

A MEANINGFUL REALITY: THE INTEGRATION OF THE OPELIKA, ALABAMA  
CITY SCHOOL SYSTEM, 1965-1972

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A MEANINGFUL REALITY: THE INTEGRATION OF THE OPELIKA, ALABAMA  
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A MEANINGFUL REALITY: THE INTEGRATION OF THE OPELIKA, ALABAMA  
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THESIS ABSTRACT

A MEANINGFUL REALITY: THE INEGRATION OF THE OPELIKA, ALABAMA  
CITY SCHOOL SYSTEM, 1965-1972

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This thesis chronicles and analyzes the integration of the Opelika city school system from the institution of the freedom of choice method of desegregation in 1965 to the court-ordered total integration of the system in 1972. Opelika maintained a *de jure* segregated school system until forced to follow desegregation guidelines set forth by the United States Department of Health, Education, and Welfare. The system was added as a defendant in *Lee vs. Macon County Board of Education* in 1967, from which point the school board followed the court orders of federal district court judge Frank M. Johnson until it achieved total integration of the student body through forced assignment in 1972.

In the course of narrating the events of this pivotal period in Opelika's history, this thesis devotes particular attention to the actions of the local board of education, the

role of community leaders, the fate of black schools, white flight to segregationist academies, and the state of the system today. It also seeks to situate Opelika within a larger historiographical context by noting how the city's history of public school segregation both mirrored and deviated from patterns of school desegregation elsewhere in the South. Opelika's transition from a segregated system to an integrated one was largely a success, but the legacy of *Brown v. Board* is far from determined.

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## LIST OF ABBREVIATIONS

ACMHR:	Alabama Christian Movement for Human Rights
ADAH:	Alabama Department of Archives and History
CORE:	Congress for Racial Equality
CRA:	Civil Rights Act of 1964
DOJ:	United States Department of Justice
ESEA:	Elementary and Secondary Education Act
HEW:	United States Department of Health, Education, and Welfare
MIA:	Montgomery Improvement Association
NAACP:	National Association for the Advancement of Colored People
OBEMM:	Opelika Board of Education Meeting Minutes
OHS:	Opelika High School
SCLC:	Southern Christian Leadership Conference
SNCC:	Student Nonviolent Coordinating Committee
TCA:	Tuskegee Civic Association

EPIGRAPH:

“Not only have these defendants, through their control over the local school boards, flouted every effort to make the Fourteenth Amendment a meaningful reality to Negro school children in Alabama; they have apparently dedicated themselves and . . . have committed the powers and resources of their offices to the continuation of a dual public school system such as that condemned by *Brown v. Board of Education*.”

Federal District Court Judge Frank M. Johnson  
March 22, 1967

A MEANINGFUL REALITY: THE INTEGRATION OF THE OPELIKA, ALABAMA  
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It is just under an hour's drive on Interstate 85 from what many consider the birth place of the modern civil rights movement to the city of Opelika, Alabama. Montgomery and Opelika are connected by more than I-85, though. You could walk out of Martin Luther King's Dexter Avenue church, walk down Dexter to Commerce and walk the three blocks to the Alabama River. If you were to follow that river from downtown Montgomery upstream to the confluence of the Coosa and Tallapoosa, then up the Tallapoosa to Uphapee Creek, you would find Big Swamp, just southeast of Tuskegee in Macon County. Muddy and meandering Opintluccho Creek runs through Big Swamp and into Lee County. It wanders slowly through an area of farmland and modest homesteads south of the fall line from its headwaters just off Lee County highway 51 on the far eastern edge of the Tallapoosa River watershed. "Opintluccho" and "Opelika" are both derived from the Muskogee Creek word for "big swamp" or "large swamp." The original Creek town of that name was most likely, at some point, very near to those headwaters.<sup>1</sup>

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<sup>1</sup> See Jack B. Martin and Margaret McKane Mauldin, eds, *A Dictionary of Creek/Muskogee* (Lincoln: University of Nebraska Press, 2004), 178, and Amos Wright, *Historic Indian Towns in Alabama, 1540-1838* (Tuscaloosa: University of Alabama Press, 2003), 125, for the origins of "Opelika." See also William A. Read, *Indian Place Names in Alabama* (Tuscaloosa: University of Alabama Press, 1939, 1985), 50.

A few miles up highway 51, the current city of Opelika lies on relatively flat ground north of the fall line and the Gulf Coastal Plain at the tip of the Piedmont Plateau. Along with its neighbor to the west, it anchors the Auburn-Opelika Metropolitan Statistical Area, which claims a modest 115,092 residents and serves as a commercial center for the county and surrounding area. Opelika is the county seat of Lee County. It boasted a 2000 population of 23,498 and a 2005 population estimate of 23,804. In 2000, 55 percent of those residents were white, and 43 percent were black. By and large, Opelika is *de facto* residentially segregated, with blacks living in neighborhoods south and east of downtown and whites living in the mostly more affluent neighborhoods to the north and in the working class mill village to the west.<sup>2</sup>

Settled by whites in the 1830s, Opelika heralds itself as an “Old Railroad Town,” as it became something of a commercial center with the building of railroad lines connecting it to Montgomery and Atlanta a few decades later. It might be called an “Old Mill Town” as well. Pepperell Manufacturing built a large mill there in the 1920s that similarly defined the city for a period of time. Over the next 40 years, the city’s population climbed from 4,960 (1920) to 15,678 (1960). In 1960, 9,717 of Opelika’s citizens were white, and 5,961 were “non-white.” By the end of the turbulent 1960s, the city claimed 19,027 residents: 13,067 white and 5,955 “negro.”<sup>3</sup>

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<sup>2</sup> 2000 *Census of Population, Summary Population and Housing Characteristics, Alabama*, <http://www.census.gov> (accessed March 2, 2005); *Profile of General Demographic Characteristics, Geographical Area, Opelika, Alabama and Geographical Area, Auburn-Opelika, AL- MSA*, <http://centstats.census.gov> (accessed January 17, 2007).

<sup>3</sup> Wink Blackmon, “Opelika: Indian Town to Industrial Center,” *Lee County and Her Forebears*, ed. Alexander Nunn (Opelika, Alabama: A. Nunn, 1985); *1960 Census of Population, Characteristics of the Population, Alabama* (Washington, D.C.: Government Printing Office, 1963); *1970 Census of*

This was the decade in which Opelicans experienced and helped define the civil rights movement. While not the site of a seminal bus boycott like its neighbor down I-85, it was nonetheless the site of a struggle over what the civil rights movement would mean for the people who experienced it on the ground. Nowhere were these meanings more hotly contested in Opelika, and perhaps in the country as a whole, than in the arena of school desegregation. After decades of segregation, the city school system in Opelika went from being completely segregated to being totally integrated in the span of six years. In 1964 downtown was the only middle ground where the two races interacted, and even there the laws of Jim Crow, the segregationist statutes in places since Reconstruction, placed limits on that interaction. With the exception of individuals fulfilling a public service or of blacks working in white homes, people almost never had a reason to cross the color line into the “other’s” neighborhood: there were not many blacks driving north from downtown up 10th Street; nor were there many whites driving south on Jeter Street. By 1972, though, there would be a new middle ground where Opelicans, forced or not, would meet.<sup>4</sup>

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*Population, Characteristics of the Population, Alabama* (Washington, D.C.: Government Printing Office, 1973).

<sup>4</sup> Richard White, in *The Middle Ground: Indians, Empire, and Republics in the Great Lakes Region, 1650-1815* (New York: Cambridge University Press, 1991), articulated the notion of a middle ground as a place of intermingling and coexisting between two groups; the use of this term is not meant to infer any further similarities with his conclusions. See also Barbara Jeanne Fields, *Slavery and Freedom in the Middle Ground: Maryland During the Nineteenth Century* (New Haven: Yale University Press, 1985).

## Summary

This thesis chronicles and examines school desegregation and integration in Opelika, Alabama.<sup>5</sup> The process began in 1965 when the United States Department of Health, Education, and Welfare (HEW) began to utilize the power afforded it by the recently passed Civil Rights Act to pressure Southern school systems to desegregate. HEW presented districts with yearly guidelines for desegregating that they were to follow to prevent the loss of federal funding. Like many other neighboring districts, Opelika's board of education used a combination of good faith measures and stalling tactics aimed at appeasing the government as well as the anxious segments of the citizenry. Pursuant to the minimal requirements of the guidelines, the board introduced the freedom of choice plan method of desegregation incrementally in 1965 and 1966. The preferred method of many proponents of desegregation at the time, freedom of choice allowed for students to choose which school within a district they would attend. In reality this led to very minimal token desegregation. Realizing this, federal district court judge Frank Johnson in 1967 named as defendants in *Lee v. Macon County Board of Education* 96 Alabama school districts, including Opelika, as well as a number of state officials, most notably Johnson's nemesis, former and then *de facto* governor George Wallace. *Lee v. Macon* was a desegregation case, filed by civil rights attorney Fred Gray, involving Opelika's neighbor, Tuskegee. From that point Opelika officials had to answer to HEW, the United States Justice Department, *and* the district court.

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<sup>5</sup> As a general rule, I use "desegregation" when discussing initial token measures and "integration" when dealing with more meaningful, total measures.

Johnson and the court became the most significant of those entities. Acting on precedent set forth in *Green v. New Kent County, VA*, Johnson eventually ordered freedom of choice discontinued and full integration achieved, through forced assignment if necessary. He soon ordered all vestiges of the dual school system, that is, having identifiably “white” schools and “black” schools, dismantled. Opelika officials complied and achieved full integration in 1972 with the opening of a new high school.

Several members of Opelika’s white community, most importantly superintendent Clyde Zeanah, were moderate voices in the community. With a commitment to abide by the law and through a large community education and communication effort, these moderates, or progressives, were able to stem the tide of white flight and help prevent violence in the city and the schools. White flight was a significant variable, however. Initially, Opelikans who withdrew their children from the public schools sent them to a segregationist academy in Auburn, but by 1970, there was a similar option in Opelika with the opening of Scott Academy.

Opelika’s black community responded to desegregation and integration in different ways as well. In many cases, leaders like the Reverend A.L. Wilson made a push for desegregation by pressuring city officials and by enrolling their children in white schools through freedom of choice and encouraging others to do the same; these leaders, especially Wilson, had been working the civil rights battle front even before the school desegregation opportunity came. Other black Opelikans simply wanted the school board to devote the same amount of money, time, and resources to the black schools as it did the white schools. Blacks in Opelika were not monolithically in favor of total integration, particularly if the burdens and sacrifices of desegregation fell exclusively on their side of

the color line. When Darden High, the black community school, was closed as part of the total integration plan, many blacks reacted with anger and sorrow over the loss of a school that they had worked hard to build with limited resources.

The Opelika experience stood in contrast to that of neighboring Tuskegee, but was very similar to many other school districts, nearby and far afield. This thesis also compares events in Opelika with those in Hyde County, North Carolina; in Greensboro, North Carolina; in Bogalusa, Louisiana; in Greenville, Mississippi; and in Charleston, South Carolina. The comparisons focus mostly on these themes: the impetus and method for desegregating, the closing of black community schools, the role and attitudes of white city leadership, and the controversial option of white flight to private academies or to predominantly-white suburbs.

The racial demographics of Opelika's school system have shifted along with those of the city itself; public schools have a higher percentage of black students than at any point in the city's past. Much of this can be attributed to the growth of the black population, however, rather than a significant increase in white flight. Many Opelikans consider themselves and the city better off for having integrated peacefully with a certain degree of success. Today though, disparities in academic performance, potential student tracking, higher suspension rates, and segregation within the schools themselves suggest that the legacy of *Brown v. Board*, despite the initial success, is still undetermined. These problems may be the result of larger socio-economic issues more than policy or policy failure, but they do suggest that the "color line," what W.E.B. Du Bois once referred to as "the problem of the [twentieth] century," has not disappeared completely, even if its

impact is more subtle than the stark “Colored” and “White” signs of the South’s segregated past.

### **Historiography: Community Studies**

Community studies which shed light on any national phenomenon can be valuable, but community studies illuminating the local impact of the civil rights movement are necessary due to the very nature of that movement. If we are to understand the movement era, we can not simply study things like the Southern Christian Leadership Conference (SCLC), Thurgood Marshall, George Wallace, the sit-ins, and massive resistance, as important as such organizational, biographical, and event-driven studies may be. We must know what happened in places like Opelika, where the contest over the meaning and legacy of the larger struggle for civil rights reshaped the daily lives of both blacks and whites. Community studies thus allow historians to test at the ground level sweeping claims about the movement writ large. Some scholars argue that certain communities can be misrepresentative of the whole, but this if anything ought to encourage even more researchers to undertake community studies so that in considering the cumulative weight of local evidence, assumptions about larger regional and national trends can be substantiated, refined, or in some instances refuted. This sort of testing is essential for the proper historical treatment of the civil rights movement and school desegregation. As one historian put it, “Each community now has a story to tell about the

movement, and only when many of these stories are told will the South's great social upheaval be understood."<sup>6</sup>

To date there are not many monograph-length community studies of school desegregation in the South written by historians. David Cecelski's *Along Freedom Road* is one of the very few. Cecelski examines Hyde County, North Carolina, where blacks boycotted the school system to avoid the closure of black community schools. He details the black community's efforts to save its beloved schools amidst the school board's plan to close them as part of an integration effort. Black schools were a source of pride for many black communities, and their closure was often an unfortunate and frequently overlooked consequence of integration. Another historian, Robert Pratt, has looked at school desegregation struggles in Richmond, Virginia. Pratt gives credit to the black community for constantly pushing to make integration a reality and faults the local newspapers for encouraging delay and city officials for failing to provide adequate leadership.<sup>7</sup>

Several other civil rights movement community studies deal extensively, if not exclusively, with school desegregation including Robert J. Norrell's work on Tuskegee, *Reaping the Whirlwind*, and William Chafe's study of Greensboro, North Carolina, *Civilities and Civil Rights*. Norrell relates the story of massive white flight from the Tuskegee school system and then the city itself as racial turmoil became the order of the day in that small city just west of Opelika. Chafe subtly examines the impact of what he

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<sup>6</sup> Robert J. Norrell, *Reaping the Whirlwind: The Civil Rights Movement in Tuskegee* (New York: Knopf, 1985), ix.

<sup>7</sup> David Cecelski, *Along Freedom Road: Hyde County, North Carolina and the Fate of Black Schools in the South* (Chapel Hill: University of North Carolina Press, 1994); Robert A. Pratt, *The Color of their Skin: Education and Race in Richmond, Virginia, 1965-1989* (Charlottesville: University of Virginia Press, 1992).

terms a “Progressive Mystique” that dictated the actions of Greensboro’s white leadership; rooted in paternalism, this was the deeply-held conviction among white politicians and leading businessmen that their city was progressive in race relations, in large part due to the patterns of civility that governed interracial communications and interactions there. An initial openness to new ideas and the insistence on civility kept the city from experiencing “the viciousness associated with ... Mississippi or Alabama.” Beneath its progressive surface though, Greensboro was often just as segregated, just as hostile to meaningful change, just as averse to authentic two-way communication and just as white-controlled as any other American city. To bring about any significant change, Greensboro’s blacks had to peel away this veneer of civility and agitate and demonstrate.<sup>8</sup>

Non-historians have taken an interest in the subject of school desegregation as well. Educationist R. Scott Baker’s survey of the process in Charleston, South Carolina is the most recent monograph. Sociologists Carl Bankston and Steven Caldas have published a book on Baton Rouge, Louisiana, and sociologist Raymond Wolters has edited a collection of essays on the communities involved in the *Brown* cases. Also, political scientist Richard A. Pride has written a monograph on school desegregation in Mobile and co-authored a book on the busing controversy in Nashville. Law professor Davison Douglas has written a monograph on Charlotte, North Carolina, where busing was also a major issue. In addition to these, there are a number of useful case studies published by the United States Commission on Civil Rights in the late seventies for that

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<sup>8</sup> Norrell, *Reaping the Whirlwind*, see note above; William Chafe, *Civilities and Civil Rights: Greensboro, North Carolina, and the Black Struggle for Freedom* (New York: Oxford University Press, 1980), 238.

body's report to the nation entitled *Fulfilling the Letter and Spirit of the Law: Desegregation of the Nation's Public Schools*.<sup>9</sup>

While a number of writers have offered broader treatments of school desegregation, two stand out. Richard Kluger's magisterial *Simple Justice* is generally accepted as the standard, dealing extensively with the legal side of the story. More recently James Patterson has presented another sweeping and well-received history of the phenomenon entitled *Brown v. Board of Education: A Civil Rights Milestone and its Troubled Legacy*.<sup>10</sup>

### ***Brown v. Board of Education***

Patterson argues that the *Brown* ruling was a watershed moment, at least symbolically. But he reminds us of the ambiguity of its legacy: the many "disappointments and triumphs" that it affected. In the decade immediately following it, there were mostly disappointments with little or no triumphs. When the United States Supreme Court

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<sup>9</sup> R. Scott Baker, *Paradoxes of Desegregation: African-American Struggles for Educational Equity in Charleston, South Carolina, 1926-1972* (Columbia: University of South Carolina Press, 2006); Carl Bankston and Steven Caldas, *A Troubled Dream: The Promise and Failure of School Desegregation in Louisiana* (Nashville: Vanderbilt University Press, 2002); Raymond Wolters, ed., *The Burden of Brown: Thirty Years of School Desegregation* (Knoxville: University of Tennessee Press, 1984); Richard A. Pride, *The Political Use of Racial Narratives: School Desegregation in Mobile, Alabama, 1954-1997* (Urbana: University of Illinois Press, 2002); Richard Pride and J. David Woodward, *The Burden of Busing: The Politics of Desegregation in Nashville, Tennessee* (Knoxville: University of Tennessee Press, 1985); Davison Douglas, *Reading, Writing, and Race: The Desegregation of Charlotte Schools* (Chapel Hill: University of North Carolina Press, 1995); *School Desegregation in Greenville, Mississippi: A Staff Report of the United States Commission on Civil Rights* (Washington, D.C.: Government Printing Office, 1977), CR.2:D45/18, p. iv.

