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READING, WRITING, AND RACISM: THE LONG AND TROUBLING HISTORY OF SEGREGATED SCHOOLS IN FLORIDA

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Reading, Writing, and Racism: The Long and Troubling History of Segregated Schools in Florida

Synopsis:

This is a short history of the struggle to integrate Florida's schools with special attention paid to Jacksonville, Florida.

“Inherently Unequal”:

The Long and Troubling History of Segregated Schools in “Moderate” Florida

Abel A. Bartley and Irvin Winsboro

In 1845 as Florida joined the Union, the state legislature promulgated a law which stated that any “assemblies . . . by free negroes and mulattoes, slave or slaves, shall be punished . . . with a fine not exceeding twenty dollars, or stripes, not exceeding thirty-nine.”¹ This measure, along with extensive and punitive slave codes, virtually eliminated opportunities to establish African-American schools in the newest slaveholding state. Florida, like most Southern states, wanted to eliminate opportunities for slaves and free blacks to congregate and to pursue education for their children. Although based on the deep and pervasive racial codes of the antebellum South, the efforts by white Floridians to deprive African Americans of equal opportunity education would last up to and even through the modern civil rights movement of the 1950s and 1960s. This study will explore that history of educational inequality between the races and how the Sunshine State’s reputation for moderation in Southern race relations and school desegregation does not, in fact, match its record. In this endeavor, this study also focuses on the centrality of grassroots Floridians in the Southern struggle to combat educational

¹ Title Fourth: Of Offenses Committed by Slaves, Free Negroes, and Mulattoes, and of Certain Civil Remedies Against Free Negroes and Mulattoes, Ch. 1, Sect. 2, in Leslie A. Thompson, *A Manual or Digest of the Statute Law of the State of Florida, of a General and Public Character, in Force at the End of the Second Session of the General Assembly of the State, on the Sixth Day of January, 1847. Digested and Arranged under and in Pursuance of an Act of the General Assembly, Approved December 10, 1845* (Boston: Charles C. Little and James Brown, 1847), 539, see 531-46 for the extensive and punitive slave codes.

segregation in the mid-20th century, as augmented by the pioneering legal work of Thurgood Marshall and the NAACP.

During the Civil War, the Union military and the Freedmen's Aid Society created the first formal schools for blacks in Florida. In 1864, Dr. Esther Hawks, a Northern physician and philanthropist, was authorized by the latter organization to create a school in Jacksonville, at that time under Northern occupation. The school opened shortly thereafter and by early 1865 had 150 black students and four teachers. Within months of Hawks's opening of the school, the Jacksonville *Florida Union* newspaper stated that in "the progress of their studies" the young pupils "compare favorably with the children in other [white] institutions of learning."²

The historical record reflects that freedpersons in Florida, along with their counterparts throughout the newly emancipated South, desired education for their children. Their wishes were combined with the building and financing of black schools and philanthropic efforts of paternalistic Northerners like Hawks and societies such as the African Methodist Episcopal Church, American Missionary Association, AME Church, African Civilization Society, and the American Freedmen's Union Commission, to create thirty actual or prototype schools whenever and wherever possible.³ With the help of these organizations, despite their sometimes onerous

² Charles L. Crow, "History of the Early Public Schools in Florida," Preservation Photocopy, np., nd., Smathers Libraries, University of Florida, Gainesville, Florida, 3-14; Thomas Everette Cochran, *History of Public-School Education in Florida* (Lancaster: Press of The New Era Printing, Co., 1921), 19-28; "The Colored School," Jacksonville *Florida Union*, March 25, 1865; Gerald Schwartz, "An Integrated Free School in Civil War Florida," *Florida Historical Quarterly* 61 (October 1982), 155-61; Joe M. Richardson, *African Americans in Reconstruction of Florida, 1865-1877* (Tuscaloosa: University of Alabama Press, 2008 [1965], 98; Joe M. Richardson, "The Freedmen's Bureau and Negro Education in Florida," *Journal of Negro Education* 31 (Autumn 1962): 460-61.

³ See J. Irving E. Scott, *The Education of Black People in Florida* (Philadelphia: Dorrance, 1974),7.

racial stereotypes, African-Americans created their own “book larnin” schools as an educational foundation for freedpersons took root. The freedpersons soon pressured local and state leaders to establish a public school system in Reconstruction Florida. To ignore their demands would have placed the state in jeopardy of increased federal and military occupation and interference in the state’s internal affairs. Despite its long history of racial injustice, post-war leaders for the first time bowed to the agency of the black community, albeit the military occupation of the state after the war helped set the stage for that historic event.

In 1866, Florida passed legislation authorizing the first state-sanctioned education for African Americans. In short order, Edward B. Duncan rose as the initial Superintendent of Common Schools for Freedmen. That school year witnessed an immediate increase to sixty-five in the number of African American day and night schools (almost all in urban areas), and there is evidence that black children outnumbered white children in many schools throughout the state. The number of freedmen teachers increased to thirty-two with a corresponding student enrollment of 2,726. The “teachers have been mostly colored, of good moral character, delighting in their work, maintaining good discipline, men of energy, and many well qualified” Duncan wrote in his first year-end report.⁴ The first State Superintendent of Education, C. Thurston Chase, was recorded as stating that, “With the great mass of them [blacks], the avidity

⁴ Ibid; *Florida Acts and Resolutions* (1866), 37-39; Richardson, “The Freedmen’s Bureau and Negro Education in Florida,” 460-62; Frederick B. Rosen, “The Development of Negro Education in Florida During Reconstruction, 1865-1877” (Ed.D. diss.: University of Florida, 1974), 129; quoted in William M. Sheats, *Administration of Superintendent Chase, ” Bi-Ennial Report of the Superintendent of Public Instruction of the State of Florida for the Two Years Ending June 30, 1894* (Tallahassee: John G. Collins State Printer, 1895), 11.

to learn was most intense with these first opportunities.”⁵ By all measures, blacks desired an education and pursued all chances of such with vigor and commitment, a pattern that continued unabated for generations of African-Americans in the Sunshine State.

After passage of the 1868 State Constitution, Florida again broke with its Old South past by offering free public education to all residents. Copying the “Systems of the older States,” legislators voiced their version of a “system of Common Schools” and a “Common School Fund” in the new constitution. This provision was codified into law in January 1869, when the Florida legislature outlined sources of public funding in its new “School Law.” It called for “separate schools for the different classes in such manner as will secure the largest attendance of pupils, promote harmony and advancement of the school, when required by the patrons.” Thus the new school code superseded the freedpersons' schools and sanctioned a caste-based public school system in the State of Florida.⁶

As post-war Florida entered the 1870s, Governor Ossian B. Hart (1873-1874) appointed African American Jonathan C. Gibbs, a graduate of Dartmouth College and the former Florida Secretary of State, as State Superintendent of Public Instruction. This was a bold step for an ex-Confederate state like Florida, but yet a savvy one by the governor as he sought to solidify Republican support and to project a progressive and compliant state in an effort to slip Florida out from under Washington’s yoke of Reconstruction. Even as Gibbs feared the reactionary violence of the Ku Klux Klan in Florida, he rendered “all the assistance in my power” to create

⁵ Quoted in William N. Sheats, “Administration of Superintendent Chase,” in *Bi-Ennial Report of the Superintendent of Public Instruction of the State of Florida for the Two Years Ending June 30, 1894* (Tallahassee: John G. Collins State Printer, 1895), 12.

