Brown v. Board of Education in West Virginia

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Correction
from 107 W. VA. L. REV. 673 (2005)

Article: Nelson R. Bickley, Brown v. Board of Education in West Virginia

To be included as sources are:


Minutes of the State Board of Education, Charleston, West Virginia, June 9, 1954.

Supreme Court of Appeals, Charles Town, Thomas Martin v. Board of Education, (from the Circuit Court of Morgan County), 1895.

Wicks-Nelson, Rita, and Ancella R. Bickley, “Mosaic in Black and White” (Developed under the auspices of the Center for Ethnicity and Gender in Appalachia (CSEGA) at Marshall University; presented at the CSEGA conference in 2999 and soon to be published in a book of essays by Ohio University Press).

Footnote 11: This citation should be amended to note that Mr. Tolbert was not interviewed as a parent but as a resident of Jefferson County and current State President of the NAACP.

Footnote 13: This citation should read Tony Smedley, not Tom Smedle.
BROWN v. BOARD OF EDUCATION IN WEST VIRGINIA

Nelson R. Bickley*

I am honored to have been invited to participate in this symposium, ** and I am particularly gratified that the West Virginia University College of Law is taking this opportunity to examine selected aspects of black life in West Virginia. Black West Virginians have long sought to expand their opportunities, in effect, pushing at the edges of the place assigned to them by the larger society. In several instances, this pushing was directly related to education and may have been a portent of things to come.

For example, pushing at the edges led to the establishment of a school for black children even before West Virginia achieved statehood. Pushing at the edges led to the filing of what we might consider West Virginia’s first attempt at school integration when Thomas Martin petitioned to have his children admitted to an all white school in 1893. Martin, a black man, declared that the school district had failed to make provisions for the education of black children in the area. Therefore, he sued for, but was denied, admission of his children to the all white Camp Hill School, in Morgan County. And, pushing at the edges led Carrie Williams, a black teacher in Tucker County, to defy the school board and continue to teach her black students after she had been ordered to shorten their

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** This manuscript is based on a speech given by Nelson R. Bickley on February 21, 2005 at the West Virginia University College of Law as part of the West Virginia Law Review symposium, “A Look at Brown v. Board of Education in West Virginia: Remembering the Past, Examining the Present, and Preparing for the Future.”
school year. Then represented by attorney J.R. Clifford, she sued the school board for her pay.

Also to be remembered is Levi "Gabe" Holland, a Morgantown resident who in 1883 and 1888 made unsuccessful applications to enroll in this law school.  

This struggle against a negative status quo found some ready constituents with the Brown decision, and it is the intent of these remarks to review how it played out in West Virginia. In order to aid your understanding of the impact this momentous decision had on black education in the states and on the black community in general, I will focus on the black system of education that was in effect during that time.

As you may know, we date black education in West Virginia to 1862. In that year, the previously mentioned black school opened in Parkersburg and became the first formal effort to educate black children in the western counties of Virginia, which became West Virginia. Parkersburg legend tells us that Robert W. Simmons, a black barber, and social and political activist in that city, rode horseback to Washington D.C. to get permission from Abraham Lincoln to begin the school. We do not officially know whether or not that story is actually true, we do know that a group of black men did come together and open a school (with tuition of $1.00 per month) which was later subsumed by the state system and became Sumner, a school well remembered by black people of my generation. It should be noted that, like those which followed, this school was named for a person of historical significance to the black community.

To assure that black children and white children were not educated together, words prohibiting such racial mixing were added to the school law in 1866. Later, this stipulation was written into the state constitution, Article XXI, Section 8, and although ineffective after 1954, remained there until the 1990’s when Lucile Meadows, a black member of the House of Delegates from Fayette County, proposed that it be removed.

If we consider 1862 as the starting point for black education in West Virginia, the Brown decision brought to a legal end a system that had its beginnings 92 years before. By 1922, there were 430 black elementary schools, 23 junior high schools, and 19 high schools. In a few instances, free standing elementary and junior high schools existed as in Charleston. In other instances, all grades were housed in a single building as at Sumner in Parkersburg and Kelly Miller in Clarksburg. By 1951, there were 33 black high schools, 8 junior high schools, numerous elementary schools, and two public colleges.

