

TESTIMONY OF THE  
ALABAMA STATE TEACHERS ASSOCIATION  
BEFORE THE FINANCE AND TAXATION COMMITTEE  
ALABAMA LEGISLATURE  
ON S 229 and HR 446

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by

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Mr. Chairman and Members of the Committee:

I am Joe L. Reed, Executive Secretary of the Alabama State Teachers Association, appearing before you today representing the Alabama State Teachers Association which comprises over 10,000 Negro teachers and educators throughout Alabama. I am accompanied by Mr. Anthony S. Butler, our president and Mr. Clarence Bozeman, our assistant executive secretary. We appreciate the opportunity afforded us to present the views of the Alabama State Teachers Association on the pending legislation.

We are opposed to and urge the defeat of Senate Bill 229. I would like to state our reasons for this opposition.

First, this piece of legislation violates the concept of local control, and curtails the autonomy of the local school boards in Alabama. Section 1 of the proposed legislation says in part "that any compliance agreement or assurance made or given by a local county or city board of education is null and void and shall have no binding effect." This wording indicates the loss of local autonomy and permits the Governor's Commission to seize control of local school boards at will. This is highly unreasonable in a society which advocates freedom of thought and expression and equal educational opportunities for all.

Any time problems that confront local citizens must be referred to the state legislature for possible approval then autonomy is lost and centralized control is assumed by the state. This is a blight on the educational structure of Alabama. This point is clear. Section 1 further states, "any city or county board of education may at its discretion, by adoption of a resolution agreed to by a majority of all of its members, divest itself of the power or authority to give an assurance of compliance or other plan affecting the maintenance and operation of the public schools, and may refer the question or matter to the Governor and the Governor's Commission for their determination." If a local school board does or does not agree to comply, the primary question that should be raised is "why inform the state of action taken by the local school boards to improve the education of boys and girls in a particular school district? If pressure is exerted on school boards, many will not have a choice as to whether they wish to comply or not with the guidelines fully realizing that even their state funds could be in jeopardy. These are thoughts that many educators and all right thinking individuals must consider and should consider before this bill is passed.

I can think of nothing more harmful to the educational structure than for local boards to have to stand idly by while others seek solutions to problems so important to and better understood by local authorities. The only thing worse is to actively resist what now clearly must be done. It should be evident to all of us that if we are to have any claim to true professional status it is our function as educators to lead and not follow our communities in providing equality of educational opportunity.

Section 2 of this bill is ambiguous and incongruous. In part this section provides that "whenever any federal assistance grant, loan or contract which would accrue to a local city or county board of education under any existing federal educational assistance program is withheld from any local or public school system because of the failure or refusal of the city or county board of education or the Governor and the Governor's Commission to subscribe to or agree to abide by any compliance agreement...., the State of Alabama shall make up or replace such loss by the allocation of state funds to such boards..." This bill further states that "this section shall be applicable only to those federal financial assistance programs which were in existence prior to the adoption of the Elementary and Secondary Education Act of 1965, and shall not apply to the Elementary and Secondary Education Act of 1965 nor to any federal financial assistance act which may be adopted by the Congress of the United States in the future." As we interpret this legislation, this bill provides for the State of Alabama to reimburse local school systems for federal funds in existence prior to the adoption of the Elementary and Secondary Education Act of 1965 and therefore excludes the Elementary and Secondary Education Act of 1965. If this interpretation is correct, does not this bill deceive the people of Alabama in that one section says that the state will make up such funds loss due to failure or refusal to abide by the guidelines and yet omit the section which in essence supports the guidelines.

Further, this section gives the Governor and the Governor's Commission unlimited authority to spend monies from the Alabama Special Education Trust Fund, which in essence donates this

fund to the Governor and the Governor's Commission. We believe that no one should have unlimited authority to spend the taxpayers money.