⁶ Constitution of the State of Florida (1868), Article VIII, Sect. 2; quoted in Sheats, “Administration of Superintendent Chase,” 11; Cochran, *History of Public-School Education in Florida*, 34-36; Robert Lenton Mitchell, “Legislative Provisions and Their Effects on Negro Public Education in Florida, 1869-1947,” (Ph.D. diss.: Florida State University, 1970), 14-29.

opportunities for “the education of the whole people of the South, without reference to race, color or previous condition.” The black community (almost one-half of the state’s population) responded by committing large numbers of youth to the emerging educational system. Under Gibbs, black students came to account for one-third of all the students in Florida, albeit they attended segregated and inferior facilities.⁷

Despite segregated schools, most whites in Florida still opposed any measures designed to provide quality education for blacks. When the reactionary Democrats (Bourbons) regained control of Florida in the mid-1870s, whites rejoiced in the belief that the racial codes of the Old South would be reinstated, including the historical denial of educational opportunities to blacks. African Americans were initially disheartened by the election of the reactionary George Franklin Drew to be Florida’s, and the Bourbon’s, new “home rule” governor. Paradoxically, the governor (1877-1881) argued that, “Only through the schools could the colored race become fit to exercise the privileges of voting intelligently, to perform all the sacred rights of freedmen, to enjoy their liberty, to become wise and good citizens.” He added that a meager education for blacks was cheaper than prisons and poor houses for them. In the end, however, Drew was more interested in mercantile concerns than he was in racial policy. He thus championed academic

⁷ Hon. J. C. Gibbs, *Report of the Superintendent of Public Instruction of the State of Florida, For the Year Ending September 30, 1873* (Tallahassee: Hamilton Jay, State Printer, 1874), 49; Jonathan C. Gibbs, “Education in the South,” in Scott *The Education of Black People in Florida*, 141; see Richardson, “The Freedmen’s Bureau,” 463; Maxine D. Jones and Kevin M. McCarthy, *African Americans in Florida* (Sarasota: Pineapple Press, 1993), 44-45; Joe M. Richardson, “Jonathan C. Gibbs: Florida’s Only Negro Cabinet Member,” *Florida Historical Quarterly* 41 (April 1964): 363-68.

education for whites as a means of expanding the economy and vocational education for blacks as a means of contributing labor to his new economic order.⁸

While serving during the Drew Administration, the superintendent of schools, William P. Haisley, made a much-publicized tour of Florida's schoolhouses. He thereafter made several recommendations to update the state's system of education, including the establishment of a separate system for blacks. The evolving racial divide continued with the exclusion of blacks from any school administrative positions in the state and the appointment of Confederate veteran "Col." Albert J. Russell as Sate Superintendent of Public Instruction in 1884. Thus, by the mid-1880s, the Sunshine State had eschewed any semblance of moderation on the education issue and embraced its antebellum concept of race oppression throughout the echelons of state government and its now white-controlled public education system. Where once the school house door offered hope and vision for Florida's African Americans, it now insinuated exclusion and inequality.⁹

In May 1885, lawmakers met in Tallahassee to write a new state constitution. The document embodied the changing attitudes of white Bourbons towards the Reconstruction-era's notions of African American equality and education rights. Article 12, Section 12 stated, "White children and colored children shall not be taught in the same school. . . ." To protect themselves from Northern criticism and legal challenges from African Americans, lawmakers in Florida also

⁸ Quoted in Arthur O. White, "State Leadership and the Public Education in Florida: The Evolution of a System," in Ronald K. Goodenow and Arthur O. White, eds., *Education and the Rise of the New South* (Boston: G.K. Hall, 1981), 238.

⁹ William P. Haisley, *Biennial Report of the Superintendent of Public Instruction for the School Years 1876-1877, and 1877-1878* (Tallahassee: State of Florida, Department of Education, 1879), 24-27; W.S. Cawthon, *A Semi-Centennial View of Public Education in Florida and Other Addresses* (Tallahassee: State Superintendent of Public Instruction for Florida, 1936), 5; see White, "State Leadership and Public Education in Florida," 238.

mandated—although the mandate proved hollow—that “impartial provisions” be provided for both races.¹⁰

In retrospect, the 1885 Constitution and its local iterations set the enduring pattern of a “dual” school system in Florida and degrading black educational affairs for most of the decades between the 1880s and the landing of an American on the Moon in July of 1969. Yet white elites in Florida were not satisfied with this sole measure of oppression. In 1889 state lawmakers wrote a new school law, which further strengthened by statute segregation for all of Florida's public and private schools. In 1895, Tallahassee lawmakers once again underwrote established procedure by declaring any such mixing in an educational setting as “a penal offense.” That same year, Superintendent William N. Sheats acknowledged in his bi-ennial report the statistical and qualitative imbalance between black and white schools and dismissed the situation by stating that the “recent denizens of the cotton patch” simply exhibited “a minimal of interest in all that pertains to progress or intellectual advancement.”¹¹ Thus, the notion of separate-but-unequal was part of the state’s racial behavior long before the *Plessy v. Ferguson* decision provided the legal basis for this in 1896. Even though the law mandated separate but equal, as in most former Confederate states, local officials in Florida ignored the equal provision of the law.

Many scholars trace the explosion of school injustice to the nadir of race relations following the *Plessy* decision of 1896. Yet, as noted, Tallahassee had set in motion “separate

¹⁰ *Journal of the Proceedings of the Constitutional Convention of the State of Florida, Convened at Tallahassee* (1885), 86, 575, 882 for quotation.

¹¹ W.N. Sheats, *Digest of the School Laws of the State of Florida with the Regulations of the State Board of Education and the Instructions and Forms of the Department of Education* (Tallahassee: T.J. Appleyard, 1915), 87; William N. Sheats, *Bi-Ennial Report of the Superintendent of Public Instruction of the State of Florida for the Two Years Ending June 30, 1894* (Tallahassee: John G. Collins, State Printer, 1895), 12, 59; Cochran, *History of Public School Education in Florida*, 84-88.

and unequal” treatment of blacks well before the ruling in the Constitution of 1885. That same document provided for a poll tax, and Florida became the first state of Dixie to adopt this measure as well as a convict-lease system. With little opposition, Tallahassee had nullified the spirit and practices of Reconstruction, and in ensuing statutes in 1905, 1913, and 1939, strengthened these practices or created similar race-based measures. When whites desired even further oppression, they often resorted to violence and mayhem in reactionary Florida. Michael Newton in *The Invisible Empire: The Ku Klux Klan in Florida* has characterized the Sunshine State as “one of the Klan’s strongest and most violent realms”¹² This type of racial brutality would effectively freeze in place the state’s color line for generations, including the polarization of the races in separate and inferior schools.

In the midst of these racial disparities, virtually every school district in Florida practiced systematic discrimination, not only in school assignment but also in the allotment of educational funds, term of academic year, student per capita funding, and, most glaringly, in pay for teachers. By the eve of World War I, Florida allocated \$12.50 per capita for white schools versus \$2.87 per capita for black school construction and maintenance, and \$8.35 per capita versus \$4.92 per capita between the races for educational programs. Even though blacks comprised roughly 41 per cent of Florida’s population in 1910, the state invested \$2,067,356 in white schools and \$184,255 in black schools, or roughly 8.2 per cent of what the state spent on the total allocation

¹² Florida Constitution (1885), Article 12, Section 12; Paul Ortiz, *Emancipation Betrayed: The Hidden History of Black Organizing and White Violence in Florida from Reconstruction to the Bloody Election of 1920* (Berkeley: University of California Press, 2005), 53-54, 56, 70, 171-78, 212; Jerrell H. Shofner, “Custom, Law, and History: The Enduring Influence of Florida’s ‘Black Codes’,” *Florida Historical Quarterly* 55 (Winter 1977): 277-98; James Button, “Blacks,” in *Florida’s Politics and Government*, Manning J. Dauer ed. (Gainesville: University Presses of Florida, 1984), 286-89; Michael Newton, *The Invisible Empire: The Ku Klux Klan in Florida* (Gainesville: University Press of Florida, 2001), xv.

for school property in 1910. Moreover, not one accredited high school for blacks existed in the state's major urban areas of Jacksonville, Tampa, and Pensacola.¹³

Into the 1920s, the average annual pay for black teachers was much lower than that for white teachers. For example, in Gainesville, Florida, the annual salary was \$562 for blacks and \$970 for whites. Across the state, white female teachers averaged \$115.20 per month and white male teachers averaged \$169.20 per month, while black female teachers earned just over \$60 per month and black male teachers earned roughly \$80 per month, with some Florida counties paying blacks a paltry \$30 monthly. In the practice of pay disparity, Florida did not prove exceptional but rather conformist when compared to the practice in other former Confederate states. Black teachers in Mississippi in 1890 earned \$23 per month while white teachers earned about \$33 per month, and in Alabama in 1900, blacks tended to earn \$17.66 a month and whites about \$25 per month. From 1911-13, the average yearly salary in Virginia was \$322.69 for a white teacher, and \$172.63 for a black teacher. Similarly, in Georgia during the same years, a white teacher earned \$318.63 a year, while a black teacher earned \$119.35 per year. White