At the time of the Brown decision, these schools were providing education to over 25,000 students in grades 1-12, including students in institutional settings such as the Boy’s Correctional Facility at Lakin in Mason County and the schools for the colored deaf and blind at Institute. Although there were no

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1 See CONNIE RICE, OUR MONONGALIA: A HISTORY OF AFRICAN AMERICANS IN MONONGALIA COUNTY, WEST VIRGINIA (1999).

2 Sumner was named for Charles Sumner, an abolitionist Senator from Massachusetts.
graduate programs at the black colleges, there were thriving teacher education programs and solid preparation for entry into other fields.

To complement the academics of the black public schools, extracurricular activities were offered such as music, dramatics, and athletics, accompanied by statewide contests and exhibitions. Sometimes these activities were held at the black colleges and, in many cases, their connection to them was continued through various interactions. This created a symbiotic relationship between the colleges and many of the black public schools. Further, it enhanced the college ambitions of some students in the central and southern parts of the state. This was particularly true between the black public schools and Bluefield State College and West Virginia State College. In the Eastern Panhandle, Storer College, a private institution, also provided cultural and educational opportunities which in many ways transformed the lives of many local black people.

There were a number of inequities in many of these schools, however. Most of these schools were underfunded. Some elementary schools shared space with churches, as did one which I attended in Logan County, and some elementary schools, although free standing, were one or two rooms. In a number of counties, there was no high school available, necessitating that black students either end their education at the eighth grade or travel to another county in order to attend high school. Many schools served a surprising number of communities, and in some cases students had to travel long distances to get to them.

Even in some of the first-class schools such as my high school, Frederick Douglass in Huntington, there were other built-in inequities. For example, we could look at, but not dissect specimens in our biology lab because they had to be saved for the next classes. We had no instruction in foreign languages. Additionally, our textbooks, rented during my day, were hand-me-downs from the white schools. These privations sometimes affected the colleges, for a science student at Bluefield State College reported that he had to buy his own test tubes for classes.

The Brown decision was seen as opening the door to opportunity for our youth, and was welcomed in our communities. Immediately upon its announcement on May 17th, 1954, West Virginia's Governor William C. Marland, noted that the decision was the law of the land and West Virginia would abide

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3 Among the contests held on college campuses were those for business skills and drama.

4 E.g., meetings, visiting speakers, sponsorship of cultural activities, etc.

5 Many Pocahontas County students went to Bolling in Lewisburg; Lewis County students went to Kelly Miller in Clarksburg; Preston County students went to Monongalia in Morgantown.

6 Conley school in Mullens, Wyoming County served students from at least 11 coal camps: Covel, Garwood, Tralee, Alpoca, Itmann, Mullens, Stevenson, Iroquois, Allen Junction, Corrine, and Glen Rogers.

7 Telephone Interview with Dr. James Martin, M.D., of Beckley, WV (Apr. 6, 2003).
by it. The West Virginia Board of Education, in regular session, May 17-19, 1954, agreed to request an opinion of the West Virginia Attorney General as to what its legal position was in light of the decision. Specifically, the Board asked for information regarding segregation in the public schools of West Virginia and segregation in the state supported schools and colleges under its jurisdiction.

Similarly, on May 21, 1954, President Irvin Stewart of West Virginia University wrote to the West Virginia Attorney General asking, "(1) whether West Virginia University should now admit West Virginia negroes to courses of study offered either at West Virginia State College or Bluefield State College and (2) whether there is any obligation to admit out-of-state negroes to any of the university programs."

The Attorney General, John G. Fox, responded to this query less than a month later on June 1st saying that "in clear, concise and forceful language our highest tribunal has held that separation of races in the field of public education is a violation of the Equal Protection Clause of the Fourteenth Amendment. The continuation of such separation can, therefore, no longer be enforced." Mr. Fox further said that, "... it is our opinion that West Virginia University must now admit any person who applies for admission, regardless of race, provided, however, that such applicant shall fulfill all of the requirements then prescribed for entry. No prospective student may be refused admission because of his race."