<sup>10</sup> Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* (New York: Knopf, 1975, 2004); James T. Patterson, *Brown v. Board of Education: A Civil Rights Milestone and Its Troubled Legacy* (New York: Oxford University Press, 2001); for praise for Kluger and Patterson's work, see Stephen F. Lawson's review of the docudrama based on *Simple Justice* in *The Journal of American History* 80 (December, 1993): 1194-6 and Robert A. Pratt's review of *Brown v. Board of Education* in *Reviews in American History* 30 (March 2002): 141-8.

decided *Brown*, the justices declared an end to *de jure* segregation and reversed the 1896 *Plessy v. Ferguson* doctrine of “separate but equal.” Within the realm of public education, black and white students could no longer be segregated by law. Unfortunately, the Court’s rhetoric did not bring about any immediate change, especially in the Jim Crow South, where deeply etched social realities were hard to erase. Even after Court hearings produced an implementation decree that became known as *Brown II*, which indicated that school districts should move to desegregate with “all deliberate speed,” token desegregation and judicial, legislative, and public backlash remained the norm. This was predictable, considering the high court had left up to the South, and as it turned out, the lower courts there, the business of how and exactly when to desegregate.<sup>11</sup>

Part of the immediate backlash was a ruling by federal district court judge John Parker in the South Carolina case *Briggs v. Elliot*. *Briggs* was one of the five cases collectively known as *Brown v. Board*, but it had been remanded to the district court in the Supreme Court’s decision. Parker shrewdly exploited a loophole in Chief Justice Earl Warren’s ruling by declaring that the Court did not intend for school districts to purposefully mix blacks and whites. Parker wrote that the Constitution did not require integration; it simply forbade government imposed segregation. This Briggs Dictum, as it came to be called, became a refrain for white politicians and educational leaders in

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<sup>11</sup> See Patterson, *Brown v. Board of Education*, 206 for quotation, 83 for *Brown II*, and 91-96 for reactions. See also Kluger, *Simple Justice*, 742-7, for a discussion of *Brown II* and leaving implementation up to the South itself and the lower courts; *Brown v. Board of Education of Topeka* (347 U.S. 483); “*Brown II*” (349 U.S. 294).

school districts looking to avoid integration, and “all deliberate speed” became “all deliberate delay.”<sup>12</sup>

Even the token desegregation that occurred in Little Rock in 1957 remained the exception rather than the rule for many years. “All deliberate delay” was the rule of the day, but white southerners had other available options, too. Virginians in Prince Edward County pioneered the strategy of Massive Resistance in 1956. Officials there closed the entire public school system to avoid desegregating. Segregationists erected nearly overnight a private school system to replace it, and this subterfuge later became the model for other such “parallel” systems all over the south. That same year Southern senators, with a few notable exceptions including future president Lyndon Johnson, signed the Southern Manifesto pledging resistance to *Brown*. Resistance continued into the sixties, while the sit-in movement erupted and the Freedom Rides came and went.<sup>13</sup>

In 1963, however, the pace of the national civil rights movement quickened. In that year, responding to the pressures generated by grassroots protest, the Kennedy White House belatedly introduced a civil rights bill into Congress, with Kennedy himself identifying the question of racial justice as a “moral issue,” “as old as the scriptures and as clear as the American Constitution.” His assassination later that year most likely helped President Lyndon Johnson push the civil rights legislation through Congress despite the longest filibuster in the history of the United States Senate. Signed into law

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<sup>12</sup> Patterson, *Brown v. Board of Education*, 85, 95; Kluger, *Simple Justice*, 329; *Briggs v. Elliot* (347 U.S. 497).

<sup>13</sup> See Patterson, *Brown v. Board of Education*, 98-100 for the Southern Manifesto and Massive Resistance in Virginia and 105-112 for Little Rock; see also Kluger, *Simple Justice*, 452-6 and 758.

on July 2, 1964, The Civil Rights Act would have lasting implications on the struggle to desegregate the nation's schools.

### **Alabama after *Brown***

The decade that followed the *Brown* decision was a turbulent one in Alabama. Those that do not acknowledge the court's ruling as the beginning of the "classical phase" of the civil rights movement often point to events in the state the following year. In 1955 blacks in the state capitol, Montgomery, long involved in civil rights activities, rallied together to protest their second-class status on the city bus line. They formed the Montgomery Improvement Association and chose as their leader the then relatively unknown Martin Luther King, Jr. They orchestrated a boycott of the buses, and eventually attorney Fred Gray filed suit against the city in federal district court. The mobilization of the city's black community and the ultimate success of the boycott drew national attention to Alabama's Jim Crow laws and helped to cement King's status as a national figure. However remarkable the boycott was an example of the growing potency of grassroots social protest, it was the lawsuit filed by Gray that ultimately resulted in the overturning of the city's bus segregation laws. This was not the last time that Fred Gray would bring a civil rights suit before Frank Johnson's court.<sup>14</sup>

Down the street from Johnson's district court building in 1955, Alabama lawmakers were busy trying to preemptively nullify any effects the *Brown* decision might have on the state's segregated schools. That year the legislature passed a pupil placement

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<sup>14</sup> Wayne Flynt, *Alabama in the Twentieth Century* (Tuscaloosa: University of Alabama Press, 2004), 348-9; see also Frye Gaillard, *Cradle of Freedom: Alabama and the Movement that Changed America* (Tuscaloosa: University of Alabama Press, 2004), 3-18.

law that gave school boards the ability to place students in schools based on ability, availability of transportation, and academic background; it also passed a law that actually gave the boards the power to shut down a school if faced with integration. The following year, State Senator Albert Boutwell's freedom of choice bill also became law. What looked on the surface to be a legislative concession and acknowledgment of the constitutional legitimacy of the *Brown* decision was underneath an attempt to forestall anything other than token change. Accordingly many white southerners adopted freedom of choice as their mantra. Lawmakers rightly suspected that initially very few blacks would elect to exercise their "choice" to attend white schools, and everyone knew that no whites would elect to attend substandard black schools. School boards knew this as well and, consequently, felt no need to even offer parents the choice. The Boutwell freedom of choice plan was a Briggs Dictum law, and it served the Alabama lawmakers well. For nine years after *Brown*, not a single black student attended a white school in Alabama.<sup>15</sup>

Legislative trickery aside, the initial reaction to *Brown* in Alabama was mostly calm, possibly because many people rightly questioned the federal government's will and ability to enforce the decision. The White Citizens' Council movement, the proliferation of white supremacist groups marginally more civilized than their Ku Klux Klan counterparts, began in Mississippi in *Brown*'s wake, but it did not immediately take hold in Alabama. This was the case until 1956 anyway, after the bus boycott had made

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<sup>15</sup> There were exceptions to this outside of the K-12 setting, including Spring Hill College in Mobile. Gordon E. Harvey, *A Question of Justice: New South Governors and Education, 1968-76* (Tuscaloosa: The University of Alabama Press, 2002), 19-20; see also Flynt, *Alabama in the Twentieth Century*, 343.

national news and Autherine Lucy had briefly integrated the University of Alabama. Once integration looked like a real possibility, the Council's numbers swelled. A few hundred members became twenty thousand overnight and eighty thousand by 1957.<sup>16</sup>

Despite the rise of hate groups in the state and their efforts to turn the state's largest city into "Bombingham" by dynamiting the homes of civil rights activists, hate itself remained somewhat bottled up for five years, until it exploded onto a group of freedom riders outside of Anniston. Riding through the South to protest segregation in interstate transport, the activists from the Student Nonviolent Coordinating Committee (SNCC) and the Congress for Racial Equality (CORE) were attacked just west of the small city in northeast Alabama. As their firebombed bus smoldered on the side of the road there, Klansmen beat a second group of Riders upon arrival in Birmingham. Their reinforcements met a similar fate in Montgomery.<sup>17</sup>

An activist minister who helped protect the Riders in Birmingham became a state civil rights icon, largely because of the coverage that surrounded the Southern Christian Leadership Conference's Birmingham Campaign. Rev. Fred Shuttlesworth had helped found SCLC with King, Ralph Abernathy, and others. He also founded his own Alabama Christian Movement for Human Rights (ACMHR) when the state outlawed the National Association for the Advancement of Colored People (NAACP). During the 1963 campaign, he was the go-between for the national leaders, SCLC, and other local Birmingham activists, long steeped in civil rights agitation. Together they organized

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<sup>16</sup> Flynt, *Alabama in the Twentieth Century*, 342-4; Dan T. Carter, *The Politics of Rage: George Wallace, the New Conservatism, and the Transformation of American Politics*, 2nd ed. (Baton Rouge: Louisiana State University Press, 1995), 82-4.

<sup>17</sup> Flynt, *Alabama in the Twentieth Century*, 351-2; see also Gaillard, *Cradle of Freedom*, 73-87, 89-101.

protests and were arrested *en masse*, persisting to the point that police commissioner Bull Connor snapped and unleashed police dogs and high pressure fire department water cannons on protesters, many of whom were children. All of this was caught on camera, making Birmingham the object of international attention.<sup>18</sup>

After all of the protest issues had been ostensibly settled, Birmingham quickly found itself at the center of a firestorm yet again, this time over school desegregation, and this time with a decisively more tragic result. Shuttlesworth had tried unsuccessfully years before to integrate Birmingham's schools, but it was litigation that finally brought about at least token-level change in the fall of 1963 when the federal district court ordered Birmingham to allow a handful of black students to attend white schools. Radical white supremacists unleashed general mayhem in the city in the days prior to the anticipated school openings, giving arch-segregationist governor George Wallace the excuse he needed to order Birmingham officials (who were ready to comply) to close the schools. Historian Dan Carter has concluded that Wallace himself was probably behind the radicals' actions: "the evidence is persuasive that George Wallace deliberately encouraged the . . . extremists in order to give credence to his claims that integration inevitably led to public disorder." Despite Wallace's efforts, the closings were soon overruled by court injunction; President Kennedy federalized the Alabama National Guard; and school opened on September 10. Five days later, the defeated white

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<sup>18</sup> Flynt, *Alabama in the Twentieth Century*, 352-4; Gaillard, *Cradle of Freedom*, 121-93. See also Glen T. Eskew, *But for Birmingham: The Local and National Movements in the Civil Rights Struggle* (Chapel Hill: University of North Carolina Press, 1997); Eskew's thesis deals with Shuttlesworth as the middle man between the local and national entities.

extremists bombed the Sixteenth Street Baptist Church killing four black children preparing to attend Sunday school; rioting followed.<sup>19</sup>

Birmingham was not the only school system in the state to desegregate that fall after President Kennedy, the National Guard, and the courts eventually caused Wallace to back down: four other systems made the transition. Despite Wallace's intervention, Huntsville managed to make the move peacefully, as did Mobile and Tuscaloosa. After the federal courts ordered them to desegregate, the school boards in these cities had accepted that "it was no longer possible to maintain absolute racial segregation in the public schools of Alabama." While it, too, had moderate leaders willing to comply, Tuskegee did not fare so well.<sup>20</sup>

### ***Lee v. Macon and Tuskegee***

Detroit Lee had co-founded the Tuskegee chapter of the NAACP in 1944, and was a veteran activist by 1962, when he asked the Tuskegee Civic Association (TCA) to help him desegregate Macon County's schools by filing suit against the county school board. TCA eventually obliged, having moved on from voting rights issues, and TCA's attorney, Fred Gray, filed the suit styled *Lee v. Macon County Board of Education* in January of 1963 on behalf of Lee, his son, and fifteen other students. Gray was emerging as *the* civil rights lawyer in Alabama. He came back to Alabama after law school having privately vowed to "destroy everything segregated [he] could find." He had already defended

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<sup>19</sup> Carter, *The Politics of Rage*, 162-74; see also Flynt, *Alabama in the Twentieth Century*, 354-5, and Gaillard, *Cradle of Freedom*, 192-4.

<sup>20</sup> Carter, *The Politics of Rage*, 162; see also Gaillard, *Cradle of Freedom*, 192.

activists in *Browder v. Gale*, the Montgomery bus boycott, and *Gomillion v. Lightfoot*, the redistricting of Tuskegee. He would later defend the Selma to Montgomery marchers in *Williams v. Wallace*. Needless to say, he knew Frank Johnson well.<sup>21</sup>

By that fall, Judge Johnson had named the Justice Department as a plaintiff in the *Lee* suit, largely to thwart anticipated obstruction from George Wallace, fresh from his “stand in the schoolhouse door” at the University of Alabama. Johnson gave the order to desegregate Tuskegee High School when school opened in September. Ironically, the board was to achieve said desegregation through the use of the Pupil Placement Act, which in this instance would function like freedom of choice. Superintendent C.A. “Hardboy” Pruitt and other moderates worked to comply despite reservations, but a number of parents summoned the help of Wallace, who gladly obliged and sent in his shock troops, Colonel Al Lingo and the Alabama State Troopers.<sup>22</sup>

Wallace ordered Tuskegee High closed, so the troopers arrived early in the morning and blockaded it. Also on the scene were Sheriff Jim Clark and his mounted posse, soon to be infamous for their actions in Selma. Wallace sent in the National Guard next, which the president immediately federalized and sent home. Kennedy also secured an injunction against Wallace, but refrained from sending in federal troops, which was apparently Wallace’s objective; he knew the image of those troops escorting black students to school would be a powerful one. (Segregationists had brilliantly manipulated

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<sup>21</sup> Gray was also the lead attorney who won a settlement on behalf of black men in Macon County from the federal government for its decades-long ethical failings in the infamous Tuskegee Syphilis Project; Norrell, *Reaping the Whirlwind*, 137-44; see 9-10, 28, 31, 34, 45, 250, 324 for Gray; see also Background at <http://www.fredgray.net> for the quotation (accessed January 25, 2007); *Lee v. Macon County Board of Education*, 221 F. Supp. 298, 231 F. Supp. 743, 267 F. Supp. 458, 270 F. Supp. 859, 283 F. Supp. 194, et al. (M.D. Ala. 1963-).

<sup>22</sup> Gaillard, *Cradle of Freedom*, 188-9; Norrell, *Reaping the Whirlwind*, 137-44.

those images in the Little Rock school desegregation crisis of 1957 and the Ole Miss crisis of 1962 to inflame white southern sensibilities and resurrect the tortured mythology of the Reconstruction era.) As it turned out, Wallace was forced to back down again, and Tuskegee High opened on September 9. Thirteen black students were there, but only 125 of an anticipated 565 white students were. During the week of pandemonium and anxiety that the high school was closed, some white Tuskeegeans had followed the example of Prince Edward County, Virginia and had quickly established a private school, soon to be called Macon Academy. By the end of the first week of school, every single remaining white student had withdrawn from Tuskegee High and enrolled in either neighboring Shorter or Notasulga High, or in Macon Academy. Some would return, but Tuskegee High would never look the same, nor would the city of Tuskegee or Macon County for that matter. Early the next year, Gray asked Johnson to stop the county school board from resegregating the system by allowing whites to transfer to Notasulga and Shorter. Johnson ordered the two schools desegregated on February 3. Two months later, as southern senators in Washington filibustered the civil rights bill, arsonists burned Notasulga High School to the ground.<sup>23</sup>

### **The CRA, the ESEA, and HEW**

That filibuster ended in June, and President Johnson signed the Civil Rights Act into law on July 2, 1964. Much like with *Brown*, nothing changed overnight. The act did have very significant and, ultimately, very meaningful provisions, however. It was largely aimed at ending discrimination in public accommodations, but Title IV and Title VI were

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<sup>23</sup> Norrell, *Reaping the Whirlwind*, 144-9, 160-3; Gaillard, *Cradle of Freedom*, 188-9.

most significant for desegregation of schools. Title VI threatened southern school districts with the loss of federal funding if they maintained segregated systems; Title IV authorized the Attorney General to file suit against those districts. There was a catch: the clause that proclaimed “desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance” was a compromise clause that handicapped the efforts of those who would seek more than token desegregation. Nonetheless, the Justice Department and a newly-energized federal bureaucracy flexing its muscles in seeking to implement Lyndon Johnson’s Great Society and War on Poverty programs began to utilize their new authority quickly.<sup>24</sup>

The department in Lyndon Johnson’s new bureaucracy that most heartily took up the task of prodding southern school systems into compliance was the Department of Health, Education, and Welfare (HEW). The liberal intellectuals in its Office for Civil Rights and Office of Education began to contact systems in December of 1964. Their job got easier the following year with the passage of the Elementary and Secondary Education Act (ESEA). ESEA drastically increased federal aid to public schools, and Title I allowed for more aid to schools with a high percentage of students from low-income families. HEW was the sole distributor of federal dollars to school systems, and with more available money came more influence. In 1965 school districts facing this leverage began to listen more closely to what the department had to say. Opelika was one of those districts.<sup>25</sup>

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<sup>24</sup> Patterson, *Brown v. Board of Education*, 136-8; Kluger, *Simple Justice*, 452-6.

<sup>25</sup> Patterson, *Brown v. Board of Education*, 138-40; Kluger, *Simple Justice*, 758.

## **Opelika, ca. 1965**

Opelika was like many small southern cities in 1965. The Civil Rights Act did not instantly remove Jim Crow from the city center. Local black activists, led by Rev. A.L. Wilson, had to pressure city officials and store owners to take down the “white” and “colored” or “negro” signs to comply with the new federal legislation.<sup>26</sup> At the time, the main concern of Wilson and his colleagues at the local NAACP chapter office, however, was not the public accommodations issue, but the voting rights issue. Wilson formed the Lee County Voters League and worked to get uncooperative registrars out of office. The League’s job got easier later that year when events in Selma during SCLC’s campaign there led to the passage of the Voting Rights Act, and a black registrar was actually in office for some time. Voting rights was indeed the issue for much of 1965, but Wilson and others would not shy away when the opportunity to desegregate Opelika’s schools came along. At the midpoint of the decade, the city’s schools were most definitely segregated and, like so many other dual school systems throughout the South, they certainly did not fall in line with the latter half of the *Plessy* case’s formulation of “separate but equal.”<sup>27</sup>

Opelika’s black neighborhoods had black schools, and its white neighborhoods had white schools. Despite the residential segregation that defined this situation, the separation was intended, and it was intended to remain that way, as was the case all over the South: *de jure* segregation. Opelika’s white children attended all-white schools:

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<sup>26</sup> See below for a lengthier discussion of Rev. A.L. Wilson.

<sup>27</sup> Rev. A.L. Wilson, interviewed by the author July 13, 2005, digital recording; every black interviewee for this thesis confirmed Wilson’s position in the movement in Opelika.