¹³ See Thomas A. Bailey, *Narrative Reports of County Superintendents, 1892-94 to 1898-1900*, "Research Report-21, Division of Research (Tallahassee, 1962), 35-181; Thomas A. Bailey, *Narrative Reports of County Superintendents, 1900-1902 to 1904-1906*, Research Report-27, Division of Research (Tallahassee, 1963), 3-189; Thomas A. Bailey, *Narrative Reports of County Superintendents, 1906-1908 to 1910-1912*, Research Report-37, Division of Research (Tallahassee, 1965), 3-204; William M. Holloway, *Bi-Ennial Report of the Superintendent of Public Instruction of the State of Florida, For the Two Years Ending June 30, 1912* (Tallahassee: T.J. Appleyard State Printer, 1912), 448, 454; W. S. Cawthon, *Biennial Report of the Superintendent of Public Instruction* (Tallahassee: Florida Department of Public Instruction, 1926), 218-19; "Whites Must Not Teach Negroes: Not One Public High School in All Florida for Colored Boys and Girls," *Baltimore Afro-American*, January 24, 1914; James D. Anderson, *The Education of Blacks in the South, 1860-1935* (Chapel Hill: University of North Carolina Press, 1988), Table 6.3, 194.

teachers in South Carolina earned \$333.28 a year during the same time, and black teachers earned \$110.54 per year.¹⁴

Additionally, Florida provided black schools (generally one-room school houses) with dramatically less funding than that given to the state's white schools. For instance, in 1897-98 white schools statewide were budgeted \$565,465. That same year, black schools were budgeted only \$171,486. The amount of money spent per student also differed significantly in other states of the Deep South as well in "moderate" Florida. In Beaufort County, South Carolina in 1910, the average expense for each white student was \$40.68, while only \$5.95 was spent for each black student. The same was also true in Alabama. In 1910, Macon County, Alabama spent approximately \$39.99 per white student. Each black student, conversely, received only \$3.89. In North Carolina in 1914-15, \$7.40 was spent for each white student, while \$2.30 was spent on each black child. In Amelia County, Virginia in 1915, \$11.63 was spent for each white child, and \$0.94 was spent for each black child (in terms of salaries for teachers). By the time of the crash leading to the Great Depression, little had changed in Florida; Tallahassee budgeted \$703,454 for the state's 37 per cent black population and \$11,364,476 for the state's white population. Thus, Florida endeavored to keep pace with its Jim Crow counterparts in miserly support for black education. The Pittsburgh Courier decried the situation to its widespread

¹⁴ W. S. Cawthon, *Biennial Report of the Superintendent of Public Instruction* (Tallahassee: Florida Department of Public Instruction, 1930), 176; Charlton W. Tebeau, *A History of Florida* (Coral Gables, FL: University of Miami Press, 1971), 305; Maxine D. Jones, "The African-American Experience in Twentieth-Century Florida," in Michael Gannon, ed., *The New History of Florida* (Gainesville: University Press of Florida, 1996), 384; Scott, *The Education of Black People in Florida*, 64; Adam Fairclough, *A Class of Their Own: Black Teachers in the Segregated South* (Cambridge: Belknap Press, 2007), 126; Louis R. Harlan, *Separate and Unequal* (New York: Atheneum, 1968), 257.

audience in the following headline: “Negro Education in Florida Needs Help: Amazing Situation Revealed.”¹⁵

For its part, the NAACP, America’s oldest surviving civil rights organization, pursued an aggressive strategy to expel Jim Crow from American society, initially by focusing on these types of education disparities in the courts. Black educators and local branches of the NAACP in Florida consistently pushed the NAACP legal staff to move on school equalization suits at many levels. In 1937, representatives of Florida’s African American teachers contacted the NAACP’s executive director, Walter White, requesting that he file a suit through the NAACP’s Legal Defense and Education Fund on behalf of Florida’s segregated and inferior black educational system. White, though, was leery of moving too fast and wanted to ensure sustainable data for the case prior to litigating it. The NAACP’s legal staff also feared that state officials would argue that black teachers had a lower cost of living and therefore needed less pay. The NAACP worried, as well, that its lawyers would not be able to find plaintiffs willing to file suit. Indeed, across the South, as Adam Farclough has determined in his massive study of the issue, the NAACP witnessed in state after state white elites “tenaciously [pursuing] a battery of tactics, some nakedly aggressive, others cunningly subtle” to thwart legal challenges to their white supremacist school systems. Attorney Simuel Decatur McGill of Jacksonville directed most of the NAACP cases in Florida. He was nearly sixty years old and had been practicing law for over thirty years and had earned a national reputation for successfully fighting “legal lynching” in the

¹⁵ Cochran, *History of the Public-School Education in Florida*, 199; William H. Chafe, et al., *Remembering Jim Crow: African Americans Tell About Life in the Segregated South* (New York: The New Press, 2001), 153; Harlan, *Separate and Unequal*, 131-32, 167; “Says Negro Education in Florida Needs Help: Amazing Situation Revealed,” *Pittsburgh Courier*, December 28, 1929.

Sunshine State when the national office of the NAACP finally sent a teacher equalization suit to him. Florida would, in turn, prove no exception to Fairclough's assessment of Dixie as a whole.¹⁶

In retrospect, there should have been little difficulty in proving discrimination in Florida. In the midst of the Great Depression, over half of Florida's 67 counties had no public high school for African Americans, and only 16 per cent of all black children ages 14-17 attended any form of advance school as compared to 67 per cent of white children of the same cohort. As James D. Anderson has found in his useful study of the subject, this practice effectively excluded blacks "from the revolution in public secondary education that characterized the nation and the region during the period 1880 to 1935." There were other obvious schoolhouse discrepancies for the Sunshine State's 430, 000 plus blacks, including outdated textbooks, no school buses, leaky school roofs, poorly ventilated and heated buildings, lack of indoor restrooms, and no formal coordination for the 866 black schools in the state. Moreover, the Great Depression of the 1930s and its economic constrictions at the local level affected African American schools disproportionately. Overcrowding became such a problem during the inter-war years in African American schools that most of them were forced to operate double sessions. What had been a substandard condition for black school in Florida had become a dire condition by the eve of

¹⁶ For the many actions requested by black educators and local branches of the NAACP in Florida, see August Meier, ed., *Papers of the NAACP: Part 3, The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Series B: Legal Department and Central Office Records, 1940-1950* (Frederick, MD: University publications of America, 1986, microfilm version, no pagination), reel 1; McNeil, *Groundwork*, 26; see Scott, *The Education of Black People in Florida*, 64-80; Jones and McCarthy, *African Americans in Florida*, 101-102; Fairclough, *A Class of Their Own*, 344; "S.D. McGill, 'Little Scottsboro Case' Attorney, Has Thwarted Legal Lynchings In Florida For 25 Years: Brilliant Florida Lawyer Amazingly Successful in Fighting Legal Lynchings, State Will Bow Once Again to His Legal Genus this Month," *Pittsburgh Courier*, July 13, 1940.

World War II. These types of educational inequities continued through the war and into the late 1940s.¹⁷

By the time of war, the historical disparity between the races in Florida's educational practices had changed little. For example, Florida's school budget allocated \$800 annually per white teacher for salaries, while it allocated roughly \$510 a year for the services of a black teacher, with the average salary for white teachers at \$1,202 and for blacks at \$605 per annum. Proving such salary discrimination would not take much effort; even Northern newspapers such as the *Pittsburgh Courier* recognized the gross disparity of benefits for Florida's black minority and spoke out for the cause of the over 3,000 black teachers "waging a relentless battle for equalization of salary." As the *Pittsburgh Courier* stated to its readers across the nation, "The outcome of [their] case . . . will have much to do, not only with better pay for teachers but better educational opportunities for Negro children in the South."¹⁸

Originally, lawyers representing African American teachers asked that their clients earn the full allocation for teachers across the state. But the legal goals evolved to fit the particular circumstances of Florida. Counties ranging from St. Johns in the north to Dade in the south to Hillsborough in the west closed black schools in various months of the academic years to allow students to work as field hands harvesting fruits and vegetables. Since white schools did not experience such closures, blacks operating through local teachers associations and the NAACP

¹⁷ "Florida Spends Six Times As Much on White Students," *Pittsburgh Courier*, June 19, 1937; Anderson, *The Education of Blacks in the South*, 186, Table 6.5, 236; "Negroes in the United States, 1920-32," U.S. Bureau of the Census (1935), 9-10, 15; see Scott, *The Education of Black People in Florida*, 14-21; "In Florida Negroes Attend Inferior Schools," *Pittsburgh Courier*, December 5, 1953.