Also to his credit, as reported by L.V. Jordan, supervisor of student teaching at West Virginia State College, Mr. Fox refused an invitation sent from Herman Talmadge, arch segregationist senator from Georgia, saying that he did not intend to attend any conference designed to circumvent the law. The public school system in West Virginia is county-based, therefore, in spite of these pronouncements from the state level, the actual implementation of the Brown decision depended upon the will of each county. Although State Superintendent of Education W.W. Trent joined other West Virginia officials in supporting the Brown decision, not all constituencies accepted these positions calmly. For example, of this period, Trent later wrote that "ten citizens from McDowell County expressed their conviction thus: that, 'we' as white citizens of the United States and voters in West Virginia elections, feel that abolishing segregation in the public schools in West Virginia has the impact of the atomic bomb on all principles [sic] of Democracy we believe in.'"

Also to be remembered, is that some counties had no black students and some others had very few. In the counties with few blacks, integration was accomplished quietly and quickly. Integration of the schools in the counties which had larger numbers of blacks took longer and encountered some difficulties.

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8 This question harkens back to Gaines v. Canada, 305 U.S. 337 (1939), which caused professional schools to admit blacks if similar education was not available to them in the black colleges in the state.

The implementation of Brown followed several patterns depending upon the choices of the counties:

(1) In some, black schools were closed immediately and all black students were enrolled in previously all white schools:

(2) In some, phased integration was undertaken. In these cases, selected grades were integrated on a timed basis with others to follow at intervals, sometimes spread out over a period of years.

(3) In some, selected grades were integrated. Complete integration of all remaining grades accompanied by the closing of the black schools occurred shortly thereafter.

(4) In some, voluntary integration occasioned by black students exercising choice was employed; in these counties, black students could choose to enroll in previously all white schools or elect to remain at the black schools which were kept open.

This county, Monongalia, with less than 300 black students, was perhaps the first in the state to begin the desegregation process, integrating the black students into the white schools immediately and closing the black schools.

Other counties with black school populations ranging between 40 and 1300 or so, such as Brooke, Pendleton, Randolph, Wood also began the integration process immediately. Wood County began by integrating the first and ninth grades in 1954 with other grades following the next year.

Perhaps taking his cue from Governor Marland and State Superintendent Trent, Kanawha County Superintendent Virgil Flinn declared that his county's system, with nearly 3,000 black students, would obey the law. He began this effort in the fall of 1954, by handpicking about fourteen black teachers to begin teaching in previously all white schools. The first, second, and third grades were integrated in 1955, and others by 1956. That year, Kanawha County schools also closed Garnet, one of the premier high schools in the state, black or white.

The West Virginia counties with the greatest number of black residents and, therefore, the highest black school populations were Logan, McDowell, Mingo, Mercer, Fayette, Raleigh, Kanawha, and Jefferson. With the exception of Kanawha, the process of integration in these counties moved slowly. Some of them delayed setting an integration date pending the announcement of an implementation decision by the United States Supreme Court. In some cases, the process of integration in these areas was still underway many years after both the Brown decision and the implementation decision were rendered.

For the most part, these slower to integrate counties employed a voluntary method of integration. As previously stated, this method permitted black students to enroll in the white schools if they chose to do so, but kept the black schools open in case the black students preferred to attend them.
Through it's counsel, Charleston attorney Willard Brown, and it's state president T.G. Nutter, the National Association for the Advancement of Colored People ("NAACP") monitored the integration of the schools, conferred with counties to urge them to undertake integration, and brought suits where they thought they were needed.

Although anti-integration protests in West Virginia were largely non-violent and were nowhere near the intensity and duration of the protests in the Deep South, some did occur. In some cases, the first days of integration in a county were quietly and peacefully accomplished, with difficulties erupting later.

The first protest took place in Barbour County when white parents took issue with the Board of Education's plan for total integration of all of the schools. In response to the protest, the Board retreated to a phased plan. Other protests occurred in Greenbrier, Boone and Fayette Counties. In Greenbrier and Boone, problems arose although there was not a complete integration and black students were admitted to white schools on a voluntary basis. In the fall of 1955, the Greenbrier County Board of Education voted to begin integration although Bolling, the black school in Lewisburg, which served students from various parts of the area, was to be kept open so students wishing to go there could do so.