Brown, Northside/Martin, Pepperell, and Snower Elementary, Opelika Junior High, and Opelika High. The city's black children went to negro schools: Jeter and Carver Elementary and Darden High.<sup>28</sup>

Inequality between the two sets of schools was obvious. Black schools, as an unwritten rule, received much of what they had second-hand, most notably buses and books, but even sports uniforms were passed down. There were other examples of “separate and unequal,” as well. Darden High was woefully behind its white counterpart in the realm of science laboratory equipment. Throughout 1963 the heating system at Darden remained broken while the school board approved work on a \$1,000 project at Opelika High involving a curb to divert water from the football practice field. Salaries for secretaries, janitors, and maintenance workers were uniformly higher at the white schools. The board had recently equalized teacher pay, although faculty remained just as segregated as the students. It was not hard for HEW officials to ascertain that Opelika maintained a segregated school system wherein black students faced inferior and substandard conditions when they assessed conditions in the district early in 1965.<sup>29</sup>

### **The Opelika Board of Education and HEW, 1965-1967**

The Opelika Board of Education was comprised of six white males including the superintendent, T.H. Kirby. Kirby was not unlike Hardboy Pruitt in Tuskegee: a

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<sup>28</sup> See Opelika Board of Education Meeting Minutes (OBEMM), Opelika City Schools Central Office, 1964-7, *passim*, for student assignment and “negro” schools.

<sup>29</sup> OBEMM, see March 12, April 23, and October 22, 1963 for the heating system and April 23, 1963 for the concrete project; see August 20, 1963 for salary schedules; each black interviewee for this thesis also spoke of second-hand buses and books, as did former superintendent Phillip Raley; see below for a lengthier discussion of inequality between the two sets of schools.

moderate dedicated to abiding by the law and doing what he believed to be best for the school system. The board members were largely the same, but early on a few favored the Wallace line of defiance, at least in regards to signing anything that HEW sent their way.<sup>30</sup>

Like many other systems across the South, the board received a Form 441 from HEW in February, 1965. Form 441 was a compliance document; school boards were supposed to sign it and send it back as a binding agreement to follow HEW guidelines for desegregation. The Opelika board initially issued an “Assurance of Compliance” instrument in an attempt to show good faith (a theme established by Title VI and fostered by HEW and later by Judge Frank Johnson) but declined to sign 441. Pressure from HEW mounted in the coming months, and by May the board was ready to partially comply. While still refusing to sign 441, the board this time, on the motion of lawyer Yetta Samford, issued a “Resolution of Compliance” to HEW. They informed HEW of their plans for freedom of choice to be opened for grades one through four. The “substantial good faith start” called for in the HEW guidelines generally called for freedom of choice to be opened for four grades, although they were ideally to be spaced out, for example: first grade, the first and last high school grade, and the first junior high grade. The suggested 15 day choice period went into effect in late May, and everyone quickly realized that, in practice, freedom of choice yielded very little change. Black students, either content to stay in the black community schools and fight for their rightful share of budgetary resources or fearful of making the leap to the white schools, only crossed over in very small numbers. No whites elected to attend the black schools. In Opelika two

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<sup>30</sup> OBEMM, 1965, *passim*.

black students attended white schools in the fall of 1965, the children of local activist Rev. A.L. Wilson.<sup>31</sup>

The following spring, HEW began applying pressure again. This time it was Form 441-B, with revised guidelines, that was the subject of the wrangling. The new guidelines were more specific, calling for plans to desegregate services, facilities, and faculty, setting specific rules for the now longer choice period, and putting emphasis on actual progress towards desegregation, meaning that the number of students who chose, not just choice itself, became the more significant factor. The department sent out forms like “Text for Notice to be Published in Newspapers, Distributed with Letters to Parents, and Otherwise Made Freely Available to the Public,” and “Text for Annual Letter to Parents.” The liberals that staffed the HEW were becoming more emboldened, often encouraged by the President Lyndon Johnson himself. This consequence was largely unforeseen when Congress signed off on the Civil Rights Act, but it was being felt in Opelika and across the country.<sup>32</sup>

This time the Opelika board matched HEW’s raise and raised its own level of combativeness. On the motion of Ike Scott, the board again decided not to sign the form, and instead adopted yet another resolution. This one contained forceful language criticizing policies:

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<sup>31</sup> OBEMM, Feb, 26, 1965, May 27, 1965, and September 6, 1965, letter from the board to HEW attached. See John R. Durr, “Title VI, the Guidelines and Desegregation in the South,” *Virginia Law Review* 53, no. 1 (Jan., 1967): 42-88, 44 for “significant good faith start” and 52 for “in practice.” See Patterson, *Brown v. Board of Education*, 139, for HEW pressure in 1965; Wilson interview.

<sup>32</sup> Durr, “Title VI, the Guidelines and Desegregation in the South,” 58-61; Patterson, *Brown v. Board of Education*, 138; see Opelika Board of Education Records, Desegregation, Opelika City Schools Central Office, for the forms.

. . . recently promulgated by the Office of Education of the Department of Health, Education, and Welfare [which] call for artificial mixing of classes and faculty which, in the opinion of this Board, are contrary to the meaning and intent of the Civil Rights Act of 1964 and would be detrimental to the education processes wherever instituted.<sup>33</sup>

Here again was the Wallace line. It went on to decree that the board could not:

. . . in good conscience, do that which it knows to be impossible without coercion of the pupils and faculty involved, which in its opinion would interfere with the education of pupils, resulting in the lowering of educational standards and which it believes to be contrary to the law.<sup>34</sup>

If enrollment was any indication, then the board was not necessarily wrong: it could not make black students apply to the white schools (or so it thought at the time). But HEW wanted to see enrollment increase, pursuant to the new 1966 guidelines. Regardless of validity, though, the board was only echoing the defiant cries coming from Montgomery. State officials were, by 1966, accustomed to attacking enforcement of Title VI of the Civil Rights Act with that section of Title IV which held that “desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.” Those officials were also quick to reference the aforementioned Briggs Dictum that argued essentially the same point.<sup>35</sup>

Fittingly, in May the state board of education issued a statement that applauded the defiant stances of Wallace and the legislature, proclaimed that the “so-called

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<sup>33</sup> OBEMM, April 4, 1966.

<sup>34</sup> Ibid.

<sup>35</sup> See Durr, “Title VI, the Guidelines and Desegregation in the South,” 58-61, for 1966 guidelines and 66 for Title IV; see Patterson, *Brown v. Board of Education*, 85 and 95, and Kluger, *Simple Justice*, 329, for the *Briggs* Dictum.

guidelines” HEW provided were a violation of the Civil Rights Act of 1964, and recommended that local boards “withdraw signed guideline agreements, which are illegal.” This was a direct endorsement of the Wallace line. As late as sixty-eight, when court orders were arguably more important than the HEW guidelines themselves, Wallace was condemning the guidelines as “socialistic and alien” and telling Alabamians that the bureaucrats could “take their federal money-and they know what they can do with it.”<sup>36</sup>

Despite their initial outburst of defiance, the Opelika board knew that the possibility of losing funding was a real one, and federal dollars accounted for about 15 percent of the system’s budget. The board discussed at length the possibility of extending freedom of choice to all grades the following year, but it ultimately decided to stick with incremental application, which held off all-grade implementation until 1967-1968 (the initial HEW recommendation) and to maintain its stance on 441-B. That fall HEW made it clear to Opelika that non-compliant districts would not lose funding on Title I projects already underway, only on future projects. With that assurance, and with the Alabama legislature having recently passed a Wallace-lauded bill that urged non-compliance and promised compensatory funding, the board reaffirmed its position on 441-B and entered the 1966-1967 school year without significant worry. Thirty-Six black students enrolled in white schools that fall.<sup>37</sup>

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<sup>36</sup> Meeting Agenda and Minutes of the State Board of Education, May 19, 1966, Department of Education Files, SG20904-5, Alabama Department of Archives and History (ADAH), Montgomery, Alabama; Wallace quoted in Carter, *The Politics of Rage*, 289.

<sup>37</sup> “A Desegregation Plan for the Opelika City Schools,” Nov. 26, 1969, Opelika Board of Education Records, Desegregation, Opelika City Schools Central Office, budgetary information and breakdown included; OBEMM, September 6, 1966, letter from the board to HEW attached, and September 14, 1966; see Durr, “Title VI, the Guidelines and Desegregation in the South,” 56 for 1967 all-grade

Early in 1967, the board received HEW's new guidelines, which did not differ greatly from those of the previous year, and it chose to maintain the current plan. HEW had taken action to deny federal funding, and the board's plans for a new junior high school through an urban renewal project had come under scrutiny. Despite all of this, the board maintained a dialogue with the federal department. It also began to make inquiries about which teachers would be willing to "crossover" and desegregate the faculty.<sup>38</sup>

On March 10 the voices in Montgomery began to speak up again. This time it was newly elected Governor Lurleen Wallace who dutifully echoed her husband's stance. Wallace, sworn into office in January of 1967, had run because George, by law, could only serve two consecutive terms. She told the Alabama Education Association that "the people of Alabama will not submit our children to federally controlled education" and that the actions of federal agents affecting local decisions in Alabama were "done." Ironically, the most significant action taken by an agent of the federal government affecting schools in Alabama would come only 12 days later.<sup>39</sup>

### **The Nation's Eyes on Alabama Again**

By 1967 the "classical phase" of the civil right movement had begun to wane. Rifts between movement activists over such issues as non-violence versus armed defense and the place of whites within the movement were becoming more pronounced. Civil rights leaders debated the merits of a poverty campaign as black ghettos went up in flames.

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implementation. For Wallace and the bill, see the *Opelika Daily News*, Sept. 2, 1966 and Harvey, *A Question of Justice*, 19-20.

<sup>38</sup> OBEMM, January 10 and 24, and February 14, 1967; *Opelika Daily News*, January 10, 1967; see also Durr, "Title VI, the Guidelines and Desegregation in the South," for 1967 guidelines.

<sup>39</sup> *Opelika Daily News*, March 10, 1967.

Organizations like SCLC and SNCC that had once worked closely together could no longer agree with one another. Some activists began to focus their energy and attention on Vietnam and the growing anti-war movement. Leaders like King began to speak out against the war, causing a fallout between the minister and his onetime ally, President Johnson. All of this has led many to herald the passage of the Voting Rights Act of 1965 as the last major victory of the movement. That act made its way through Congress in the wake of the SNCC and SCLC's Selma campaign of the same year. The campaign, like Birmingham before it, drew national attention to the brutality segregationist white officials were willing to mete out to protect the status quo.

Fifty miles west of Montgomery, marchers and protesters in Selma in 1965 went to jail by the hundreds as Sherriff Jim Clark lost his patience in the vein of Bull Connor in Birmingham. After a State Trooper shot and killed protester Jimmie Lee Jackson in nearby Marion days into the campaign, leaders planned a march to Montgomery. On Sunday, March 7 they set out on their way, only to be met at the Edmund Pettus Bridge over the Alabama River by Colonel Al Lingo and his State Troopers and Sherriff Clark and his mounted posse. Cameras were there in force as the armed cadre ran on the marchers and savagely beat them with billy clubs and fists amid a fog of tear gas. Television soon carried the images all over the world, and Alabama was again the world's looking glass into the horrors of American racism in the Deep South.<sup>40</sup>

President Johnson went on television himself and called for the voting rights legislation that would become the Voting Rights Act, quoting the anthem of the movement by telling Americans that "we *shall* overcome." Back in Selma, a second

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<sup>40</sup> Flynt, *Alabama in the Twentieth Century*, 356-7; Gaillard, *Cradle of Freedom*, 221-248.

attempt to march to Montgomery saw the same cadre standing at the bridge and an orchestrated turn-around by the marchers, but King and other leaders did not give up. They *would* eventually march, that is, after a federal district court judge in Montgomery ruled that no law enforcement or government officials could impede the march. The federal judge that issued the ruling was none other than Frank M. Johnson.

### **Frank Johnson and the *Lee v. Macon Umbrella***

Johnson had grown up in a Republican county in a Democratic state. Winston County had voted to remain within the Union at the outbreak of the Civil War. This was not an isolated showing, and Johnson was proof. Historian Dan Carter has described his politics as fitting “squarely in the middle of a tradition of fierce dissent.” As a boy he spent hours in his father’s probate court, listening to lawyers argue cases. At the University of Alabama, he was a law school classmate and friend of a young George Wallace, and his wife at one point taught young Lurleen Burns, soon to be Lurleen Wallace. After serving as an infantry lieutenant in Patton’s army in World War II, where he earned two purple hearts and a Bronze Star, he became a trial lawyer. Eisenhower appointed the war veteran to the federal bench for the middle district of Alabama in 1955, after only two years as a lawyer for the federal government; Johnson was just 37 years old.<sup>41</sup>

As a federal judge, Johnson became a perpetual thorn in the side of Alabama politicians committed to segregation, notably his former classmate, Wallace. Wallace

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<sup>41</sup> “Interpreter on the Front Line,” *Time*, May 12, 1967: 72-80; see also Jack Bass, *Taming the Storm: The Life and Times of Judge Frank M. Johnson, Jr. and the South’s Fight over Civil Rights* (New York: Doubleday, 1993). See Carter, *The Politics of Rage*, 99 for wartime decorations, and 48 for Winston county and Johnson’s politics.

described him at one point as an “integratin,’ scalawaggin,’ carpetbaggin’ liar.” Johnson described himself as committed not to any cause, but only to the law: “‘I’m not a segregationist, but I’m not a crusader, either. I don’t make the law. I don’t create the facts. I interpret the law.’”<sup>42</sup> Considering some of his colleagues on federal benches in the Deep South, this was significant enough. As a *Time* cover story on the judge pointed out in a set of revealing thumbnail sketches, the federal judgeship in the late sixties included:

Mississippi's Judge W. Harold Cox, 65, who once called Negro would-be voters “chimpanzees;” Louisiana’s Judge E. Gordon West, 52, who called the Supreme Court’s 1954 school ruling “one of the truly regrettable decisions of all time;” and Georgia's Judge J. Robert Elliott, 57, who once said: “I don't want these pinks, radicals and black voters to outvote those who are trying to preserve our segregation laws and traditions.”<sup>43</sup>

After effectively distancing himself from that cadre with his Montgomery bus segregation ruling, his ruling to protect the freedom riders, and his ruling to allow the Selma to Montgomery march, to name but a few, Johnson was able to interpret the law as it applied to segregated schools when Gray filed *Lee v. Macon* in 1967. What began as a case involving tiny Tuskegee eventually led to the first statewide court order to desegregate public schools in the United States.

By March of 1967, Johnson had seen enough to know and prove that state officials were controlling public schools in the state. He moved to expand *Lee* to include those officials and every school system in the state not already under court order. On March 22 he ordered the governor and education officials in the state to “take affirmative

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<sup>42</sup> See Gaillard, *Cradle of Freedom*, 115, for Wallace quotation; see “Interpreter on the Front Line,” *Time*, 74, for Johnson on himself.

<sup>43</sup> “Interpreter on the Front Line,” *Time*, 75.

action to disestablish all state enforced or encouraged public school segregation.” In his 28-page opinion, Johnson pointed out the public defiance of state officials, notably former state superintendent Austin Meadows and George Wallace, and their attempts to “flout every effort to make the Fourteenth Amendment a meaningful reality to Negro school children in Alabama.”<sup>44</sup> Johnson noted that these state officials had used influence over local school boards to perpetuate the dual school system and had been encouraging the systems not to desegregate unless under court order. He consequently included the 96 school districts not already under order, including Opelika, in his ruling (See Table 1). He also reminded the State of Alabama and the defendant state officials that they were under “an affirmative constitutional duty to take whatever corrective action is necessary” to disestablish the dual school system in the state.<sup>45</sup>

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<sup>44</sup> Lee v. Macon County Board of Education, Civil Action No. 604 E (M.D. Ala.) Case Files, Federal District Courthouse, Montgomery, Alabama (Lee v. Macon Case Files), opinion of March 22, 1967, 8.

<sup>45</sup> Ibid., 26.

**Table 1. Alabama School Districts Named in the March 22, 1967 Court Order**

Alexander City	Dothan	Opp
Andalusia	Elba	Ozark
Anniston	Elmore County	Phenix City
Athens	Enterprise	Pickens County
Attalla	Escambia County	Piedmont
Auburn	Etowah County	Pike County
Autauga County	Eufaula	Randolph County
Baldwin County	Fayette County	Roanoke
Bibb County	Floral	Russell County
Blount County	Florence	Russellville
Brewton	Fort Payne	St. Clair County
Butler County	Franklin County	Scottsboro
Calhoun County	Geneva County	Selma
Carbon Hill	Greene County	Sheffield
Chambers County	Henry County	Shelby County
Cherokee County	Houston County	Sumter County
Chilton County	Jackson County	Sylacauga
Clarke County	Jacksonville	Talladega
Clay County	Jasper	Talladega County
Cleburne County	Lamar County	Tallapoosa County
Coffee County	Lanett	Tallassee
Colbert County	Lauderdale County	Tarrant
Conecuh County	Lee County	Thomasville
Coosa County	Limestone County	Troy
Covington County	Linden	Tuscaloosa
Cullman	Marengo County	Tuscumbia
Cullman County	Marion	Walker County
Dale County	Marshall County	Washington County
Daleville	Monroe County	Winfield
Dallas County	Mountain Brook	Winston County
Decatur	Muscle Shoals	
DeKalb County	Oneonta	
Demopolis	<b>Opelika</b>	

*Source: Lee, et al. v. Macon County Board of Education, et al., Civil Action No. 604 E (M.D., Ala.) Case Files, Federal District Courthouse, Montgomery, Alabama, opinion of March 22, 1967.*

The ensuing court decree ordered then state superintendent Ernest Stone to notify all school districts in the state of the order, to continue to monitor those systems, and to compile all submitted plans for desegregation in a “reasonable” period of time and submit them to the court. Systems were to halt any construction projects that were not intended to further the disestablishment of segregation, to “develop a detailed program for assisting and encouraging faculty desegregation,” to request and review bus route proposals for the named districts, and to develop a “detailed program for bringing the quality of the physical facilities, equipment, services, courses of instruction, and instructional materials of schools previously maintained for Negro students up to the level of schools previously maintained for white students.” Knowing that segregationists and Wallacites had not given up on tuition grants or grants-in-aid to segregationist private academies, Johnson also declared that “the defendant state officials, their agents, employees, and successors in office shall not approve or permit the approval or payment of any tuition grants or grants-in-aid” under a recent statute of 1965 which was thereby declared unconstitutional.<sup>46</sup>

### **Freedom of Choice and Frank Johnson, 1967-1969**

A few days later, the Opelika board received its notice from Stone and called a special meeting to discuss compliance issues. It already planned on opening freedom of choice to all grades in the fall, so the order made no difference in that regard. But desegregation of faculty was still minimal, and reassignments would have to be made. This time, despite the continued and brazen defiance of Governor Lurleen Wallace who indicated

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<sup>46</sup> Ibid., 1-9, 12.

that she would do anything in her power to prevent the order from becoming a reality, the board agreed on April 11 to comply.<sup>47</sup>

In May the board received 58 transfer requests, some of which were white students seeking to transfer to other white schools, but the majority of which were black students transferring to white schools. In what the board acknowledged was minimal compliance with the court-ordered plan, it moved three white teachers to each of the three black schools and two black teachers to four of the six white schools.<sup>48</sup>

The board's plans met with approval at HEW that summer; the Justice Department classified the plan as a "model plan," and Johnson informed the board that Opelika was eligible for federal funding again. In fact Johnson and HEW did not exactly see eye to eye on the issue of cutting or restoring funds, and the board was often being pulled in different directions by the judge and the bureaucrats, not to mention DOJ. But it nonetheless knew it was safe for the time being. Schools opened that fall without incident, and the *Opelika Daily News* congratulated its readers. The city had achieved a peaceful transition, it argued, "despite traditions of long standing in this part of the nation." But the work had only begun it asserted: "we must continue our vigilance."<sup>49</sup>

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<sup>47</sup> *Opelika Daily News*, March 28, 1967 and OBEMM, March 31, 1967; see *Opelika Daily News*, March 31, 1967 for Wallace; see OBEMM and *Opelika Daily News*, April 11, 1967 for compliance.