¹⁸ W.S. Cawthon, *Biennial Report of the Superintendent of Public Instruction of the State of Florida for the Two Years Ending June 30, 1928* (Tallahassee: T.J. Appleyard, 1928), 255; "Florida Teachers to Continue Salary Fight: Leaders Plan New Approach to Get Equal Salaries," *Pittsburgh Courier*, October 19, 1940.

begin to challenge these “strawberry” and “bean pickers” schools as discriminatory and harmful to the education and psyche of black children. In one notable action, the NAACP branch in Fort Lauderdale raised \$3,500 to begin actions under the direction of Thurgood Marshall to attack the School Board’s closing of schools for “bean pickers” from December 1 to July 1. When confronted with these types of challenges, many county officials refused to discuss the issue. NAACP lawyers modified their legal strategy to pressure large, urban counties to equalize pay and terminate abbreviated academic years, hoping that this would force smaller rural counties to follow suit. Concurrently, NAACP lawyers sought to litigate the glaring pay inequity in Florida, but they had difficulty finding a teacher willing to put his or her name on such a lawsuit. Harry T. Moore, a state NAACP activist, convinced John E. Gilbert, an eleven-year teaching veteran and principal of the segregated Cocoa Junior High School, to underwrite the first legal challenge to pay inequity in the Deep South. As the news circulated in a number of major African-American newspapers, now often the “voice” of local protesters, the Florida State Teacher’s Association stepped forward and agreed to compensate Gilbert once he was fired.¹⁹

On the eve of World War II, attorney McGill accompanied Gilbert in filing his suit to equalize teacher’s pay in the Sunshine State. Eventually, the school district fired Gilbert after he

¹⁹ Lishi, no last name given, to Thurgood Marshall, January 18, 1945, August Meier, ed., *Papers of the NAACP: Legal Department and Central Office Records, 1913-1950, Series B: Legal Department and Central Office Records, 1940-1950* (Frederick, MD: University publications of America, 1986, microfilm version, no pagination), Part 3: The Campaign for Educational Equality, 1913-1950, Reel I, Film 5886; see Jones, “The African-American Experience in Twentieth-Century Florida,” 384; Jones and McCarthy, *African Americans in Florida*, 95-96, 107; Scott, *The Education of Black People in Florida*, 65-66; “Florida Principal Sues for Equal Salary: First of Its Kind in Deep South,” *Pittsburgh Courier*, June 11, 1938; “Florida Teachers to Continue Salary Fight: Leaders Plan New Approach to Get Equal Salaries,” *Pittsburgh Courier*, October 19, 1940; “Florida Principal Files Petition for Equal Pay,” *Baltimore Afro-American*, June 11, 1938.

lost the case and the Florida Supreme Court refused to overturn the lower court's ruling, based in part on the recent U.S. federal court's ruling in *Alston v. School Board of City of Norfolk, Virginia*. That ruling had the effect of shifting the equalization fight to local courts, forcing county-by-county struggles, many of which became centered on the large, urban counties. Gilbert appealed the state court's decision to the U.S. Supreme Court. While his appeal was pending in November 1941, Mary White Blocker, a sixty-nine year old school teacher in the heavily populated County of Duval, sued the public school system over its unequal pay scales for African American teachers in Jacksonville. Almost simultaneously, George H. Stark and the Teachers' Association of the less-populated Marion County in Central Florida, with Thurgood Marshall of the NAACP as one of the plaintiff's attorneys, filed a suit over racial pay disparity against the Board of Public Instruction and Superintendent Broward Lovell as defendants. Although these legal actions did not in themselves destroy the wall of pay inequity for teachers in Florida, they did create a small fissure in that wall that would eventually crumble of its own inequitable weight.²⁰

Because Jacksonville was Florida's largest city at the time, the NAACP focused its resources on Blocker's lawsuit. Several events occurred just as the case was to be argued before the Court. The school district hastily retired Blocker in an attempt to undermine the case.

²⁰ *Alston v. School Board of City of Norfolk, Virginia* (112 F2d 992), 1940, cert. Denied (311 U.S. 693), 1940; Scott, *The Education of Black People in Florida*, 65-66, 73; Ben Green, *Before His Time: The Untold Story of Harry T. Moore, America's First Civil Rights Martyr* (Gainesville: University of Florida Press, 2005), 40-41; *George H. Starke, and the Marion County Teachers' Association, a Voluntary Unincorporated Association vs. Board of Public Instruction for the County of Marion, State of Florida, a body Corporate, and Broward Lovell, Superintendent of Public Instruction for Marion County, Florida, in the District Court of the United States*, No. 42 Ocala—Civil, vs. District Court, Jacksonville Division, July 22, 1942, National Archives and Records Administration, Southeast Region, 17; "NAACP Fights for School Equalities in Eight States," *Baltimore Afro-American*, March 14, 1942.

However, the 285 African American teachers in Jacksonville voted to pay Blocker's salary, a benefit they provided until her death twenty-three years later. The school district's plan failed, and McGill argued the case with the assistance of a special NAACP counsel, Thurgood Marshall, who would later gain national fame for becoming the first African American seated on the U.S. Supreme Court. The NAACP combined the Duval County case with "guinea pigs of democracy" cases from Marion, Tampa, Miami, Palm Beach, and Escambia Counties. Presiding Judge Louis W. Strom, whom Marshall found exceptional inasmuch as he "went with it [the law]" unlike many Southern jurists, chose the Duval County suit as the representative case for the combined arguments.²¹

Marshall and McGill structured a compelling argument in favor of the African American teachers' position. Their brief noted that the state's local school systems were violating the law with a race-based dual pay scale, which paid white teachers sometimes double the base salary of black teachers. Also, white teachers received one-third more money for years of college completed and white principals earned a much larger stipend than black principals. As the news of the case spread, the *Baltimore Afro-American* newspaper included Florida in its condemnation of regressive states unwilling to part with their Old South customs. To the dismay of old-line leaders in the Sunshine State, educational inequalities, so long entrenched in the state's and the region's infrastructure, were now playing out in unflattering ways on a national stage.²²

²¹ Juan Williams, *Thurgood Marshall: An American Revolutionary* (New York: Random House Press, 2000), 22; Scott, *The Education of Black People in Florida*, 72-74, 80; quoted in Mark V. Tushnet, ed., *Thurgood Marshall: His Speeches, Writings, Arguments, Opinions, and Reminiscences* (Chicago: Lawrence Hill, 2001), 457.

²² "Teachers of 8 States Fighting for Decent Pay," *Baltimore Afro-American*, December 6, 1941; "Why Fight to Equalize Pay Must Go On," *Baltimore Afro-American*, December 13, 1941; see Scott, *The Education of Black People*, 64-80.

Teacher equalization suits posed not only a national embarrassment for Florida, but represented a possible economic hardship for the state as well. The NAACP had already waged a five-year struggle to correct these inequities in other states that produced more than \$25 million in salary adjustments for African American educators. The U.S. Office of Education estimated the cost of equalizing educational facilities in the South at more than \$35 million. In Maryland and Virginia alone, the NAACP helped force state officials to spend \$629,000 equalizing teacher's pay. Equalizing teacher's pay in Florida would cost taxpayers roughly \$1,588,104 annually. This sobering financial projection did not settle well with lawmakers in a state priding itself on low taxes (and low services).²³

After it became obvious that it was going to lose the fight, the Duval County Board of Public Instruction became the first district offering what it deemed a nonracial salary plan. The equity plan called for a salary rate based on countywide teacher examinations and level of training. Teachers "satisfied" with their pay could have their salaries frozen or take the exam and receive an adjustment based upon the results. Marshall argued that the plan unfairly advantaged white teachers, who could have their salaries frozen at the higher rate while African American teachers would have their salaries determined by an exam, which may or may not be administered fairly. After some initial balking, NAACP lawyers reluctantly accepted the Board's plan. Though not a total victory, this equalization suit put the state on notice that discrimination was going to be challenged; the salary dispute symbolized the first volley in an upcoming battle to purge racial discrimination from all areas of education practices and policies in the Sunshine State. Indeed, within short order, African American plaintiffs filed more pay-

²³ "35,000,000 Needed to Equalize Teachers' Pay," *Baltimore Afro-American*, December 27, 1941.

equalization suits in as varied locales as Pensacola, Tampa, West Palm Beach, and Miami. The NAACP won the suit in Pensacola (Escambia County) for equalized monthly pay in what the *Pittsburg Courier* labeled “a first victory in the Deep South . . . in a series of suits for the payment of equal salaries to teachers in public schools.” Thus, the agency of African Americans in the Sunshine State created one of the first critical stress point in the wall of educational inequalities that would widen to unparalleled proportions following the earthshaking decision in *Brown*.²⁴

However, these victories came with a price and were ultimately dependent on courts enforcing the settlements. State officials, for their part, often found ways to circumvent the agreements by using merit ratings based on discriminatory guidelines and implementation. Moreover, teacher equalization suits generally benefited teachers in large urban settings and often did not affect teachers in smaller, rural counties where judges were less inclined to support such measures. As the reported in the *Pittsburg Courier* in 1945, even the federal government bore responsibility for “such a system that grants so complete a sovereignty to a county, especially [given] the deplorable school condition for Negroes. . . .”²⁵ By the early 1950s, however, in the nation and in the South, and in Florida as well, the priorities and activism of the black community had reached new heights of energy and activity—the educational inequality of the past was no longer to be perpetuated under any guises or circumstances.