In White Sulphur Springs, black football players began practicing with the white players and were chased home. There was a public anti-integration uproar and a demonstration at the Memorial Park Athletic Field in White Sulphur Springs. At a loss about what to do, the Greenbrier Board of Education contacted the Attorney General for advice and received none. When carloads of adults joined the Greenbrier protest, the Board of Education backed away from its original decision and asked the black students to leave the school. The NAACP got involved and the Board agreed to go forward with the integration in January 1956.

Faced with the imminent enrollment of black students, the White Sulphur Springs High School, which normally held its prom in May, advanced the date to December so that blacks who were to enroll in January could not participate. 10

Shortly after the Greenbrier incidents, some white students in a Boone County School in which integration had quietly taken place some days before, began to complain. It has been suggested that publicity regarding incidents in other areas spurred the Boone County students to demonstrate. The NAACP appealed to the State Board of Education in the Boone County matter, but that body declared that the issue was a county one and took no action. In 1956, Boone County was among those against which the NAACP brought suits.

Some white mothers in Marion County also picketed in an effort to stop integration in a school there. Unlike the Boards of Education in some other

counties, however, the Marion County Board refused to back down and integration continued in the challenged school, as well as in others in the county. Within a year, integration in Marion County was accomplished and the black Dunbar School in Fairmont was closed.

Integration also seems to have proceeded quietly and fairly rapidly in Berkeley, Mason, Hampshire, and Ohio Counties. Moving more slowly were Harrison, Logan, Raleigh, Mercer, McDowell Counties, and to a lesser extent, Cabell County. In 1955, the NAACP sued Mercer and Greenbrier Counties and pressed for action in Mingo, Logan, and Raleigh. The Mercer County suit was set aside when its Board of Education agreed to integrate all classes in the fall of 1956 – this was voluntary integration, however, and the black schools were kept open.

It was also the intention of the Board of Education of Raleigh County to begin the integration process in 1955, however, there was an organized protest by some white Raleigh County residents. Black students seeking admission to Raleigh County Schools that fall were denied entry and quietly withdrew when they were challenged. Over objections of Board President S. Austin Caperton, the Board rescinded its earlier decision to begin the integration that fall, and Caperton resigned from the Board in protest. The NAACP urged that integration in the county begin in January 1956, but its start was delayed until later.

In some instances, a date for the closing of the black schools was announced well in advance. By contrast, black Logan countians found out that Buffalo, one of their high schools would close when they read it in the paper shortly before school was to open in 1959. The other black high school in Logan County, Aracoma, closed in 1962. Douglass in Huntington (Cabell County) closed in 1961, Liberty Elementary and Liberty High School in Williamson (Mingo County) closed in 1966. In most all of the contested areas, through the choice policy, some black students had exercised the right to attend the white schools before the black schools closed their doors.

In some instances, the threat of external pressure moved the school boards to take the final steps toward integration. For example, from 1954-1958, there was little action toward full integration of the schools in Jefferson County. There was no active NAACP branch there at that time, but the Jefferson County Civic League was formed and attempted to begin negotiations that would lead to the expansion of the integration efforts. By 1966, the NAACP was active and it and the Civic League wrote letters to the U.S. Department of Education concerning the slow movement toward education in the county.

In Jefferson County also, the choice policy became the approach to integration, but black students were discouraged from enrolling at white schools. As late as 1965, four black schools were still operating in the county. Moves toward full integration were only made after it became apparent that the black citizens would continue to press the issue and would invoke the law to cause a loss of federal funds if steps were not taken to enforce the Brown decision.\footnote{Telephone interview with James Tolbert, Parent (March 28, 2003).}
With the exception of a few holdout or barely moving areas, however, by 1958, integration was underway to some degree in most West Virginia counties. Although there had been some protests in some areas, by and large integration was being accomplished without major disturbances. When considering the progress, the NAACP’s T.G. Nutter regarded McDowell, Mercer, Mingo, and Cabell as uncooperative in the integration effort, and as previously noted, movement was quite slow in Jefferson County.