<sup>48</sup> OBEMM and *Opelika Daily News*, May 25, 1967.

<sup>49</sup> It should be noted here that the *Opelika Daily News* provided a positive, compliant example throughout the integration process, unlike the publications criticized by Pratt in *The Color of their Skin*. See OBEMM, June 13, 1967, for HEW approval; see *Opelika Daily News*, August 27, 1967, for Johnson's approval, September 12, 1967 for the editorial, and November 9, 1967 for Johnson and HEW's disagreements. See Department of Justice Civil Rights Division Case Files, Lee v. Macon County Board of Education, 144-100-2-1, Box 1753-4, National Archives and Records Administration, College Park, Maryland (DOJ Lee v. Macon Files), for DOJ approval.

Meanwhile, white representatives of the state continued Alabama's own version of vigilance in appealing the March 22 order to the Supreme Court, which ruled in December to uphold it. As 1967 gave way to 1968, Johnson's court remained the most important catalyst for change in Opelika, as the Opelika board also began to hear less from HEW and more from DOJ. Justice Department action became the executive's preferred method of coercion of systems nationwide with the Nixon Administration in 1969, but for Opelika the shift came earlier as the department made its first major move there that spring.<sup>50</sup>

In April, a week after Martin Luther King was assassinated in Memphis, DOJ moved to halt construction on a \$350,000 expansion and remodeling project at Darden High School. Department attorneys informed the school board that such projects had to show progress towards a "unitary" system to receive approval, and the expansion of Darden was seen as perpetuating the "dual" system. This again raised the specter of the new junior high plans, considered urgent at the time, being thwarted. The Darden project had been in the works ever since desegregation had been an issue and was a way to appease both the segregationist whites as well as blacks who decried full integration. The board petitioned Johnson for an informal hearing, but its request was denied.<sup>51</sup>

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<sup>50</sup> See below for a discussion of changes in federal school desegregation policy and jurisprudence in the Nixon period. See *Opelika Daily News*, September 15, 1967 for the appeal; see Joan Hoff, *Nixon Reconsidered* (New York: Basic Books, Harper-Collins, 1994) for Nixon, HEW, and DOJ. For a discussion of Nixon himself opposing significant school integration and as a proponent of freedom of choice only, see Carter, *The Politics of Rage*, 350, 363, and 396-7. See DOJ Lee v. Macon Files and OBEMM, *passim*, for significant contact beginning in '67.

<sup>51</sup> See *Opelika Daily News*, April 12, 1968 for the Darden expansion, and May 1 and 7, 1968 for the petition to Johnson. See OBEMM, 1967-8, *passim*, for junior high plans.

The request had employed a familiar rationale: freedom of choice was working. What members of the school board did not realize was that Johnson's court, and to a greater degree DOJ, were both losing their patience with the freedom of choice policy, as the number of black students in predominantly white schools in Alabama was only 5.4 percent (the only state with a lower percentage was neighboring Mississippi). The Supreme Court's patience was wearing thin as well, and it soon would take the next judicial step on the path that federal appellate court judge John Minor Wisdom had started in 1966. In *United States v. Jefferson County Board of Education*, Wisdom challenged the Briggs Dictum notion that school boards need not worry about effecting significant integration. He was very much like Johnson in his loyalty to the law above all else and his disdain for segregationists who would evade it. Like Johnson he began to involve the court in the minor details of local desegregation plans. And like him the Supreme Court soon took a stab at *Briggs*, only with a much bigger sword.<sup>52</sup>

King's death had led many to declare an end to the modern civil rights movement. But the battle to integrate the nation's schools, ironically the battle that many claim began the movement with *Brown*, was only just then about to begin in earnest. The day before King's assassination, the Supreme Court heard oral arguments in *Green v. New Kent County, VA*. Jack Greenburg and the NAACP's Legal Defense Fund had challenged a federal court's ruling that upheld the county's freedom of choice plan. On May 27, the court issued its ruling. It declared that school boards were responsible for taking

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<sup>52</sup> See *Opelika Daily News*, April 12, 1968 for the Darden expansion, and May 1 and 7, 1968 for the petition to Johnson; see Patterson, *Brown v. Board of Education*, 142-5, for Wisdom and Jefferson; see also David J. Garrow, "Visionaries of the Law: John Minor Wisdom and Frank M. Johnson, Jr.," *The Yale Law Journal* 109 (April, 2000): 1219-36; *United States v. Jefferson County Board of Education* (372 F.2d 836).

“affirmative” measures to realistically achieve desegregation and ordered New Kent to “convert promptly to a system without a ‘white’ school and a ‘negro’ school, but just schools.” Just before the ruling was read, Chief Justice Earl Warren passed Justice William Brennan a note in which he asserted that ““the traffic light [had] changed from *Brown* to *Green*.””<sup>53</sup>

That summer the Justice Department requested that Johnson’s court declare freedom of choice plans in a number of the *Lee* systems, including Opelika, to be unconstitutional. Johnson denied the request on the condition that those systems follow a new set of guidelines, formulated by the judge. This ruling followed a stiffer one Johnson had meted out to officials in Crenshaw County. He ordered all of the substandard black schools in Crenshaw closed, mandated that busing be made available county-wide, and established faculty ratios by race for each school.<sup>54</sup> Johnson also gave the Opelika board a new set of teacher ratios and ordered the 7<sup>th</sup> grades at Carver and Jeter closed (meaning the black 7<sup>th</sup> graders would then attend Opelika Junior High). Other school systems under the *Lee* umbrella received similar guidelines.<sup>55</sup>

The board had to request an increase in city funding in the fall of 1968 due to budgetary constraints. It was being hit from all sides and responded by employing the good faith – hardship argument that was now customary. HEW guidelines had established the notion of good faith, and school boards were fond of using it. They made

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<sup>53</sup> Patterson, *Brown v. Board of Education*, 145-6; see also Kluger, *Simple Justice*, 762; Green v. County School Board of New Kent County, Va. (391 U.S. 430); see Patterson, *Brown v. Board of Education*, 146, for Warren quotation.

<sup>54</sup> Harvey, *A Question of Justice*, 22-3; Harris v. Crenshaw County, AL Board of Education, C.A. No. 2455-N (M.D., Ala.).

<sup>55</sup> Lee v. Macon Case Files, order of Aug. 28, 1968.

a few compliance moves and argued that hardships, often overcrowding issues, prevented them from doing more at the time. Opelika had a new superintendent, Dr. Clyde Zeanah, who was a pragmatist like his predecessor Kirby, and he continued along the same line as before: abiding by the law.<sup>56</sup> The board responded to a DOJ complaint about insufficient integration of Darden and Opelika High by arguing that forcing the Darden students over was the only option. The board also wrote state superintendent Stone, informing him that moving the 7<sup>th</sup> graders to the junior high was impossible due to overcrowding, but that the new junior high, when built, could accommodate them (that project had survived, unlike the Darden expansion, but was still in the early planning stages). It also stressed to Stone its good faith in moving more than the required number of teachers into integrated positions.<sup>57</sup>

While Opelika had on paper placed the required total number of teachers of the minority race in the right schools, it had achieved this cumulative benchmark by placing more white teachers in black schools than required and fewer black teachers in white schools than required. The school board attributed this to the predominance of nearby Auburn University graduates, overwhelmingly white of course, in its application pool. However, the rationale proffered was to some extent disingenuous: clear-cut evidence that white parents were more averse to having black teachers teach their children than black parents were to having white teachers undoubtedly played a significant role in staff assignments.<sup>58</sup>

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<sup>56</sup> See below for a lengthier discussion of Zeanah.

<sup>57</sup> See *Opelika Daily News*, August 13, 1968 for DOJ and August 27, 1968 for budget; see OBEMM, September 10, 1968 for correspondence with Stone.

Meanwhile, Montgomery continued to furnish the template for defiance. Governor Albert Brewer, who had taken office upon the untimely death of Lurleen Wallace, had been barnstorming the state lambasting Johnson's order and claiming that hardships would prevent systems from complying. The governor requested a hearing with Johnson, which was denied, prompting a war of words that included Brewer claiming Johnson was "harsh and aggressive" and was making a "devious attempt" to institute social control, and Johnson calling Brewer's claims "simply preposterous." Brewer and Ernest Stone spent the fall complaining that the August 28 order was too harsh, while the Justice Department complained that it was too lenient.<sup>59</sup>

Brewer eventually began to focus his attention on maneuvering tax and education reform bills through the legislature, rather than cursing Judge Johnson's guidelines. And the wheels of integration kept turning in the courts as *Green* began to exert its influence: the spring of 1969 saw rulings handed down in the Circuit Courts of Appeals in New Orleans and Atlanta that declared freedom of choice to be an insufficient method of desegregating schools. Frank Johnson would not be far behind in reaching a similar conclusion.<sup>60</sup>

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<sup>58</sup> Opelika City Schools, letter and accompanying report to State Superintendent Ernest Stone, Sept. 11, 1968, lists faculty assignments: Governor's Legal Advisor Files, Brewer, City Reports, SG20060, ADAH, Montgomery, Alabama. Opelika City Schools Superintendent T.H. Kirby, telegram to Governor Lurleen Wallace, Sept. 13, 1967, lists the results of a required survey of parents' preference for teachers by race. White parents responded: 1964 white preference, 9 negro preference, 257 no preference. Blacks responded: 133 white preference, 322 negro preference, 318 no preference: Attorney General's Civil Rights Case Files SG20642, ADAH.

<sup>59</sup> Harvey, *A Question of Justice*, 27-28.

<sup>60</sup> *Opelika Daily News*, May 29, June 27, 1969.

## **Forced Assignment**

In the summer of 1969 the Judge sent a letter to Opelika's school board inquiring as to whether they planned to take any action to effect more significant desegregation before the start of the 1969-1970 school year. The judge pointed out that no white students had chosen to attend black schools and that only a miniscule number of black students in the district had chosen to attend predominantly white schools. The board's response was not unlike previous responses: it attempted to show good faith and mentioned long range plans to build a new high school to accommodate students from Opelika High and Darden. The board had discussed building a comprehensive high school and turning OHS into the middle school (instead of building the new junior high) as early as November of 1968; but this was merely talk, and "long range" certainly meant *long* range, evidence of how many localities interpreted the Supreme Court's 1955 opaque semantic directive that desegregation proceed "with all deliberate speed."<sup>61</sup>

Pleas like this one were not unusual for the systems the *Lee v. Macon* court orders, though. Most had learned early on that "there was no monkeying around with Johnson" and that "he was not a man to cross," but that in routine informal hearings and correspondence he was willing to work with board officials in a way that the federal bureaucrats were not. The hearings usually took place on what became known as "school board Fridays" when hundreds of lawyers and board members filled Johnson's lobby. Good faith and a good attitude on the part of school board officials on these days were

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<sup>61</sup> See OBEMM, June 30, 1969 and *Opelika Daily News*, July 1, 1969, for Johnson's letter, July 9 for the board's response, and November 12, 1968, for high school plans.

usually enough to make for a pleasant and cooperative encounter with the judge, but this time Johnson was not impressed.<sup>62</sup>

The *Daily News* predicted the inevitable: “In due time we expect both [Opelika and Lee County] school systems to receive letters saying their answers to the June 27<sup>th</sup> letter are not acceptable. And that will likely result in a new court date for both systems.” The Justice Department filed yet another motion with the district court on July 15, naming 25 districts including Opelika. It called for the elimination of dual school systems by that fall. Johnson called on Opelika to show cause why this should not be done.<sup>63</sup>

At the hearing, the judge ordered Opelika to desegregate its system such that the percentage of black students in every school would be roughly 30 percent, the percentage of total black students in the system. The board was allowed to achieve this however it saw fit. In his formal order of August 6, Johnson accepted Opelika’s plan to reopen the freedom of choice period, but added that “the ‘freedom of choice’ method of disestablishing these several dual school systems has not been completely effective and gives no realistic promise of being sufficiently effective in the reasonably near future.” If the board did not receive enough transfer requests, then the judge directed its members to “supplement the assignment of Negro students that has been made through the freedom of choice plan by regular assignment, without regard to choice of the Negro students who have heretofore attended all-Negro schools.” Opelika would move, like so many other

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<sup>62</sup> See Bass, *Taming the Storm*, 230-1, for “no monkeying around” and Carter, *The Politics of Rage*, 99, for “not a man to cross.” See also Tinsley Yarborough, *Judge Frank Johnson and Human Rights in Alabama* (Tuscaloosa: University of Alabama Press, 1981), 151-2, for a similar description.

<sup>63</sup> See *Opelika Daily News*, July 3, 1969, for the editorial and July 15, 1969 for the DOJ motion.

*Lee* systems, from freedom of choice to a policy that came to be known as forced assignment. Recognizing that the opening of the 1969-1970 school year was just around the corner, Johnson gave Opelika until the 1970-1971 school year to abolish all vestiges of the dual system; he ordered the board to file with the court by December 1 its plan to do so.<sup>64</sup>

When freedom of choice forms came back the next week, no one could have been surprised that the required 30 percent, or about 350 additional students, had not been met. Only 41 additional black students chose to attend predominantly white schools; therefore, about 300 had to be assigned against their will. The board sent out notice the following week to those black students who were reassigned to the nearest white school. All schools opened yet again without incident that September. This was, by far, the largest increase in black students attending white schools in Opelika (See Table 2). Darden, Carver, and Jeter, of course, remained all-black (See Table 3).<sup>65</sup>

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<sup>64</sup> *Opelika Daily News*, July 30, 1969; *Lee v. Macon Case Files*, order of August 6, 1969, 2-3, 20.

<sup>65</sup> *Opelika Daily News*, August 12, 19, 1969 and Sept 4, 5, 1969.

**Table 2. Black Students in Predominantly White Schools in Opelika**

<b>School Year</b>	<b>Number of Black Students in Predominantly White Schools</b>	<b>Approximate Percentage of Blacks in the Entire School System Attending Desegregated Schools</b>
<b>1965-1966</b>	<b>2</b>	<b>Less than 1</b>
<b>1966-1967</b>	<b>36</b>	<b>2</b>
<b>1967-1968</b>	<b>66</b>	<b>4</b>
<b>1968-1969</b>	<b>83</b>	<b>5</b>
<b>1969-1970</b>	<b>439</b>	<b>27</b>

*Source:* The numbers for 1965-1966 and 1966-1967 are taken from Opelika Board of Education Meeting Minutes (OBEMM), primarily “Request for a Hearing Before the Commissioner of Education, HEW,” attached to minutes, Sept. 6, 1966; United States Justice Department (DOJ) reports have numbers that contradict these: an attorney’s report lists 0 black students enrolled in 1965-1966 and 19 enrolled for 1966-1967. As DOJ attorneys admitted at one point to having slightly erroneous figures for some systems in 1966-1967, I believe the OBEMM numbers to be more accurate. However, as the same DOJ reports are the only definitive source for integrated enrollment in Opelika for 1967-1968 and 1968-1969, I have used its figures for those years. Opelika Board of Education Meeting Minutes, Opelika City Schools Central Office; Department of Justice Civil Rights Division Case Files, *Lee v. Macon County Board of Education*, 144-100-2-1, Box 1753-4, National Archives and Records Administration, College Park, Maryland. Figures for 1969-1970 were taken from “A Desegregation Plan for the Opelika City Schools,” Nov. 26, 1969, Opelika Board of Education Records, Desegregation, Opelika City Schools Central Office.

**Table 3. System-wide Enrollment in Opelika City Schools, 1969-1970**

<b>School</b>	<b>Grades</b>	<b>Total Number of Students</b>	<b>White Students</b>	<b>Black Students</b>
<b>Miriam Brown Elementary</b>	<b>1-6</b>	<b>432</b>	<b>339</b>	<b>93</b>
<b>Carver Elementary</b>	<b>1-7</b>	<b>592</b>	<b>0</b>	<b>592</b>
<b>Jeter Elementary</b>	<b>1-7</b>	<b>302</b>	<b>0</b>	<b>302</b>
<b>Martin Elementary</b>	<b>1-6</b>	<b>703</b>	<b>639</b>	<b>64</b>
<b>Pepperell Elementary</b>	<b>1-6</b>	<b>374</b>	<b>343</b>	<b>31</b>
<b>Snower Elementary</b>	<b>1-6</b>	<b>234</b>	<b>183</b>	<b>51</b>
<b>Opelika Junior High</b>	<b>7-8</b>	<b>550</b>	<b>475</b>	<b>75</b>
<b>Darden High</b>	<b>8-12</b>	<b>515</b>	<b>0</b>	<b>515</b>
<b>Opelika High</b>	<b>9-12</b>	<b>940</b>	<b>815</b>	<b>125</b>

*Source:* “A Desegregation Plan for the Opelika City Schools,” Nov. 26, 1969, Opelika Board of Education Records, Desegregation, Opelika City Schools Central Office.