²⁴ “Florida Teachers Offered ‘Compromise’ Plan: Board Proposes Pay Scale Based on Examination,” *Pittsburgh Courier*, June 20, 1942; Scott, *The Education of Black People in Florida*, 78-79; “Fla. Teachers Win; Judge Rules Pay Parity By 1943,” *Pittsburgh Courier*, April 11, 1942; see “Florida White Teachers Oppose Equalization,” *Pittsburgh Courier*, January 24, 1942; “Florida White Teachers Fight Equal Pay Suit: Appeal Victory Won By Negroes,” *Pittsburgh Courier*, April 18, 1942; see “Teacher Pay Parity Suits Hit 11 States,” *Baltimore Afro-American*, October 30, 1943.

²⁵ “Future of Florida Negroes Looks Promising Although Economic, Educational Outlook Uncertain,” *Pittsburgh Courier*, February 11, 1945.

Casual observers may overlook the connection between World War II, the reinvigorated African American civil rights movement, and Florida's habit of ignoring or deferring racial equalization measures. However, the record reflects numerous ways that the war set the stage for racial permutations. The massive effort expended to end the racist mayhem of Nazi Germany and Imperial Japan reawakened within black leaders the need to attack racial prejudice and discrimination in America. The war made America a superpower, challenged its hollow commitment to equality, and initiated the nearly forty five-year struggle between the Soviet Union and the United States over ideological domination of the Third World. As a result of the new "Cold War," the Soviet Union effectively used propaganda to excoriate America's racial bigotry. These criticisms focused negative light on the United States and embarrassed its leaders in their efforts to win the hearts and minds of people living in Third World countries. As a special investigative committee on civil rights reported to President Truman, "we cannot escape the fact that our civil rights record has been an issue in world politics," and that international critics "have stressed . . . our shortcomings [they] have tried to prove our democracy an empty fraud."²⁶

Accordingly, during and following the conflict, the federal government slowly came to support new civil rights measures (and leaders) as Washington, including the federal judiciary, sought to deflect criticism from behind the Iron Curtain. Historian John Hope Franklin's interpretation of the era is that, "The courts . . . took cognizance of racial questions and rather frequently ruled in favor of equality. The executive branch, sensitive to both domestic and foreign pressures, exerted considerable influence in eradicating the gap between creed and

²⁶ *To Secure these Rights: The Report of the President's Committee on Civil Rights* (New York: Simon and Schuster, 1947), 147.

practice in American democracy.” The shift in federal opinion encouraged African Americans in the Sunshine State to dramatically accelerate ongoing litigation to permanently end racial inequality there.²⁷

As the national expectations changed, so did the expectations of the black community on a number of fronts, particularly regarding education for black youth and inferior teaching conditions. What had been a nascent civil rights movement in the courts and the states in the 1930s and 1940s would grow to national proportions by the mid-1950s. School desegregation was at the forefront of that burgeoning movement. Despite Tallahassee’s stubborn refusal to comply with newly mandated school integration measures and court orders in the 1950s and 1960s—what scholars have recently termed Florida’s “Down South” stonewalling of the inevitable—the Sunshine State was at a crossroads regarding its almost century-old unequal educational practices and policies. Even so, the white leaders of the state continued to delay the inevitable.²⁸

Florida’s extremist past did not bode well for a “moderate” response to the myriad challenges arising from the landmark U.S. Supreme Court’s 1954 *Brown* decision, finding segregated schools “inherently unequal” and subsequently ordering desegregation “with all deliberate speed.” Even in the face of such a dramatic and forceful directive as *Brown*, Florida,

²⁷ John Hope Franklin and Alfred Moss, *From Slavery to Freedom: A History of African Americans* (New York: McGraw-Hill, 1994), 461; see Kermit L. Hall and Eric W. Rise, *From Local Courts to National Tribunals: The Federal District Courts of Florida* (Brooklyn: Carlson, 1991), 141-42.

²⁸ See “In Florida Negroes Attend Inferior Schools,” *Pittsburgh Courier*, December 5, 1953; Irvin D.S. Winsboro, “Image, Illusion, and Reality: Florida and The Modern Civil Rights Movement in Historical Perspective,” in Irvin D.S. Winsboro, ed., *Old South, New South, or Down South?: Florida and the Modern Civil Rights Movement* (Morgantown: West Virginia University Press, 2009), 1-21.

like other entities of the Deep South, clung tenaciously to its long-standing practices of white supremacy and racial segregation. Historians have theorized that the “Yankee” in-migration and economic strides in this emerging Sunbelt State, as well as a lack of political and geographical homogeneity, had worked to mitigate the Sunshine State’s racial fault lines; recent studies have challenged this assumption. Despite the unstoppable tide of *Brown*, Florida’s leaders, like their compatriots in other Deep South states, simply chose to ignore or derail the inevitable. Nevertheless, reform would come to the recalcitrant state, starting with new equality demands at the schoolhouse doors.²⁹

The Court’s ruling in *Brown* forced the question of educational race mixing of young children into new levels of political discourse and actions. Throughout the South, state leaders immediately condemned the ruling and instituted policies to repudiate it. Florida helped lay the groundwork for that regional defiance. Acting Governor Charley E. Johns, following the breaking news on *Brown*, arose as one of the first Deep South leaders to suggest extraordinary legislative sessions on school segregation. Johns attended regional conferences on segregation, arguing in concert with other reactionary officials that the vast majority of Southern blacks and whites in the South favored separation. Johns subsequently submitted a proposal to the Southern

²⁹ *Brown v. Board of Education of Topeka, Kansas*, 347 U.S. 483 (1954); see Winsboro, “Image, Illusion, and Reality: Florida and the Modern Civil Rights Movement in Historical Perspective,” 1-22; Marvin Dunn, “The Illusion of Moderation: A Recounting and Reassessing of Florida’s Racial Past,” in Winsboro ed., *Old South, New South or Down South?: Florida and the Modern Civil Rights Movement*, 22-46; Paul Ortiz, “Old South, New South, or Down South?: Florida and the Modern Civil Rights Movement: Towards a New Civil Rights History in Florida,” in *ibid.*, 220-44; Caroline Emmons, “A State Divided: Implementation of the *Brown* Decision in Florida, 1954-1970,” in Brian J. Daugherty and Charles C. Bolton, eds., *With All Deliberate Speed: Implementing Brown v. Board of Education* (Fayetteville: University of Arkansas Press, 2008), 139-54.

Governors Conference that would have amended the U. S. Constitution to require in perpetuity “separate but equal public schools for the races.”³⁰

For their part, Florida’s blacks (now 22.3 per cent of the state’s population) quickly organized after *Brown* and instituted direct-action marches and similar measures, placing them at the forefront of the earliest actions against Dixie’s massive resistance. Indeed, the *Brown* decision raised the collective consciousness of blacks throughout the South, especially invigorating black parents to challenge the entire edifice of segregation and unequal education. Their agency in the Sunshine State met with the typical white virulence observed across the South. As a result, in the short run, no Florida school districts undertook efforts to integrate African Americans—students, teachers, and administrators—into white, majority schools.³¹

One researcher has characterized this Florida-style stonewalling as essentially a case study of Dr. Martin Luther King’s admonition, “‘Wait’ has almost always meant ‘Never’.” Florida Supreme Court Chief Justice William Glenn Terrell declared from the bench that, “segregation . . . has always been the unvarying law of the animal kingdom,” and that, “we are

³⁰ “Johns Rules Out Legislative Session Now on Segregation; U.S. Capitol Readies Charge,” *Tampa Morning News*, May 19, 1954; “Johns Considers Special Session of Legislature,” *Fort Myers News-Press*, May 18, 1954; “Johns Suggests Governors Act on Segregation,” *Fort Myers News-Press*, November 12, 1954; “Dixie Governors’ Meet Split on Segregation: Tallmadge, Johns Lead Defiance of High Court,” *Pittsburgh Courier*, November 20, 1954; see David R. Colburn, “Florida’s Governors Confront the *Brown* Decision: A Case Study of the Constitutional Politics of School Desegregation, 1954-1970,” in *An Uncertain Tradition: Constitutionalism and the History of the South*, Kermit L. Hall and James W. Ely Jr. eds. (Athens: University of Georgia Press, 1989), 328-29.