Another section of this bill that troubles us is Section 4. For example, this section states that "in the event peace and order of any school is threatened, the Governor and the Governor's Commission are hereby authorized and empowered to make a determination that the peace and order of any such school is threatened and to recommend to the Governor that all means necessary be taken to preserve the peace and order of the school." While the Alabama State Teachers Association believes in and welcome peace and order, Section 4 leaves much to be desired. If this bill is enacted into law any school system that takes action contrary to the wishes of the Governor or his Commission, regardless to how insignificant the act may be, can be judged as threatening the "peace and order" and the Governor will have the power to close said school or place it under martial law and call out the National Guard or the State Troopers.

We acknowledge and are elated that the State of Alabama has registered some notable accomplishments in education in the last few years, but we cannot escape noticing the mass of statistics which consistently place Alabama in the lowest level of the educational spectrum.

The National Education Association's Division of Research reported in January 1966 that the pupil-teacher ratio in Alabama was 28.5% whereas the national average is 25.1. Alabama ranks 47th in this area nationally, and 9th in the south. The average salary of classroom teachers in Alabama was \$5,150

in 1965-66 but the national average had risen to \$6,506. Again Alabama ranked 45th nationally and 6th in the south. Only 5% of public school classroom teachers were paid \$6,500 or more in Alabama during the 1965-66 school year; the national average was a striking 41.3%. In this area, Alabama ranked 44th in the United States and 7th in the south. In 1964, 48.5% of elementary and secondary schools in Alabama enrollment participated in federally subsidized school lunch programs whereas the national average was 34.1%. Here Alabama ranked 10th nationally and 8th in the south. In 1964, 43% of selective service draftees failed the preinduction and induction mental requirements; nationally only 29.9% failed.

While these data do not tell all facets of education in Alabama and such information is an estimate, we must recognize that all of these figures place Alabama much closer to the bottom than the top when we consider the national average.

We also feel that the legality or illegality of the guidelines is not at issue, for we know that there are differing opinions on this point. However, we feel that the surest way to determine the status of the guidelines is to test them in a court of law. As a matter of fact, just last Tuesday, August 16, in Davis vs Board of School Commission of Mobile County, the Fifth Circuit of Appeal indicated these guidelines were minimal in the desegregation process. While the Court was not sitting in judgement on the Guidelines themselves, Judicial Notice was taken of the Guidelines and the court ruled that Mobile County school authorities must end the practice of hiring and assigning teachers by race by the fall of 1967.

One important goal of education is the elimination of prejudice and bigotry from the public mind. A fundamental dream and guarantee of our American democracy is the equal educational opportunity for every child--without regard to race, color, religion, and other external factors. The public schools have always been viewed by the down-trodden, and deprived Americans as their opportunity for a place in the sun. This is because history has taught us that the public school has been both the source and the means of achieving the aspirations of parents that their children might have a better life than they and that the disadvantages of the father might not be visited upon the child.

There are nearly one million Negro Alabamians watching this committee and the Legislature as this bill moves along the legislature calendar. These are not so called "outside agitators". These are the inside citizens who like most other Alabamians desire that this state not limit herself to the narrow walls of racial politics, but elevate herself to the path of economic prosperity, educational achievement and racial equality.

There are those who say that the Negro is getting his fair share of democracy in Alabama and that this legislation has nothing to do with race. We are mindful that no language of this bill refers to race, but we cannot escape the bare facts that race is the central factor. This is because when one recalls what the guidelines require, the whole question is centered around the Negro--students and teachers. To wit, the requirement that race no longer be a factor in assigning public school personnel and students. There are some systems,

although several years late, which are and which will make this situation work if only they are given the opportunity to do so.

As we confront this important challenge in the desegregation of faculties, we must have a posture of leadership that this state cannot abdicate--we must not flounder--if we do, the courts will not! Finally, I would like to state that whether this bill is enacted into law or not, there is one fact that will still prevail and that is Section 601 of Title VI of the Civil Rights Act of 1964 which provides that:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Again, Mr. Chairman and members of the Committee, we would like to express our appreciation for this opportunity to state our views on this bill. I will be glad to address myself to any questions that you might have. Thank you.