### **Real Integration**

That next wave of school desegregation took place against the backdrop of the turbulent late 1960s. King’s assassination in April 1968 had been followed in June by the assassination of Robert Kennedy. As urban unrest in black ghettoized areas erupted for the fifth successive year in the spring and summer of 1968, President Johnson continued to escalate the war in Vietnam. The 1968 Democratic National Convention dissolved into chaos both within and outside of the convention hall, and as the decade neared its

close the counterculture flourished as thousands flocked to Woodstock or congregated in campus protests that would ultimately culminate with the murder of protesters at Kent State in 1970. The incoming Nixon administration continued the war escalation, particularly the bombing campaign in the north. Before the Watergate scandal gripped the country and ultimately toppled his presidency midway through his second term, Nixon was able to appoint four new justices to the Supreme Court. The addition of these new justices, Warren Burger and William Rehnquist among them, seemed to portend a rightward tilt of the court, with some observers anticipating the possible reversal of earlier rulings handed down by the Warren court before them, the *Green* case among them. No such shift immediately occurred, however.<sup>66</sup>

In 1969, when the Burger court heard its first high-profile school desegregation case, court watchers on both sides of the issue collectively held their breath. The case ironically involved the man who had appointed four of them: Nixon had instructed HEW to approve a delay of court-ordered desegregation in a number of districts in Mississippi, but local activists and the NAACP's Legal Defense Fund challenged the delay. The high court ruled in October in the case styled *Alexander v. Holmes County Board of Education*. The heart of the surprise decision stated that "the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools." The Court ordered thirty-three districts covered in the ruling, as well as several others, to complete integration by the Christmas holidays. It named every other district in

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<sup>66</sup> Patterson, *Brown v. Board of Education*, 149-53; Kluger, *Simple Justice*, 766-7; *Alexander v. Holmes County Board of Education* (396 U.S. 19).

the state as well and gave them until the following fall to integrate fully, the same fall that Opelika in neighboring Alabama would implement wholesale integration.<sup>67</sup>

The Opelika board submitted its plan in November, 1969 to achieve total integration the following fall, and Judge Frank Johnson approved it in January, as the new decade began. According to the plan, in the fall of 1970, Opelika would technically be a desegregated system. Jeter and Carver would house all first through third graders in the system. Brown, Northside/Martin, Pepperell, and Snower, the formerly white elementary schools, would function as intermediary schools, serving grades four through seven. Zone lines for the aforementioned schools would be redrawn to effect the required racial breakdown. All eighth graders and most seventh graders would attend Opelika Junior High, and students in grades nine through twelve would attend Opelika High School. All of the city schools' racial breakdowns were to approximate a ratio of 70-30 percent, reflective of the system's total population. Historically black Darden High was another story. It would cease to function as a high school in the nominal sense and instead serve as a vocational adjunct campus of Opelika High, to be known as Opelika High - Southside Campus. All students who initially chose a vocational curriculum would attend Southside. All those who chose a vocational curriculum, as it turned out, were black, and Opelika thus maintained a dual school system. This would soon change, however.<sup>68</sup>

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<sup>67</sup> Patterson, *Brown v. Board of Education*, 153-5; see also Charles Bolton, *The Hardest Deal of All: The Battle over School Integration in Mississippi, 1870-1980* (Jackson: University Press of Mississippi, 2005), 169-71.

<sup>68</sup> "A Desegregation Plan for the Opelika City Schools;" OBEMM, Nov. 26, 1969.

Johnson approved the plan, but would take up the Darden issue later. In his formal order, dated January 22, 1970, the judge accepted the plan, making several minor amendments involving hiring and firing of teachers and student activities. He ordered the board to submit, at various times before the fall, progress reports including proposed zone lines and enrollment. The board submitted these as ordered that summer. The final enrollment was generally reflective of the plan, with Opelika High's percentage of black students at 37 percent and a few of the other schools slightly below (see Table 4). Of course, the OHS figures included Southside Campus (Darden). Johnson was well aware of this and continued to monitor the situation; the Justice Department was aware as well. But the board was found to be compliant for the time being.<sup>69</sup>

School again opened without incident that fall. There were occasional interracial fights, but no unrest on a significant scale occurred. By this time, the tone emanating from the Governor's Mansion in Montgomery had modulated from continued resistance to increased compliance. Albert Brewer, who had assumed the state's highest office following the death of Lurleen Wallace in 1968, told Alabamians to obey the court's orders. Community reactions to the first significant integrations that occurred in 1969 and 1970 in Alabama and around the region were mixed, though. There were pickets and boycotts all over the South, even a firebombing, and intractable white leaders padlocked the doors of schools in one area. Eighty percent of Choctaw, Alabama students boycotted schools there, as did thousands in Mobile.<sup>70</sup> But elsewhere in Alabama, including in

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<sup>69</sup> Lee v. Macon Case Files, order of January 22, 1970; OBEMM, September 10, 1970; see OBEMM, June 22, 1970, for DOJ and Southside enrollment.

Montgomery, Auburn, and Lee County, Opelika's neighbor systems, schools opened without fanfare.<sup>71</sup>

The *Opelika-Auburn News* congratulated its readers on a "good start." "Public schools in Lee County's three systems got under way this week orderly and peacefully- which is what we expected from Lee County parents and pupils of both black and white citizens," ran its editorial; "We have been fortunate . . . that serious confrontations or challenges outside of the courtroom have been avoided." The paper's editor encouraged his readers to be wary of rumors and to continue to maintain their level-headed perspective, reasoning that local residents had "had a hard enough time dealing with courts and HEW."<sup>72</sup>

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<sup>70</sup> *The Montgomery Advertiser*, September 3, 1969, September 9, 1969, and August 29, 1970; *Opelika-Auburn News*, September 3, 1969 and September 25, 1969 (*The Opelika Daily News* became *The Opelika-Auburn News* in September, 1969). Every interview by the author validates the claim that openings were uneventful and peaceful; Greg Bedell, interviewed by the author, March 4, 2004, and Dennis Miller, interviewed by the author, March 17, 2004, both talked of interracial fights or feuds, but downplayed their significance.

<sup>71</sup> In neighboring Auburn, which could be considered a sister-city to Opelika, developments were, more often than not, similar to those in the Old Railroad Town. The presence of Auburn University made for a somewhat different demographic in the city of Auburn: the predominance of University employees and their families made the city significantly more white-collar than its neighbor. Auburn also had fewer blacks as well. Despite these differences, the two cities followed roughly the same desegregation timeline and were moved by the same forces. Specific similarities include the issue of black school closings, as Drake High in Auburn was relegated to a middle school as part of the school board's integration plan around the same time the Opelika school board elected to close Darden High.

<sup>72</sup> *Opelika-Auburn News*, September 11, 1970.

**Table 4. System-wide Enrollment in Opelika City Schools, 1970-1971**

<b>School</b>	<b>Grades</b>	<b>Total Number of Students</b>	<b>White Students</b>	<b>Black Students</b>
<b>Miriam Brown Elementary</b>	<b>4-6</b>	<b>287</b>	<b>155</b>	<b>132</b>
<b>Carver Elementary</b>	<b>1-3</b>	<b>643</b>	<b>361</b>	<b>282</b>
<b>Jeter Elementary</b>	<b>1-3</b>	<b>433</b>	<b>261</b>	<b>172</b>
<b>Martin Elementary</b>	<b>4-7</b>	<b>624</b>	<b>391</b>	<b>233</b>
<b>Pepperell Elementary</b>	<b>4-6</b>	<b>251</b>	<b>139</b>	<b>112</b>
<b>Snower Elementary</b>	<b>4-6</b>	<b>170</b>	<b>105</b>	<b>65</b>
<b>Opelika Junior High</b>	<b>7-8</b>	<b>566</b>	<b>339</b>	<b>227</b>
<b>Opelika High*</b>	<b>9-12</b>	<b>1212*</b>	<b>757</b>	<b>455</b>

*Source:* “Form CO-1-70,” Submitted to Alabama State Department of Education, attached to Opelika Board of Education Meeting Minutes, September 14, 1970, Opelika City Schools Central Office.

\* The numbers for Opelika High include Opelika High-Southside Campus, the Darden High building that was technically a vocational school, but remained all black, in violation of the mandate for a unitary system.

Opelika may have seen HEW’s interest in the system wane, but the federal courts were not done. In 1971, the board had to move to resolve the Southside Campus issue before either Johnson or the Justice Department took them to task for it. In fact, the Opelika system would not be lifted from court order by satisfying all of the factors set forth in *Green* and achieve “unitary” status until the year 2001, but integrating the black students at the Southside campus was the last of the major hurdles to topple the sole

remaining pillar supporting a dual school system. The board purchased property on the eastern edge of town and the following summer, 1971, began construction of the new comprehensive high school at a lightning pace. It welcomed the influx of its first Title IV grant, \$71,384. The board also welcomed its first black member that summer, William Harper. School board members in Opelika were and are appointed, so Harper's tenure should not directly suggest growing black political power. But the initial desegregation of the board, at a time when the school system was already moving towards total integration of the student body, was significant enough despite its token nature. The newly-desegregated board contracted with a Texas-based architectural firm to design and construct the new high school facility which was completed in less than 10 months. The building was "the first in the world to use the innovative construction methods of construction management, fast tracking, and systems design." Its completion and opening in the fall of 1972 marked the end of Opelika's transition to an integrated system; that transition had begun 11 years after *Brown* and had taken another seven to finish. Nearly two decades after the high court's landmark desegregation rulings in 1954 and 1955, Opelika had demonstrated just how elastic the Court's concept of "deliberate speed" turned out to be.<sup>73</sup>

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<sup>73</sup> OBEMM, May 24, 1971, June 7, 1971, September 25, 1972; see *Opelika-Auburn News*, May 14, 1978 for quotation. See Opelika "Annual Report for the 1998 Decree," June 28, 2001, Department of Education Files, Legal Case Files, SG26507, ADAH, for unitary status; this is the final report Opelika City Schools submitted to satisfy the *Green v. New Kent County* factors and be removed from *Lee v. Macon* court order. See *Title IV and School Desegregation: a Study of a Neglected Federal Program*, a Report of the U.S. Commission on Civil Rights (Washington, D.C.: Government Printing Office, 1973), CR1.2:SCH6/17, Table B 4-3, for Title IV grant.

## **Black Community Response: Darden High**

Lost in the shuffle to integrate the high school students was Darden High. Whether it carried the name Opelika High-Southside Campus or not, it was a long-standing symbol of black community pride and heritage that many in the black community were, to say the least, not happy to see go. Nonetheless, the school board, apparently unwilling to send white students to what would always be seen as a black high school, sold the building to the local Head Start operation, which still uses the facility to this day.<sup>74</sup>

The board elected to close the school despite the fact it was one of the newer buildings in the system. Completed in the early fifties, the school was named for Dr. J.W. Darden, the first African-American doctor in Lee County. Those who attended it remembered how the community took pride in keeping it up despite often fighting an uphill battle with the school board for help. Bobby Floyd grew up in Opelika and began attending Darden the year it opened. Dr. Darden had delivered all of her mother's children and she and Mrs. Darden were very close. She remembered the hardwood floors that were kept "spotless." Birdie Peterson, who graduated in 1965, remembered the same thing: "We had a premiere school, even in the fifties, that a lot of students around here didn't have. We kept that building up as if it were our home. You could open up the front door, and the floors would just be sparkling." Darden was more than just a nice facility; it was also a community center of sorts. Students would attend Friday assemblies where the principal would lecture on doing the right thing. Black teachers

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<sup>74</sup> OBEMM, May 8, 1972, September 10, 1973.

kept up with students' progress and performance as though they were monitoring the development of their own children. It was a true community school.<sup>75</sup>

Opelika's black community reacted with anger and sorrow to its closing. "We lost our full identity; we lost everything," Peterson recalled. "We didn't retain our mascot, our colors, anything. Everything was lost when we lost Darden."<sup>76</sup> Henrietta Snipes, who transferred under the freedom of choice provision, remembered what Opelika's blacks went through:

They totally shut the black high school down; it was just gone. We totally lost everything. For females...we lost cheerleading, we lost majorettes. So, people felt like we had to sort of take a back seat to everything. It was not a good time for blacks, because most of us felt like we were forced to change, and we're the ones that are forced to give up everything. It took a lot of adjusting and a lot of praying to get through.<sup>77</sup>

The black community's reaction to the closing of Darden High was not unlike that of blacks in Hyde County, North Carolina, where the African-American community organized a boycott of the school system to protest the proposed closing of black schools as part of an integration plan. Historian David Cecelski, in *Along Freedom Road*, describes what he calls the "dismantling of black education," or the loss of black leaders and cultural symbols, there. He argues that "school desegregation was a far more complex matter than a demand by blacks to attend school with reluctant or hostile whites," and that blacks were not always eager to integrate totally with whites in the

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<sup>75</sup> Bobby Floyd, interviewed by the author, June 29, 2005, digital recording; Birdie Peterson, interviewed by the author, June 28, 2005, digital recording; Phyllis Peters, interviewed by the author, June 28, 2005, digital recording.

<sup>76</sup> Peterson interview.

<sup>77</sup> Snipes interview.

school systems. The majority of blacks in Hyde County were more concerned with preserving their heritage and traditions, their hard work and dedication in the form of their two all-black community schools, than they were with attending school with whites in formerly all-white schools with white traditions. Opelika's black citizens experienced a similar dynamic. While many supported the freedom of choice plans, and still others supported a total integration of the system, virtually no one wanted to see Darden High, with its rich community-based traditions, swept aside like so much closet space.<sup>78</sup>

Historian Adam Fairclough has cautioned against the romanticization of black schools prior to integration. And James Patterson has reminded us that “nostalgia notwithstanding, there was little to romanticize about black education in most communities of the Jim Crow South.” Nonetheless, for black students who were forced to take a bus when they used to walk, or who used to be cheerleaders, but now had little or no chance of being one, or who used to aspire to be class president, but now did not even think about it, the change, and the loss, were real. And at least in the case of Opelika's Darden High, a “premier school” when compared with its dilapidated counterparts in the more rural areas of the Black Belt, a healthy measure of nostalgia was warranted, albeit nostalgia tinged with bitterness over how Darden had never received as much fiscal support as Opelika High.<sup>79</sup>

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<sup>78</sup> Cecelski, *Along Freedom Road*, 10, 11, *passim*.

<sup>79</sup> Adam Fairclough, *Teaching Equality: Black Schools in the Age of Jim Crow* (Athens: University of Georgia Press, 2001), 66; Patterson, *Brown v. Board of Education*, 167.

For some black students coping with their new environment, the Opelika High administration was a reliable ally. Henrietta Snipes, who had become something of a leader, having been there since the early freedom of choice days, remembered, that:

Of course, we had to change some things, like some of the classrooms had Confederate flags in them. I will give [the administration] credit, they were pretty much responsive, and they listened. And again, at Opelika at that time, we did have a good principal, and we had a good guidance department, and that made a big difference.<sup>80</sup>

The administration, at the urging of students like Snipes, and parents, formed a number of diverse groups, including a study club for black students, and put rules in place to provide for there always being black representation among the cheerleading squad, athletic coaching staff, and a number of other extracurricular groups. While some of these might be seen as token measures, they nonetheless signaled that the administration was willing to work with the black students and parents and probably went a long way to avoid a confrontation-based scenario like the one which unfolded in Hyde County, North Carolina.<sup>81</sup>

### **Black Community Response: Forced Assignment and Freedom of Choice**

At the time of the Darden closing in 1972, the administration had been dealing with these issues for three years, since the beginning of forced assignments. While Darden remained open at that time, there were still a number of students attending the predominantly white schools that did not want to be there. Henrietta Snipes recalled that

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<sup>80</sup> Snipes interview; the principal was Frank Gregory.

<sup>81</sup> Ibid.; Bedell interview.

“a lot of blacks were very apprehensive about [total integration]; they did not like it.” Bobby Floyd concurred: “A lot of people did not want to integrate; they were happy where they were.” Birdie Peterson characterized the percentage of blacks in opposition as “most.” “What we wanted,” she recollected, “was that the money that was invested in one school should have been invested in all schools regardless of race.” Peterson’s thoughts illuminate not only the rifts on the surface between those blacks who favored total integration and those who did not, but also the unity beneath that surface. Fundamentally, all blacks in Opelika wanted the same thing: a better education for their children.<sup>82</sup>

In contrast to the opinions of those blacks who did not see total integration as the path to equality and the way for their children to get the best education possible, many welcomed it, including Bobby Floyd. She was asked to transfer and teach at another school during the early days of faculty shuffling to meet HEW and Johnson’s requirements. She elected to stay where she was, at Carver Elementary, simply because she liked its location. Despite this, she nonetheless “welcomed integration” of the system “because it opened a lot of doors.”<sup>83</sup>

And there were, of course, those in the black community who seized the opportunity to desegregate when the option became available through freedom of choice; Snipes was one of those. Black teachers and a few of the black ministers, including Wilson, had meetings to see who was interested in making the momentous decision to transfer. Snipes and her parents went to one of those meetings and decided that she

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<sup>82</sup> Snipes interview; Peterson interview; Floyd interview.

<sup>83</sup> Floyd interview.

would transfer her fifth grade year, the 1966-1967 school year. What she saw when she got to Miriam Brown Elementary in September was a different world than the one she knew at Jeter. “There were things when I transferred over that I had never seen,” she recalled; “you’d be surprised, something as simple as a nice globe or something like that. We didn’t have any of those things, audio-visual, those kind of Title 1 things that were being state and federally funded that we should have had.” “What we had in the black schools,” she explained, “we always had leftovers.”<sup>84</sup>

Leftover, or hand-me-down, books were a staple of the second-class black schools in Opelika. Students whose parents could afford it could ride into Auburn and buy used books at Johnston and Malone bookstore. Other than that, there were only the always outdated volumes provided by the school system. Bobby Floyd remembered that “when we integrated, that problem left. We had workbooks per child, individual books, art supplies; everybody got what they needed.”<sup>85</sup>

Snipes and the others who transferred on freedom of choice were able to experience that world before their counterparts. She looked back favorably on her experience despite the level of anxiety that she experienced early on. She and her family had to endure criticism from that segment of the black community that saw integration as unnecessary. “To be honest with you, people were kind of on edge at first,” she explained, “And we had to deal with a lot of criticism, because they just didn’t feel that that was something that needed to have been done. It was not easy, especially being ten or eleven years old, and you’ve got to deal with all that.” Black community leaders like

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<sup>84</sup> Snipes interview.

<sup>85</sup> Floyd interview; Peterson interview.

A.L. Wilson looked after the students and even watched the campuses to make sure they were safe and to see “what would happen.” “But we really did not have any issues,” Snipes explained, “it was really smooth sailing.” “Myself,” she recalled, “I adapted pretty well.” All of the black students who transferred on freedom of choice were under additional scrutiny because everyone, white and black alike, “wanted to see if they could even compete academically.” Snipes remembered doing well, but she also remembered several black peers who did not and who were not able to “make it.” “But I also had a really good teacher; that made it easier on me,” Snipes explained, “she had a heart; she cared. If I look back at all my years in school, even though that was my first exposure with having a white teacher, she would be at the top of my list as far as one of my best teachers, because she made it easy for me to adapt.”<sup>86</sup>

Phyllis Peters was also able to adapt. Like Snipes, she attended meetings with her parents and decided to “test the waters” through freedom of choice. “We knew it was a really a new idea,” she remembered, “but some of the teachers communicated with us, and they felt that we could do the work. So basically, that first group were really good students academically, the majority of them were.”<sup>87</sup> Because she was a good student, like Snipes, her experience was mostly “smooth sailing” as well. “I basically minded my

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<sup>86</sup> Snipes interview; the white teacher was Ann Gaither, wife of the then Auburn City Schools Superintendent.