Perhaps the longest lasting struggles for integration were in the city of Bluefield in Mercer County, and involved not only the public schools but Bluefield State College as well. West Virginia State College, 12 which had integrated with little difficulty and within a few years after Brown, was enrolling substantial numbers of white students. Bluefield State College also integrated but developed some long-standing tensions as the process was carried out. Recognizing that its traditional emphasis on teacher education was not as viable as it once had been, the black president of Bluefield State began to develop engineering and technology programs, 13 thereby attracting the enrollment of local white commuting students. Dormitory residents continued to be black.

Although the Brown decision had been announced in 1954, things had not moved very quickly in southern West Virginia, and civil rights activities beyond those of integrating the schools began to catch up with an already tense situation.

In Bluefield, the black college students led the movement to integrate the city’s theaters and eating facilities. It has been suggested that this irritated some members of the power structure in Bluefield; they believed that out-of-state students were causing the problems and that it would be better if they left. Exacerbating the situation at the college was that the white president had replaced the black one in 1965, and as black faculty members were retiring, white ones were replacing them. Some students also believed that the curriculum was being shaped in a way that met white needs rather than black ones.

These aforementioned facts, as well as some facts not yet mentioned, seemed to indicate to some blacks that a long planned, white takeover of the institution was being put in place. Tempers flared out and campus rebellion escalated from a sit-in, to rock throwing, to a fire in the gymnasium, to an angry confrontation that resulted in the white president having to be escorted from a football game under armed police protection. The culmination of the volatile situation was the explosion of a bomb in the gymnasium in November 1968. No one was seriously injured by the bomb and no culprit was ever charged. However, repercussions were serious to the entire black residential community of the college. The dormitories were closed immediately, never to be reopened. This practically eliminated the out-of-state black students and forever changed the character of Bluefield State College.

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12 Storer College had closed in 1955.
13 Leroy Allen; resigned at Bluefield and took a job at Cheney in Pennsylvania.
Among the last of all black schools to hold classes were Park Central High School and Genoa Junior High School in Bluefield, both of which remained open until 1969, fifteen years after the Brown decision was rendered. Piney Oaks Elementary in Raleigh County was the last all black school in the state to close in 1971.\(^{14}\)

Legally, we can mark the full implementation of Brown in West Virginia with the closing of Piney Oaks, but whether or not we accept the end of all black schools as effective integration is an unevaluated question. A review of effectiveness position suggests that we consider the impacts school integration had on the black community other than side-by-side classroom seating. I do not suggest that blacks believe that school integration should not have occurred, but hindsight does put forward that there were some unforeseen consequences.

For example, although the black teachers' organization merged with the larger white one in the state in 1954, black teachers soon found that their needs were not being met through the new arrangement. As a result, they formed a black caucus within the larger organization.

The black teachers, many with excellent credentials and years of productive experience, were soon a vanishing breed in the schools. Contracts of some were not renewed,\(^{15}\) some were re-deployed, and as retirement age came, many were not replaced, thus descimating a large segment of the black middle class in West Virginia. The principals of the schools were demoted; some went back to the classroom, some were offered positions as assistant principals, some were placed in board offices, and some retired or left the state.

Further, where once black students had been active in extracurricular activities, they began to participate less fully in things such as high school dramatics, cheerleading, bands, etc., almost disappearing from everything except athletics. Discipline and grades began to be casualties of the times as well.

In reminiscing about the changes that occurred in his area, one teacher who remained in the system said, "[b]lack parents did not know how to react to the changed school situation. Black teachers had been able to motivate black students and insist that they learn. Black parents supported the black teachers' efforts to teach and discipline the students." In many cases, this changed in the integrated situation. Often, black students were not counseled or given the academic aid that they needed. Some white teachers feared both black students and black parents and, therefore, shied away from making any requests of them, even requests regarding discipline or school work.

\(^{14}\) Interview with Tom Smedle, State Department of Education (May 7, 1991) (noting that he was given the task of overseeing the closing of the school but that he does not think that it was kept open through defiance but was simply overlooked).