³¹ W. D. Workman, Jr., “The Deep South: Segregation Holds Firm,” in Don Shoemaker, ed., *With All Deliberate Speed: Segregation-Desegregation in Southern Schools* (Westport, CT: Negro University Press, 1957), 92; Joseph A. Tomberlin, “The Negro and Florida’s System of Education: The Aftermath of The *Brown* Case,” (Ph.D. diss: Florida State University, 1967), 17-198; Joseph A. Tomberlin, “Florida and the School Desegregation Issue, 1954-1959: A Summary View,” *Journal of Negro Education* 43 (1974): 457-67.

now advised that God's plan was in error and must be reversed." The report of a special advisory committee to the legislature and governor recommended, reminiscent of an earlier states' rights movement, a frontal attack on the powers of the Court itself for "abrogating the powers of the States to control their system of education [to] destroy the system of dual sovereignty . . . as the fundamental basis of our Union." Although he styled himself a moderate and uttered statements on segregation less inflammatory than those of Governor Johns, his successor, LeRoy Collins, nevertheless embraced a deferral framework based on Florida's bifurcated racial experience. Using the code words of the white South much like his often presumed "moderate" counterpart in North Carolina, Governor Luther Hodges, Collins stated to the legislature in the spring of 1955, "Segregation in our public schools is a part of Florida's custom and law. I will use all the lawful power of the Governor's office to preserve this custom and law." Three years later, the governor was quoted as saying, "We propose to choose what part [of the Constitution] we will accept and what part we will reject. We're moderates." To which the ever-vigilant black press retorted, "Governor Collins proudly calls himself a 'moderate.' If this is moderation, the word has certainly taken on a new and ominous meaning. .

. . .³²

³² Lise M. Steinbauer, "'Wait' Has Almost Always Meant 'Never,'" in Winsboro, ed., *Old South, New South or Down South?*, 155-75; "Terrell Says Mix Mandate Reverses God," *Orlando Sentinel*, October 20, 1955; "A Report of the Special Committee, Appointed by the Governor and Cabinet of the State of Florida to Recommend Legislative Action Relating to Public School Education and Other Internal Affairs of Such State Deemed Expedient After Consideration of Recent Decisions of the Supreme Court of the United States (Tallahassee, July 16, 1956), 5; quoted in *Florida Across the Threshold: The Administration of Governor LeRoy Collins, January 4, 1955-January 3, 1961* (Tallahassee, 1961), 54; see LeRoy Collins, "How It Looks from the South," *Look*, May 15, 1958, 95-97; "The Poison of Moderation," *Baltimore Afro-American*, June 7, 1958; on Governor Luther Hodges, see William H. Chafe, *Civilities and Civil Rights: Greensboro, North Carolina and the Black Struggle for Freedom* (New York: Oxford University Press, 1980), 49-61.

In latter life, Collins recounted Tallahassee’s reaction to *Brown*, “the legislature passed many bills patterned after the most radical segregationist actions taken in other Southern states.” In his monumental study of *Brown* and its aftermath, *Simple Justice*, Richard Kluger has stated that Florida’s attorney general submitted the “most extensive and spirited brief” to the High Court in an attempt to “slow the desegregation process” of *Brown*. Florida’s U.S. Senator George Smathers criticized *Brown vs. Board* as a “clear abuse of judicial power.”³³

Although frequently recalled as a “moderate” like Collins on the desegregation issue, Florida Superintendent of Public Instruction Thomas D. Bailey also assumed a defiant position on *Brown*: “We have a lot of people down here who hate to be pushed around, whether the state or federal government is doing the pushing.” Bailey soon suggested that counties allocate disproportionate budgetary funds on new schools designed to be “equal” yet segregated. The purpose, Bailey would later state, was to equalize educational facilities, thereby eliminating the need to desegregate the state’s public school systems. In a subsequent report ordered by Governor Collins, his advisory commission suggested the extreme position that the “Legislature could propose an amendment to our State Constitution which would permit the abolition of the system of free public schools” in Florida.³⁴ Collectively, these types of state-level stonewalling

³³ LeRoy Collins, “Past Struggles, Present Changes, and the Future Promise for Civil Rights in Florida and the Nation,” in Charles U. Smith ed., *The Civil Rights Movement in Florida and the United States: Historical and Contemporary Perspectives* (Tallahassee: Father and Sons Publishing, 1989), 16; quoted in Martin A. Dyckman, *Floridian of His Century: The Courage of Governor LeRoy Collins* (Gainesville: University Press of Florida, 2006), 89, see 106; Tom Wagy, *Governor LeRoy Collins of Florida: Spokesman of the New South* (Tuscaloosa: University of Alabama Press, 1985), 14, 42; Kluger, *Simple Justice*, 724-25.

³⁴ “Bailey Sees No Push For Desegregation,” *Fort Myers News-Press*, June 2, 1955; Florida Governor’s Advisory Commission on Race Relations, *Report of the Advisory Commission on Race Relations to Governor LeRoy Collins, March 16, 1959* (Tallahassee: n.p., 1959), Smathers Library, University of Florida, Gainesville, Florida, 18.

measures and statements set a pattern for reactionary officials at the county and local levels across Florida.

Henceforth, both public and legal actions in Florida centered on circumventing *Brown* through stonewalling or token actions. The *Pittsburg Courier* summed up the situation this way, “Florida defiantly has aligned with other states in the South determined to return the status of the Negro to the inhuman days of Reconstruction following the bloody Civil War.” Even though this led to further law suits, over a decade later, Florida State Department of Education findings on the post-*Brown* years reported that the decision had “no [substantial] effect on Florida.” This did not change until local activists, frustrated and aggrieved by Florida’s deferral, began to file suits in federal rather than state courts to “push” for compliance with the Civil Rights Act of 1964. Still, the period leading up to the new federal measure of 1964 reflected more delay and deferral rather than what can be reasonably defined as moderate progress on school desegregation in the Sunshine State.³⁵

In the lead up to these forced changes, Florida’s political leaders embraced a two-pronged strategy on public school integration. They publicly acknowledged that integration was inevitable but they privately opposed desegregation. On May 31, 1955, the Supreme Court rendered a second ruling on desegregation in *Brown II*. The ruling established neither timetables nor deadlines; it simply ordered desegregation as “soon as practicable.” Without a Court-mandated deadline for desegregation, the State of Florida found just cause to continue non-compliance. Indeed, Governor Collin’s signed into law Florida’s Pupil Assignment Law,

³⁵ “State of Florida Schemes to Hamstring NAACP,” *Pittsburg Courier*, February 6, 1957; see Dan Cunningham, “School Desegregation in Florida, 1954-1970,” Florida Department of Education, November 18, 1970 (five-page report, typed), Smathers Libraries, University of Florida, 1,4.

“deemed expedient after consideration of recent decisions of the Supreme Court,” mandating that counties assign students to schools based on sociological and psychological factors, the very day the Court issued *Brown II*. The law did not mention race but allowed pupils to transfer between schools only if they were “qualified” and matched the moral, psychological, and socioeconomic background of the pupils in the school of admission. Many white legislators believed that this would stop most African American children from transferring to white schools. Conversely, the powerful rural and reactionary element of the legislature argued that more drastic measures were needed to prevent race mixing in Florida’s schools and elsewhere. Florida, like most Southern states, supported such pupil placement laws as a subterfuge to *Brown* and a method of ignoring the inevitable court orders and changes Washington would demand. Despite the appearance of a new school improvement movement in this “state on the move,” and intermittent talk about moderation and progressive education, Tallahassee lawmakers remained insistent on projecting the illusion of school reform while they practiced separate and unequal as the norm in their communities for decades to come.³⁶ The illusion of moderation had once again overshadowed Florida’s racial reality.