<sup>87</sup> Here it should be noted that the role that Peters, Snipes, and Floyd attributed to black teachers in getting students to transfer seems to run contrary to Fairclough’s conclusion that “the situation of black teachers . . . militated against overt involvement in the Civil Rights movement.” Although, it is possible that what the teachers in Opelika were doing could be understood to be somewhat behind-the-scenes. However, Fairclough’s conclusion that “after the Brown decision, the focus of black leadership shifted from teachers to preachers” is still appropriate for Opelika. Fairclough, *Teaching Equality*, 47, 66.

own business, did my work,” she recalled, “There was not a lot of rebellion or that kind of thing, you know. It was just taking care of business while you were there at school.”<sup>88</sup>

Peters’s situation was unique, however. She transferred her senior year, in 1967. “I would have been in line to be valedictorian at Darden,” she remembered, “and somewhere in the process, my dad felt that I might not get everything that I could qualify for.” She wrote a letter to Judge Johnson in June of 1967. “I would like to withdraw my application as a transfer student to the Opelika High School,” she wrote. “My parents have talked to me and they are totally against it for me to transfer . . . I’m sorry I didn’t study all of the evidence before I made a haphazard decision.” Johnson replied a few days later, telling Peters that “This is a matter that you should present to the school authorities. It is not a matter which would require judicial action at this time.” The school board denied Peters’ request to transfer back to Darden; this was the board’s policy, backed up by Johnson, and they stuck by it.<sup>89</sup>

Peters was not the only stand out student to have second thoughts or disagreements with her parents. Inez Doctrie also wrote to Judge Johnson on behalf of her son, Jimmie. She had not known that he had requested transfer. When the letter indicating his acceptance came to the house, his mother tried to explain to him that transfer would cause him to lose his status as president of the student council, president of his class, and his membership in a number of clubs and organizations. Jimmie eventually agreed; his mother wrote that, “He really did not realize what he was doing.”

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<sup>88</sup> Peters interview.

<sup>89</sup> Ibid.; Letter from Phyllis Mills [Peters] to Judge Frank Johnson, Letter from Frank Johnson to Phyllis Mills, dated July 3 and 6, 1967 respectively, Lee v. Macon Case Files; OBEMM, August 22, 1967 and August 13, 1968.

Johnson's reply and the school board's decision were the same, however. Freedom of choice seemed to be a one-way street with no provision for a reversal of direction.<sup>90</sup>

In dealing with disagreements like these and the anxiety that surrounded forced assignment and the grief that accompanied the Darden closing, blacks in Opelika needed a calming voice: someone to offer comfort, support, and reassurance. They received it, and according to Birdie Peterson, "most of that came from the pulpit."<sup>91</sup>

### **Black Community Response: Rev. A.L. Wilson**

A.L. Wilson grew up in a poor family with six brothers and sisters just outside of Montgomery in Millbrook, Alabama, about an hour's drive down Alabama Highway 14 from Opelika. According to Wilson, his upbringing there forever shaped the way he looked at the issue of race. His family's neighbors were a white family with open-minded parents, and the two sets of children became very close. "We played together, ate together, slept together," Wilson recollected. The father in the white family took a liking to Wilson, and as he got older had him stay in the house while he was away. The man eventually had Wilson run his country store down the street for him, for which Wilson was to pay himself whatever he saw fit. When the time came for Wilson to go to college, his benefactor told him he had not given himself enough severance pay; he gave him fifteen thousand dollars to help fund his education at Alabama State University and Livingstone College. Some might see paternalistic overtones in such a story, but Wilson

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<sup>90</sup> Letter from Inez Doctrie to Judge Frank Johnson, letter from Frank Johnson to Mrs. Inez Doctrie, dated July 22 and June [sic] 23, 1967, Lee v. Macon Case Files; see *The Southern Courier*, September 17-18, for more examples of students who had disagreements with their parents over transfer; OBEMM, August 22, 1967.

<sup>91</sup> Peterson interview.

does not remember it that way. Like the neighbor, Wilson explained, “I don’t see color; to show you how my life is, I couldn’t be prejudiced after that upbringing. I could not allow myself to be. I have no quarrel with race; I only have a quarrel with what’s right and what’s wrong.”<sup>92</sup>

After finishing his education Wilson wasted little time before becoming involved in the emerging civil rights movement. He served for a time on the Executive Board of the Montgomery Improvement Association – famous for coordinating that city’s bus boycott – before moving to Opelika to take his pastorate at Thompson’s Chapel A.M.E. church. Once in Opelika he quickly emerged as a leader in the struggle, forming a Lee County Chapter of the NAACP and the Lee County Voters League. Wilson initially focused on voting rights issues and enjoyed a measure of success. He also was instrumental in effecting the desegregation of the Pepperell Mill, the city fire department, the police department, and the light and power division. When black volunteers to break the employment color line were lacking, Wilson often recruited family members to be hired or placed in these positions, but he always pulled them out once others had been hired to avoid accusations of nepotism.<sup>93</sup>

When the opportunity to desegregate Opelika’s schools came in 1965, Wilson would again enlist his family. “They could have had something against me,” he

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<sup>92</sup> Wilson interview.

<sup>93</sup> Ibid.; Wilson’s position in the movement in Opelika was confirmed by every black interviewee for this thesis.

remembered, “but my point was, we needed leadership and I decided I was going to give leadership and they were proud of the fact that I did that.”<sup>94</sup>

Wilson’s leadership position in the community was clear on one night in October, 1966. He got a call at his house that night from the chief of police: there was a situation developing at a Darden High football game; the chief needed the reverend to get out of bed and come down there right away. At the game Darden students were preparing to attack an Opelika police officer who was allegedly involved with, or trying to become involved with, a black woman. The situation had deteriorated to the point that even the area civil rights newspaper called it a “riot” scenario. Wilson got dressed, went down to the stadium and “told them to put the bottles down and the rocks down. I told them I had an answer to the problem.” Having helped to avert violence, Wilson was true to his word: he soon persuaded the mayor and the police chief to hire four black law enforcement officers.<sup>95</sup>

It was leadership like Wilson’s that helped keep Opelika safely on the side of those communities that experienced a largely peaceful integration period.<sup>96</sup> But it was not just getting out of bed to prevent a riot; Wilson and other local preachers used Sunday morning as an opportunity to talk to their congregations about “that thing that we had to

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<sup>94</sup> Wilson interview. Wilson would also later bring suit against the City of Opelika, challenging its municipal electoral policy; his lawyer was Fred Gray; *Lee County NAACP v. The City of Opelika* (748 F.2d 1473).

<sup>95</sup> Wilson interview; *The Southern Courier*, April 15-16, 1967, discusses new black police officers and states that one, John Pruitt, was “one of four Negroes who joined the police reserve last October, shortly after Negroes rioted at a Darden High School football game.” As to whether the riot helped persuade Opelika to desegregate its force, the paper quoted a “Negro leader”: “I think it was mostly coincidence,’ the Negro leader said,’ but it may have speeded it up a little.”

<sup>96</sup> Two other very influential black leaders during this time were, by all accounts, educators Patsy and William Parker. Patsy Parker currently serves on the board of education.

do,” as Snipes remembered it. They briefed the children on “how you gotta go, and how you gotta act, and all those kinds of things.” Such admonitions served, “to make sure we wouldn’t run into a lot of problems.” Birdie Peterson explained that “a lot of it came through [the preachers] offering comfort and positive comments, like ‘this is going to occur whether you agree or not.’” Wilson remembered talking to his congregation about the struggle, “because I knew that they would listen. I really sold my personality to the black community, and I told people that we were caught up in a situation where nobody is really responsible,” he recalled. “We are just as responsible as they are, and that even though we were not given the rights and the privileges that we should have, that we, too, were responsible because we accepted it without even questioning. And because of that many of the white opponents felt like they were right.” But, he explained, “One thing that I can say, with the kind of information I gave, I never preached a hate sermon. I never talked the hate talk. I never had hate in my mind in the first place.”<sup>97</sup>

### **White Community Response: Dr. Clyde Zeanah**

Hate was not in short supply, manifesting itself on the white side of the color line all over Alabama during the civil rights struggle in Anniston, Birmingham, Selma, and elsewhere. Racial prejudice abounded, but leadership in Opelika seemed to have successfully inoculated the town’s white and black citizens against the worst and most violent extremes of racism. In addition to the leadership from the pulpits south and east of downtown, leadership not predicated on hate could be found in the white neighborhoods north of downtown as well. Both James Patterson and William Chafe have argued that

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<sup>97</sup> Snipes interview; Peterson interview; Wilson interview.

local white leadership could make or break desegregation efforts in southern communities. Chafe, in *Civilities and Civil Rights*, maintains that the willingness of the white city and school leadership in Greensboro, North Carolina to abide by the law and to cooperate with black community leaders was a crucial reason for the efficiency of the integration process in that self-proclaimed bastion of “progressivism.” This was the case in Opelika as well, and the foremost of those leaders was Dr. Clyde Zeanah.<sup>98</sup>

Zeanah grew up in Tuscaloosa, Alabama. Right after graduating from Holt High School, he joined the Navy. After two years of service, he returned to Tuscaloosa to receive his B.S. and M.A. from the University of Alabama. He moved to New York and earned his doctorate from Columbia in 1960. Zeanah bounced around between several systems before earning the job as school superintendent in Opelika. His predecessor, T.H. Kirby, had set a quality example, leading Opelika through the freedom of choice years and the dealings with HEW, the Justice Department, and Judge Frank Johnson. But in the early months of Zeanah’s tenure there was still an air of uncertainty in the city. Many, including Zeanah himself, foresaw that he would have to lead the system through a challenging period, but few anticipated how quickly those challenges would emerge following his arrival in the summer of 1968.<sup>99</sup>

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<sup>98</sup> Patterson, *Brown v. Board of Education*, 77; Chafe, *Civilities and Civil Rights*, 288-300, 330-5. While Chafe discusses leaders like this and their ability to set the tone for integration, the historian notes that such moderation came with strings attached. A “Progressive Mystique” was the driving force behind white leaders’ actions, Chafe argues. Whites, in this view, co-opted blacks through the appearance of a willingness to compromise, but ultimately ceded little in the way of political, social, and economic power. Zeanah and those white like him in Opelika do not seem to fit neatly into Chafe’s categories, but it is certainly worth noting that whites to this day remain in the highest positions of power in Opelika and command a secure majority on the city council.

<sup>99</sup> *Opelika-Auburn News*, September 23, 2001, article and obituary; Carolyn Zeanah, personal correspondence with the author, March 2, 2004.

Zeanah was, by most accounts, a quiet, humble, and modest man. But he was undoubtedly a leader when it counted. His successor, Dr. Phil Raley, said that when Zeanah was superintendent, “there was never a doubt who was the boss, and that was a good thing because that’s what we needed at the time.” Like Kirby, Zeanah was not about to start barnstorming for immediate and total integration, but he was no segregationist either. He was not about to follow the Wallace-championed line of massive resistance, and he was absolutely determined not to let Opelika go the way of so many districts that experienced the turmoil and exodus of white students from desegregated schools most easily associated with nearby Tuskegee.<sup>100</sup>

As soon as it became clear in 1969 that Opelika would have to start forced assignment to achieve a system-wide percentage, Zeanah helped start an informal community-wide education plan. He and local lawyer Jacob Walker and his wife Jane Walker (Jane would eventually serve on the board of education) organized a group of white parents, putting ads out in the newspaper and urging other parents to keep their children in the public schools. They were looking to avoid the flight of white students into private “seg [segregated or segregationist] academies” that was occurring not just in Tuskegee, but in disparate urban and rural geographies all over the South. Jacob Walker presided over community meetings wherein Zeanah would assure anxious parents that the school system would be fine if only they stood by it. Walker told parents that he believed that integration was “the right thing to do, and the Christian thing to do.”<sup>101</sup>

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<sup>100</sup> See *Opelika-Auburn News*, September 23, 2000, for Raley quotation; Carolyn Zeanah, personal correspondence; Dr. J. Phillip Raley, interviewed by the author January 24, 2004, digital recording.

Zeanah also tried hard to reassure and assist the faculty, who were often just as uneasy as parents and children. Before school opened in September, he held an institute for teachers at Martin Elementary. There he told the faculty that “We face continued challenges in education. Much change is being called for.” He reminded them that “The end result of education is a productive citizen or a burden to society.” He talked about the progress the system had already made and told them that they had a duty to help continue that progress: “Leadership has a responsibility from the superintendent to the individual teacher in program planning as well as policy making.” That very same day, George Wallace told parents to demand preservation of freedom of choice (as opposed to total integration) and advocated “a mothers and fathers march on the schools in a peaceful manner.” Superintendents and school boards could have stood with Wallace, but many like Zeanah and Opelika, not surprisingly, chose the path of compliance over confrontation. Wallace’s “stands” yielded a public relations bonanza for the fiery southern politician, but they ironically served to stiffen the resolve of federal judges and Washington bureaucrats, and certainly did little to bridge the painful divide between blacks and whites in Alabama.<sup>102</sup>

Zeanah and Assistant Superintendent John Jackson followed the community education program up with workshops, called Transition Analysis Workshops, which continued throughout the duration of the integration process. They were voluntary, but Zeanah and Jackson urged all faculty to go at some point. Bobby Floyd remembered the sessions fondly:

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<sup>101</sup> Carolyn Zeanah, personal correspondence; Jane and Jacob Walker, interviewed by the author March 11, 2004, digital recording.

<sup>102</sup> *Opelika-Auburn News*, September 2, 1969.

They helped us to bridge the gap . . . going the extra mile and being friendly to everybody. It helped us as adults, because the children had no problem. We talked about, if you have something you need to say, you can get it off your chest, to teach you to express yourself, because a lot of times people really don't know how you feel about things. And that helped us to make friends within the faculty. In other words, it helped us to have a more outgoing personality.<sup>103</sup>

When school opened in 1970, Zeanah again set out to reassure parents, this time through a "Letter to Parents" that he had published in the *Opelika-Auburn News* two days before school started. He told them that:

More preparation has gone into this school year than any before. Teachers and principals have worked and planned for months to insure that all students will have opportunities to learn and progress as far and as fast as their abilities and desire will take them. . . . In spite of all our planning and preparation, we are sure there will be some changes and adjustments to make after school opens. We ask for patience and understanding while these matters are being worked out. We do not anticipate any serious problems in our schools this year. There will surely be some minor incidents, some of which may involve students of opposite races. We can assure you that these will be handled immediately and firmly.<sup>104</sup>

Zeanah also asked for the parents' help. He told them they could help if they "recognize rumors for what they are and wait for full information before making up [their] mind." He also asked that parents give school officials time to work out logistical problems, to contact them with questions, to "help [their] child have a positive approach," and to become "involved." He closed the letter by assuring the parents that "We believe that despite all of the court-ordered changes in our school system, we will continue to have a high quality education system in Opelika. We are confident that with the cooperation of

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<sup>103</sup> Floyd interview.

<sup>104</sup> *Opelika-Auburn News*, September 6, 1970.

all concerned this can be an outstanding school year.” For the most part, that confidence was not misplaced. Schools opened in Opelika without incident that year and the next two years. A major reason for that peaceful transition from a dual school system to a unitary one was the leadership of Zeanah and people like the Walkers. As school board chairman Yetta Samford put it, “there definitely would have been more vociferous resistance had it not been for a segment of the citizenry willing to speak out in favor of upholding the law.”<sup>105</sup>

Despite Zeanah’s and other moderate whites’ efforts to keep everyone in the public school system, white flight was a reality in Opelika, limited though it may have been. It predated the forced assignment and total integration years, beginning when parents and educators established a segregationist academy in Auburn in 1965, the first year that freedom of choice was available in Opelika, Auburn, and Lee County schools.

### **White Community Response: Segregationist Academies**

As tactics of massive resistance faltered in the mid- to late-1960s, many segregationist southern whites began to see the handwriting on the wall in terms of increasing federal pressure for meaningful integration of the region’s public school, and segregationist academies rapidly became a mainstay of the educational landscape in southern communities where blacks formed a significant percentage of the overall population. Most champions of these schools pointed to religious underpinnings or cited their anger with what they perceived as an over-reaching federal government, but as historian Wayne Flynt has convincingly argued, “The chronology of private Christian academies suggests

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<sup>105</sup> Ibid.; Yetta Samford, personal correspondence with the author, March 23, 2004.

their origins owed more to racism.” They began to show up during the freedom of choice years, and then exploded after forced assignments and total integration orders: in Alabama, private school enrollment nearly doubled, from 10,200 in 1960 to 20,500 in 1970, and it would continue to rise steadily in ensuing years.<sup>106</sup>

Though it was early on in this chronology, segregationists looking to open a private school in Lee County in 1965 did not have far to look for support or inspiration. Macon Academy had been up and running in Tuskegee since 1963, and Governor Wallace in Montgomery was behind the idea 100 percent. Flush from the publicity he garnered for his “stand in the schoolhouse door” at the University of Alabama in June of 1963, Wallace had quickly turned his sights on the state’s elementary and secondary schools, particularly the brewing crisis in Macon County. From 1963 on he was in frequent contact with “Foundations” and academies all over the South (including Prince Edward County, Virginia, arguably the birthplace of concrete Massive Resistance strategies) gathering advice about starting the new schools, and until Frank Johnson in 1967 ruled that tuition grants to the academies were illegal, on how to fund them.<sup>107</sup>

Parents and educators in Auburn first established Presbyterian Day School in 1965, the year that HEW began to impose desegregation guidelines on the Opelika and Auburn school systems. Two years later they formed the Lee County Educational Foundation and organized the opening of the newly renamed Lee Academy, to serve

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<sup>106</sup> Flynt, *Alabama in the Twentieth Century*, 361; see also Bolton, 106-9; see *Opelika-Auburn News*, September 8, 1970, for enrollment numbers.