\(^{15}\) See Charles Edward Easton, Negro Contributions to the Political and Legal History of the Southern Counties of West Virginia 51 (1971) (noting "in Edith Goode v. Summers County Bd. of Educ. (1957) a suit was filed against the Board of Education for dismissing certified Negro teachers from a former Negro school and refusing to place them in existing white schools in the county").
Concerning the dynamics of these newly integrated schools, the above quoted teacher further said:

Things were aided by the presence of black teachers. They helped to solve problems and helped to keep the black kids from being mistreated. Whenever the black teachers became aware of problems, e.g., no black cheerleaders, they would go to the principal. Things were . . . different where the social class structure exacerbated problems. Those from the upper echelon did not want to make room for the black students. [In one school] parents almost had to get a lawsuit to get black cheerleaders.  

Attempts to redress these problems were set forth in some of the suits filed in the years after the implementation of Brown. For example:

1. A McDowell County teacher filed a suit because black students were being denied admission to school clubs (Dr. James Thomas).

2. A Mingo County teacher filed suit because her contract was not renewed while contracts of similarly situated white teachers were continued (Anna Starling – Williamson).

3. A Logan County coach sued because he was over-looked for head coaching positions while similarly qualified white coaches were placed (Lacey Smith).

4. A Wyoming County teacher was denied an appointment for an assistant principalship while similarly qualified white candidates were placed (Clemenceau Allen – Allen Junction).

For the most part, the black school buildings which were of great importance to their communities, were abandoned and their history discounted. As noted earlier, these buildings had been named for people of historic significance to the black community, but none of the names were carried over after integration. It was only when protests were made by some black communities that names were later restored to buildings which remained in use in a few areas.  

Libraries, many with good collections of works by black authors, painstakingly collected over the years, were disposed. Trophies, yearbooks and other

16 Telephone interview with James Hagood, Teacher (May 25, 2000).

17 See, e.g., the names of Dunbar in Fairmont and Douglass in Huntington were restored while the DuBois building in Mt. Hope remained in service, but the name was not kept.
school memorabilia were disregarded, in most instances thrown on the trash heaps. Some items were retrieved by community people and taken either to their homes or to some space which they controlled.\textsuperscript{18}

Most importantly, the loss of the black schools left a great void in the communities. The schools had been an organizing factor, bringing people together in a centralized space, crossing religious affiliations, family boundaries, lodge and club loyalties. The teachers were valued and respected in the community and were often turned to for advice and leadership by the adult population of their areas. They participated in church as Sunday school teachers, deacons, lay ministers, church organists, and choral directors. They also participated in the community as scout sponsors, club sponsors, and so on. Teachers also modeled pride in personal appearance, home maintenance, and civic responsibility. In truth, they formed the bedrock of West Virginia’s small black middle class. This was not fully understood in 1954, or if understood not articulated. Our eyes were on the value of improved resources for education, shorter distances to travel, and what we believed were wider opportunities for our children.

We did not perceive the possibility of unanticipated negative consequences. This is not to say that all was perfect in the black schools, but it is to suggest that they made valued civic contributions to the community in addition to their educations roles.

The affection with which some former students remember these schools is found in the reunions, some of which still occur around the state 50 years after Brown. This affection was further suggested in a proposal submitted to the Humanities Council of West Virginia, when the writer, a Parkersburg resident, referred to Sumner High School as “the heart of the community.”

It appears that official recognition of some of the human needs in the newly integrated schools did not come until 1970. In December of that year, the State Department of Education passed resolutions concerning (1) the selection of textbooks and other instructional materials which would include inter-ethnic concepts; (2) the inclusion of inter-ethnic concepts and instruction in school curricula; and (3) non-discriminatory participation in extra-curricular activities. It is believed, however, that the application of the resolution concerning textbooks, helped fuel the massive Kanawha County textbook controversy.

A federally funded technical assistance unit designed to provide aid to the schools in their new situations was brought into existence in 1970, but it was discontinued a few years later when the funding ended.

In recent years, our awareness of the need for continuing involvement of the black community with the schooling of our youth has become increasingly apparent and new efforts are now underway. As you know, hindsight is usually 20/20 vision. Although none of us would turn the clock back to the pre-Brown days, I think that many of us wish that we had done things a bit differently.

\textsuperscript{18} Some Garnet High School items found their way to the Mattie V. Lee Home.