As resistance to *Brown* swept throughout the South and the Sunshine State along with it, Collins, Bailey, and state Attorney General Ervin, ramped up their efforts to convince the media that Florida was pursuing a non-radical policy in the wake of *Brown*. Their plan was to delay desegregation as long as possible while convincing the courts that Florida was developing an

³⁶ *Brown v. Board of Education*, 349 U.S. 294 (1955); see Donald G. Nieman, *Promises to Keep: African-Americans and the Constitutional Order, 1776 –to the Present* (New York: Oxford University Press, 1991), 155, 158-159; Kermit L. Hall and Eric W. Rise, *The Federal District Courts of Florida*, 134-39; Thomas A. Bailey, “Florida’s School Assignment Law” (Report, Tallahassee: State Department of Education, 1956), 14-18. In many state of the South, the Pupil Assignment Laws became commonly known as the Pupil Placement System.

action plan. Tallahassee's leaders made the regional stratagem of pupil assignment laws a cornerstone of their deferral tactics and attempts to placate federal officials.³⁷

In 1957 the Pork Choppers, a group of ultraconservatives representing twenty-two rural North Florida counties, attempted to pass a strict segregation bill. The unsuccessful "Gang" took advantage of the furor over the possible qualification of a few African American children to attend white schools under the Florida pupil assignment measure. With the help of the Senate President and House Speaker, the ultraconservatives passed a defiant interposition resolution in unison with seven other Southern states based on the charge that Washington and Courts were usurping state powers. Governor Collins denounced the legislation. The "states' rights" legislature struck back by passing a "last resort bill," enabling a vote of 25 percent of the property holders in a district threatened with desegregation to abolish their public schools. Collins vetoed the legislation, referring to its supporters as agitators. The legislature failed to override his veto and the school crisis seemed averted for the moment. Nevertheless, Attorney General Richard Ervin observed that the Florida legislators, "did almost all [they] could to prevent integration. By pursuing such race-based measures and proposals, as W. D. Workman, Jr. found in his study on the topic, Florida had established its brotherhood with the seven other

³⁷ "State Relieved," Fort Myers *News-Press*, June 1, 1955; "Desegregation Postponed Ervin Says" *Miami Herald*, June 3, 1955; see Charles U. Smith and Charles Grigg, "School Desegregation in Florida," in *The Civil Rights Movement in Florida and the United States*, 178-222; Tomberlin, "The Negro and Florida's System of Education: The Aftermath of the *Brown* Case," 73-100; Darryl Paulson, "Unfinished Journey: After 50 Years of Striving, The Destination Is Still Unclear," *Forum* (Spring 2004), 7-9, 9-11; Colburn and Scher, *Florida's Gubernatorial Politics*, 225-26.

Southern states that had actually increased their resistance to desegregation since the decision in 1954.³⁸

Concurrently, some Southerners organized violent demonstrations in new efforts to dissuade state officials from modifying existing school structures. As noted in the black press, there was a series of bombings throughout Dixie aimed at “bastions of integration.” Between January and May of 1958, there were forty-five racially motivated bombings in the South. The last two were in Jacksonville, Florida, where shadowy figures bombed the all-black James Weldon Johnson Middle School.³⁹ Despite its reputation for moderation, the Sunshine State pursued many of the very same strategies against integration that characterized the former Confederacy at large.

In the midst of it all, some areas of Florida bowed to the inevitable and began the process of integrating their schools as local affairs. In 1959, the thoroughly segregated Dade County Public Schools initiated Florida’s first desegregation plan. Local officials in Miami integrated their public school system ahead of anticipated Federal Court mandates requiring such and thereby hoped to circumvent federal interference in the local schools. Even though most of the white residents in the soon-to-be integrated neighborhood moved, the plan represented an historical leap for the Sunshine State. This action, however, by garnering both national and state attention, returned educational desegregation to the top of the Florida’s agenda and

³⁸ W. D. Workman, Jr., “The Deep South: Segregation Holds Firm,” in Don Shoemaker, ed., *With All Deliberate Speed: Segregation-Desegregation in Southern Schools* (Westport, CT: Negro University Press, 1957), 99-100, 109; “Ervin Says Legislature Did Almost All It Could to Prevent Integration,” *St. Petersburg Times*, August 8, 1959; Colburn, Florida’s Governors Confront the *Brown* Decision,” 336; Colburn and Scher, *Florida’s Gubernatorial Politics*, 175-78, 226.

³⁹ “FBI Inquiry Asked: Case of Jersey Sees Terror Drive in Southern Bombings,” *New York Times*, May 11, 1958.

simultaneously re-energized the anti-integrationist forces, especially the proponents of pupil assignment actions as a way to circumvent full compliance with *Brown*.⁴⁰ Even as the new decade dawned, the struggle over colorblind schools yet influenced the educational, political, and social climate of Florida.

Farris Bryant rose to power as Florida's new "staunch segregationist" governor in 1961. Unlike his predecessor, Bryant did not make education the capstone of his legislative agenda. Bryant's major constituents were industrialists who wanted him to reduce spending and decrease the state budget. To these constituents he once uttered, "I don't propose to collect taxes," adding as if to court segregationists, "and I don't propose to enforce civil rights."⁴¹ As the governor uttered these words, only six of the state's 67 counties had move to integrate their schools. Thus, by the 1960s educational issues were increasingly sinking to low priority items in the state's agenda at precisely the time when the regional integration process was gaining momentum. State officials knew that they could not stop integration, but they hoped that they could delay it until the political tides turned in a more favorable direction. Focusing on the lack of progress in the decade, historian Raymond A. Mohl concluded, "With only a few exceptions, Florida's political leaders through the 1960s strongly supported segregation"⁴²

⁴⁰ "Fla. Quietly Bows: Miami Mixes 1st School, Others May Follow Suit," *Baltimore Afro-American*, September 19, 1959; Winsboro, "Image, Illusion, and Reality," in Winsboro, ed., *Old South, New South, or Down South?*, 9;

⁴¹ Quote in Colburn and Scher, *Florida's Gubernatorial Politics in the Twentieth Century*, 233; Colburn, "Florida's Governors Confront the *Brown* Decision," 340; White, *Florida's Crisis in Public Education*, 12-13.

⁴² "Florida Schools Open Door to Negro Students," *Pittsburgh Courier*, September 1, 1962; Raymond A. Mohl, "The Patterns of Race Relations in Miami Since the 1920s," in David R. Colburn and Jane L. Landers eds., *The African American Heritage of Florida* (Gainesville: University Press of Florida, 1995), 347.

Public school integration was coming to Florida, but state officials enacted delay after delay in efforts to sidetrack or unravel the school integration ordered in *Brown*. By 1964, a decade after *Brown* and repeated NAACP suits in Florida, fewer than 2 per cent of the Sunshine State's school districts had instituted more than token desegregation measures, and only 1.53 per cent of Florida's African American children attended class with whites. In 1966, Governor Hayden Burns convened a Conference on Education; neither Burns's lengthy charge to the group nor its subsequent report to the governor even mention the state's deplorable record on desegregation and the myriad federal suits and federal actions now forcing Tallahassee and local districts into a new era of school realignment. For the governor and state education and political leaders, deconstructing the color line in public schools appeared to be a non-issue. It was clear that widespread desegregation of Florida's public schools would not occur unless some new factor emerged. That factor originated not in Florida but in Washington, D.C.⁴³

Titles IV and VI of the Civil Rights Act of 1964 provided the federal government and Courts with the power of school desegregation enforcement and accountability that they had heretofore lacked. Moreover, governmental agencies, now seen as allies to the black community, had the power to withhold federal funds for school districts that practiced segregation or otherwise adopted mechanisms to despair academic achievements between or among social groups.⁴⁴ The Department of Justice (as opposed to often reluctant individuals) could now

⁴³ United States Commission on Civil Rights Florida Advisory Committee, *Desegregation of Public School Districts in Florida: 18 Public School Districts Have Unitary Status, 16 Districts Remain Under Court Jurisdiction* (Washington, D.C.: U.S. Commission on Civil Rights, 2007), 2; Governor's Conference on Education, *Governor's Conference on Education Report* (Tallahassee: Governor's Conference on Education, 1966), 1-51.

⁴⁴ United States Civil Rights Act, 1964 Title VI, 42 USC ' ' 2000d B 2000d-7, available at www.usdoj.gov/crt/cor/coord/titlevistat (accessed February 15, 2012); see "Civil Rights During

initiate suits under the Act and moreover could act as plaintiff to force school districts to comply with federal desegregation guidelines. Responding to the new federal mandate, which effectively defused gubernatorial and legislative pro-segregation policies, Tallahassee faced a new reality regarding its delay and stonewalling tactics.