<sup>107</sup> Governor’s Administrative Assistant Files, SG19971, ADAH, folders 16-17 contain a wealth of correspondence between the governor, his legal advisor, various segregationist academies in other states, and those attempting to establish them in Alabama; see above for a discussion of Johnson and tuition grants.

grades one through six initially, that fall (just like “Academy,” “Foundation” was fashionable for the segregationist school organizations popping up seemingly everywhere). While a handful of the foundation officials and others involved in the academy’s opening were Auburn University professors, evidence indicates that a majority of those affiliated with the state’s land grant university were firmly committed to the success of the public school system, and anecdotal evidence suggests some professors frowned upon those colleagues who supported the academy by electing to send their children there. Professors or not, relatively few parents chose to support the new school in its earliest days, however, as it enrolled only 47 students and operated out of a rented two-story house for its first two years.<sup>108</sup>

At first the Lee County Education Foundation only targeted Auburn families. Foundation directors sent out leaflets to the city’s white families lauding the schools commitment to “academic excellence” and the enrollment of “the more able children as determined by nationally-used tests.” They proclaimed that, “Only the private school, we believe, now can provide an atmosphere free of pressure and other obstacles which make impossible the traditional American educational philosophy.” The school also prided itself on commitment to “traditional Christian spiritual and moral values.”<sup>109</sup>

Lee did not enroll or receive applications from any black students. The fact that this return to a “traditional” education reinfused with “traditional Christian spiritual and

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<sup>108</sup> History of Lee-Scott Academy, <http://www.lee-scott.org/about/history.html>, (accessed March 10, 2005), 1-3; see also *Opelika-Auburn News*, October 10, 1970, article on Lee Academy past, present, and future.

<sup>109</sup> *The Southern Courier*, April 1-2, 1967; Lee Academy Papers, Record Group 476-04-017C, folder 21, Ralph Brown Draughon Library, Archives and Special Collections, Auburn University, Auburn, AL.

moral values” was restricted to one race was an unspoken and unwritten rule at Lee Academy. One found no signs reading “Whites Only,” but it was clear to the black and white communities that Lee would serve a racially-restrictive clientele. Not all whites in Auburn were willing to give the new academy their blessing, and some of the area’s more liberal whites were overtly hostile to the segregated educational enterprise. One woman told a reporter, “Auburn doesn’t need a school like that. The kids are going to live with colored people, so they might as well get used to it in school.”<sup>110</sup>

The school began to target Opelika families as the desegregation process sped up, and the Foundation began to have financial problems. During the 1969-1970 school year, students from Opelika comprised only 25 percent of the 115 member student body at Lee. Shortfalls in fundraising efforts, plans to extend to K-12, and the construction of a new building soon led to the active recruitment of Opelika families and businesses though, and sixty-five Opelika students applied to the academy for the fall of 1970.<sup>111</sup>

As total integration of the Auburn and Opelika public school systems became a reality and parents began to pull their children out in larger numbers, enrollment ceased to be a problem for Lee, and feuding between Opelika and Auburn parents on the Foundation board of directors became the issue of the day for the school. Opelika parents who were turned off by the jockeying had an alternative by that time, however. Scott Academy was founded in Opelika the same year.<sup>112</sup>

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<sup>110</sup> *The Southern Courier*, April 1-2, 1967, August 4-5, 1967.

<sup>111</sup> Lee Academy Papers, see folder 3 for application numbers, see folders 12 and 13 for fundraising; see *Opelika Daily News*, July 2, 1969, September 17, 1969 for more enrollment figures.

<sup>112</sup> Lee Academy Papers, folder 3 contains the meeting notes of collection donor and Lee County Educational Foundation board of directors member Ward Allen; Allen’s notes include multiple scribbles

Scott's mission statement was roughly the same as Lee's: commitment to "the highest quality education" and Christian values. Its founding was similar as well: the East Alabama Educational Foundation was formed prior to the establishment of the school. Initial enrollment at Scott was higher, though. Three-hundred fifty children, K-12, comprised the first student body at Scott, whereas 208 enrolled at Lee that fall.<sup>113</sup>

Why did so many parents opt to send their children to the new schools? School founders, as mentioned above, talked a great deal about government interference and hardship. I.J. Scott Sr., co-founder of Scott Academy, whose son resigned his post on the Opelika school board to enroll his child at the academy, wrote about a "conspiracy" by the federal government. According to this feverish worldview, the conspiracy, part HEW's "devious plan", and part "Tricky Dick" politics, was aimed at completing the abandoned nineteenth century Reconstruction project by way of forced integration. Scott and those like him in Opelika were not alone, and more importantly, their ideas were not necessarily new. An editorial in a Montgomery paper following Johnson's 1967 order decried the "federalization of schools" and lamented that "local control was sacrificed on the altar of political emotionalism." Segregationist foundation officials in Mississippi compared the federal government to Nazis; ironically, some of their brethren in Texas compared the feds to communists. Hyperbole was the order of the day; analogical and

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about "Auburn v. Opelika" issues; see also *Opelika-Auburn News*, August 27, September 1, and October 4, 1970. Receiving tax-exempt status was also a topic of much interest for both Lee and Scott; for this see *Opelika-Auburn News*, July 19, August 25, and September 13, 1970; see also History of Lee-Scott Academy online.

<sup>113</sup> Lee Academy Papers, folder 3; See *Opelika-Auburn News*, September 6 and September 17, 1970 for enrollment.

ideological consistency - and arguably rationality - became casualties in the escalation of tub-thumping anti-government rhetoric.<sup>114</sup>

Scott's conspiracy theories and his adoration of George Wallace, "one of our Greatest Governors," could simply indicate an aversion to overarching central government. But it was the object of the government's interference, segregation, and Wallace's perceived "stand" against that interference that made the difference. Had the federal government ordered a revamping of the sewage system in Opelika, it is unlikely that anyone would have started their own private sewage system in protest. Those like Scott, who argued the hardships of busing (a few miles at best) and overcrowding issues, were only raising red herrings it seems. Most likely, those who were anti-government interference in this particular matter were necessarily segregationists.<sup>115</sup>

Some people believed Lee Academy to be more genuinely committed to quality education as opposed to simply segregation. But as with Scott, the numbers are telling. Lee saw a massive jump in enrollment the year Opelika and Auburn were faced with total integration, and as the numbers grew, some saw that commitment to education wane. One parent who had an economic stake in Lee, but whose child for "financial and philosophical reasons" no longer attended the school wrote, "If a school founded on the

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<sup>114</sup> *Opelika-Auburn News*, Sept. 3, 1970; *The Montgomery Advertiser*, March 23, 1967; see Governors Administrative Assistant Files, SG19971, Folder 17, ADAH for segregationist Foundation packets from Mississippi and Texas comparing the government to Nazis and communists.

<sup>115</sup> *Opelika-Auburn News*, September 24, 1970. James C. Cobb has skillfully explored a similar set of issues in his study of the Mississippi Delta, *The Most Southern Place on Earth*. Therein Cobb argues that whites in the Mississippi Delta often operated in a schizophrenic fashion, rhetorically lashing out an over-reaching federal government even as they pocketed millions of federal dollars in crop subsidies, flood control projects, and more, seemingly impervious to the logic that they were biting the hand that fed them; James C. Cobb, *The Most Southern Place on Earth: The Mississippi Delta and the Roots of Regional Identity* (New York: Oxford University Press, 1994).

principle of dedication to excellence, shall be taken over by the No-Nothings [sic] . . . then the expectations of private schools are threadbare.” Enrollment at Lee doubled the year after the district court added the state systems to *Lee v. Macon* (1967); it nearly doubled again during the school year that forced assignments were in place (1969), increasing even more before the start of the next year (See Table 5). The fact that Scott opened the first year of total integration (1970) with a staggering enrollment compared to Lee’s initial enrollment is also noteworthy.<sup>116</sup>

**Table 5. Enrollment at Lee Academy and Scott Academy**

School Year	Lee Academy	Scott Academy
1967-68	47	-
1968-69	91	-
1969-70	115 (185 by the end of the year)	-
1970-71	208	350

*Source: Opelika-Auburn News* September 6, 1970, September 17, 1970, October 4, 1970.

Note: Enrollment increased at Lee in part because it added grades each year: K-6 in 1967, K-7 in 1968, K-9 in 1969, and K-10 in 1970. But the most dramatic increases occurred when the school added only one grade. Also, enrollment increased by 93 between fall of 1969 and fall of 1970, but only 8 of the new students were in the grade added (10<sup>th</sup>). Since Scott enrolled 11<sup>th</sup>-12<sup>th</sup> graders and Lee did not, one might ascertain that high enrollment at Scott was primarily due to students in those grades exercising a choice they had not theretofore had, but only 75 of Scott’s 350 students in 1970-71 were 9<sup>th</sup>-12<sup>th</sup> graders.

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<sup>116</sup> See *Opelika-Auburn News*, September 3, 1970, for the editorial, and September 17, 1970, for Lee enrollment.

For all of the interest in and debate over the private schools in Opelika, white flight to those schools was not nearly as substantial there as it was in other areas both within Alabama and elsewhere in the South. By 1970 private school enrollment was only 5 percent of total school enrollment in the city of Opelika. In places where whites were a distinct minority, white flight was often swift and total or near to total: a number of Mississippi districts experienced massive flight, as did Clarendon County, South Carolina. In many of those cases, fear of ostracism could exacerbate the phenomenon as well: many whites feared reprisal if they did not go along. However, some of those who fled sometimes came back. This was indeed the case with some of Opelika's families that former superintendent Phil Raley said "came back once they realized the school system had survived."<sup>117</sup>

Of course in nearby Tuskegee, the whites did not come back. Tuskegee had some moderate leaders like Opelika that made pleas to support the public schools, but something else was in play: numbers. Once Tuskegee High became more than half black, all of the white students left "whether they could afford Macon Academy or not." Sociologists Carl Bankston and Steven Caldas have examined this phenomenon of whites leaving a system after the percentage of blacks reaches a certain point, a sort of critical mass. In their study of Baton Rouge, Lafayette Parrish, Louisiana, they argued that Lafayette would likely succumb to the "threshold effect" by which white flight increases steadily every year after a system becomes more than 40 percent black. When it fully integrated Opelika was right on the cusp of that threshold.<sup>118</sup>

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<sup>117</sup> *1970 Census of Population, Characteristics of the Population, Alabama* (Washington, D.C.: Government Printing Office, 1973); Bolton, *The Hardest Deal of All*, 173; Raley interview.

## Comparative

It is useful to compare Opelika's experience with more than just Tuskegee. By comparing Opelika with other communities, we can determine, to a degree, whether the process of integration there was typical or unique. R. Scott Baker's work on Charleston, South Carolina offers one of the most recent community studies of school desegregation and Bogalusa, Louisiana and Greenville, Mississippi are featured in the Civil Rights Commission's reports to the nation in *Fulfilling the Letter and Spirit of the Law: Desegregation of the Nation's Public Schools* and closely resemble Opelika demographically. Certain themes emerge from these studies that are relevant to Opelika. Each deals in some way with the impetus and method for desegregating, the closing of black community schools, the role and attitudes of white city leadership, and white flight to private academies or to the suburbs. In considering each of these themes, we will examine the extent to which Opelika was similar to, or differed from, these other communities.<sup>119</sup>

Bogalusa's experience with desegregation began like Tuskegee's: local activists enlisted the help of the NAACP to file suit against the city. It was a small city in a rural area with a population very similar to Opelika's in 1970: 18,412, with blacks constituting 33 percent. Local black leaders brought suit against the school board in July, 1965, and within a month the district court had ordered Bogalusa to institute freedom of choice. The results were similar to Opelika: 6 black children transferred the first year. The court

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<sup>118</sup> See Norrell, *Reaping the Whirlwind*, 195, for Tuskegee; see Superintendent John L. Meacham, signed "Letter to Parents," Governors Administrative Assistant Files, SG19974, ADAH, and Norrell, 137-44, for support for public schools in Tuskegee; Bankston and Caldas, *A Troubled Dream*, 119-121.

<sup>119</sup> Baker, *Paradoxes of Desegregation; School Desegregation in Bogalusa, Louisiana* (Washington, D.C.: Government Printing Office, 1977), CR1.2:D45/27.

had a harder time persuading Bogalusa to integrate its faculty sufficiently, a fact that can likely be attributed simply to the preference of the district court judge. The judges presiding over these cases wielded a tremendous amount of power over smaller details like this. Ever bound by precedent on the larger scale though, after the *Green* ruling the district court ordered on June 18, 1969 full elimination of the dual system, just as Frank Johnson had done and many federal judges elsewhere in the South would do.<sup>120</sup>

Greenville, Mississippi was a bigger city than Opelika or Bogalusa in 1970 with 39,648 residents, and there blacks constituted a majority. But the impetus for ultimate change was similar there as well. Greenville went to freedom of choice in 1964 before any other district in Mississippi. Board members “made no pretensions for desire for liberal social change” but saw desegregation as inevitable and were already aware of federal Title IV funding availability. Freedom of choice was not enough for local black leaders who initiated a suit against Greenville that began yielding court orders in 1968 to fully desegregate. The system’s full integration plan went into effect in 1970.<sup>121</sup>

Much larger than Opelika, Bogalusa, or Greenville, the city of Charleston’s path to desegregation was somewhat different but still ultimately involved the court. The NAACP filed suit against the Charleston school board in 1962; while the suit was pending however, the civil rights group, along with students influenced by the sit-in movement, launched a campaign of direct action that increased pressure on the board by threatening a breakdown in civic order. Nonetheless, the board did not move to desegregate until the ruling of the court was implemented the following year alongside

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<sup>120</sup> *School Desegregation in Bogalusa, Louisiana*, 5-6, 19-33.

<sup>121</sup> *School Desegregation in Greenville, Mississippi*, 3-5, 9.

the protests and pressure from the Justice Department. The court here, much like HEW in other areas at the same time, ordered incremental institution of freedom of choice, with all grades having the “choice” by fall of 1967. After *Green*, Charleston, like the others, was forced to move toward elimination of the dual system.<sup>122</sup>

If Charleston differed from the smaller districts in the impetus to desegregate, it stood in even sharper distinction in terms of how it handled the issue of what to do with the black schools. Of course, in many places like Opelika and Hyde County, North Carolina school boards moved to close historically-black schools. Charleston was large enough, and had a black student population large enough, where this was simply not possible; there would not have been enough classroom space. But instead of working to successfully integrate *each* school in the system, the board pumped ESEA funds into the black schools to militate against further integration through “choice.” By the time the push for total integration came, white flight had made the system so overwhelmingly black as to essentially make the point moot. Many districts Opelika’s size had only one black high school and a handful of black elementary schools. Systems this size could afford to close a black high school or relegate it to a middle school. Closing was, of course, the option Opelika opted for after the “vocational school” idea was thrown out as a subterfuge.<sup>123</sup>

Bogalusa had a very similar experience. The two black elementary schools were closed, and the black high school was restructured to house grade nine only. Central Memorial, named in honor of black World War II veterans, had been, like Darden, “a

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<sup>122</sup> Baker, *Paradoxes of Desegregation*, 139-145, 151-7, 166.

<sup>123</sup> *Ibid.*, 167-8; Cecelski, *Along Freedom Road*, *passim*.

source of pride for the community.” In what amounted to closing the school, the board was “eradicating all . . . symbols of black scholastic and athletic achievement.” Black citizens sought redress with the court, only to be denied. Black school closings also meant demotions, if not for teachers, then certainly for administrators. This problem could be addressed by the court: Johnson paid close attention to hirings and firings. Or it could be neglected, as it evidently was in Bogalusa where a number of employees were demoted. This was, again, a matter left up to the whim of the judge.<sup>124</sup>

In Greenville, the court monitored teacher hiring, but some teachers and administrators still lost their former status. As for the fate of the black schools, it was more of the same: “many black parents, almost all black students, and many black educators objected to the conversion of the black Coleman High School into a junior high school,” the Civil Rights Commission report read. One of the plaintiffs in the suit that brought about desegregation there observed that “all symbols of blackness such as class pictures that hung on the wall, plaques, citations, trophies . . . were removed and/or destroyed.”<sup>125</sup>

In communities like Bogalusa, Greenville, and Opelika, school boards got away with closing black schools. In cities like Charleston, closing or restructuring the black schools would have been impossible. Whether feasible or not, there was always the possibility of massive backlash, whether in a city or a rural area. The school board in the city of Wilmington, North Carolina tried it, and the result was full scale rioting; the black

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<sup>124</sup> *School Desegregation in Bogalusa, Louisiana*, 39-43.

<sup>125</sup> *School Desegregation in Greenville, Mississippi*, 7, 11.

community in rural Hyde County, of course, boycotted the school system for an entire year.<sup>126</sup>

Like Opelika, Greenville, Mississippi offers another example of how positive city leadership could affect the process of desegregation. Before full integration took place, city leaders, including not just the board, but the mayor and other civic leaders as well as local businessmen, launched a large-scale “information effort.” This included a television program, a slide presentation for local civic groups, bumper stickers, letters to parents, and an information center. Church leaders, black and white, advised their congregations to comply peacefully. White dissenters chose the path of white flight in significantly larger numbers than in Opelika: there was a loss of 15-19 percent of white students in Greenville by 1976. The attitude of the moderates was summed up by one parent: “Good, we got rid of the soreheads.” This is not to say that moderate school boards and other leaders could make everything roses. In his survey of Mississippi school desegregation, Charles Bolton unflinchingly documents battles in Greenville over busing, suspensions, and tracking blacks into “slow” courses.<sup>127</sup>

Bogalusa, Louisiana faced these issues as well, but was represented by a school board that did not provide the kind of positive front that Opelika and Greenville did. “Prior to the 1969 desegregation plan, there were no special planning or training sessions, and no projects to facilitate preparations for desegregation,” the Civil Rights Commission

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<sup>126</sup> Cecelski, *Along Freedom Road*, *passim*; see Timothy B. Tyson, *Blood Done Sign My Name* (New York: Crown, 2004), for his discussion of racial unrest in Wilmington.

<sup>127</sup> *School Desegregation in Greenville, Mississippi*, 9, 12, 16; Bolton, *The Hardest Deal of All*, 185, 206, 217.

report read.<sup>128</sup> Throughout the integration process, the board adopted a generally unsupportive stance with its public statements, and this attitude was mirrored in the white community and in the formerly all-white schools: segregationists harassed black transfer students to the point that local blacks formed the second chapter of The Deacons for Defense and Justice, a Louisiana-based civil rights organization that espoused a doctrine of armed self-assertion (albeit only as a defensive response intended to deter white violence). Early on, the Opelika board took the Wallace line on occasion with HEW, but even then, its public face signaled more of a reluctant commitment to comply than any attempt to “stand” in as defiant a posture as Alabama’s arch-segregationist governor during his 1963-1967 term. The Bogalusa board’s persistent negative stance, on the other hand, contributed more actively to “hinder[ing] the efforts of those who favored desegregation.”<sup>129</sup>

The public face of the Charleston, South Carolina board was indeed reluctant but certainly not committed. The board remained a staunch opponent of desegregation efforts and, as educationist R. Scott Baker convincingly demonstrates, exacerbated and even encouraged white flight by, among other things, issuing tuition grants for white students to attend the mushrooming “seg” academies. This attitude undoubtedly aggravated the racial tensions in the city. Of course, in Charleston, two other factors exacerbated the white flight trend: the high percentage of black to white students in the system, and the ability of whites to “escape” to the predominantly white suburbs as well

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<sup>128</sup> *School Desegregation in Bogalusa, Louisiana*, 31.

