveland Bailey.

Harris: Carrie E. Murray, Byard Roling Wheless.

Franklinton: Laura Mae Smith, Mrs. Gary O. Murray, Seennette Gales Clifton, J. A. Puckett, Mrs. Norine A. Smith.

Hayesville: Doris Wynn  
Sandy Creek: Frank S. Merritt, W. E. Turner.

Gold Mine: Lee Durham.  
Cedar Rock: Dollie H. Leonard, O. T. Fisher.

Louisburg: Viola Joyner, Alex T. Wood, Sheila C. Phillips, T. L. Duke.

John D. Larkins, former Democratic candidate for Governor has been the busiest. He has ordered Craven County to present a plan for elimination of the dual school system by January 1, 1969. Pitt County has been ordered to go to a "countywide attendance area system and Beaufort County has been ordered to go to a "geographic attendance zone" much like that ordered by Judge Algernon Butler for Franklin County.

In both Pitt and Beaufort, Judge Larkins spelled out the schools and

### News Analysis

how each are to be used. In Beaufort county students will have the right of transfer from one district to another. These provisions are not included in the Franklin County order.

Judge Larkins has also issued an order for the consolidation of elementary schools this fall in Edenton City Schools and in Chowan County schools. Both are to have total integration by 1969-70.

Northampton County was ordered by Judge Larkins to "initiate steps this fall to eliminate the dual school system" and is to consolidate Northampton High School this fall with a ratio of four white to every three Negro students. Bertie County has been ordered to consolidate high schools this fall and to present a plan for total integration not later than January 1, 1969.

HEW has approved a plan by Scotland County to transfer 850 Negro students to predominantly white schools and Concord has been ordered by Judge E. M. Stanley to transfer 290 Negro students to white schools this fall.

Other North Carolina schools involved with HEW include Franklinton, Raleigh, Rocky Mount and Vance



New Bishop Visits College

Bishop William R. Cannon, former Dean of Candler School of Theology, Emory University in Atlanta Georgia, is shown above center, on a visit to Louisburg College Monday. Bishop Cannon is flanked by Dr. Cecil W. Robbins, left, President of Louisburg College and Raleigh District Superintendent N. W. Grant. Cannon was recently elected bishop by the United Methodist Church and assigned to the Raleigh area. The 52-year-old leader met here with Dr. and Mrs. Robbins, members of the college administration and ministers on the college faculty.

Staff photo by Clint Fuller.