Even in the face of Florida's governor and attorney general quietly advising officials on how to "dodge" the new law, the Act notably coalesced grass-roots opponents of segregation and spurred them on to a new phase of legal militancy. Capturing the spirit of the time, one seasoned senior black educator in Fort Myers recalled the stark transformative effect of the new measure, "The Civil Rights Act of 1964 changed it all." This latest phase of black activism stimulated by the Civil Rights Act of 1964, was eventually augmented by higher court case precedent, in particular the *Green* and *Alexander* decisions, in which the High Court not only struck down "freedom of choice" plans but also delineated the responsibility of local school boards to abolish dual attendance zones. The cases spawned legal challenges in Florida, manifested themselves in a spate of new NAACP and local protagonists' filings against segregated school districts in as geographically and demographically diverse regions of the state as Alachua County in the north, Pinellas County on the west coast, Monroe County at the southern extreme (the Keys), to Brevard County on the east coast. As late as 1969, one such suit had led the U.S. Supreme Court to order Florida to stop delaying desegregation of its schools.⁴⁵

the Kennedy/Johnson Years," *Pittsburgh Courier*, February, 15, 1986;

⁴⁵ "Florida Attorney Gen. Tells How to Dodge New Law," *Pittsburg Courier*, July 25, 1964; Daisy Sapp Benjamin, Lee County Black History Society Program Chair (former teacher, Lee County Public Schools), interview by author, March 9, 2005; *Green v. School Board of New Kent County, Virginia*, 391 U.S. 430 (1968); *Alexander v. Holmes County Board of Education*, 396 U.S. 1218 (1969); see Rowland Young, "Review of Recent Supreme Court Decisions," *American Bar Association Journal* 54 (1968), 912-13; A>Desegregation NowBBut How to Do It?,@ *U.S. News and World Report*, November 10, 1969, 45-46; "The Supreme Court:

Yet reactionary Florida was still not ready to accept the inevitable. In 1967 GOP Claude Kirk, Jr. entered the governor's office as a staunch segregationist, who felt little incentive to make the Civil Rights Act of 1964 and its evolving iterations priorities of his administration. Kirk, a Richard Nixon "law and order" Republican, also emulated Nixon in pursuing ultra-conservative fiscal and social policies, including actively working against the use of cross-neighborhood busing to achieve racial integration in Florida's yet color-coded schools. No only did Kirk openly defy court-ordered school desegregation, but he brazenly betrayed his Old South delay and stonewalling tactics by suspending the school board of Manatee County and appointing himself school superintendent in an effort to derail the impending desegregation of that school district. As if this gesture of local defiance were not enough for Kirk, he took his petition-waving protests against school desegregation to the steps of the U. S. Supreme Court in Washington, D.C. in an event that captured national headlines. In so doing, the governor possibly read well the mood of his electorate in the Sunshine State; in the presidential election year of 1968, Florida voters had registered 40.5 per cent of their vote for the racially insensitive Richard Nixon, 30.9 percent for the pro-civil rights Hubert Humphrey, and 28.5 per cent for the racial demagogue George Wallace. As the Sunshine State had entered the decade with dual and unequal schools, it so capped the decade, punctuated by the defiance and self-described "confrontation politics" of Governor Claude Kirk.⁴⁶

Integration Now," *Time*, November 7, 1969, 19-20; *Wright v. Alachua*, Case # 367, *Bradley v. Pinellas*, Case # 64-98-T, *Major v. Monroe County of Board of Public Instruction*, Case # 64-331-CF, *Weaver v. Brevard County Board of Instruction*, Case # 1172, "Civil Liberties Court Cases, 1945-Present," National Archives and Records Administration, Southeast Region, 16-18; see Tomberlin, "The Negro and Florida's System of Education: The Aftermath of Brown," 233-58; White, *Florida's Crisis in Public Education*, 90.

⁴⁶ "Former Florida Gov. Claude Kirk dies at age 85," *Tampa Bay Times*, September 29, 2011; "Ain't Nobody Gonna Touch King Claude," *Time*, April 20, 1970, 30.

In retrospect, the sweeping Civil Rights Act of 1964, by essentially codifying many of the school equalization goals and invalidating the South's roadblocks to desegregation, fueled another equality drive, and by so doing strengthened the resolve of anti-segregationists in the 1960s to finally tear down the wall of bigotry between dual and unequal schools. This occurred most notably when Old South Florida finally moved into a new era of political reality as the "old school" of political leaders gave way to a "new school" of World War II and post-World War II Democratic state leaders like Governor Reubin Askew (1971-1979), who had begun their public careers in the era of *Brown* with the realization that Florida must shed its Dixie persona in order to grow as a national business and tourist mecca. Indeed, Askew, representing this new vision of progress and race relations, appointed the first blacks to the Florida Supreme Court and to the state cabinet since Reconstruction. These were unprecedented acts designed in part to move Florida out of segregation and exclusion into the political and economic realities of the waning 20th century. Askew's successor, Governor Bob Graham (1979-1987) of south Florida and Governor Lawton Chiles (1990-1998) of central Florida continued this forward vision as the Sunshine State finally abandon its educational pattern of racial deferral and attenuation for the educational realities of the post-*Brown* decades.⁴⁷

Nevertheless, school equalization in Florida still unfolded slowly. In the late 1960s, over 90 per cent of students attended segregated schools and about half of the state's school districts faced litigation in the federal courts to repudiate actual of vestiges of public school segregation. As Florida entered the 1970s, 76 per cent of its counties conducted school affairs under federal

⁴⁷ See White, *Florida's Crisis in Public Education*, 90-109; Martin A. Dyckman, *Reubin O'D Askew and the Golden Age of Florida Politics* (Gainesville: University Press of Florida, 2011), 89-93, 203-08, 222; Jones, "The African-American Experience in Twentieth-Century Florida," 378-79.

court-ordered desegregation or Health, Education, and Welfare (HEW) plans of reasonable timetables, compliance, and associated goals for desegregation. Because most of the displaced or dismissed administrators and teachers in the slow integrating process were, in fact, blacks, the black press found the process to be less “integration” and more “outegration.” When busing of students to achieve court-mandated desegregation plans arose as a divisive educational and social issue in the period, Florida voters by a margin of roughly three-to-one approved an anti-busing resolution in a public referendum on the issue. In effect, the Sunshine State had deferred or stonewalled public school access, matriculation, and social restructuring precisely as long as the more violent and defiant states of the Deep South.⁴⁸

As the need for compliance with the federal Civil Rights Act of 1964, and increased black demands and court cases, resulted in the final demise of historically segregated schools by the decade of the 1970s, the state yet faced a wave of unofficial segregation as “white flight” reinstated the color factor in the state’s educational settings, especially in the urban areas. As white flight compounded the Sunshine State’s rendezvous with unitary school districts (i.e., districts devoid of inherently unequal schools) new and often bitterly divisive issues, such as student assignment, controlled choice, magnet schools, district-wide busing, and the state’s parsimonious funding of its public schools, arose as proposed or enacted measures to institute district-wide integration and diversity of schools. That district-wide diversity would result not only positive sociological goals but also in merging student populations’ claim on scarce

⁴⁸ U.S. Center for Educational Statistics, 1969; U.S. Bureau of the Census, “Census of Population: 1970, PC (1), table 24; *Desegregation of Public School Districts in Florida: 18 Public School Districts Have Unitary Status, 16 Districts Remain Under Court Jurisdiction*, 58; “Displacement of Black Teachers: ‘Integration’ Labeled ‘Outegration,’” *Pittsburgh Courier*, February 20, 1971; “Fla Rejects Busing, Favors Integration,” *Baltimore Afro-American*, March 25, 1972.

resources and lifetime opportunities. Despite the historical struggles for desegregation, recent testing data and subsequent scholarship on the subject suggest that Florida continues to sustain its historical black-white student equalization and achievement gap that characterized and divided the “inherently unequal” schools of this “moderate” Southern state since the antebellum years.⁴⁹ Although officially ended by the 1970s, the Sunshine State’s long and troublesome history of school segregation continued to be an issue well into the new millennium, as, congruent with the South as whole, race divisions and black mobilization underscored the historical patterns, practices, and opportunities of the state’s Old South and Down South educational experiences.

⁴⁹ See, for example, Kathryn M. Borman, Tameca McNulty Eitle, Deanna Michael, David J. Eitle, Rejinald Lee, Larry Johnson, Deidrie Cobb-Roberts, Sherman Doin, and Babsboro Shircliffe, “Accountability in a Postsegregation Era: The Continuing Significance of Racial Segregation in Florida’s Schools,” *American Education Research Journal* 41, no. 3 (Fall 2004), 605-31; “Educational Funding in Florida Can’t Be Easily Explained,” *Herald-Tribune* (Sarasota), February 28, 2010.