<sup>129</sup> *Ibid.*, 20-21.

as to the academies. By 1967, blacks constituted 86 percent of the student population, by 1975, 95 percent.<sup>130</sup>

The two cities demographically similar to Opelika had similar experiences. Although the stance of the Bogalusa school board made for a more difficult transition, none of the three cities experienced catastrophic white flight. While the school boards could influence flight to a degree through their approaches, the most significant variable in terms of causation was likely the demographic makeup of each city: none was faced with an overwhelming black majority in the schools as was the case in Charleston. The school boards in each of the three smaller cities did close black schools to the dismay of the black community. In Charleston this would have undoubtedly been the case had it been in any way feasible. All of these cities, regardless of how they arrived at freedom of choice measures of desegregation, were forced into full-scale integration by federal district courts. With the exception of Opelika, the cases were the result of legal action taken by local black activists with the help of the NAACP. Of course, the *Lee v. Macon* case that dictated Opelika's transition to total integration was brought by local activists and the NAACP in nearby Tuskegee.

## **Today**

Opelika has undergone significant change in the years since that transition. In 1970 whites made up 60 percent of school enrollment; four decades later, in 2000, blacks commanded an identical majority, comprising 60 percent of the student population, with

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<sup>130</sup> Baker, *Paradoxes of Desegregation*, 144, 159-161, 166; see Kluger, *Simple Justice*, 772-3, for a discussion of white flight to suburbia, particularly after *Milliken v. Bradley* in 1974.

that percentage continuing to grow incrementally as the first decade of the twenty-first century progressed (See Table 6). On the surface this might appear to be the result of a significant increase in white flight; private school enrollment of students from the city did increase from 5 percent in 1970 to just over 10 percent in 2000. But the black population in Opelika has nearly doubled since 1970 while the white population has been relatively stable (See Table 7). Thus, the increase in the number of black students in the system and the reversal of percentages are mostly the result of a population shift rather than a dramatic increase in white flight.<sup>131</sup>

**Table 6. Opelika City Schools Enrollment, 1970-2000**

	<b>1970</b>	<b>2000</b>	<b>2006</b>
<b>Total Enrollment</b>	<b>4186</b>	<b>4344</b>	<b>4321</b>
<b>Black Enrollment</b>	<b>1678 (40%)</b>	<b>2684 (61%)</b>	<b>2679 (62%)</b>
<b>White Enrollment</b>	<b>2508 (60%)</b>	<b>1610 (37%)</b>	<b>1512 (35%)</b>

*Source:* “Form CO-1-70,” Submitted to Alabama State Department of Education, attached to Opelika Board of Education Meeting Minutes, September 14, 1970, Opelika City Schools Central Office; Opelika City Schools’ “Annual Report for the 1998 Consent Decree,” submitted to the Alabama State Department of Education, June 28, 2001, Department of Education Legal Case Files, SG26507, Alabama Department of Archives and History, Montgomery Alabama; Opelika High School Enrollment Statistics vs. District-wide Enrollment, <http://alabama.schooltree.org> (accessed January 30, 2007).

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<sup>131</sup> See *2000 Census of Population, Summary Population and Housing Characteristics, Alabama*, <http://www.census.gov> (accessed March 2, 2006) and *1970 Census of Population, Characteristics of the Population, Alabama* (Washington, D.C.: Government Printing Office, 1973), for private school enrollment.

**Table 7. City of Opelika Population Change, 1970-2000**

	<b>1970</b>	<b>2000</b>
<b>Total Population</b>	<b>19,027</b>	<b>23,498</b>
<b>Black Population</b>	<b>5,955 (31%)</b>	<b>10,079 (42%)</b>
<b>White Population</b>	<b>13,067 (69%)</b>	<b>12,932 (55%)</b>

*Source: 1970 Census of Population, Characteristics of the Population, Alabama* (Washington, D.C.: Government Printing Office, 1973); *2000 Census of Population, Summary Population and Housing Characteristics, Alabama*, <http://www.census.gov> (accessed March 2, 2006).

However, there is always the possibility that Opelika will succumb to the threshold effect articulated by Bankston and Caldas. The sociologists argued that 40 percent was the threshold at which whites would begin to withdraw from the system *en masse*; Tuskegee's threshold turned out to be 50 percent. It is possible that the percentage for Opelika may simply be even higher. Or perhaps the facts that white flight has yet to take off and the white population has been stable are indicators that Opelika's whites will remain in the system, regardless of ongoing demographic shifts.<sup>132</sup>

Lee and Scott Academies merged in 1981 to become Lee-Scott Academy. While still overwhelmingly white, it is one of a growing number of segregationist academies to have desegregated: 5 of the 549 students enrolled in the 2006-2007 school year were black. In a 2002 piece on segregationist academies in Alabama's Black Belt, *The*

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<sup>132</sup> Norrell, *Reaping the Whirlwind*, 195; Bankston and Caldas, *A Troubled Dream*, 119-21; Carter, *The Politics of Rage*, 350, also discusses the 50 percent threshold.

*Birmingham News* reported that several of the academies had accepted a few black children, but in those cases the move was made to help stay afloat. “Beset with dwindling enrollments, internal conflicts and an inability to pay teachers’ salaries,” the *News* reported, “so called ‘seg academies’ close down regularly in [the Black Belt].” But others, more committed to their original driving principal, took other measures. The *News* singled out Macon Academy, “once grand and thriving in Tuskegee.” The schools enrollment had diminished to 112 students by 1995, with only three students in the final graduating class. Foundation leaders moved the school out of Tuskegee to Montgomery County to the west, calling it Macon-East Montgomery Academy. “The school survived,” the *News* said, “by catching the urban area’s [the city of Montgomery’s] eastward sprawl.” Today Macon-East enrolls 462 students, all of whom are white. The county high school in Tuskegee, now named after Booker T. Washington, enrolls 919 black students and 3 whites.<sup>133</sup>

There are other relative issues in Opelika today besides just white flight. Some of the persistent problems in integrated school districts across the country are blacks lagging behind in academic performance, tracking of students into honors or upper-level classes versus regular or lower level classes, and suspension rate disparities. Opelika shows signs of having all of these problems. Blacks, overall, remained behind their white counterparts in meeting the standards of student academic performance for the 2005-2006

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<sup>133</sup> “Private White Academies Struggle in Changing World,” *The Birmingham News*, October 27, 2002; History of Lee-Scott Academy Online; Lee-Scott Academy Enrollment Statistics, <http://www.schooltree.org> (accessed February 2, 2007); History of Macon-East Montgomery Academy, <http://www.maconeast.net> (accessed February 2, 2007) (Note: the Macon-East history gives the final enrollment at Macon as 65, contradictory to the *News* article); Macon-East Montgomery Academy Enrollment Statistics, <http://www.schooltree.org> (accessed February 2, 2007); Booker T. Washington High School Enrollment Statistics, <http://www.schooltree.org> (accessed February 2, 2007).

school year, as per the systems' Adequate Yearly Progress Report required by the federal "No Child Left Behind Act" of 2001. OHS's Honors and Advanced Placement classes remain largely white. In 2000-2001, the number of students suspended was 445 black (84 percent) to 85 white (16 percent). The Brown Center, an alternative school, has 73 black students and 9 whites, an 89-11 percent distribution. Despite these issues, Opelika was approved to be lifted from court order in 2001. It also met all of its Adequate Yearly Progress Goals for 2005-2006. The school system's current problems are not limited by locality. They are in line with national trends. Many argue that socio-economic variables and the legacy of past racial proscription make the academic playing field far from level. Whether or not this is the case, in Opelika and elsewhere, innovative reforms are clearly needed to achieve a greater measure of equity.<sup>134</sup>

Another matter of concern is segregation within the schools themselves.

Superintendent Phil Raley observed that if he walked through the lunchroom at Opelika High School at any given time that "80 percent of the students would be seated by race." Despite this internal segregation, which is voluntary, students at Opelika and schools like it do experience bi-racial contact that they would not normally have were it not for the integrated school system. Student athletes in particular form friendships with members

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<sup>134</sup> See Patterson, *Brown v. Board of Education*, 139-40, Bolton, *The Hardest Deal of All*, 206-10 and Charles T. Clotfelter, *After Brown: the Rise and Retreat of School Desegregation* (Princeton: Princeton University Press, 2004), *passim* for discussions of tracking, and other ostensibly race-neutral practices; State Board of Education School Report Card for 2005-2006, Opelika City, Alabama Department of Education Online, <ftp://ftp.alsde.edu/documents/ReportCards/2005-2006/179/179.pdf> (accessed February 10, 2007); Opelika High School Enrollment Statistics vs. District-wide Enrollment, <http://alabama.schooltree.org> (accessed January 30, 2007); See Opelika 2001 "Annual Report for the 1998 Consent Decree," ADAH, for Honors and AP enrollment and suspensions; Brown Center Enrollment Statistics, <http://www.schooltree.org> (accessed February 2, 2007).

of the other race. Even if they are not friends outside of school, this is a significant change from a time when such contact was unheard of.<sup>135</sup>

The story is not all doom and gloom for those who experienced Opelika's desegregation, either; many reflect upon the racial transformation of the district's schools as a positive development on balance. But they acknowledge the problems as well.

Henrietta Snipes explained:

I think as far as starting on an equal playing field, it was good. But if you want to be honest, I think it was probably better then than now to a certain degree, because I think everybody really was trying to make it work. I think we had genuine teachers back then, both white and black. I think you had a lot of white teachers that really put their heart into it and were really trying to make it work and help your black students. And I think somewhere as time went on, we lost that, and subsequently we lost kids in the system. I think back in that day we had watchdogs who made sure we didn't lose kids in the system simply because they were black. We had people that sort of looked after them, and I think as time went on that sort of disappeared.<sup>136</sup>

Now a guidance counselor at Opelika High, Phyllis Peters saw a similar situation as she sat in her office:

Over the years I've seen where, when I grew up, there was a lot of pride and push on getting a good education. But some of the students I look at today, the black race in particular, some of them just don't seem to really care. They'll opt to get a zero rather than trying to do their homework. That was unheard of when I was in school. If you didn't do your homework, your momma's going to know about it, your grandmother's going to know about it. You know, you went to school to do your work. Some of our students, I think, have gotten lost in the shuffle. It's a greater opportunity for every race, but those that are on the low end, I don't know if they've had the real push to strive to do their full potential of work. That's

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<sup>135</sup> See Clotfelter, *After Brown*, for an analysis of contact within integrated schools.

<sup>136</sup> Snipes interview.

what I've seen. I think it has been a successful progression, I just wish that every student would strive for their full potential, and do their best while they're here.<sup>137</sup>

Snipes and Peters both saw local possibilities as an answer. Peters argued that “so much has to go back to parents. We've had so many teenagers having children; they're just children themselves. We've had crack-babies. A lot of it is the socio-economic aspect of it.” Snipes began a community project aimed at re-instilling pride in the youth of the black community, explaining that “We had that courage back then, and everybody helped each other, and now, that's just non-existent. And we've got kids who are just out there.”<sup>138</sup>

### **Summary and Conclusions**

Desegregation in Opelika began a full 11 years after *Brown* when HEW, empowered by the Civil Rights Act of 1964 began to threaten funding cuts unless the system followed freedom of choice desegregation guidelines. The Opelika Board of Education responded with a combination of defiant rhetoric and good faith compliance measures. A number of Opelika's blacks took advantage of the opportunities afforded them, some of them spurred on by teachers, others by preachers like Rev. A.L. Wilson. They met with little hostility as they were able to see the realities of “separate and unequal.” Some in the white community took advantage of neighboring segregationist academies, particularly Lee Academy in Auburn.

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<sup>137</sup> Peters interview.

<sup>138</sup> Snipes, Peters interviews.

In 1967 Frank Johnson named Opelika in a statewide court order to desegregate. He ordered the acceleration of desegregation efforts and eventually the forced assignment of blacks to achieve system-wide ratios. He closely monitored the school board's actions throughout the process. Many blacks had no desire to leave their community schools, however unequal they may have been, but peacefully complied nonetheless. The school board, then under the leadership of Clyde Zeanah, continued to comply. Zeanah, along with other community leaders, organized what amounted to a community awareness and support drive for public schools to help avoid violence and white flight. Black preachers like A.L. Wilson did the same.

Johnson ordered the total integration of the system in 1970, which ultimately led the school board to close Darden High School. Blacks reacted with anger and grief, but again peacefully complied, as did the white community. More whites began to attend private academies, including Opelika's own Scott academy, but white flight was not catastrophic as it had been elsewhere.

Opelika's experience stands in contrast to that of its neighbor, Tuskegee, but this is due in large part to three factors: demographic differences, timing, and George Wallace. The fact that Tuskegee's whites faced being a distinct minority within the schools whereas Opelika's whites were in the majority was significant: whites were more vehemently opposed to integration when they were to be a minority. Also, the fact that Opelika was not only following in the wake of Tuskegee and the other four school systems that desegregated in 1963, along with the fact that it was desegregating at the same time as every other remaining system in the state, made the city's task much easier. Finally, Wallace choosing Tuskegee as the place where he would make his "stand" made

that city's task much harder. All of this said, the positive front maintained by Zeanah, Wilson, and others also significantly contributed to Opelika's largely successful and positive transition. Had any of those leaders listened to the rhetoric of the Wallaces and other state officials and chosen defiance, things could have turned out differently.

Opelika's experience is comparable in many ways to that of the other cities examined here, but not entirely. Leaders in Bogalusa, Louisiana hindered desegregation efforts there, but otherwise, the two cities have very similar stories. Greenville, Mississippi and Opelika are also quite similar despite some demographic differences. A stark demographic difference made for significantly different developments in Opelika and Charleston, South Carolina. However, the two cities share a similar timeline. Today, the racial makeup of the city of Opelika and, consequently, the school system, has changed, but it is unclear whether white flight will ever take off there as it has in other cities like Charleston.

Black and white students are technically given equal opportunity in Opelika's schools today, but they do not perform equally. This leads to an ambiguous conclusion. One can hardly look at the school system today in Opelika and say it is not more equitable, more reasonable, and more pursuant to the "meaningful reality" of the Fourteenth Amendment of which Frank Johnson spoke. But there are still inequities; there are still intractable problems awaiting resolution, and the scars of generations of segregated politics, education, and society are slow to heal. If there continue to be the kinds of leaders, black and white, in Opelika who can assume the progressive mantle of those leaders from both sides of the color line who led the city through the tumultuous period of integration, then perhaps those inequities will continue to fade with time.

## A Muddier History

Opelika High School is not far from the interstate; neither is the former Darden High. And from there it is not much of a drive through Tuskegee National Forest back to Montgomery, birthplace of the watershed bus boycott and the Montgomery Improvement Association, and the launch pad for the Rev. Martin Luther King, Jr.'s remarkable dozen-year odyssey on the national political stage. If you were to drive up to Dexter, and could just speak with the late civil rights icon about the meaning of those beginnings and the movement, what might he say? He might tell you about Rosa Parks refusing to give up her seat on a bus there in Montgomery; he might tell you about students at a Woolworth's in Greensboro; he might tell you about Freedom Riders in Anniston and a burning bus; he might tell about Bull Connor in Birmingham or the Edmund Pettus Bridge in Selma; he might tell you about his "I Have a Dream" speech in Washington; he might tell you how he was gunned down on hotel balcony on Memphis in 1968 and how many declared the movement over, his dream of interracial harmony a quaint and decidedly past tense relic.<sup>139</sup> Or he might tell you about Opelika: tiny, insignificant Opelika where the *Brown v. Board of Education* decision, the *Green v. New County* decision, the *Lee v. Macon* decision, the Civil Rights Act of 1964, the Elementary and Secondary Education Act, defiance and compliance, tolerance and intolerance, grief, peace, and the Fourteenth Amendment all became a reality for citizens, black and white, and where the civil rights movement did not end in 1968. Opelikans were left to work out the meaning of the movement long after the tragic 1968 season of assassinations and political chaos. For

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<sup>139</sup> A bust of Martin Luther King, Jr. erected in front of Brown Chapel AME Church in Selma, Alabama features an inscription reading "I *Had* a Dream" [emphasis added], much to the dismay of some local black activists.

them, and for their children, history did not stop, and past struggles still offered an antiphony of hope in response to the challenges of the present and the vision of a better future.

He might send you back to Opelika, too, but not by way of the unremarkable billboard-dotted federal interstate, I-85. He might send you back up the Alabama River, up the Tallapoosa and Uphapee Creek, and up through Big Swamp and the muddied waters of Opintluccho Creek, because the civil rights movement was a far muddier affair than the airbrushed accounts of a “tired old woman” refusing to yield her seat on a bus or the Supreme Court handing down a decision out of a historical vacuum. And school desegregation was, as Cecelski put it, “a far more complex matter than a demand by blacks to attend school with reluctant or hostile whites.” Considering the history of school desegregation in Opelika, these ever-shifting currents of past, present, and future are muddier still, and the better for it.

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Note: All interviews were digitally recorded. All female interviewees are listed by their current surnames.

Bedell, Greg, interviewed by the author, March 4, 2004, a black man who was transferred to Opelika Junior High during forced assignment.

Floyd, Bobby, interviewed by the author, June 29, 2005, a black woman who taught in Opelika for over 20 years.

Miller, Dennis, interviewed by the author March 15, 2005, a white man who attended Opelika High during the integration years.

Peters, Phyllis, interviewed by the author, June 28, 2005, a black woman who transferred on freedom of choice.

Peterson, Birdie, interviewed by the author, June 28, 2005, a black woman who went to school in Opelika prior to integration and lived there during it.

Raley, Dr. J. Phillip, interviewed by the author January 24, 2004, a white man who was a counselor and a principal during integration and who was also the superintendent of the system until 2007.

Samford, Yetta, personal correspondence with the author, a school board member and former board chairman during the integration period.

Snipes, Henrietta, interviewed by the author, July 8, 2005, a black woman who transferred on freedom of choice.

Walker, Jane and Jacob, interviewed by the author March 11, 2004, a white couple who participated in community efforts to facilitate a peaceful transition.

Wilson, Reverend A.L., interviewed by the author July 13, 2005, a black man who has been preaching in Opelika for over 40 years.

Zeanah, Caroline, personal correspondence with the author, a white woman, wife of former superintendent Clyde Zeanah.

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